

## ZONING BOARD OF APPEALS

The Board of Zoning Appeals is a group of seven of your neighbors or peers appointed by City Council to pass judgment 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 running 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. 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.), 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 table (delay action) the request. In order for the request to pass a minimum of four votes for approval are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.

## **VARIANCE REVIEW STANDARDS ZONING ORDINANCE SECTION 15.04 (E) (2)**

Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

- 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](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

Allen Kneale, Chair, and Glenn Clark, Vice Chair  
Bruce Bloomingdale, Kenneth Courtney  
David Eisenbacher, Tom Krent, David Lambert  
Orestis Kaltsounis (Alternate)

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**July 16, 2013**

**7:30 P.M.**

**Council Chamber**

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1. ROLL CALL
  
2. APPROVAL OF MINUTES – May 21, 2013
  
3. APPROVAL OF AGENDA
  
4. HEARING OF CASES
  - A. VARIANCE REQUEST, MICHAEL J. BLANEK, AIA, FOR STUCKY VITALE ARCHITECTS, 1125 NAUGHTON – In order to construct an addition to an existing building, a 4 foot variance to the required 10 foot side yard setback.  
  
**ZONING ORDINANCE SECTION: 4.15 (C)**
  
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](mailto: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 May 21, 2013, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Kneale called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Bruce Bloomingdale  
Glenn Clark  
Kenneth Courtney  
David Eisenbacher  
Allen Kneale  
Thomas Krent  
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Lori Grigg-Bluhm, City Attorney

2. APPROVAL OF MINUTES – April 16, 2013

RESOLVED, to approve the April 16, 2013 meeting minutes.

Moved by Clark  
Seconded by Courtney

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

A. VARIANCE REQUEST, GEORGE BOGAERT FOR TUFF SHED INC., 4585 BUTLER – In order to build a new shed, a portion of which is proposed to be in the front yard adjacent to London Drive, a variance from the requirement that sheds be placed only in the rear yard. Zoning Ordinance Section 7.03 B 2 (a).

Moved by Lambert  
Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- B. VARIANCE REQUEST, KEN AND AMANDA CRUM, 1643 ROCKFIELD – In order to split the existing parcel into two parcels, a variance to allow the existing house to be set back 8.29 feet from the proposed new side lot line. The Zoning Ordinance requires the house to be at least 10 feet from the proposed new side lot line. Zoning Ordinance Section 4.06 (C) R1-C Zoning District.

Moved by Eisenbacher  
 Seconded by Bloomingdale

RESOLVED, to grant the request.

Yes: Bloomingdale, Clark, Eisenbacher, Krent  
 No: Courtney, Kneale, Lambert

MOTION PASSED

- C. VARIANCE REQUEST, JEFFREY AND KRISTA FALK, 4197 RAVENWOOD COURT – In order to enlarge the garage, a 3 foot variance to the required 40 foot front yard setback. Zoning Ordinance Section 4.06 (C) R1-B Zoning District.

Moved by Courtney  
 Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- 5. COMMUNICATIONS – None
- 6. MISCELLANEOUS BUSINESS – Elect Chair and Vice Chair

Moved by Clark  
 Seconded by Krent

RESOLVED, to elect Allen Kneale Chair.

Yes: All

MOTION PASSED

Moved by Bloomingdale  
 Seconded by Eisenbacher

RESOLVED, to elect Glenn Clark Vice Chair.

Yes: All

MOTION PASSED

7. PUBLIC COMMENT – None
  
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:34 p.m.

Respectfully submitted,

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Allen Kneale, Chair

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Paul Evans, Zoning and Compliance Specialist

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4. HEARING OF CASES

- A. VARIANCE REQUEST, MICHAEL J. BLANEK, AIA, FOR STUCKY VITALE ARCHITECTS, 1125 NAUGHTON – In order to construct an addition to an existing building, a 4 foot variance to the required 10 foot side yard setback.

**ZONING ORDINANCE SECTION: 4.15 (C)**



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1087 1095

1107

NAUGHTON

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(IB)

