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.

BOARD OF ZONING 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 and sign in on the sheet provided. 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 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.



ZONING BOARD OF APPEALS MEETING AGENDA REGULAR MEETING

500 W. Big Beaver Troy, MI 48084 (248) 524-3364 www.troymi.gov planning@troymi.gov

Allan Kneale, Chair, and Glenn Clark, Vice Chair Michael Bartnik, Kenneth Courtney William Fisher, David Lambert, Thomas Strat Bruce Bloomingdale and Orestis Kaltsounis (Alternates)

July 17, 2012 7:30 P.M. Council Chamber

- 1. ROLL CALL
- 2. <u>APPROVAL OF MINUTES</u> June 19, 2012
- APPROVAL OF AGENDA
- 4. HEARING OF CASES
 - A. VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS In order to split the parcel into 3 separate parcels, a 2 foot variance from the requirement that the parcels be at least 100 feet wide.

SECTION: 4.06

- 5. <u>COMMUNICATIONS</u>
- 6. MISCELLANEOUS BUSINESS
- 7. PUBLIC COMMENT
- 8. ADJOURNMENT

On June 19, 2012, 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:

Michael Bartnik
Kenneth Courtney
William Fisher
Allen Kneale
David Lambert
Orestis Kaltsounis

Also Present:

Thomas Strat

Paul Evans, Zoning and Compliance Specialist Allan Motzny, Assistant City Attorney Bruce Bloomingdale, Alternate (in audience)

Absent:

Glenn Clark

2. <u>APPROVAL OF MINUTES</u> – May 15, 2012

Moved by Lambert Seconded by Courtney

RESOLVED, to amend the May 15, 2012 meeting minutes.

Yes: All

MOTION PASSED

Moved by Courtney Seconded by Fisher

RESOLVED, to approve the May 15, 2012 meeting minutes.

Yes: All

MOTION PASSED

3. <u>APPROVAL OF AGENDA</u> – No changes

4. HEARING OF CASES

A. VARIANCE REQUEST, TOM KASZUBSKI, NORTH WOODWARD COMMUNITY FOUNDATION, 3668 LIVERNOIS, TROY FAMILY DAZE FESTIVAL – In order to conduct an outdoor special event (Troy Family Daze Festival): 1) A variance from the requirement that hours of operation end no later than 8:00 pm on Thursday and Sunday, and no later than 10:00 pm on Friday and Saturday, and 2) a variance from the 4 consecutive day maximum duration for any one event. Applicant proposes to end daily events 1 hour beyond the required times. The proposed event is to last for 8 days (4 day festival plus 4 days devoted to setup and tear down). The event is scheduled for September 10-17, 2012. Applicant is requesting approval for the same event for a 3 year period.

Moved by Bartnik Second by Courtney

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

B. <u>VARIANCE REQUEST</u>, <u>AARON PLOSS</u>, <u>5532 PATTERSON</u> – In order to construct an addition to the home, a 3.5 foot variance from the requirement that the addition be set back 40 feet from the rear property line.

Moved by Lambert Second by Strat

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- 5. <u>COMMUNICATIONS</u> None
- MISCELLANEOUS BUSINESS Amend Rules of Procedure to change regular meeting start time to 7:00 p.m.

Moved by Kneale Second by Bartnik

RESOLVED, to keep the regular meeting time at 7:30 p.m.

There was informal consensus by the Board that the motion was not needed. No vote was taken.

- 7. PUBLIC COMMENT None
- 8. <u>ADJOURNMENT</u> The Zoning Board of Appeals meeting ADJOURNED at 8:08 p.m.

Respectfully submitted,	
Allen Kneale, Chair	
Paul Evans, Zoning and Compliance Specialist	

G:\BZA\Minutes\2012\Draft\2012 06 19 ZBA Minutes Draft.doc

4. <u>HEARING OF CASES</u>

A. VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS – In order to split the parcel into 3 separate parcels, a 2 foot variance from the requirement that the parcels be at least 100 feet wide.

