

ZONING BOARD OF APPEALS

Zoning Board of Appeals is a group of seven of your neighbors appointed by City Council to decide on requests for variances and other matters that are brought before them. A variance is a relaxation of the literal provisions of the Zoning Ordinance. Petitioners must indicate a hardship or practical difficulty with the land that would warrant the granting of the variance.

PROCEDURE

The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chairman will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

After the petitioner makes their presentation, and answers any questions that the Board may have, the Chairman will open the Public Hearing. Any person wishing to speak on the request should raise their hand and when recognized by the Chairman, come up to the podium and sign in on the sheet provided. The speaker should identify themselves with name and address, indicate their relationship to the property in question (i.e. next door neighbor, live behind the property, etc.) and state whether they are in favor of or against the variance request and give reasons for their opinion. Comments must be directed through the Chairman. Comments should be kept as brief as possible and closely pertain to the matter under consideration. Only one person will be recognized by the Chairman to speak at one time.

At the conclusion of public comments the Chairman will close the Public Hearing. Once the Public Hearing is closed, no other public comment will be taken unless in response to a specific question by a member of the Board. The Board will then make a motion to approve, deny, or postpone the request. In order for the request to pass a minimum of four votes are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.

STATEMENT OF PRACTICAL DIFFICULTY

In order for a variance to be granted, a practical difficulty, as determined by the Board, must be present. On a separate sheet, please clearly identify and explain the practical difficulty justifying the variance request. The practical difficulty must be clearly related to as many of the 5 standards below as possible:

- a) Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.
- b) The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.
- c) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
- d) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
- e) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.



ZONING BOARD OF APPEALS MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Glenn Clark, Chair, David Eisenbacher, Vice Chair
Kenneth Courtney, Thomas Desmond, Allen Kneale, David Lambert, Philip Sanzica
Orestis Kaltsounis (Alternate), Paul McCown (Alternate)

December 15, 2015

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – October 20, 2015
3. APPROVAL OF AGENDA
4. HEARING OF CASE
 - A. VARIANCE REQUEST, ANTHONY STRUSSIONE, 1834 KIRKTON – In order to construct a detached garage, a 5 foot variance to the requirement that the garage be setback at least 10 feet from the house.
5. COMMUNICATIONS
6. MISCELLANEOUS BUSINESS
 - A. Proposed 2016 Zoning Board of Appeals Meeting Dates
7. PUBLIC COMMENT
8. ADJOURNMENT

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

On October 20, 2015, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Glenn Clark
Kenneth Courtney
Thomas Desmond
David Eisenbacher
David Lambert
Philip Sanzica

Absent:

Allen Kneale

Also Present:

Paul Evans, Zoning and Compliance Specialist
Julie Q. Dufrane, Assistant City Attorney

2. APPROVAL OF MINUTES – September 15, 2015

Moved by Sanzica
Seconded by Courtney

RESOLVED, to approve the September 15, 2015 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes.

4. HEARING OF CASES

A. VARIANCE REQUEST, BRET AND MICHELLE BLANCHARD, 6805 MERRICK – In order to add a partially covered deck to the rear of the house, a 14.5 foot setback to the required 45 foot rear yard setback. Zoning Ordinance Section 4.06 (C) R-1B Zoning District.

Moved by Lambert
Seconded by Desmond

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- B. VARIANCE REQUEST, SILVANA AND ZORAN INIC, 6285 ROCHESTER – In order to construct an addition to the house, a 15.84 foot variance to the required 40 foot front yard setback. Zoning Ordinance Section 4.06 C R-1B Zoning District.