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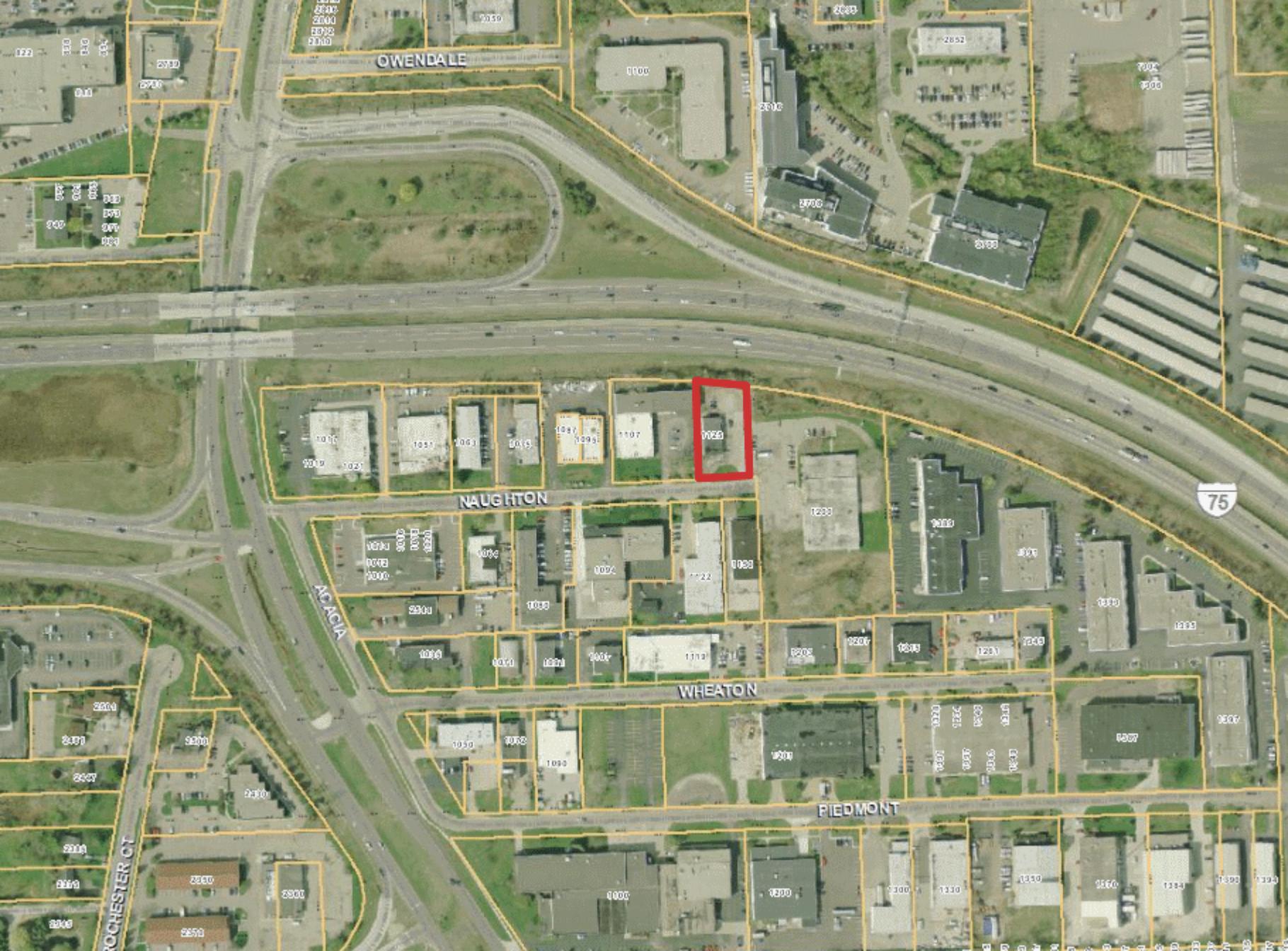
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NAUGHTON

WHEATON

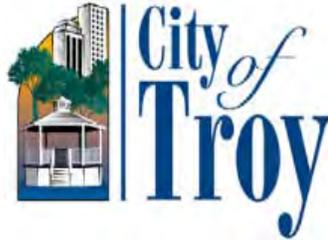
FIEDMONT

75



# 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](mailto: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 Dean Fitzpatrick  
COMPANY Fitz-Rite Products  
ADDRESS 1122 Naughton Drive  
CITY Troy STATE MI ZIP 48083  
TELEPHONE (248) 528-8440  
E-MAIL dean\_fitzpatrick@msn.com

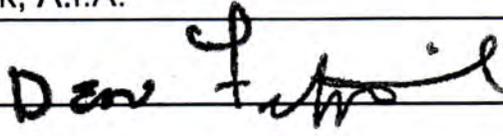
The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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, Michael J. Blaneck, A.I.A. (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 June 19, 2013

PRINT NAME: Michael J. Blaneck, A.I.A.

PROPERTY OWNER SIGNATURE  DATE 6/19/2013

PRINT NAME: Dean Fitzpatrick

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.