SECTION: 4.06







ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT

500 W. BIG BEAVER ROAD TROY, MICHIGAN 48084 PHONE: 248-524-3364

DATE.

E-MAIL: evanspm@troymi.gov

http://www.troymi.gov/CodeEnforcement/#



REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL. PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST 27 DAYS BEFORE THE MEETING

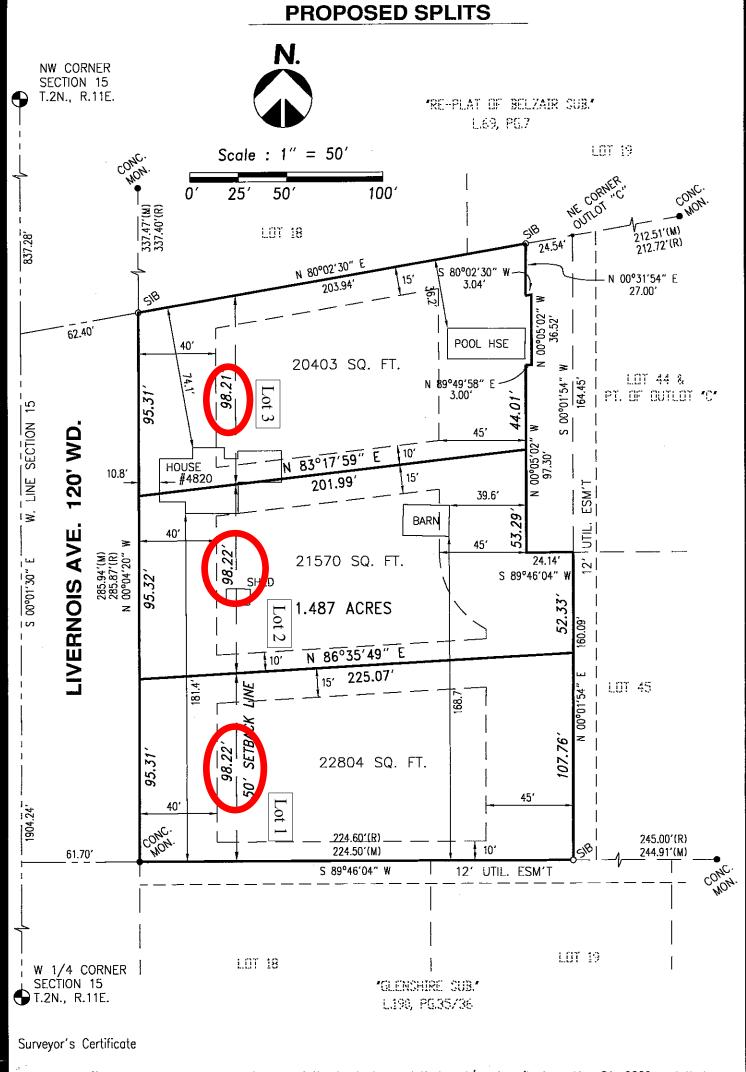
REGULAR MEETING FEE \$150.00 SPECIAL MEETING FEE \$650.00

1. ADDRESS OF THE SUBJECT PROPERTY: 4820 Livernois Rd, Troy-MI-48098 2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-15-102-010 3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 4. REASONS FOR APPEAL: On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist 5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: 6. APPLICANT INFORMATION: NAME Minal Gada & Ashish Mande COMPANY ADDRESS 4820 Livernois Rd,

