

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 and come up to the podium. 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.



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
Thomas Desmond, Allen Kneale, David Lambert, Paul McCown, Philip Sanzica
Orestis Kaltsounis (Alternate)

August 16, 2016

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – July 19, 2016
3. APPROVAL OF AGENDA
4. HEARING OF CASE

VARIANCE REQUEST, JAMES HALL FOR FUNSPACE DIRECT, LLC, 1204 ROTHWELL – In order to construct a pergola at the rear of the house, a 15 foot variance from the required 45 foot rear yard setback.

ZONING ORDINANCE SECTION: 4.06 (C), R-1B Zoning

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 July 19, 2016, 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
Thomas Desmond
David Eisenbacher
Allen Kneale
David Lambert
Philip Sanzica

Also Present:

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

2. APPROVAL OF MINUTES – June 21, 2016

Moved by Lambert
Seconded by Sanzica

RESOLVED, to approve the June 21, 2016 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA

No changes.

4. HEARING OF CASE

VARIANCE REQUEST, DAVID J. PARDUN, 1321 BOYD – In order to split a parcel of land into two parcels, a 305.5 square foot variance from the 7,500 square foot minimum lot size.

Moved by Sanzica
Seconded by Clark

RESOLVED, to deny the request.

Yes: Desmond, Eisenbacher, Kneale, Sanzica, Clark
No: Lambert

MOTION PASSED

5. COMMUNICATIONS – None
6. MISCELLANEOUS BUSINESS – None
7. PUBLIC COMMENT – Diane Alati, 1308 Boyd, representing Friends of Troy Seniors advised that the organization supports development of smaller homes suitable for senior citizens.
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:00 p.m.