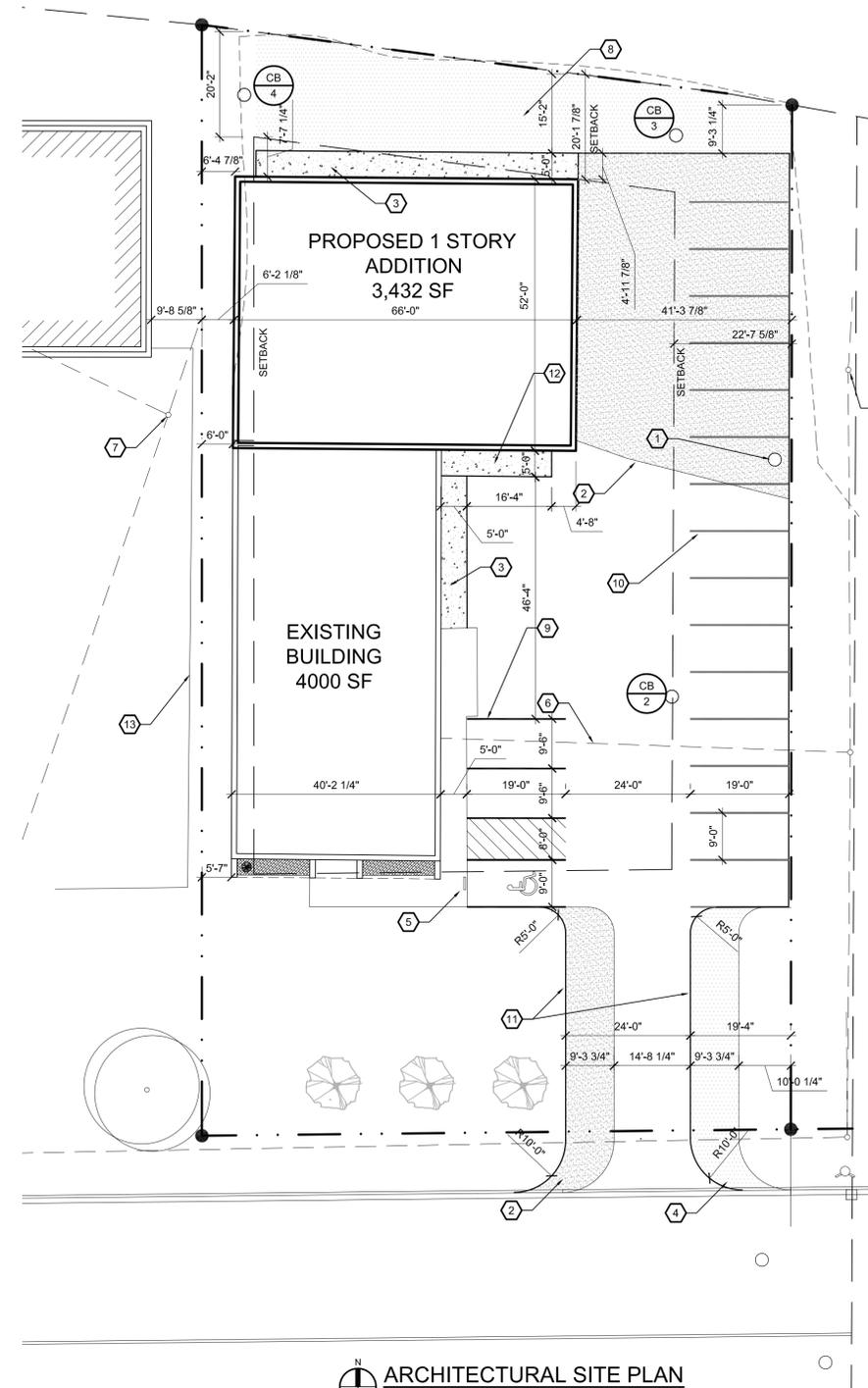
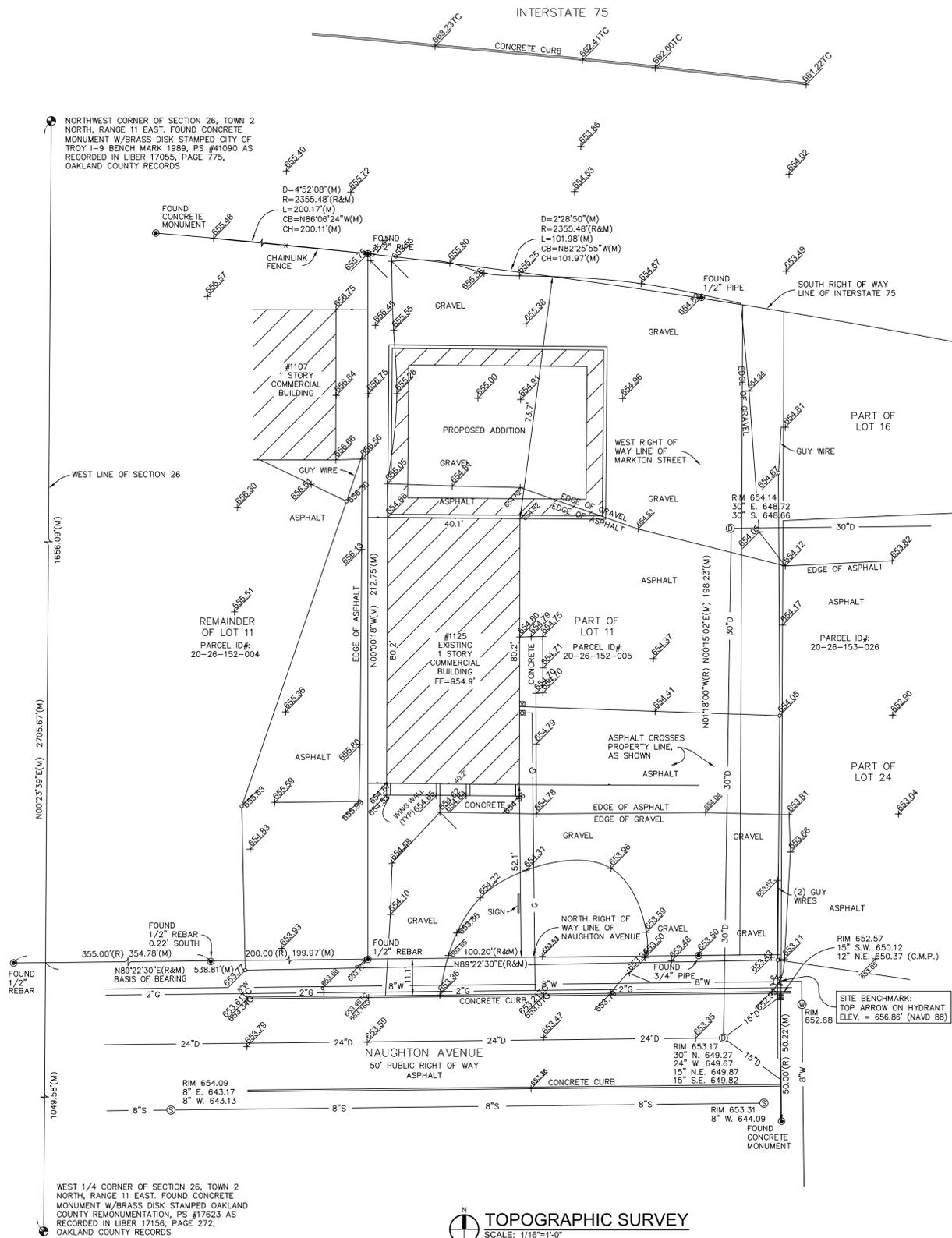
The applicant will be notified of the time and date of the hearing by first class mail.