Moved by Lambert
Seconded by Eisenbacher

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- C. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT – In order to construct an attached garage that has a 2nd floor 1) a 4 foot variance to the required 25 foot front yard setback, and 2) a 296 square foot variance to the requirement that the floor area of the garage not exceed 75% of the ground floor footprint of the living area of the dwelling. 75% of the ground floor area of the living area of the dwelling is 828 square feet. Zoning Ordinance Sections 1) 4.06 (C) R-1E Zoning District, 2) 7.03 (B) (1) (b)

Moved by Eisenbacher
Seconded by Sanzica

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- D. VARIANCE REQUEST, DAVID AND CLAUDINE ANTOUN, 1881-1977 W SOUTH BLVD a.k.a. 6966 CROOKS – In order to make an existing wireless communications tower approximately 21 feet taller, a 16 foot variance to the requirement that the tower be set back 122 feet from all property lines. The Zoning Ordinance requires the setback of the tower be equal to the height of the structure. The proposed height of the tower will be 122 feet. Zoning Ordinance Section 6:30 (C) (3)

Moved by Eisenbacher
Seconded by Clark

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- 5. COMMUNICATIONS – The Board acknowledged receipt of the Planning Director’s Zoning Ordinance update.

6. MISCELLANEOUS BUSINESS – None
7. PUBLIC COMMENT – None
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:22 p.m.

Respectfully submitted,

Glenn Clark, Chairman

Paul Evans, Zoning and Compliance Specialist

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4. HEARING OF CASES

- A. VARIANCE REQUEST, ANTHONY STRUSSIONE, 1834 KIRKTON – In order to construct a detached garage, a 5 foot variance to the requirement that the garage be setback at least 10 feet from the house.





