

The Board of Zoning Appeals meeting was called to order by Chair Clark at 7:30 p.m. on March 16, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Glenn Clark
Kenneth Courtney
Donald L. Edmunds
Edward Kempen
Matthew Kovacs
David Lambert

Also Present:

Paul Evans, Inspector Supervisor
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – February 16, 2010

Resolution # BZA 2010-03-009

Motion by Edmunds
Support by Courtney

MOVED, To approve the February 16, 2010 Regular meeting minutes as published.

Yes: Bartnik, Clark, Courtney, Edmunds, Kempen, Lambert
Abstain: Kovacs

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, JAMES GREEN, 2325 KINGSBURY** – For relief to reconstruct the second floor over an existing detached accessory building:

- 1) A variance from Zoning Ordinance Section 40.56.02 which limits detached accessory building height to one story or 14 feet, to allow a 16.9 foot tall detached accessory building.
- 2) A variance from Zoning Ordinance Section 40.56.02 which requires the combined floor area of all detached accessory buildings not to exceed the ground floor footprint of the living area of the dwelling. The combined detached accessory building floor area after the reconstruction will be 3940 square feet. The ground floor footprint of the living area of the dwelling is 2614 square feet.

Mr. Evans presented a summary of the request for variances relating to height of a detached accessory building and ground floor area of all detached accessory buildings on the 3.2 acreage site. He addressed the site location, existing accessory buildings, and measurement specifications used by the City to determine height and usable square footage. Mr. Evans explained the floor surface area is not changing but the usable floor area is changing because of the increase in overall ceiling height for the majority of the structure.

The petitioner, James Green of 2325 Kingsbury, Troy, was present. Mr. Green said the original intent was to replace the roof, when it became apparent that the rafters and boards were rotted. The home improvement project resulted in additional square footage to accommodate a barn-like design.

James Diendorf of 23231 Hawthorne, Farmington, state licensed general contractor, was also present. Mr. Diendorf said the entire roof needs to be replaced, and Mr. Green would like the replacement to his preference.

Mr. Diendorf distributed photographs to the Board members.

There was discussion on the following:

- Use of additional square footage; i.e., storage, overhead clearance.
- Exterior style; traditional timber framing and historical appearance.
- First floor houses two miniature cows.
- Shed houses two tractors.
- Building has bathroom.
- Owner uses propane heat when working inside.
- No residential living in accessory building.

PUBLIC HEARING OPENED

Tim Opie of 2272 Prestwick, Troy, was present. Mr. Opie spoke favorably of the proposed construction and request for variances. He said his favorable comments are representative of the neighborhood, noting the neighbors are big proponents of the farm atmosphere.

PUBLIC HEARING CLOSED

Chair Clark announced the Planning Department received correspondence from David Vanker of 2289 Prestwick, who commented favorably on the request for variances.

Resolution # BZA 2010-03-010

Motion by Kovacs

Support by Edmunds

MOVED, To grant both variances; approve the total accessory building floor area to be 3940 square feet, where 2614 square feet is allowed, and increase the proposed midpoint to 16.9 feet tall, where 14 feet is allowed.

The variances would:

- Not be contrary to public interest.
- Do not permit the establishment of a prohibited use within a zoning district.
- Do not cause an adverse effect to properties in the immediate vicinity or zoning district.
- Relate only to property described in the application for variance.

Special Findings:

- Changing the roof style of the existing structure allows the petitioner increased use of the structure.
- Structure will be safer.
- The 3.2 acre parcel is a unique parcel in this area of the city.
- Applying the current Zoning Ordinance to this case precludes full enjoyment of the permitted use.
- Conforming is unnecessarily burdensome. Variance is not excessive.

Discussion on the motion on the floor.

Mr. Lambert voiced his support of the motion. He said the preservation and upkeep of the site would be an asset to the neighborhood.

Mr. Courtney commented that the change in building style similar to a barn is better than the appearance of an outbuilding.

Mr. Evans asked the petitioner if he was considering an alternative plan than originally submitted, based on the photographs distributed at tonight’s meeting.

Mr. Green addressed the traditional timber framing and rough-hewn board. He indicated the exterior appearance would be the same.

Vote on the motion on the floor.

Yes: All present (7)

MOTION CARRIED

4. COMMUNICATIONS

None.

5. MISCELLANEOUS BUSINESS

Mr. Kovacs apologized for his absence at last month's meeting. He spoke favorably on the electronic version of the agenda meeting packet.

Mr. Bartnik asked if the cable schedule had changed for the BZA meetings. He said there was no broadcast of the meeting on Friday at 5 p.m.

Mr. Evans addressed the smooth transition in going electronic. He asked for additional feedback/comments and indicated that April's board meeting would be distributed electronically only.

6. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 7:52 p.m.

Respectfully submitted,

Glenn Clark, Chair

Kathy L. Czarnecki, Recording Secretary

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