

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)

March 15, 2016

7:30 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF MINUTES – December 15, 2015
3. APPROVAL OF AGENDA
4. HEARING OF CASE
 - A. VARIANCE REQUEST, RICK AND JEANINE KACZMAREK, 6714 EMERALD LAKE – In order to construct an addition to the house, a 6.3 foot setback variance from the requirement that the combined total of both side yard setbacks equal 20 feet.

ZONING ORDINANCE SECTION: 4.06 C, R-1D Single Family Zoning District
5. COMMUNICATIONS
6. MISCELLANEOUS BUSINESS
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 December 15, 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
Orestis Kaltsounis
David Lambert
Philip Sanzica

Also Present:

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

2. APPROVAL OF MINUTES – October 20, 2015

Moved by Sanzica
Seconded by Courtney

RESOLVED, to approve the October 20, 2015 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes.

4. HEARING OF CASE

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.

Moved by Lambert
Seconded by Desmond

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None
6. MISCELLANEOUS BUSINESS – By general consensus, the Board approved their proposed 2016 meeting dates.
7. PUBLIC COMMENT – None
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 7:46 p.m.

Respectfully submitted,

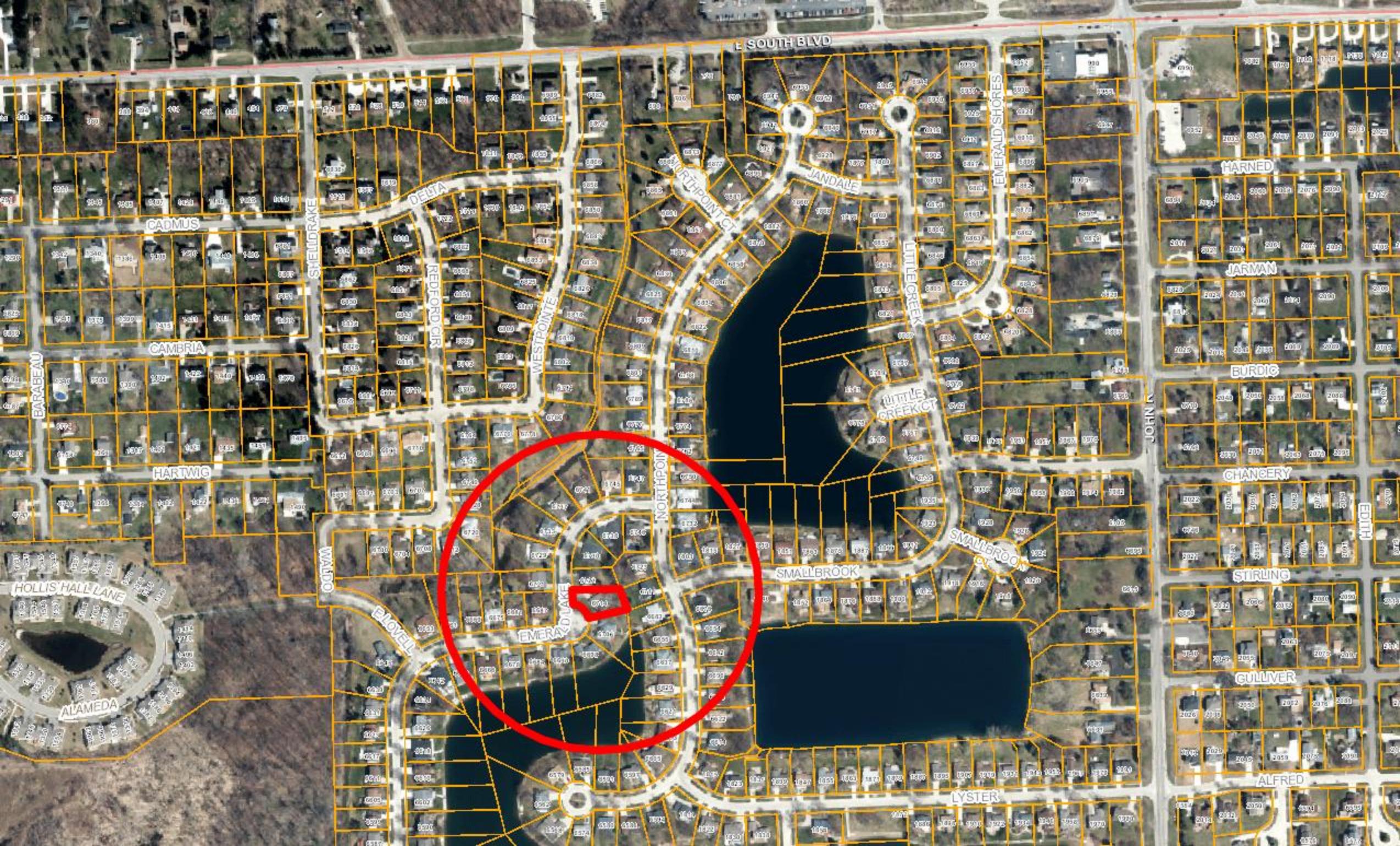
Glenn Clark, Chairman

Paul Evans, Zoning and Compliance Specialist

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4. HEARING OF CASE

- A. VARIANCE REQUEST, RICK AND JEANINE KACZMAREK, 6714 EMERALD LAKE – In order to construct an addition to the house, a 6.3 foot setback variance from the requirement that the combined total of both side yard setbacks equal 20 feet.