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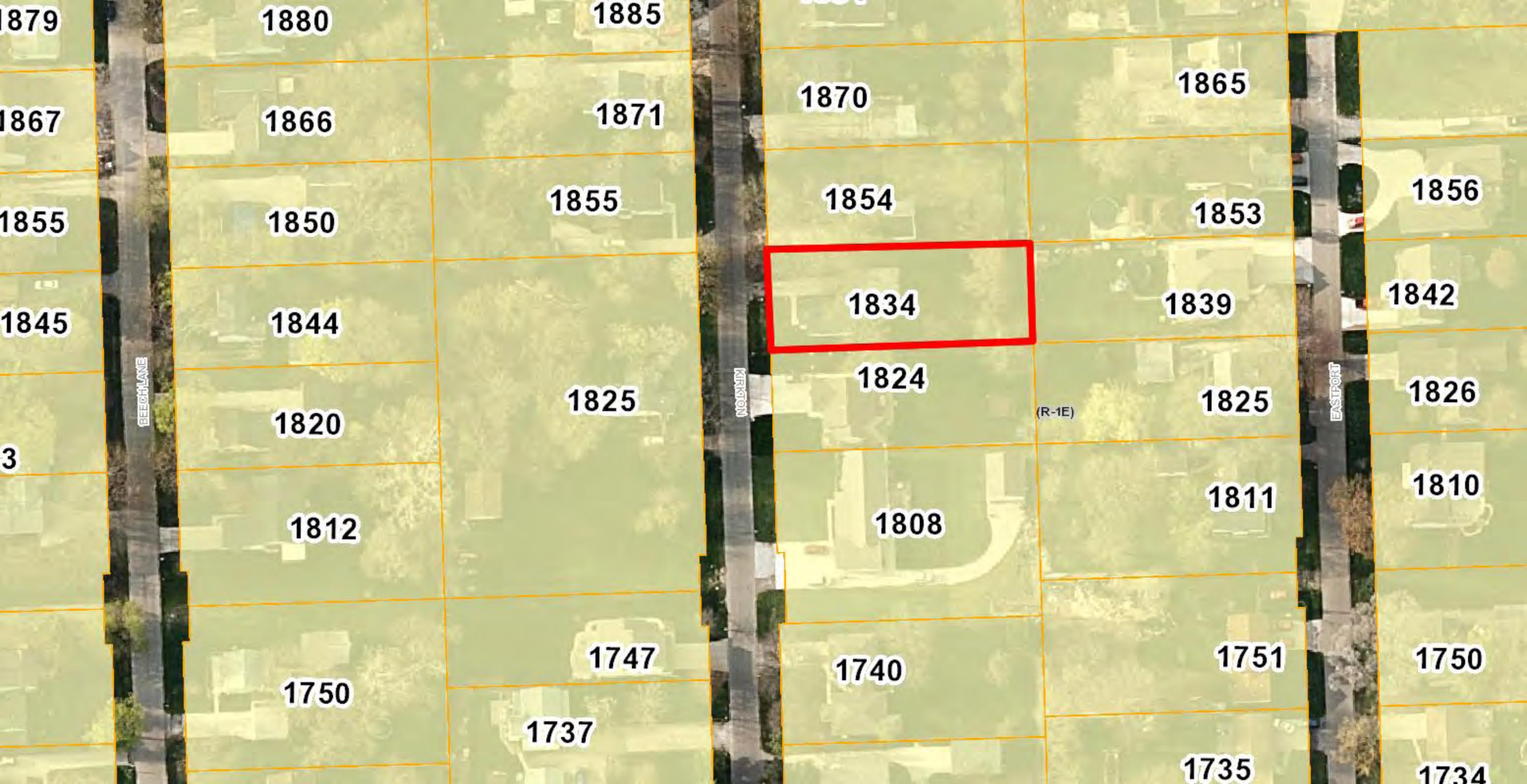
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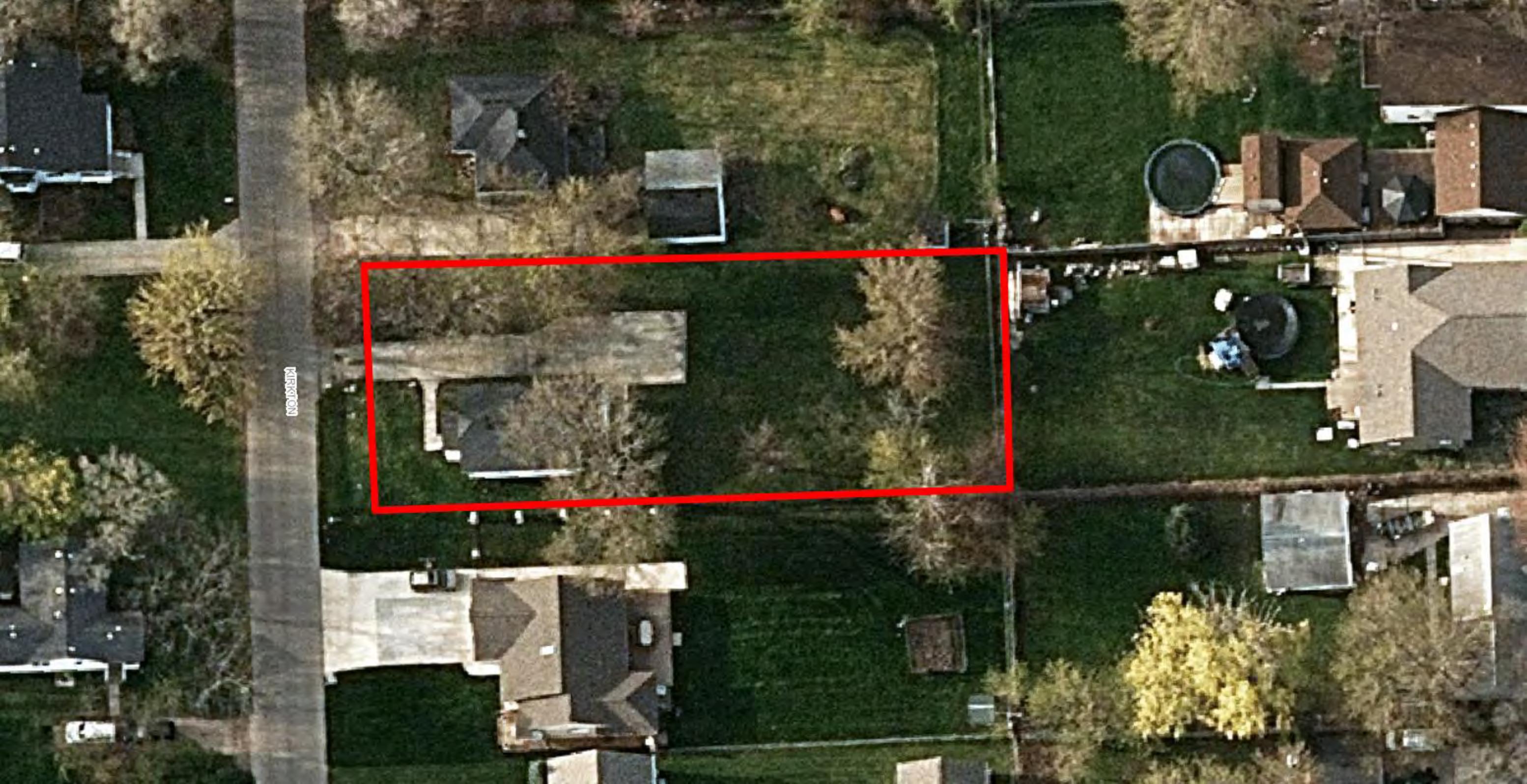
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MIRKTON