STATEMENT OF PRATICAL DIFFICULTY

Fitz-Rite Building Addition

Architects' Project No.: 2013.058

- a) The narrowness of the current lot width of 112.70 ft., limits the options for the new addition. The use of the new building addition will be for CNC manufacturing which will require truck access for shipping and receiving. By maintaining the current existing building setback on the west side this will allow for maximum maneuvering space on the east side of the lot for the business use.
- c) The existing lot width and the existing building location make maintaining this dimension consistent to the way the site was originally developed.
- d) This variance request is to maintain the already established setback of the original building of 6'-0" where the new addition meets the existing at the northwest corner.
- e) Maintaining the current 6'-0" + setback with the new addition will not be harmful to the adjacent property since it has a setback. To the north is I-75 where by granting this variance will have no impact. Naughton Drive ends into the parking lot of the building to the east and the addition will not impact this property at all. Also, granting this variance will not be harmful or alter the character of the district in which this building is located.

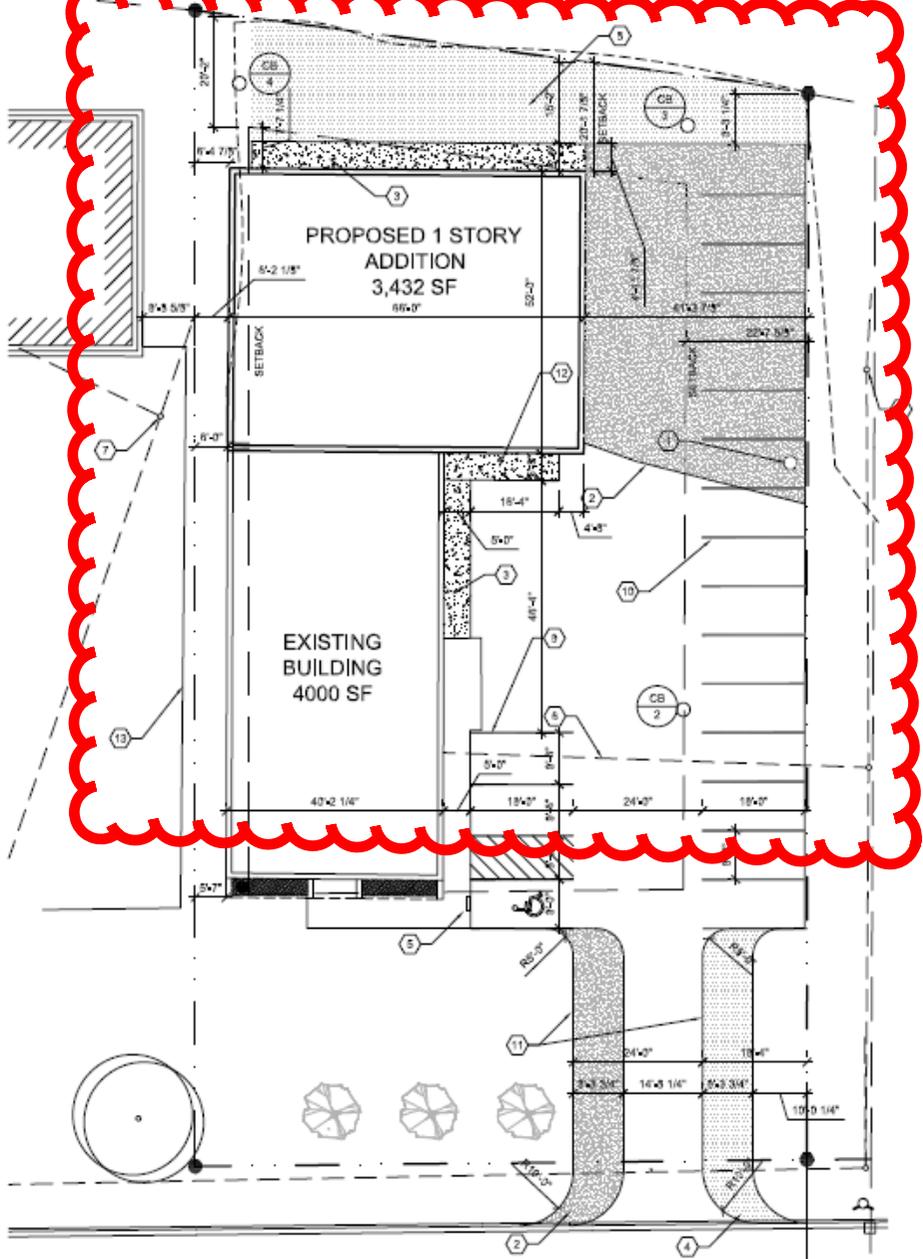


**LEGAL DESCRIPTION: #20-26-152-005**

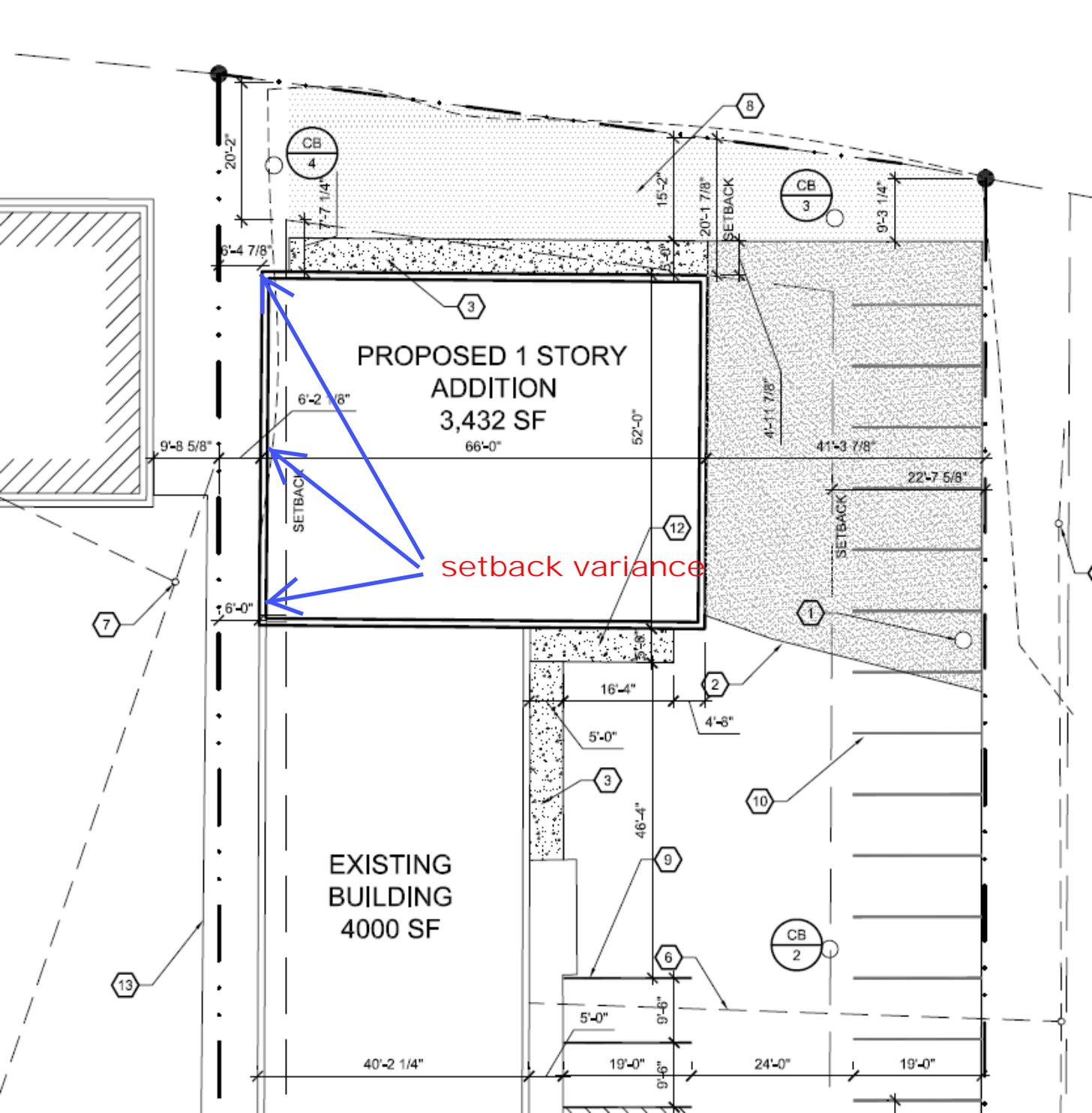
LAND IS LOCATED IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND DESCRIBED AS FOLLOWS:

PART OF THE N.W. 1/4 OF SECTION 26, T.2N., R.11E., CITY OF TROY, MICHIGAN, BEING DESCRIBED AS: LOT 11, EXCEPT THE WEST 355.00 FEET, ALSO EXCEPT THAT PART OF REMAINDER TAKEN FOR I-75 HIGHWAY, AND ALSO PART OF THE WEST 1/2 OF VACATED MARKTON STREET (25.00 FEET WIDE), OF "SUPERVISOR'S PLAT NO. 10", AS RECORDED IN LIBER 46 OF PLATS, PAGE 42, OAKLAND COUNTY RECORDS, BEGINNING AT A POINT DISTANT N. 00 23' 39" W. 1049.58 FEET AND N. 82 22' 30" E. 538.81 FEET FROM THE W. 1/4 CORNER OF SAID SECTION 26; THENCE N. 00 00' 18" W., 212.75 FEET; THENCE N. 00 23' 39" W. 1049.58 FEET AND N. 82 22' 30" E. 538.81 FEET FROM THE W. 1/4 CORNER OF SAID SECTION 26; THENCE N. 00 00' 18" W., 212.75 FEET; THENCE N. 00 15' 02" W., 196.13 FEET; THENCE S. 89 22' 30" W., 112.70 FEET TO THE POINT OF BEGINNING CONTAINING 23,185 SQUARE FEET, OR .532 ACRES.

