

**BOARD OF ZONING APPEALS  
JUNE 19, 2001**

**CITY COUNCIL CHAMBERS  
7:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES OF MEETING OF MAY 15, 2001.**

**TABLED ITEMS**

**ITEM #2 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA**, for relief of the Zoning Ordinance to permit 2960 square feet of accessory buildings where 1866 square feet are permitted by Section 40.57.04 and for approval to construct a barn per Section 40.57.10.

**PUBLIC HEARINGS**

**ITEM #3 – VARIANCE REQUESTED. MR. MARC DYKES REPRESENTING HOME PROPERTIES, 2003-2281 LOVINGTON** for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line where a six foot setback is required by Section 40.57.05.

**ITEM #4 – VARIANCE REQUESTED. MR. JOHN ARCHER, 2387 TOPAZ** for approval to construct a freestanding gazebo as required by Section 40.57.10.

**ITEM #5 – VARIANCE REQUESTED. MR. JOHN BEDNARSKI, 456 STARR** for relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

**ITEM #6 – VARIANCE REQUESTED. MR. & MRS. JOE SANDOVAL, 5338 CROWFOOT**, for relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

**ITEM #7 – VARIANCE REQUESTED. CONSERVATIONS UNLIMITED, 3513 SHERWOOD**, for relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is require by Section 34.20.03.

**ITEM #8 – VARIANCE REQUESTED. MR. BOB MCCOMB, 1343 BURNS (PROPOSED ADDRESS)**, for relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

**ITEM #9 – VARIANCE REQUESTED. MR. & MRS. JOHN KLEIN, 2833 SUNRIDGE,** for relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

**ITEM #10 – VARIANCE REQUESTED. MR. ANTHONY LOGUE, 2651 E. SQUARE LAKE,** for relief of the rear yard setback to construct an addition expand a legal non-conforming structure and construct an addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

**ITEM #11 – VARIANCE REQUESTED. MS. LISAMARIE CLOUSE, 111 BLANCHE,** for relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

## AGENDA EXPLANATION

**2. Mr. Dan Simionescu, 691 OTTAWA.** Petitioner is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

This item first appeared before the Board of Zoning Appeals at the meeting of May 15, 2001 and was tabled until this meeting to allow the Board members to take a closer look at this property to determine the hardship. This tabling also was to allow the petitioner to determine if he could decrease the size of his request and to allow him to present to the Board an interior layout showing why this size of a building of this size is required.

**3. Mr. Mark Dykes, Home Properties, Canterbury Square – 2003-2281 Lovington.** Petitioner is requesting relief of the Zoning Ordinance to construct carports at Canterbury Square. Section 40.57.05 requires a 6' minimum setback from an accessory building to any side or rear property line. The site plan submitted indicates the proposed carports constructed right up to the north and east property lines.

**4. Mr. John Ardner, 2387 Topaz.** Petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo. Section 40.57.10 of the Zoning Ordinance required Board of Zoning Appeals approval for construction of a gazebo.

**5. Mr. John Bednarski, 456 Starr.** Petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. Section 40.57.04 limits the area of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The plans submitted indicate a 750 square foot detached garage. The footprint of the house is 1,242 square feet, which limits the size of accessory buildings on this site to 621 square feet.

**6. Mr. & Mrs. Joe Sandoval, 5338 Crowfoot.** Petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 30.10.04 requires a 40' minimum rear yard setback in the R1C Zoning District. The site plan submitted indicates a 32.8' rear yard setback to the proposed sunroom.

**7. Conservations Unlimited, Four Seasons Sunroom, 3513 Sherwood.** Petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 34.20.03 requires a 35' minimum rear yard setback in the R-1C Zoning District in

## AGENDA EXPLANATION

subdivisions developed using the open space option. The site plan submitted indicates a rear yard sunroom addition with a proposed 33'-6" rear yard setback.

**8. Mr. Bob McComb, 1343 Burns (proposed address) Petitioner** recently developed a five lot residential subdivision. Based upon the size of the original parcel, there was not enough land to create six lots. Two of the lots along the north side of the subdivision were platted at the minimum lot width while the westernmost lot was platted with all of the extra land. The petitioner is now requesting to divide that parcel of land into two buildable sites. Utilizing the lot averaging provisions of Section 34.10.00 of the Troy Zoning Ordinance, each lot in the R1C Zoning District requires 76.5' of lot width. The site plan submitted indicates that the proposed split would result in one parcel having 75.55' of lot width.

**9. Mr. & Mrs. John Klein, 2833 Sunridge.** Petitioners are requesting relief of the Zoning Ordinance to construct an addition to their home. The permit application indicates a 4.1' side yard setback to the existing home. The permit application further indicates a proposed addition with a 37.69' rear yard setback and a 5.13' side yard setback. Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback in the R1B Zoning District. The existing structure was built prior to the current setback regulations and therefore is a legal non-conforming structure. However, Section 40.50.04 prohibits expansions to non-conforming structures in a way that increases its non-conformity. Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the side and rear setbacks.

**10. Mr. Anthony Logue, 2651 E. Square Lake.** Petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition to an existing residence. The permit application indicates a 25.1' rear yard setback to the existing home. Section 30.10.05 requires a 40' rear yard setback in the R1D Zoning District. Based upon the age of this structure it is classified as a legal non-conforming structure. The plans also indicate a proposed second floor addition that will continue this 25.1' setback. Section 40.50.04 prohibits expansions to non-conforming structures in a way, which increases its non-conformity. Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the rear yard setback.

**11. Ms. Lisamarie Clouse, 111 Blanche.** Petitioner is requesting approval of the Board of Zoning Appeals to construct a barn to house two "mini" horses. Section 40.57.10 requires approval of the Board of Zoning Appeals for the construction of a barn. I should note that the petitioner has recently purchased a portion of the rear of the adjacent property to the west so that she can comply with the minimum parcel size of  $\frac{3}{4}$  acre required by Section 28.5 of Chapter 90 (Animal Ordinance) of the City Code.