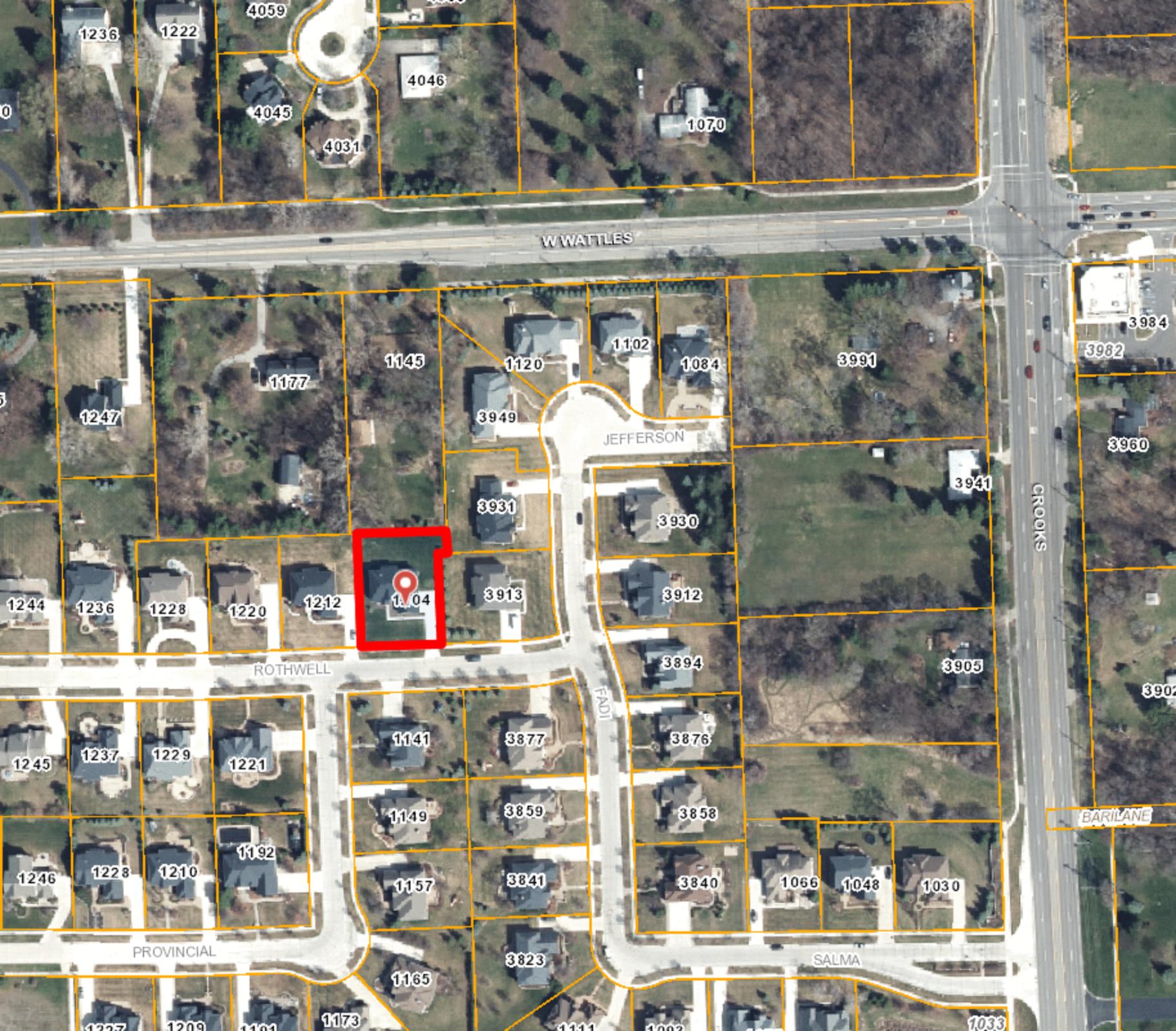
Respectfully submitted,

Glenn Clark, Chairman

Paul Evans, Zoning and Compliance Specialist

G:\ZONING BOARD OF APPEALS\Minutes\2016\Draft\2016 07 19 ZBA Minutes Draft.doc

VARIANCE REQUEST, JAMES HALL FOR FUNSPACE DIRECT, LLC, 1204 ROTHWELL – In order to construct a pergola at the rear of the house, a 15 foot variance from the required 45 foot rear yard setback.



3931

1212

1204

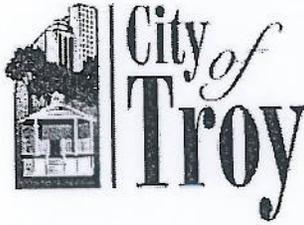
3913

ROTHWELL

PROVINCIAL

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
planning@troymi.gov



FEE \$150.00

RECEIVED
JUL 20 2016
PLANNING

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: 1204 ROTHWELL DR
88-20-20-226-148
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-20-226-145
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: ACCESSORY STRUCTURE
SEC 7.03 No. 2(D)
10' SET BACK FROM HOUSE
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
5. APPLICANT:
NAME JAMES HALL
COMPANY FUNSPACE DIRECT, LLC
ADDRESS 20400 HALL RD.
CITY CLINTON TOWNSHIP STATE MI ZIP 48038
PHONE (586) 412-6050
E-MAIL jhall@temosunrooms.com
AFFILIATION TO THE PROPERTY OWNER: CONTRACTOR

6. PROPERTY OWNER:

NAME VAMSHI GARLAPATI
COMPANY _____
ADDRESS 1204 ROTHWELL
CITY TROY STATE MI ZIP 48064
TELEPHONE 614-596-1149
E-MAIL vanshi1@gmail.com

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, James T. Hau (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 [Signature] DATE 7/19/16

PRINT NAME: JAMES T. HAU

PROPERTY OWNER SIGNATURE [Signature] DATE 7/19/16

PRINT NAME: VAMSHI GARLAPATI

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. The applicant will be notified of the time and date of the hearing by mail. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

Approved variances are good for a one year period.