E SOUTH BLVD

CADMUS

CAMBRIA

HARTWIG

HOLLIS HALL LANE

ALAMEDA

SHELLDRAKE

DELTA

REDFORD CIR

WESTPONTE

NORTHPOINT

EMERALD DULAKE

SMALLBROOK

SMALLBROOK

LITTLE CREEK COT

SMALLBROOK

LYSTER

JANDALE

LITTLE CREEK

EMERALD SHORES

MARNED

JARMAN

BURDIG

CHANGERY

STIRLING

GULLIVER

ALFRED

JOHN K

EDITH



6729

6730

1803

6723

6721

6722

6711

SMALLBROOK

6714

6681

6687

6

6675

6683

EMERALD LAKE

6706

WOODPOINT

6655

6678

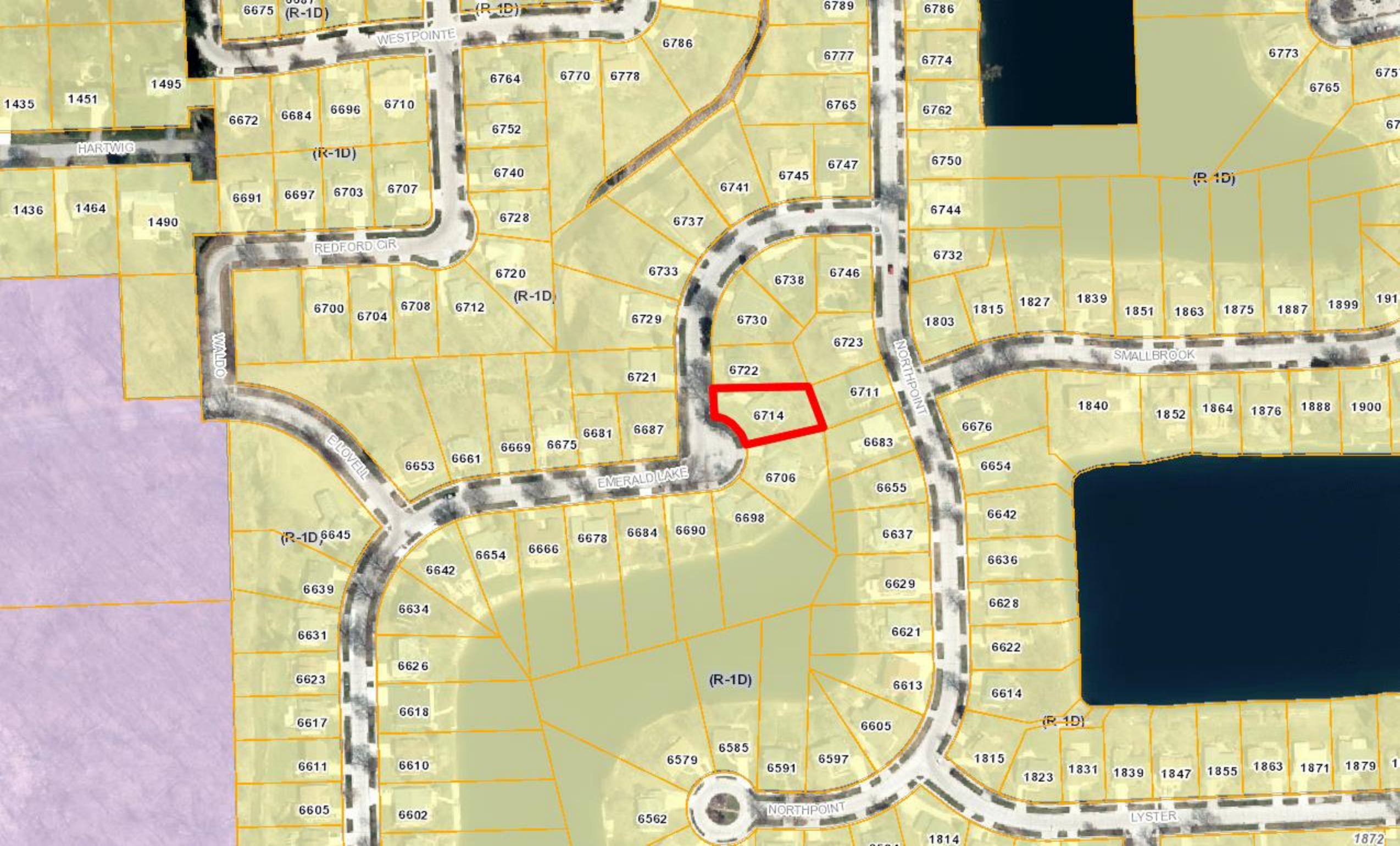
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6690

