

The Chairman, Matthew Kovacs, called the special meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, July 29, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Kenneth Courtney
Glenn Clark
Marcia Gies
Matthew Kovacs
David Lambert

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

ABSENT: Wayne Wright

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 17, 2008

Motion by Gies
Supported by Clark

MOVED, to approve the minutes of the meeting of July 17, 2008 as written.

Yeas: 6 – Courtney, Clark, Gies, Kovacs, Lambert, Bartnik
Absent: 1 – Wright

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 - VARIANCE REQUESTED. DENNIS SIAVRAKAS OF BRYDEN HOMES, 660 E. LONG LAKE, for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51’ wide and the other lot 83.37’ wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85’ in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.04 of the Zoning Ordinance to split an existing vacant parcel of land to create two home sites. This parcel is located in the R-1C Zoning District and Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85’. The site plan submitted indicates that this split will result in one lot that is 83.51’ wide and the other lot 83.37’ wide at the front setback line.

This item was originally scheduled for the meeting of July 17, 2008; however, due to an error in publishing it was postponed to allow for the correct publication to go out. Notices of the new date were sent out to property owners within 300’ of this parcel and the proper notice has now been published in the newspaper.

ITEM #2 –con't.

Mr. Lambert stated that Parcel B is a much larger piece of property and asked if this was a buildable lot for a single-family residence.

Mr. Stimac stated that as it stands right now you can only have one home on it. The street Nada dead ends into it and there is the possibility that this street will be extended farther in and the petitioner can potentially develop other lots at that time. It would only be possible with the extension of the existing street.

Mr. Courtney asked how many splits of this parcel would be allowed without going through the Subdivision Control Act.

Mr. Stimac stated that the Land Division Act, previously referred to as the Subdivision Control Act, would allow this property to be split into four parcels without doing a plat. This action would be included and it would allow them to divide two additional lots before they would have to go through subdivision platting or site plan condominium to get additional divisions of the property.

Mr. Courtney asked if Mr. Stimac had any idea how many lots would be allowed on this property.

Mr. Stimac said that he was not sure, but if they used lot averaging, he thought that it would be possible to create six sites on this parcel. This would be dependent on them extending the street to the eastern edge.

Mr. Courtney asked if he was correct in assuming that if the variance was granted now, Parcel B could still be used as a condominium site.

Mr. Stimac said that option would be available to the petitioner.

Mr. Dennis Siavrakas and Mr. Brian Vargason of Bryden Homes were present. Mr. Siavrakas stated that Houghten Drain is on the east side of the property and runs through the rear portion of the property. If they were to go through and request a Subdivision Plat or Site Condominium this drain would probably take up two lots. A total of five lots would be able to be built on this parcel.

Mr. Courtney asked if that was their plan.

Mr. Siavrakas said that if things go well that is what they would like to do in the future. Mr. Siavrakas also said that they would like to build two (2) new homes and the parcels to the west have just about the same exact frontage. This request is minor and the proposed development makes sense as it almost identical to the lots to the west of this site. They cannot look to the east for any additional property as it is owned by Oakland County and they did approach the neighbors to the west; however, they are not interested in selling any of their property. This variance is only about 2% and the lot to

ITEM #2 – con't.

the east is a little wider at the back of the property. These homes would increase property values and would not have an adverse effect to surrounding property. All other requirements including setbacks would be met.

Mr. Courtney asked if it would be possible for the petitioner to pick up extra property from the parcel to the east.

Mr. Siavrakas stated that Oakland County has the rights to the drain and the easement there. Riverbend Condominiums developed this property and they had to distinguish a line that was given to Oakland County as an easement line. If they developed the property to the south the same thing would apply, they would have to distinguish an easement line, which would be recorded against the property and it would be given to the Oakland County Drain Commission. Mr. Siavrakas said that there are wetlands on the property that are approximately 10' to 15' from the rear of the property. The drain runs through the side and rear of the property.

Mr. Courtney said that they could own the property they would just not be able to build on it.

Mr. Kovacs asked if they would be opposed to stipulations on the property that would state that the property could only be developed into single-family residential property.

Mr. Siavrakas said that they would definitely agree, and feels that this is how it should be.

Mr. Kovacs stated that is one of the concerns raised by surrounding property owners and he believes this is a valid concern. Mr. Kovacs also asked if they were planning to extend Nada.