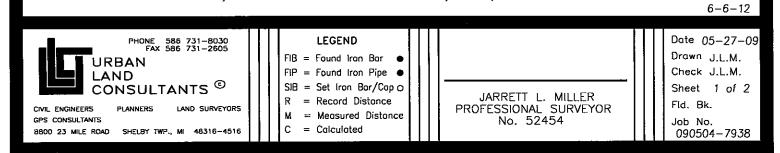
E-MAIL ashish manck@yahoo.com

STATE MI ZIP H8098

APPLICANT'S AFFILIATION TO THE PROPERTY OWNER:
OWNER OF SUBJECT PROPERTY: NAME Ashish Manelo 4 Minal Gada
COMPANY
ADDRESS 4820 Livernois Rd
CITY
TELEPHONE 248-566-1326
E-MAIL ashish manek@yahoo.com
undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the tof my (our) knowledge, information and belief.
applicant accepts all responsibility for all of the measurements and dimensions contained within this lication, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, consultants from any responsibility or liability with respect thereto
CERTAIN PRESENT CONDITIONS.
NATURE OF APPLICANT DATE 06 18 2012
NT NAME: Ashish Manele & Minal Gada
NATURE OF PROPERTY OWNER (1) MIN / DATE 06/18/20)2
NT NAME: Ashish Manch & Mind Gada



I hereby certify that I have surveyed and mapped the land above platted and/or described on May 21, 2009 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.



To, Board of Zoning Appeal, City of Troy Michigan. Date: June 20th 2012

Subject:- Variance for Split lots 1,2 & 3 for current Property Location 4820 Livernois Rd, Troy, MI

Dear Sir/ Madam,

I, Ashish Manek and my wife Minal Gada (Current Owners) of property @ 4820 Livernois Rd, Troy, MI 48098. We are proud residents of city of troy for last 5 years and 4 months at current resident. We would like to apply to split the lot as per drawings submitted in this application.

We are requesting for 3 lots as per plans & drawings submitted.

- This lots are unique as they have more depth and have bigger width in back.
- All 3 lots meet and exceeds the city of troy R1-B (Single Family Residential) acreage requirement (approx 20,000 sq-ft/each),
- All this lots are short of 1.88 ft average (less then 2.0%) at Front Setback. i.e 98.22ft instead of 100ft, we are asking for variance, Due to Hardship of irregularity & Pie shape Lot.

Also, Please find attached document that support the following.

- 1) Average Acreage in surrounding subdivision
- 2) Average width in surrounding subdivision.

As our proposed lots meets acreage requirement and as per our survey this three lots would not cause any kind of adverse effect to properties in immediate vicinity or in the zoning district. They would give more revenue to city of troy in taxes.

We request you to approve our application.

Thank you for your cooperation.