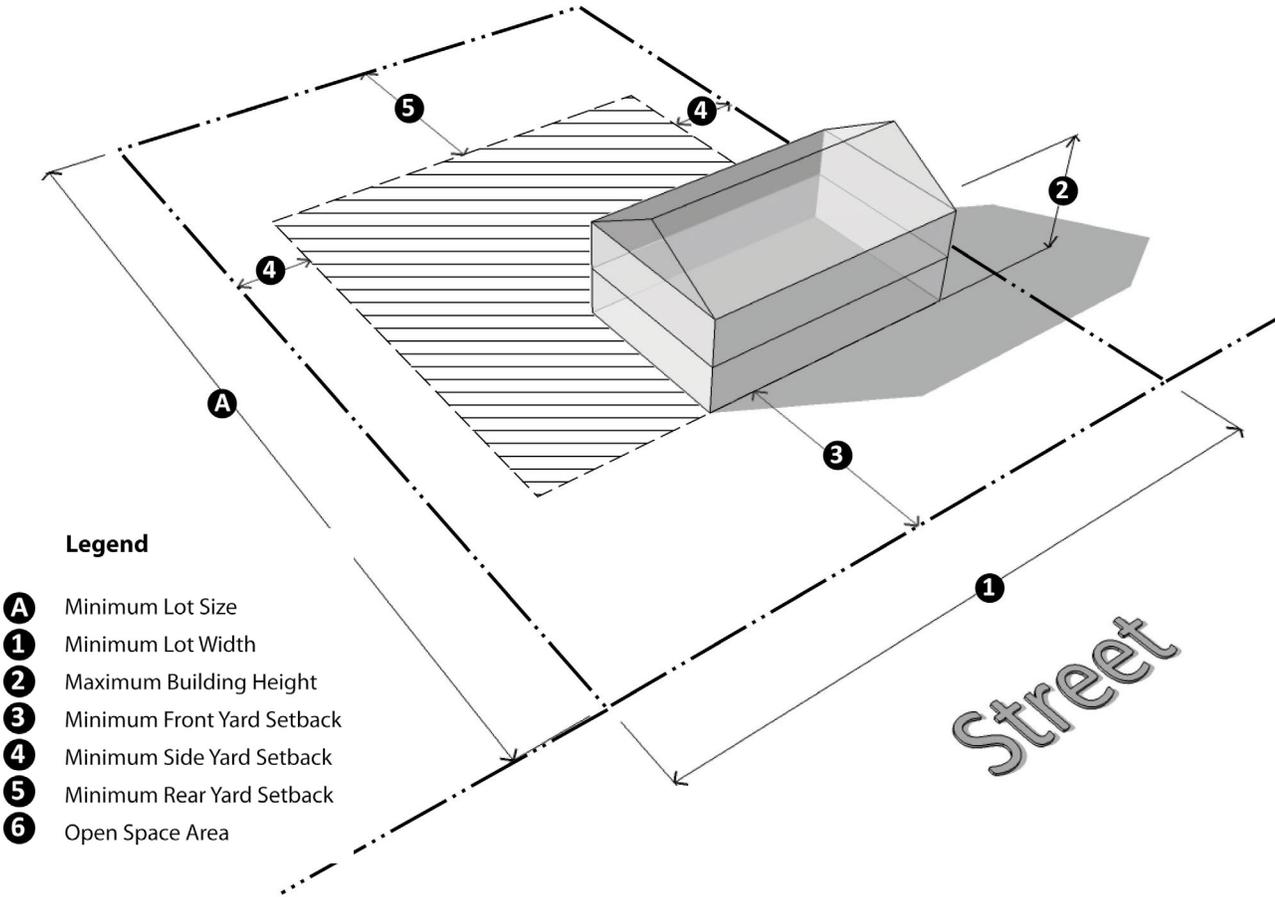
6698

6637

6



6714



Legend

- A** Minimum Lot Size
- 1** Minimum Lot Width
- 2** Maximum Building Height
- 3** Minimum Front Yard Setback
- 4** Minimum Side Yard Setback
- 5** Minimum Rear Yard Setback
- 6** Open Space Area