- SITE PLAN KEY NOTES:**  
(TYPICAL THIS SHEET ONLY)
- 1 EXISTING BASIN
  - 2 NEW ASPHALT TO MATCH EXISTING. SEE DETAIL 2 - SP1.1
  - 3 NEW CONCRETE WALK TO MATCH EXISTING. SEE DETAIL 4 - SP1.1
  - 4 REMOVE ASPHALT, REPLACE WITH TOPSOIL AND GRASS SEED
  - 5 EXISTING SIGN
  - 6 EXISTING OVERHEAD POWER LINE
  - 7 EXISTING POWER POLE
  - 8 REMOVE GRAVEL, REPLACE WITH TOPSOIL AND GRASS SEED
  - 9 EXISTING STRIPING ON WEST SIDE OF LOT
  - 10 NEW STRIPING ON EAST SIDE OF LOT
  - 11 NEW CURB. SEE DETAIL 1 - SP1.1
  - 12 NEW CONCRETE FROST SLAB
  - 13 EDGE OF EXISTING ASPHALT PAVEMENT



NAUGHTON



setback variance



**STUCKY VITALE ARCHITECTS**  
 27172 WOODWARD AVENUE  
 ROYAL OAK, MI 48067-0925  
 P. 248.546.6700  
 F. 248.546.8454  
 WWW.STUCKYVITALE.COM