STATEMENT OF PRACTICAL DIFFICULTY

- A. The difficulty arises from the design of the house in relation to the size of the lot. The house is designed with a pushed forward garage. To meet the front yard set-back requirement of 25 feet the house is pushed back to a point leaving only 47 feet to the rear lot line in area that requires a 45 foot rear yard set-back. The result is only two feet of buildable space. Not all lots in this subdivision are created equal. Some lots are deeper and others are wider allowing the house not to have a push forward design of the garage. The homeowner is only looking to get more usability of his patio by installing a pergola for partial shade to block the exposure to the mid-day sun.
- B. The pergola is for shade on his back patio no other location would be viable.
- C. This is not of a personal nature non-compliance is due to the 45 foot set back requirement.
- D. Current and previous owners did not create the difficulties that presently exist.
- E. If this pergola was looked at under the ordinance covering Decks, Porches and Patio Structures this variance would not be necessary. The ordinance mentions an uncovered porch or patio structure. The pergola is a structure without walls and the cover is not solid. If taken under this part ordinance the allowable encroachment would be 15 feet into the set back and it would meet the 25 foot requirement to the property line. It is our feelings that these types of structure, being see through and not having a solid roof would be more in line with the intent of this section of the ordinance than with the section covering additions and sunrooms. It is our position that the granting of this variance will not be harmful or alter the essential character of the neighborhood, and that the structure would not impair an adequate supply of light and air to the adjacent properties or be considered a public safety hazard.