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq. Ft. 1	Width in Ft. 1	Frontage in Ft. 1	In Stories 2	In Feet 2	Front 3	Sides Least One 4	Sides Least Two 4	Rear 5		
R-1A											
No Sewer	30,000	150	150	2 1/2	30	40	15	30	45	1,400	30%
Sewer	21,780	120	120	2 1/2		40	15	30	45	1,400	30%
R-1B											
No Sewer	21,780	110	110	2 1/2	30	40	15	30	45	1,400	30%
Sewer	15,000	100	100	2 1/2		40	10	25	45	1,400	30%
R-1C											
No Sewer	21,780	110	110	2 1/2	30	30	15	30	40	1,200	30%
Sewer	10,500	85	85	2 1/2		30	10	20	40	1,200	30%
R-1D											
No Sewer	21,780	110	110	2 1/2	30	25	15	30	40	1,000	30%
Sewer	8,500	75	75	2 1/2		25	8	20	40	1,000	30%
R-1E											
No Sewer	21,780	110	110	2 1/2	30	25	15	30	35	1,000	30%
Sewer	7,500	60	60	2 1/2		25	5	15	35	1,000	30%

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
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: _____

2. PROPERTY TAX IDENTIFICATION NUMBER(S): _____

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 _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

E-MAIL _____

AFFILIATION TO THE PROPERTY OWNER: _____

6. PROPERTY OWNER:

NAME _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, _____ (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE _____ DATE _____

PRINT NAME: _____

PROPERTY OWNER SIGNATURE _____ DATE _____

PRINT NAME: _____

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

Statement of Practical Difficulty
For
6714 Emerald Lake Drive
Troy, MI

The angular position of the home on the lot is an exceptional characteristic of this property. If the position of the home was straightened, the addition would meet the current setback requirements of 20'.

Additional information:

- The home was built in 1973, with the existing setbacks in place. There doesn't appear to have been any initial variance request for setback requirements (*see attached: 3 of 4 Kaczmarek survey with setbacks 02112016.pdf*).
- There have been no additional variance requests to date since the home was built.
- There have been no previous structural additions to the home.
- The proposed variance will not impair the adjacent property in any manner (*see attached: Picture of 6714 Emerald Lake Drive.pdf*).

Variance Request:

- Current side yard setback: 4' 7" – Left, 11' 5" – Right: Total: 16' 2 in
- Proposed side yard setback: 4' 7" – Left, 9' – Right: Total: 13' 7 in
- If the position of the home was straightened, the addition would meet the current setback requirements of 20' (*see attached: 4 of 4 Kaczmarek home repositioned 02112016.pdf*).

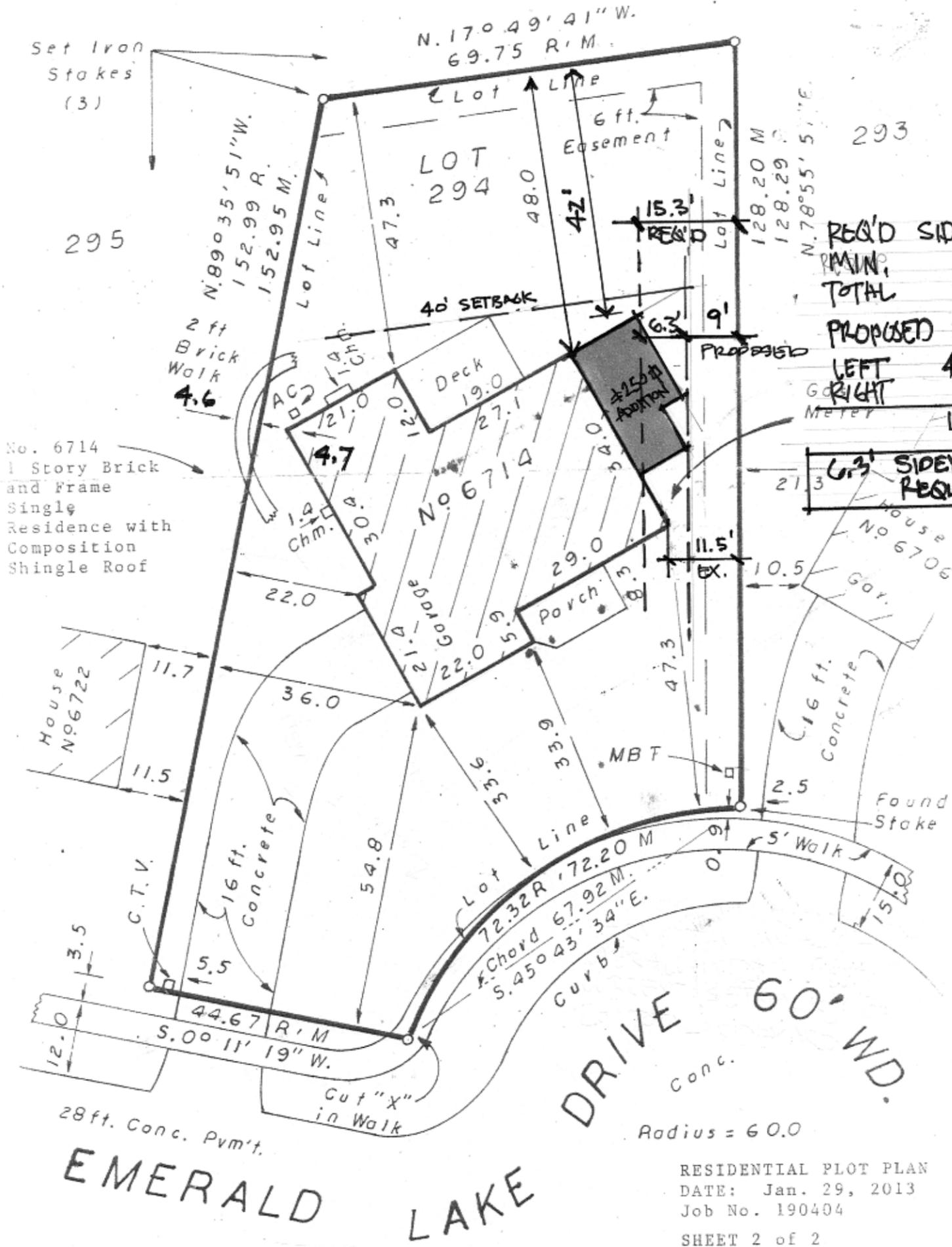
GUARANTY SURVEY CO.
 REGISTERED LAND SURVEYORS
 1660 ROCHESTER ROAD
 TROY, MI 48083
 ESTABLISHED 1939