**Project :**  
 FITZ-RITE PRODUCTS  
 BUILDING ADDITION  
 1125 NAUGHTON AVE  
 TROY, MI

**Issued for :**

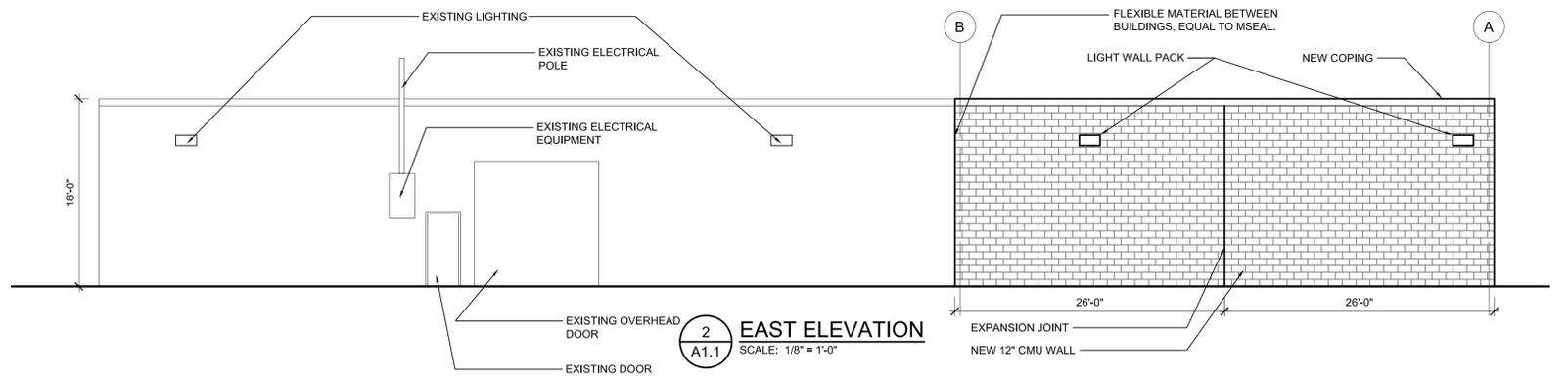
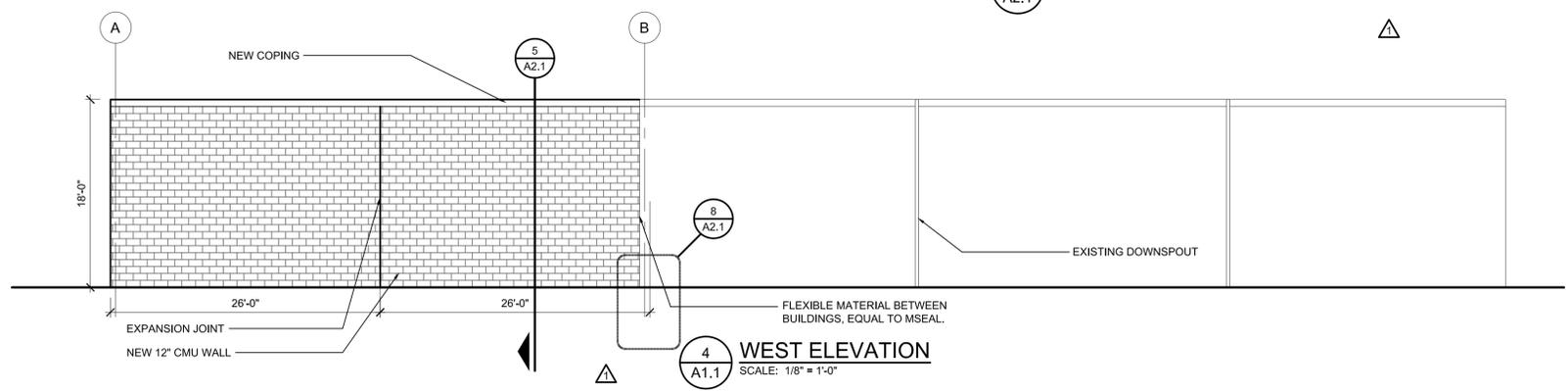
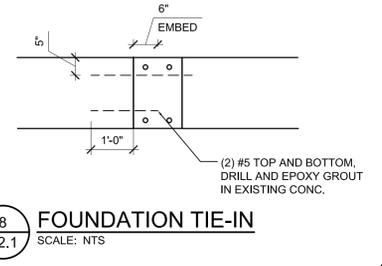