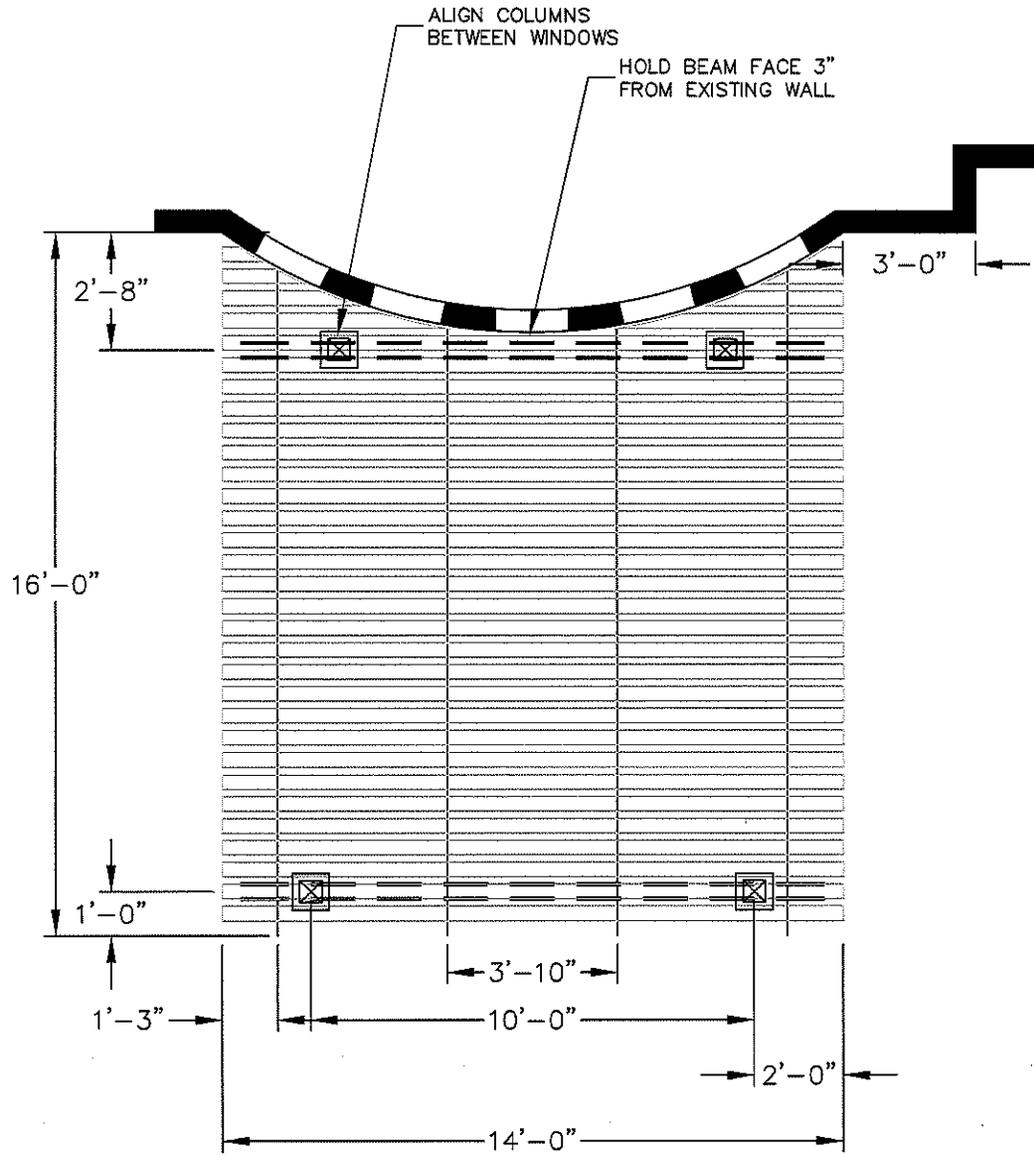


AREA TO COVER
12' X 16' PERGLORA



AREA TO COVER
12'x16' Pergola

DATE: 06/24/16



FREE-STANDING

FLOOR PLAN

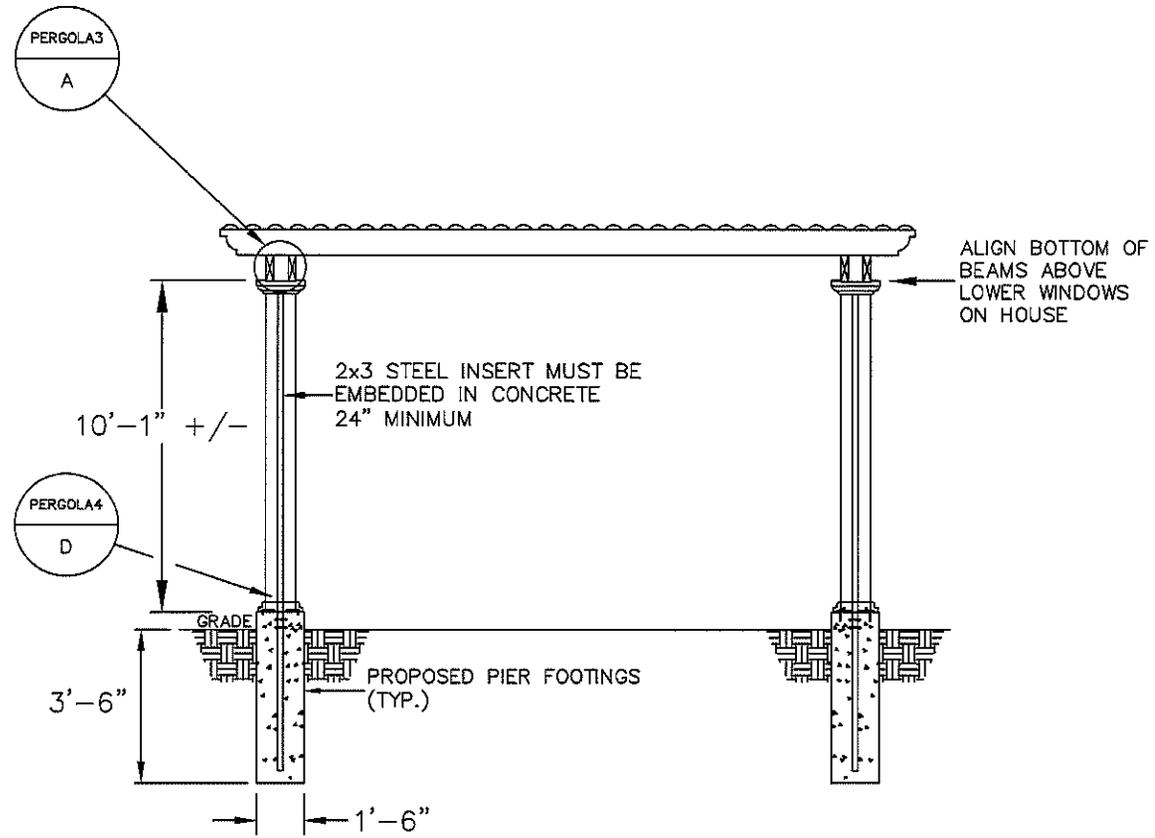
FRAME COLOR: SANDSTONE
 POST HEIGHT: 8'-0"
 POST STYLE: FLORENTINE

CONFIRMATION: 06/24/16

TEMO SUNROOMS, INC.
 20400 HALL RD
 CLINTON TWP, MI 48038
 PHONE: (586) 286-0410
 FAX: (586) 314-0404

DEALER: FUNSPACE 16W2538 PH. ()
 GARLAPATY, VAMSHI AND SWETHA
 1204 ROTHWELL DR
 TROY, MI 48064
 DRAWN BY: PHIL TARAVELLA DATE: 06/20/16 SCALE: NONE

DATE: 06/24/16



SECTION 'A'

ROOF LOAD: 30' P.S.F.

CONFIRMATION: 06/24/16

DEALER: FUNSPACE 16W2538 | PH. ()