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48064
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov



FEE \$150.00
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 1834 KIRKTON
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-27-332-010
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: _____
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: _____
5. APPLICANT:
NAME ANTHONY STRUSSIONE
COMPANY _____
ADDRESS 33037 BETH ANN
CITY STERLING HEIGHTS STATE MI ZIP 48310
PHONE (586) 246-5816
E-MAIL TSTRUSS@WOWWAY.COM
AFFILIATION TO THE PROPERTY OWNER: OWNER

PRACTICAL DIFFICULTY

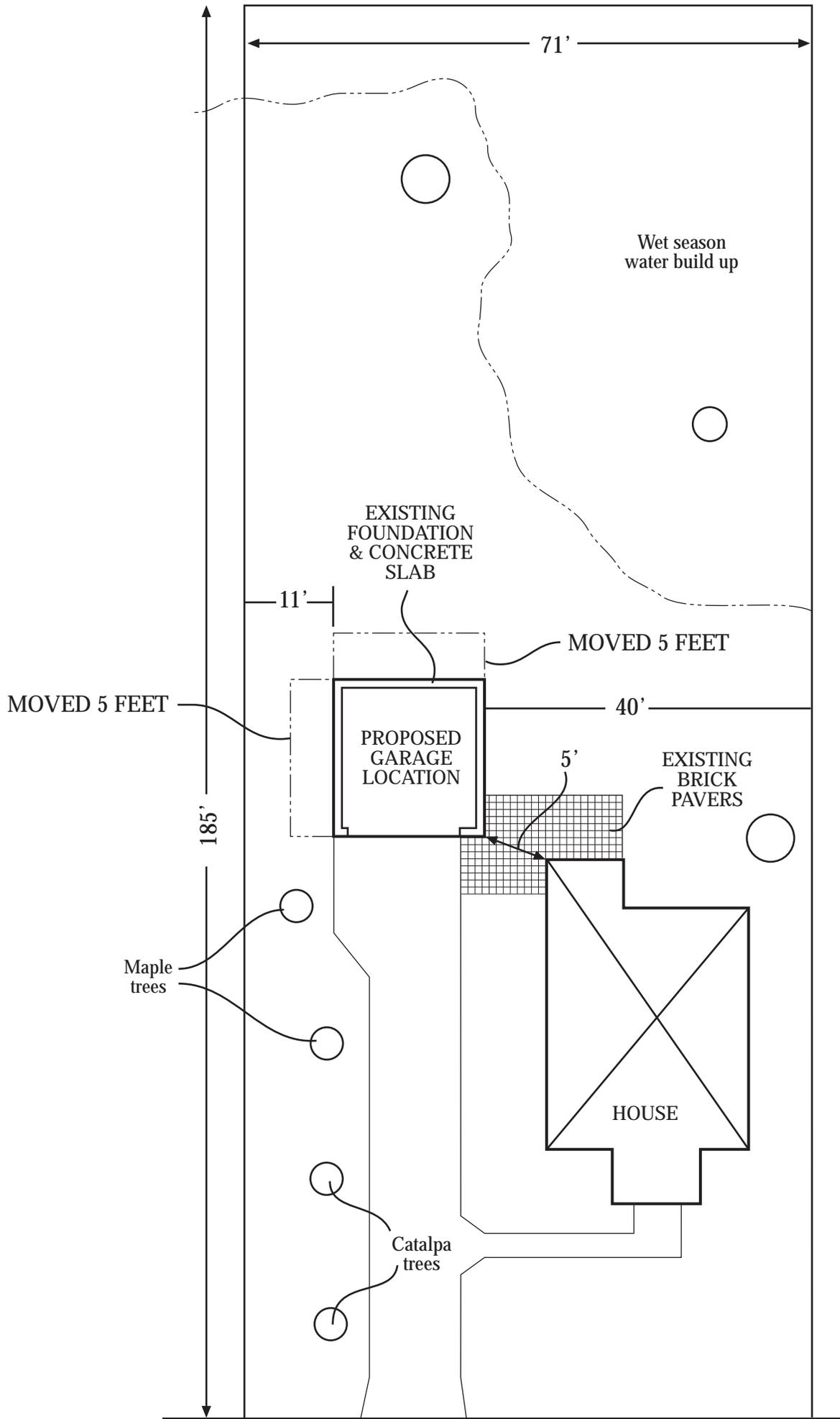
(A) The characteristics of the existing footing and conditions make it much more difficult to move garage location. Existing vegetation (row of large trees) would interfere. Other existing conditions also interfere. Water build up during the wet season towards rear of lot endangers construction.