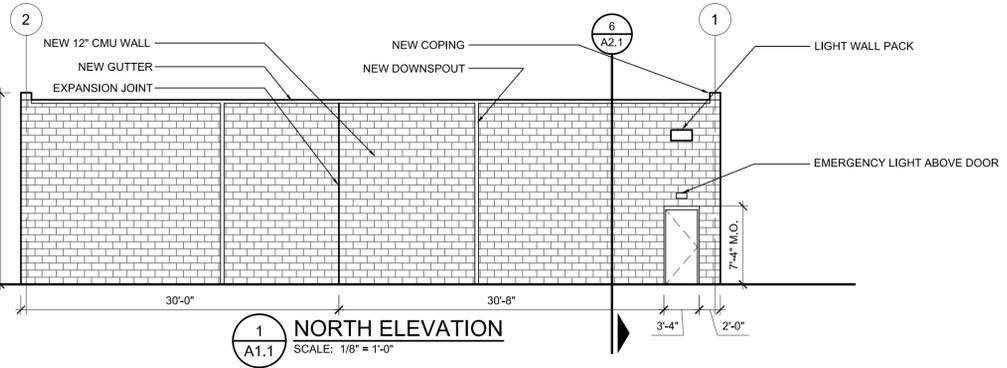
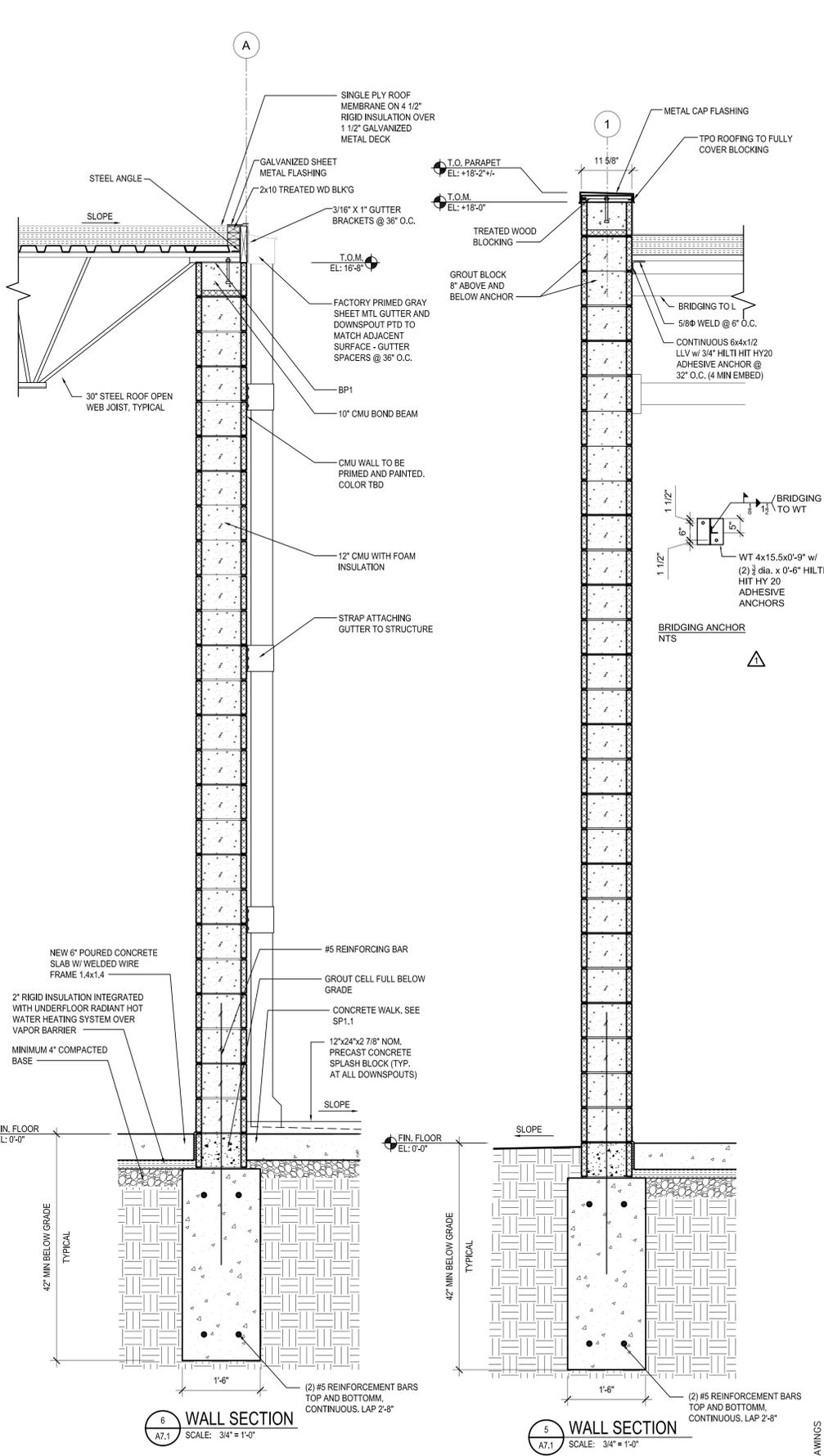
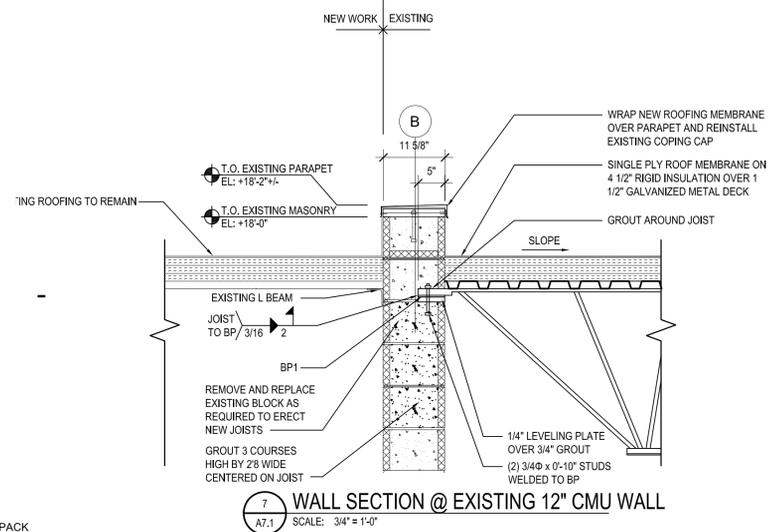
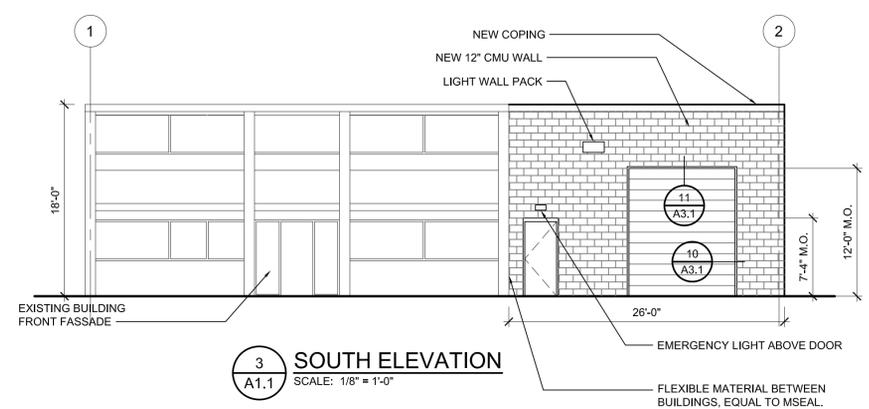
REVIEW	05.03.13
REVIEW	05.24.13
BIDS / PERMITS	06.11.13
ADDENDUM #1	06.14.13
ZBA	06.19.13

