

The Vice-Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, April 15, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Matthew Kovacs
Dave Lambert
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Marcia Gies

Motion by Courtney
Supported by Lambert

MOVED, to excuse Ms. Gies from this meeting as she is out of the state.

Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Wright

MOTION TO EXCUSE MS. GIES CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 18, 2008

Motion by Courtney
Supported by Wright

MOVED, to approve the minutes of the meeting of March 18, 2008 as written.

Yeas: 6 – Kovacs, Lambert, Wright, Bartnik, Clark, Courtney

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. TONY V'S SUNROOMS, 2024 LAKESIDE, for relief of the Ordinance to construct a patio enclosure that will result in a 28.18' rear yard setback and a 24' front setback to the east property line along Southpointe Drive. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

Mr. Stimac explained that the petitioner is seeking relief of the Ordinance to construct a rear patio enclosure. This property is located at the southwest corner of the intersection of Lakeside and Southpointe. Because of the orientation of the adjacent houses this is a double front corner lot and has front yard setbacks along both streets. Because of the orientation of this house the south property line is considered to be the rear property line. The site plan submitted indicates a proposed 28.18' rear yard setback and a 24' front

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ITEM #2 – con't.

setback to the east property line along Southpointe Drive. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

This item last appeared before this Board at the meeting of March 18, 2008. This item was postponed until tonight's meeting to allow the petitioner the opportunity of a full Board.

Mr. Stimac further stated that there had been a discussion regarding the surrounding houses and explained how these homes had front yard setbacks along Southpointe and Lakeside and houses located to the south of this location have rear yard setbacks along John R. and a front yard setback along Southpointe. Mr. Stimac also looked up the size of the adjacent properties and computed the buildable area on these lots and stated that 2024 Lakeside has a buildable footprint based on the setbacks of 3,774 square feet. Mr. Stimac said that the other lots go from 2,700 to 6,800 square feet of buildable area.

Mr. Tony Coatto of Tony V's Sunrooms was present and stated that they decided not to wait until the May meeting as they could not be guaranteed a full Board at that time. Mr. Coatto would like to get this done so that they could help the homeowners enjoy their back yard.

Mr. Kovacs said that there had been a lot of discussion on this request and the last vote ended in a tie.

Mr. Clark asked if the picture presented for the Board's review was the actual size of the proposed addition.

Mr. Stimac said that he could not guarantee the exact dimensions on this drawing. Mr. Stimac further explained that the monitors on the sides of the Council Chambers have a different aspect ratio and tend to stretch pictures wider.

Mr. Coatto stated that it looked slightly larger than what they are planning. They are not planning to enclose the stairway and are planning to take the railing down on the side of the house and plan to put in more landscaping adjacent to the deck.

Mr. Bartnik asked what the footprint of the current building was.

Mr. Coatto said that if you take the back line of the house at 52.7' and the front line at 52' without all the cut-a-ways it appears that it would be approximately 2,756 square feet.

Mr. Stimac said that based on the numbers provided on the mortgage survey it appears that the existing house is 2,275 square feet of first floor ground area including the garage.

Mr. Bartnik confirmed that 3,774 square feet of buildable area is allowed.

Mr. Stimac stated that the allowable building area based on setbacks would be 3,774 square feet, but does not know if that would exceed the 30% lot coverage. Mr. Stimac also stated that they may not be able to get the maximum square footage because of the 30% lot coverage limit. The minimum lot area is 8,500 square feet in this Zoning District.

ITEM #2 – con't.

Technically some of the other maximum square footage depicted may exceed the 30% lot coverage.

Motion by Lambert
Supported by Wright

MOVED, to grant Tony V's Sunrooms, 2024 Lakeside, relief of the Ordinance to construct a patio enclosure that will result in a 28.18' rear yard setback and a 24' front setback to the east property line along Southpointe Drive. Section 30.10.05 requires a 40" minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Irregularly shaped lot makes conformance unnecessarily burdensome.

Mr. Clark asked for an explanation of the lot coverage stipulation in the Ordinance.

Mr. Stimac explained that it is the calculation of buildable footprint based on setbacks. Once the setbacks are removed, the remaining area is considered to be the buildable area. Mr. Stimac said that he did not know if the numbers he had given the Board regarding buildable area would exceed the 30% maximum allowed. Mr. Stimac further stated that the Ordinance determines the maximum amount of buildable area on a lot. Mr. Stimac also stated that the 30% lot coverage applies to all Single-Family Zoned Districts in the City of Troy.

Mr. Bartnik asked about the fact that this developer used the lot averaging rule in this Subdivision.

Mr. Stimac said that the Zoning Ordinance as well as the Subdivision Control Ordinance allows for what is called lot averaging. This is the R-1D Zoning District and the minimum lot size per Section 30.10.05 is 75' in width and a minimum lot area of 8,500 square feet. The lot averaging rules allow you to reduce that by not more than 10%. Some of the lots in this area can go down to 67 ½' lot widths which is a 75' lot width minus the 10%. Minimum lot width for a corner lot is not reducible and therefore the minimum lot width for a corner lot is 110' in an R-1D Subdivision.

Mr. Bartnik said that this is probably the reason this lot is laid out the way it is.

Mr. Stimac said that the angle of this lot is what allows it to meet the minimum lot width requirement.

Mr. Clark asked what the cost of this sunroom would be as far as improvements to the home.

Mr. Coatto said that it was \$30,000.00.

ITEM #2 – con't.

Mr. Bartnik stated that he had gone out and looked at this property again and although concerned about the 28' setback, he believes that other houses in this subdivision look much closer than this proposed sunroom will be to the house to the south of it. This house will have a lot more room to the houses next to it or to the edge of the lot. Mr. Bartnik also stated that this item has been before this Board four times and there is not any opposition from the neighbors and furthermore the Architectural Committee has sent in a letter approving this request.

Mr. Kovacs confirmed that there is an approval from the homeowner at 2416 Southpointe, as well as the approval from the Architectural Committee of the Homeowner's Association.

Vote on the motion by Mr. Lambert to approve this request.

Yeas: 5 – Kovacs, Lambert, Wright, Bartnik, Clark
Nays: 1 – Courtney

MOTION TO GRANT VARIANCE CARRIED

Mr. Kovacs stated that he had gone back and looked at the property again and although he believes this is a large variance, he thinks that it will work.

The Board of Zoning Appeals meeting adjourned at 7:55 P.M.

Mr. Stimac reminded Board members that elections of board officers were to be held in May.

Matthew Kovacs, Vice-Chairman

Pamela Pasternak

Pamela Pasternak, Recording Secretary