Mr. Siavrakas said that they would like to and stated that this area will be kept to single-family residential. Nada is also zoned as R-1C and development as single-family residential would make the most sense. They have no intentions to develop the property any other way.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing closed.

There are two (2) written objections on file. There is one written approval on file.

Mr. Bartnik stated that one of the letters approving this request was from the property owner immediately to the west, 646 E. Long Lake, and the property, 632 E. Long Lake that is located two parcels to the west objected to this request. Mr. Bartnik stated that Mr. Siavrakas indicated that these lots were the same size as the proposed lots.

ITEM #2 – con't.

Mr. Stimac said that 632 and 646 E. Long Lake, as well as the properties on Nada were done as a Subdivision Plat and were done with the lot averaging option. This allows a variation in lot width as long as the minimum lot area is maintained.

Mr. Kovacs asked if the petitioner would need a variance to build a home on Parcel B if this variance was granted.

Mr. Stimac said that the petitioner is asking that the Board approve both lot widths, and make them buildable lots. Technically, both lots have the same width on the frontage along Long Lake Road, but since the Ordinance measures the lot width at the front setback, Lot A is slightly larger than Parcel B.

Mr. Kovacs asked if they could add Parcels C and D if they wanted to.

Mr. Stimac said that they couldn't do that until they found some other usable frontage to create Parcel C. Once Nada was extended, they would have the option to do that.

Mr. Courtney asked if they could put in homes that were substantially smaller than other homes in the area.

Mr. Stimac said that the minimum size of homes in R-1C Zoning is either 1,200 or 1,400 square feet. Mr. Stimac said that he thought that the homes to the west were substantially larger than that requirement. Due to the cost of land and the desire of builders to have a certain ratio of house cost to land cost, you rarely see homes that are constructed at the minimum square footage allowed.

Mr. Courtney asked what size homes the petitioners are planning to construct.

Mr. Siavrakas said that the intention is to build the same size homes that are currently in the area. Going back to land costs it does not pay to put in smaller homes. Mr. Siavrakas said that if they do develop the other half of the parcel, they would put in some type of subdivision control and make sure that those homes are consistent with the other homes in the area. Mr. Siavrakas also stated that he had a site plan of the area and the lots to the west are identical in width to this request.

Motion by Bartnik
Supported by Gies

MOVED, to grant Dennis Siavrakas of Bryden Homes, 660 E. Long Lake, relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- Variance is consistent with the existing development in this area.

ITEM #2 – con’t.

- Variance request is minor.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Absent a variance, conformance is unnecessarily burdensome.

Mr. Kovacs stated that he would like to stipulate that Parcel B has to be developed as a single-family residential development.

Motion by Clark
Supported by Lambert

MOVED, to amend the original motion to include the stipulation that Parcel B must be developed as single-family residential.

Mr. Lambert asked if the developer would have to come back to this Board if they decided they wanted to develop this property in another way.

Mr. Motzny said that if they wished to do anything other than single-family residential, they would have to have the property re-zoned. The record would indicate that this Board granted the variance with the stipulation that the property be developed as single-family residential.

Mr. Stimac clarified with the Board that the motion would not preclude the petitioner from developing site condominiums as long as they were detached single-family residential units.

Mr. Kovacs said that was his intention.

Vote to amend original motion.

Yeas: 6 – Courtney, Kovacs, Lambert, Bartnik, Clark, Gies
Absent: 1 – Wright

MOTION TO AMEND MOTION CARRIED

MOVED, to grant Dennis Siavrakas of Bryden Homes, 660 E. Long Lake, relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51’ wide and the other lot 83.37’ wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85’ in the R-1C Zoning District.

- Variance is consistent with the existing development in this area.
- Variance request is minor.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

ITEM #2 – con't.

- Absent a variance, conformance is unnecessarily burdensome.
- Property to be developed as Single-Family Residential.

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

Absent: 1 – Wright

MOTION TO GRANT VARIANCE CARRIED

Motion by Gies

Supported by Clark

MOVED, to excuse Mr. Wright from tonight's meeting for personal reasons.

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

MOTION TO EXCUSE MR. WRIGHT CARRIED

Mrs. Gies informed the Board that she would be out of town for the meeting of August 19, 2008.

The Board of Zoning Appeals meeting adjourned at 8:00 P.M.

Matthew Kovacs, Chairman

Pamela Pasternak, Recording Secretary