(B) The existing footing was constructed below the freeze line because of the original block construction of garage. Wall and footing were one. Adding to the existing footing would be difficult considering conditions. Moving the location of garage 5 feet would expose existing block footing. Diminishing property value. Existing patio pavers would be an issue. Existing driveway would also be an issue. Complete removal of existing trees, footing, blocks and slab would be very expensive.

(C) This is not a personal nature in any way.

(D) The characteristics were original existing conditions.

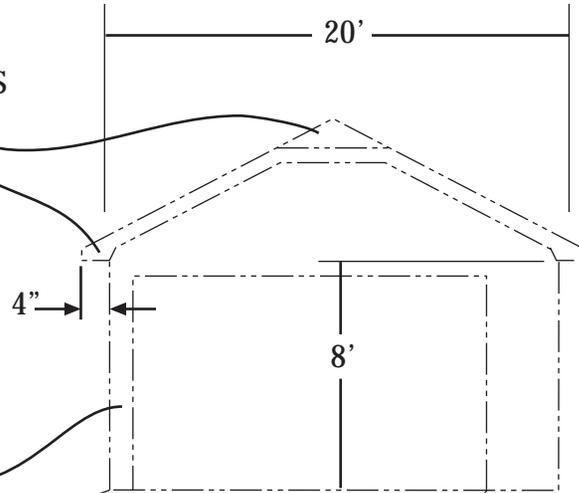
(E) The variance would enhance the appearance of the neighborhood. In no way would it endanger or impair property appearance, value, safety morals or welfare of the neighborhood. The proposal also includes matching roof, siding, dutch gables and eaves.