Lot Area 12,059.74 SF
 House 2,059.5 SF
 Existing Coverage 17.08 %

PETER G. PITCHFORD
 TOM NORTHRUP

(248) 528-1717
 FAX (248) 528-1746

SCALE 1" = 20.0'



REQ'D SIDERYARD SETBACKS
 MIN. 8'
 TOTAL 20' REQ'D

PROPOSED SIDERYARD SB.
 LEFT 4.7' EXISTING
 RIGHT 9' PROPOSED
 TOTAL 13.7'

6.3' SIDERYARD VARIANCE REQUIRED

No. 6714
 1 Story Brick and Frame
 Single Residence with
 Composition Shingle Roof

House No. 6722

House No. 6706

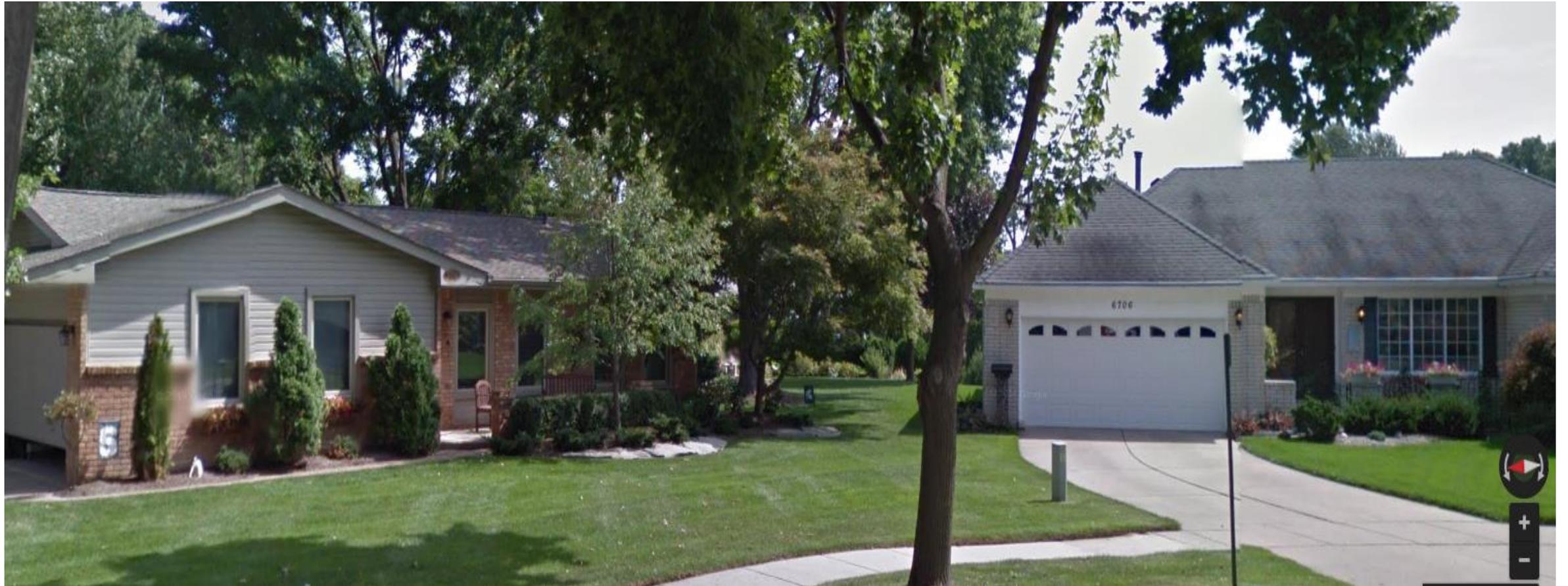
EMERALD LAKE DRIVE

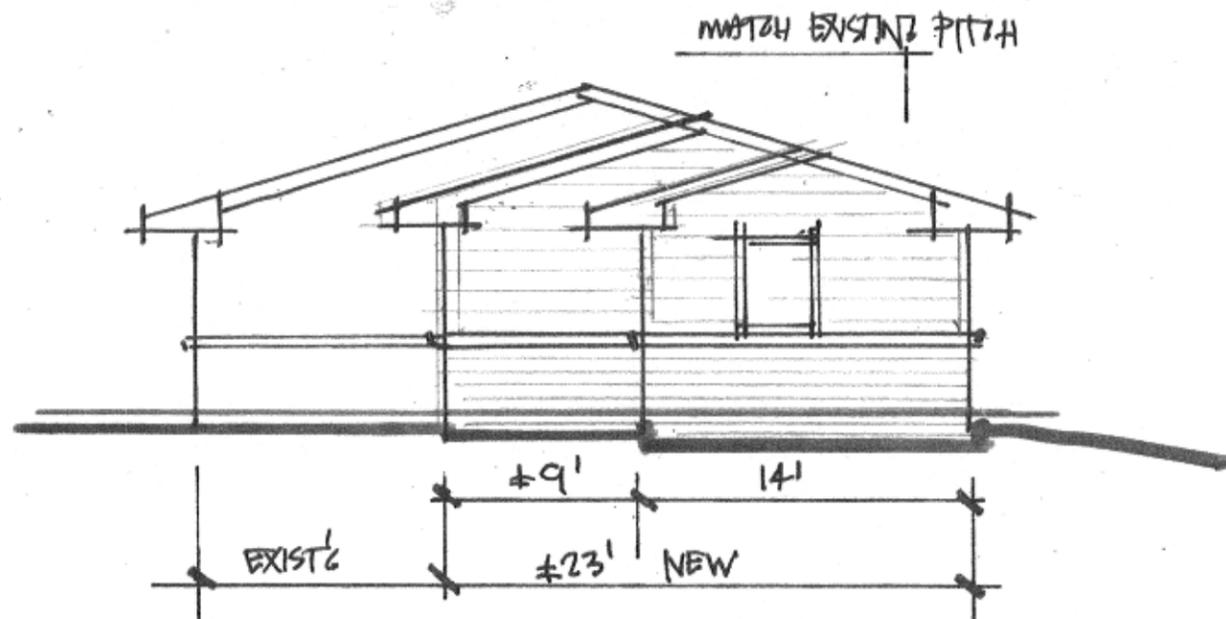
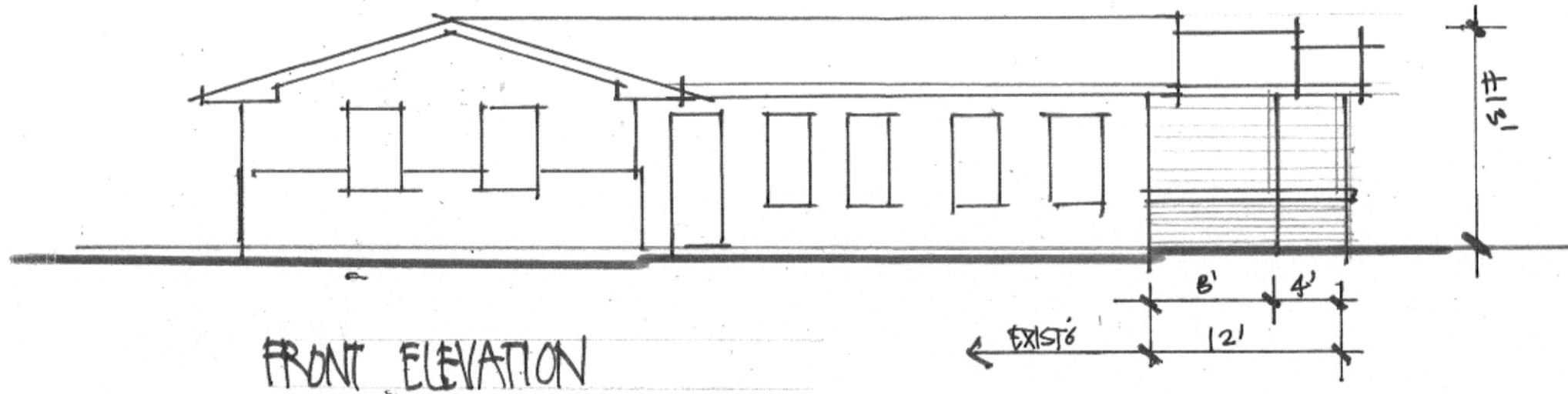
RESIDENTIAL PLOT PLAN
 DATE: Jan. 29, 2013
 Job No. 190404
 SHEET 2 of 2

