

The Board of Zoning Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on January 18, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik  
Kenneth Courtney  
Donald L. Edmunds  
David Lambert

Absent:

Glenn Clark  
William Fisher  
A. Allen Kneale

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Christopher Forsyth, Assistant City Attorney  
Kathy L. Czarnecki, Recording Secretary

**Resolution # BZA 2011-01- (withdrawn)**

Moved by Courtney  
Seconded by Lambert

**MOVED**, To excuse Members Clark, Fisher and Kneale from attendance at tonight’s meeting.

Discussion on the motion on the floor.

After a brief discussion on the policy to excuse absent members, it was the consensus of the Board to discuss the matter under Miscellaneous Business, Agenda item 7.

Mr. Courtney withdrew the motion on the floor.

2. APPROVAL OF MINUTES

**Resolution # BZA 2011-01-001**

Moved by Courtney  
Seconded by Edmunds

**MOVED**, To approve the December 21, 2010 Regular meeting minutes as presented.

Yes: All present (4)  
Absent: Clark, Fisher, Kneale

**MOTION CARRIED**



Chair Lambert announced the petitioners for Agenda items 4A and 4B have requested to postpone the items to the February 15, 2011 meeting in order for the items to be heard before a full Board.

At the request of Chair Lambert that anyone in the audience identify their presence to speak on either Agenda item, it was acknowledged that no one was present for the Public Hearings scheduled.

3. POSTPONED ITEM

- A. **VARIANCE REQUEST, CAMELIA SANDULACHE, 405 E. MAPLE** – In order to enlarge the existing building proposed to be used as a dental office: 1) A 16 foot variance from the required 20 foot side yard (east yard) setback, 2) An 11 foot variance from the required 30 foot yard front yard (west yard) setback, and 3) A 10 foot variance from the requirement that the proposed handicapped ramp be set back 20 feet from the west property line.

**ORDINANCE SECTIONS: 1) and 2) 30.20.01, 3) 41.45.00**

Chair Lambert informed the petitioner that a minimum of four votes, all those present, are required for approval. He asked if the petitioner would like to postpone the item until such time that a full Board was present.

Paul Sugameli of Sugameli & Sugameli, P.L.C., 2833 Crooks Road, Troy, was present to represent the petitioner. Mr. Sugameli said the petitioner would like to proceed with the matter due to financial issues.

Mr. Courtney expressed the petitioner might want to reconsider. Mr. Courtney said that although he maintains an open mind on the matter, his position at the January meeting was not favorable.

Mr. Sugameli requested some time to address the matter with the petitioner, and asked for confirmation from the Board that all members received and reviewed the revised proposal submitted. All Board members indicated they had.

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**Resolution # BZA 2011-01-002**

Moved by Bartnik

Seconded by Edmunds

**MOVED**, To change the order of Agenda items and to advance to Agenda items 4A and 4B.

Yes: All present (4)

Absent: Clark, Fisher, Kneale

**MOTION CARRIED**

4. HEARING OF CASES

- A. VARIANCE REQUEST, DAN IVANOVIC CONSTRUCTION, 5188 SERENA DRIVE  
– In order to enlarge the attached garage, a 5 foot variance to the required 40 foot front yard setback.

**SECTION 30.10.01**

- B. VARIANCE REQUEST, LOUIS PAULL, 1396 COUNTRY DRIVE – In order to construct an uncovered patio structure, an 8 foot variance from the required 30 foot setback adjacent to Pine Way Road.

**SECTIONS: 30.10.02 and 41.45.00**

*Note:* There were no representatives present for either Agenda item.

**Resolution # BZA 2011-01-003**

Moved by Courtney  
Seconded by Edmunds

**MOVED,** To postpone Agenda items 4A and 4B to the February 15, 2011 Regular meeting, at the request of the petitioners.

Yes: All present (4)  
Absent: Clark, Fisher, Kneale

**MOTION CARRIED**

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**Resolution # BZA 2011-01-004**

Moved by Courtney  
Seconded by Bartnik

**MOVED,** To change the order of Agenda items and advance to Agenda item 7A.

Yes: All present (4)  
Absent: Clark, Fisher, Kneale

**MOTION CARRIED**

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7. MISCELLANEOUS BUSINESS

A. POLICY ON EXCUSING ABSENT MEMBERS

Mr. Courtney said the policy should be discussed with the full Board, or at least more than four members present. He stated the policy has no relation to the postponed Agenda items this evening because of a lack of a full Board.

Mr. Bartnik said that after further review of the policy, he agrees that motions to excuse absent members are not necessary. He stated that tonight’s meeting is a prime example how a lack of a full Board affects petitioners and their property rights.

Mr. Edmunds asked the Assistant City Attorney if the City Charter requires absent members to be excused.

Mr. Forsyth replied there are Charter provisions for excusing City Council members only. He said neither the City Charter nor the Zoning Enabling Act requires this Board to excuse members.

Discussion on:

- Motion not necessary to act on policy.
- Obligation to notify Planning Department of absences.
- Alternate methods to address excused absences.
- Authentication of absences.

**Resolution # BZA 2011-01-005**

Moved by Bartnik  
Seconded Edmunds

**MOVED**, To instruct Staff to remove from future Agendas motions to excuse or not excuse absent members.

Yes: Bartnik, Edmunds, Lambert  
No: Courtney  
Absent: Clark, Fisher, Kneale

**MOTION CARRIED**



3. POSTPONED ITEM (continued from page 2)

A. **VARIANCE REQUEST, CAMELIA SANDULACHE, 405 E. MAPLE** – In order to enlarge the existing building proposed to be used as a dental office: 1) A 16 foot variance from the required 20 foot side yard (east yard) setback, 2) An 11 foot variance from the required 30 foot yard front yard (west yard) setback, and 3) A 10 foot variance from the requirement that the proposed handicapped ramp be set back 20 feet from the west property line.

**ORDINANCE SECTIONS: 1) and 2) 30.20.01, 3) 41.45.00**

Mr. Sugameli stated his appreciation for the Board’s candor and honesty on the matter. He asked on behalf of the petitioner for the Board’s consideration to postpone the matter to the February meeting.

**Resolution # BZA 2011-01-006**

Moved by Courtney

Seconded Bartnik

**MOVED**, To postpone the item to February 15, 2011 Regular meeting.

Yes: All present (4)

Absent: Clark, Fisher, Kneale

**MOTION CARRIED**

5. COMMUNICATIONS

Mr. Evans announced the City’s Draft Zoning Ordinance is posted on the website. He indicated to date that no public hearings are scheduled.

Mr. Edmunds said it was a privilege to serve on the Board as Planning Commission representative. He announced that with the expected appointment by City Council, Thomas Strat would be the Planning Commission representative at the next meeting.

Mr. Forsyth said it is being proposed to appoint two alternate members at large for the Board, and eliminate the appointment of a Planning Commission Alternate BZA Representative.

Everyone thanked Mr. Edmunds for his commitment to the Board and planning perspective on matters.

6. PUBLIC COMMENT

There was no one present who wished to speak.

8. ADJOURNMENT

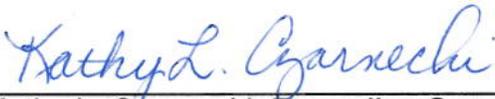
The Board of Zoning Appeals meeting adjourned at 7:55 p.m.

Respectfully submitted,



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David Lambert, Chair



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Kathy L. Ozarnecki, Recording Secretary