SITE PLAN

1834 KIRKTON

DUTCH GABLE AND EAVES
TO MATCH HOUSE



SIDING, TRIM AND
SHINGLE
TO MATCH HOUSE



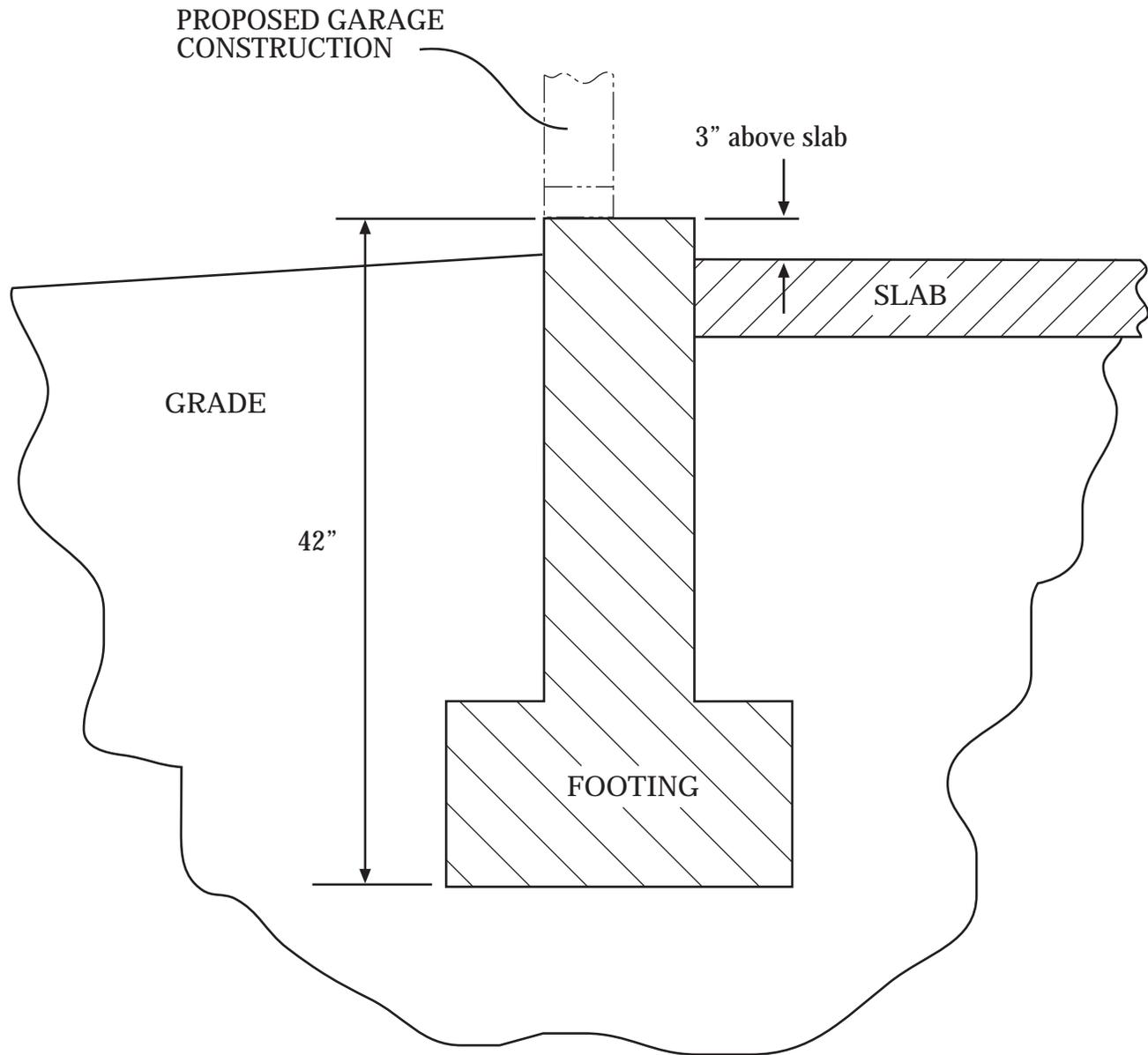
**PROPOSED
ELEVATION**



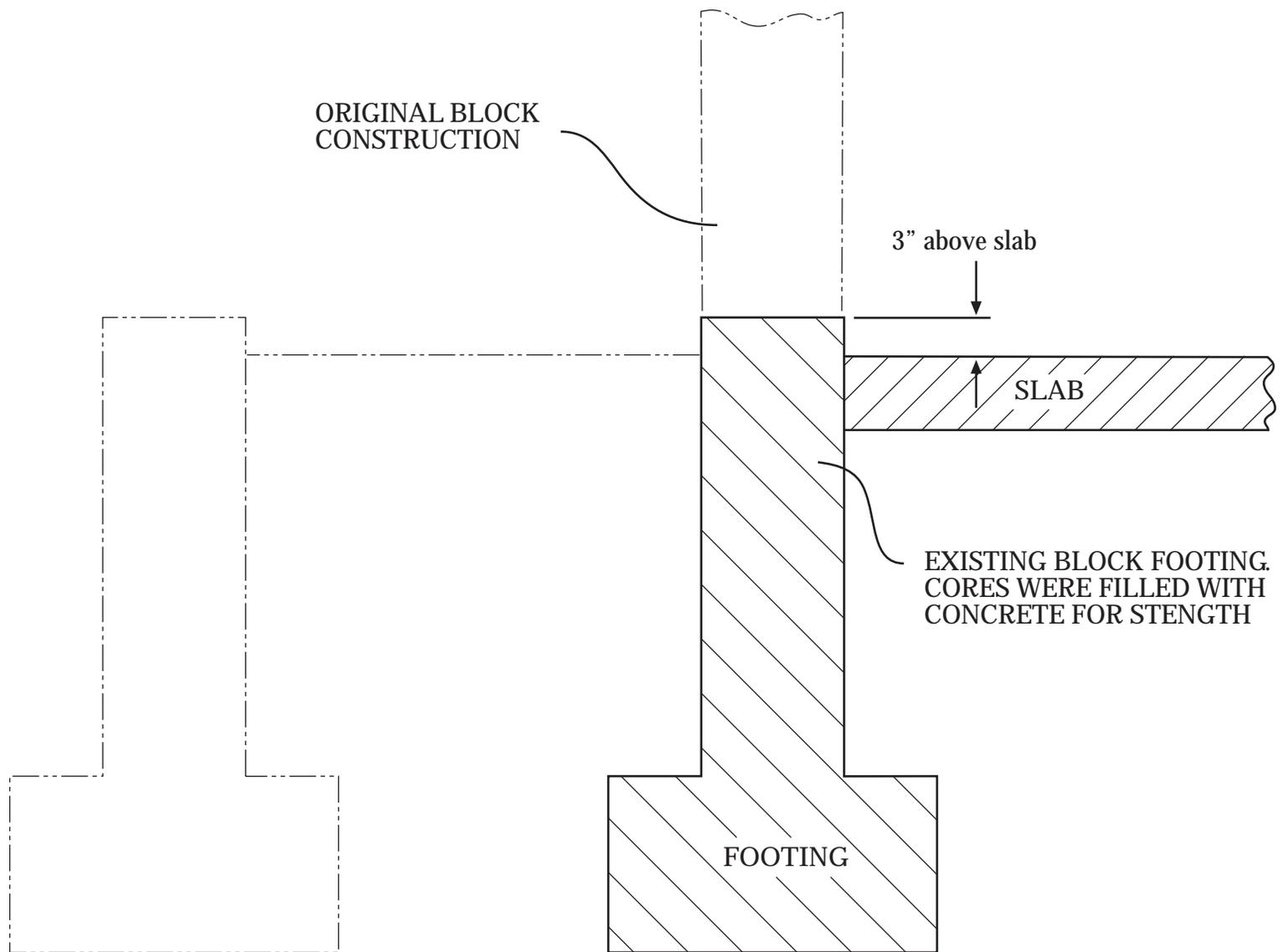
1834 KIRKTON



PREVIOUSLY
1834 KIRKTON
WITH BLOCK GARAGE



**EXISTING FOUNDATION
AND SLAB**



MOVING GARAGE 5 FEET





CITY OF TROY
MICHIGAN
PUBLIC NOTICE
ZONING BOARD OF APPEALS

Notice is hereby given that the City of Troy Zoning Board of Appeals will hold meetings on the third Tuesday of each month at 7:30 p.m. in the Council Chamber at Troy City Hall, 500 W. Big Beaver Road, Troy, Michigan, 48084, (248) 524-3364, on the following dates:

2016 ZONING BOARD OF APPEALS MEETING DATES

January 19	July 19
February 16	August 16
March 15	September 20
April 19	October 18
May 17	November 15
June 21	December 20

All meetings are held at 7:30 p.m. in the City Council Chamber of the City Hall Building and are open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act, (MCLA 15.261 et seq.).

Paul Evans, Zoning and Compliance Specialist

Posted: xxx

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