**Drawn by :**  
 TWJ  
**Checked by :**  
 JAV, MJB  
**Sheet Title :**  
 EXTERIOR  
 ELEVATIONS

**Project No. :**  
 2013.058

**Sheet No. :**  
 A2.1

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 ©2013 Stucky Vitale Architects, Inc.



DO NOT SCALE DRAWINGS  
 ©2013 Stucky Vitale Architects, Inc.

# FITZ-RITE PRODUCTS

1122 Naughton • Troy, Michigan 48083-1975 • Phone (248) 689-7143 • (800) 835-2643 • Fax (248) 528-1581

July 2, 2013

Mr. Tom Leonard,

Dear Mr. Leonard,

The purpose of this letter is to advise you of our plans to construct an addition to our building at 1125 Naughton, Troy, MI 48083.

In order to construct an addition, a four foot variance to the existing ten foot side yard setback is required. The addition will not impact either of your properties on Naughton but we are requesting that you acknowledge this letter so that we may present it to the Zoning Board of Appeals of the City of Troy.

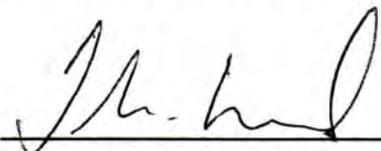
Please contact me with any questions. Thanks for your consideration.

Regards,

Dean Fitzpatrick

As owner of the property adjacent to 1125 Naughton, Troy, MI 48083, I do not object to the proposed construction or the requested variance to the side yard setback.

Tom Leonard

  
General Manager  
Leonard Realty LLC

Date: 7-8-2013