KALZMAREK RESIDENCE
 10.11.15

SITE PLAN
 1" = 20'

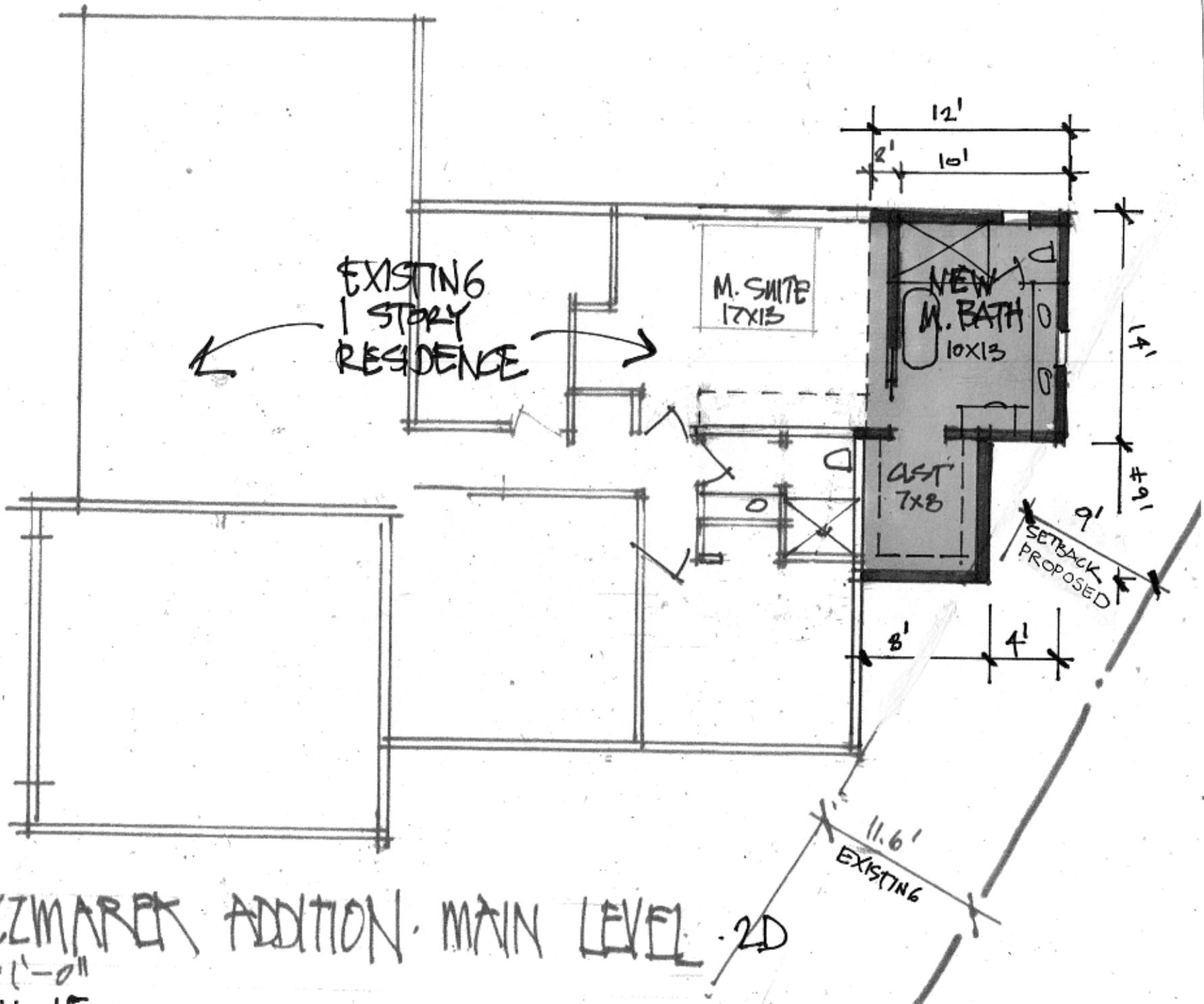
6714 Emerald Lake Drive, Troy, MI 48085





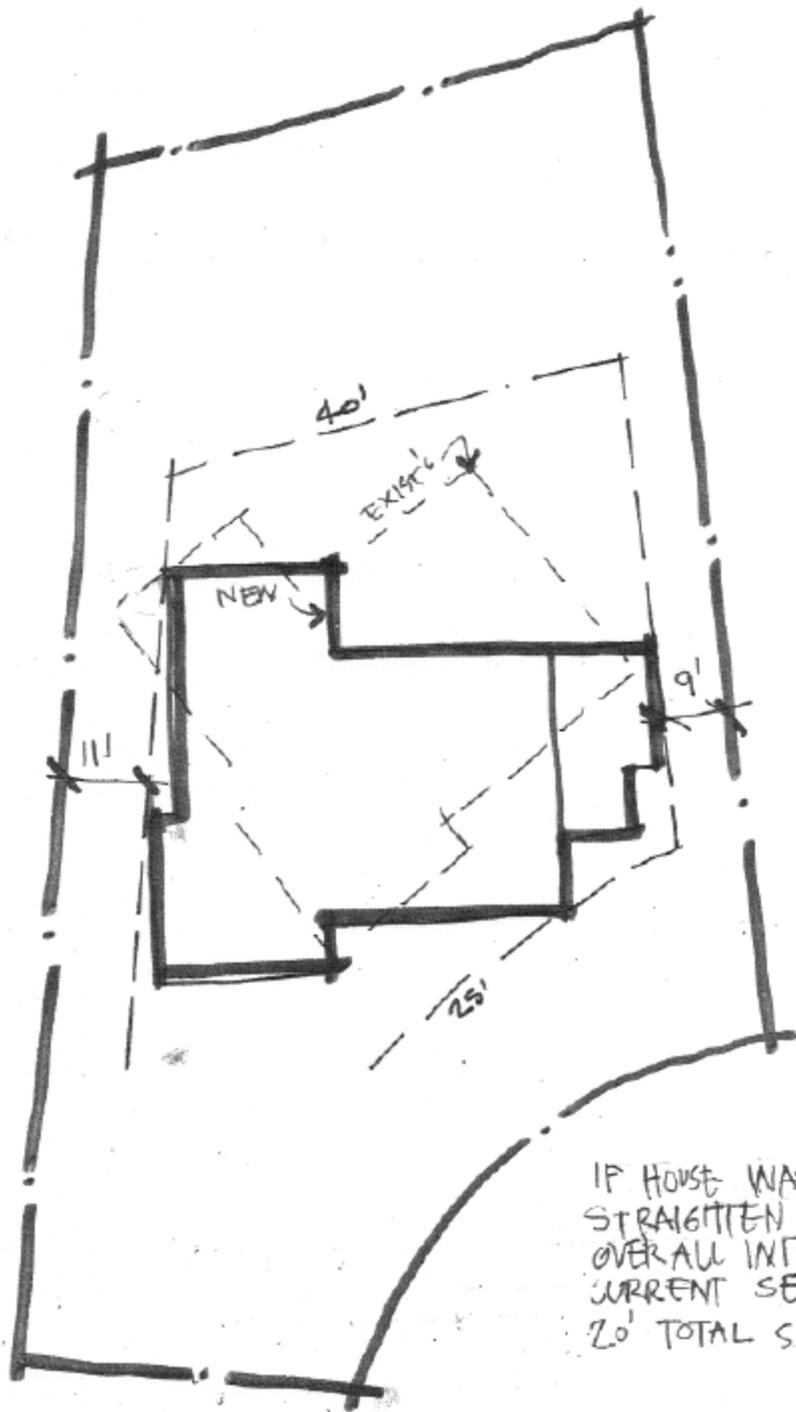
SOUTH SIDE ELEVATION
 $\frac{1}{8}'' = 1' - 0''$

KALZMAREK ADDITION
 10.11.15



KACZMAREK ADDITION - MAIN LEVEL - 2D

1/8" = 1'-0"
 10.11.15



IF HOUSE WAS ROTATED AND STRAIGHTENED ON SITE, THE OVERALL INTERIOR MEETS CURRENT SETBACKS OF 20' TOTAL SIDEYARD

KACZMAREK RESIDENCE
10.15.15

SITE PLAN - IF ROTATED
1" = 20'

February 2016

City of Troy Planning Department
500 W. Big Beaver Road
Troy, Michigan 48084

To whom it may concern:

We have reviewed the proposed addition to our neighbor's home located at 6714 Emerald Lake Drive and support the variance request submitted to the Planning Department.

Name	Address	Date