Yours sincerely

Minal Gada & Ashish Manek



4820 Livernois and Near by property Facts

Lot Identification	City Acreage/ Frontage Requirement	Acreage	Actual Frontage	Subdivision	Constructi on Year	Address
26	15000/100	17250	115	Opposite Subdivision	1990's	Braemar Dr
48	15000/100	13500	90	Opposite Subdivision	1990's	Braemar Dr
70	15000/100	13500	90	Opposite Subdivision	1990's	Braemar Dr
92	15000/100	13500	90	Opposite Subdivision	1990's	Braemar Dr
114	15000/100	17250	115	Opposite Subdivision	1990's	Braemar Dr
139	15000/100	13500	90	Opposite Subdivision	1990's	Braemar Dr
117	15000/100	13500	90	Opposite Subdivision	1990's	Braemar Dr
95	15000/100	13500	90	Opposite Subdivision	1990's	Braemar Dr
73	15000/100	17250	115	Opposite Subdivision	1990's	Braemar Dr
41	15000/100	16100	115	Opposite Subdivision	1990's	Aberdeen Dr
47 Opposite to lot	15000/100	13580	97	Opposite Subdivision	1990's	Aberdeen Dr
47 Next to house	15000/100	19932	132	Same Subdivision	1980's	Aberdeen Dr
53	15000/100	7910	56.5	Opposite Subdivision	1990's	Aberdeen Dr
59	15000/100	7410	57	Opposite Subdivision	1990's	Aberdeen Dr
72	15000/100	15400	110	Opposite Subdivision	1990's	Aberdeen Dr
94	15000/100	13500	90	Opposite Subdivision	1990's	Aberdeen Dr
116	15000/100	13500	90	Opposite Subdivision	1990's	Aberdeen Dr
138	15000/100	13500	90	Opposite Subdivision	1990's	Aberdeen Dr
65	15000/100	10200	68	Opposite Subdivision	1990's	Aberdeen Dr
71	15000/100	8850	59	Opposite Subdivision	1990's	Aberdeen Dr
4781	15000/100	29600	160	Same Subdivision	1980's	Dorshire Dr
61	15000/100	16500	125	Same Subdivision	1980's	Glenshire Dr
75	15000/100	15708	119	Same Subdivision	1980's	Glenshire Dr
174	15000/100	13440	64	Same Subdivision	1980's	Glenshire Dr
187	15000/100	10132	68	Same Subdivision	1980's	Glenshire Dr
173	15000/100		70	Same Subdivision	1990's	Glenshire Dr
186	15000/100		56.05	Same Subdivision	1990's	Glenshire Dr
72	15000/100	17000	56.01	200 meters from Property	2004	Whitney Ct
56	15000/100	17000	56.01	200 meters from Property	2004	Whitney Ct
40	15000/100	16000	79	200 meters from Property	2004	Whitney Ct
Average	15000	15111.56	83.72	Averages		_
Proposed Parcel 1	15000	22804	98.22	Unique lot]
Proposed Parcel 2	15000	21570	98.22	Unique lot		1
Proposed Parcel 3	15000	20403	98.21	Unique lot		1



Parcel Variance Report



Address: Parcel Frontage:

76 GLENSHIRE 104

Address: Parcel Frontage:

61 GLENSHIRE 125

Address: Parcel Frontage:

65 ABERDEEN 68

Address: Parcel Frontage:

4901 LIVERNOIS 100

Address: Parcel Frontage:

4890 DORSHIRE 130

Address: Parcel Frontage:

18 BELHAVEN 171

Address: Parcel Frontage:

4885 DORSHIRE 120

Address: Parcel Frontage:

70 BELHAVEN 120

Address: Parcel Frontage:

4883 LIVERNOIS 100

Address: Parcel Frontage:

26 BRAEMAR 115

Address: Parcel Frontage:

110 WILTON 138

Address:	Parcel Frontage:
47 ABERDEEN	97
Address:	Parcel Frontage:
4860 LIVERNOIS	137
Address:	Parcel Frontage:
48 BRAEMAR	90
Address:	Parcel Frontage:
41 ABERDEEN	115
Address:	Parcel Frontage:
53 ABERDEEN	100
Address:	Parcel Frontage:
4820 LIVERNOIS	286
Address:	Parcel Frontage:
4781 DORSHIRE	160
Address:	Parcel Frontage:
103 GLENSHIRE	118
Address:	Parcel Frontage:
115 WILTON	197
Address:	Parcel Frontage:
4845 DORSHIRE	196
Address:	Parcel Frontage:
75 GLENSHIRE	125
Address:	Parcel Frontage:
47 GLENSHIRE	150
Address:	Parcel Frontage:
59 ABERDEEN	57
Address:	Parcel Frontage:
64 GLENSHIRE	118
Address:	Parcel Frontage:
90 GLENSHIRE	104

Summary Parcel Frontage

Address: 50 GLENSHIRE

Number of Parcels Selected	27
Avg (Mean)	(130)
Standard Deviation (STDEV)	<mark>46</mark>)

Parcel Frontage:



Parcel Variance Report



Address: Parcel Frontage:

61 GLENSHIRE 125

Address: Parcel Frontage:

18 BELHAVEN 171

Address: Parcel Frontage:

4885 DORSHIRE 120

Address: Parcel Frontage:

70 BELHAVEN 120

Address: Parcel Frontage:

4860 LIVERNOIS 137

Address: Parcel Frontage:

4820 LIVERNOIS 286

Address: Parcel Frontage:

4781 DORSHIRE 160

Address: Parcel Frontage:

4845 DORSHIRE 196

Address: Parcel Frontage:

75 GLENSHIRE 125

Address: Parcel Frontage:

47 GLENSHIRE 150

Summary Parcel Frontage

Number of Parcels Selected	10
Avg (Mean)	(159)
Standard Deviation (STDEV)	<mark>51</mark>)



Parcel Variance Report



Address: Parcel Frontage: **451 BELDALE**

148

Address: Parcel Frontage:

375 BELHAVEN 132

Address: Parcel Frontage:

481 BELDALE 320

Address: Parcel Frontage:

520 BELDALE 115

Address: Parcel Frontage:

476 BELDALE 130

Address: Parcel Frontage:

410 BELDALE 130

Address: Parcel Frontage:

314 BELDALE 148

Address: Parcel Frontage:

344 BELDALE 148

Address: Parcel Frontage:

376 BELHAVEN

Address: Parcel Frontage:

255 WILTON 125

Address: Parcel Frontage:

185 WILTON 135

Address:	Parcel Frontage:
229 WILTON	130
Address:	Parcel Frontage:
203 WILTON	130
Address:	Parcel Frontage:
285 WILTON	150
Address:	Parcel Frontage:
280 WILTON	276
Address:	Parcel Frontage:
307 WILTON	136
Address:	Parcel Frontage:
110 WILTON	138
Address:	Parcel Frontage:
170 WILTON	155
Address:	Parcel Frontage:
140 WILTON	144
Address:	Parcel Frontage:
230 WILTON	158
Address:	Parcel Frontage:
157 WILTON	135
Address:	Parcel Frontage:
4820 LIVERNOIS	286
Address:	Parcel Frontage:
200 WILTON	158
Address:	Parcel Frontage:
4781 DORSHIRE	160
Address:	Parcel Frontage:
386 BELHAVEN	136
Address:	Parcel Frontage:
498 BELDALE	124
Address:	Parcel Frontage:
115 WILTON	197
Address:	Parcel Frontage:
4845 DORSHIRE	196
Address:	Parcel Frontage:
432 BELDALE	130
Address:	Parcel Frontage:
454 BELDALE	130
Address:	Parcel Frontage:
338 WILTON	161
Address:	Parcel Frontage:
396 BELHAVEN	135

Address: Parcel Frontage: 310 WILTON 161

Summary Parcel Frontage

Number of Parcels Selected	33
Avg (Mean)	(157)
Standard Deviation (STDEV)	48

From: Kimberly A Harper
To: Paul M Evans

Subject: RE: Emailing: 4820 Livernois complete.pdf
Date: Friday, June 29, 2012 4:14:44 PM

Assessing would approve:

Splitting of Lot 1 from the parent parcel. Lots 2 & 3 would be able to be split ONCE the house was removed.

At each time a split is requested, the variance would of course need to be approved but also all tax and invoices must be paid in full and a certified survey provided for each split which will include new legal descriptions.

From: Paul M Evans

Sent: Friday, June 29, 2012 4:09 PM

To: Kimberly A Harper

Subject: Emailing: 4820 Livernois complete.pdf

Kim:

Please see attached, particularly page 3.

This lot split will be heard by the Zoning Board of Appeals July 17.

He intends on splitting the lots before removing the house.

As you can see, he proposes new lot line down through the existing house.

Presuming he will get his variance,

- would Assessing be able to process the split without the house being removed?
- Could Assessing approve splitting just the southerly parcel? He wants to build a house on this parcel.

If granted, the variance would be good for a year. Before it expires, could he, in this order:

- Receive the varaince
- Split the southerly parcel
- Build house on southerly parcel

- Remove old house and
- then get Assessing to give him his other split

Thanks.

The message is ready to be sent with the following file or link attachments:

4820 Livernois complete.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.