GARLAPATY, VAMSHI AND SWETHA
1204 ROTHWELL DR
TROY, MI 48064

DRAWN BY: PHIL TARAVELLA DATE: 06/20/16 SCALE: NONE

TEMO SUNROOMS, INC.
20400 HALL RD
CLINTON TWP, MI 48038
PHONE: (586) 286-0410
FAX: (586) 314-0404

MORTGAGE SURVEY

Certified to: FUNSPACE DIRECT

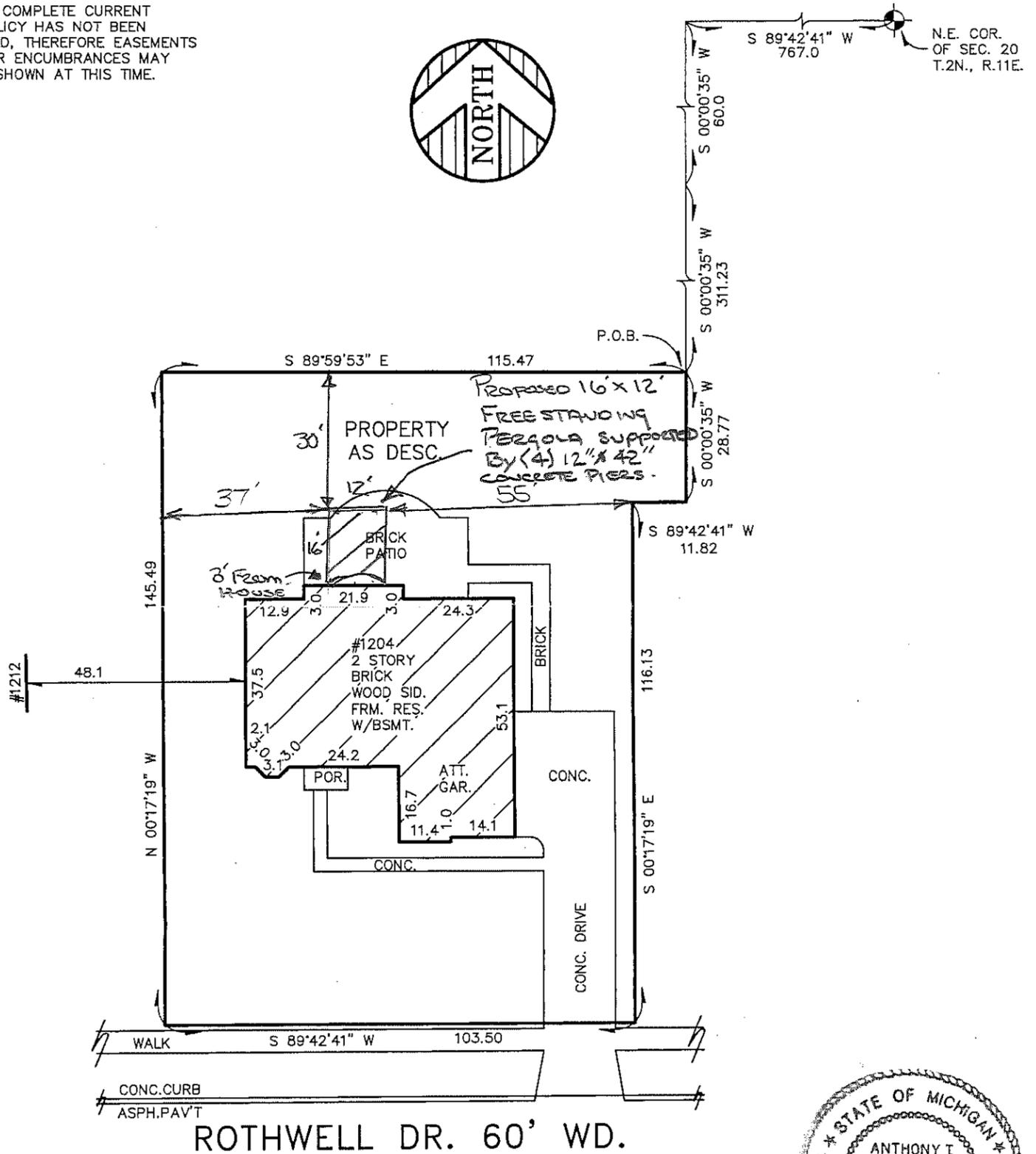
Applicant: VAMSHI AND SWETHA GARLAPATY

Property Description:

Land in the City of Troy, Oakland County, Michigan, described as:
 Part of Lot 23; AMENDED PLAT OF LOTS 1 THROUGH 7, SUPERVISOR'S PLAT OF JAMES ACRES, as recorded in Liber 283 of Plats, Pages 1 and 2 of Oakland County Records, described as: Beginning at a point distant South 89 degrees 42 minutes 41 seconds West 767 feet and South 00 degrees 00 minutes 35 seconds West 60 feet and South 00 degrees 00 minutes 35 seconds West 311.23 feet from the Northeast Section corner; thence South 00 degrees 00 minutes 35 seconds West 28.77 feet; thence South 89 degrees 42 minutes 41 seconds West 11.82 feet; thence South 00 degrees 17 minutes 19 seconds East 116.13 feet; thence South 89 degrees 42 minutes 41 seconds West 103.50 feet; thence North 00 degrees 17 minutes 19 seconds West 145.49 feet; thence South 89 degrees 59 minutes 53 seconds East 115.47 feet to the point of beginning.

Note: The property description is as taken from Oakland County Tax Rolls.

NOTE: A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

[Handwritten Signature]

JOB NO: 16-02204 SCALE: 1"=30'
 DATE: 06/16/16 DR BY: KK

KEM-TEC PROFESSIONAL ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES

A GROUP OF COMPANIES
 Eastpointe (800) 295.7222 Detroit (313) 758.0677 Ann Arbor (734) 994.0888 Grand Blanc (888) 694.0001
 FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0667 FAX: (810) 694.9955
www.kemtecgroupofcompanies.com