STATEMENT OF PRACTICAL DIFFICULTY

In order for a variance to be granted, a practical difficulty, as determined by the Board, must be present. On a separate sheet, please clearly identify and explain the practical difficulty justifying the variance request. The practical difficulty must be clearly related to as many of the 5 standards below as possible:

- 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 – OPENING STATEMENT

Zoning Board of Appeals is a group of seven of your neighbors appointed by City Council to decide 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 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 and 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.) 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 postpone the request. In order for the request to pass a minimum of four votes are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.



500 West Big Beaver Troy, MI 48084 troymi.gov

248.524.3364 planning@troymi.gov

ZONING BOARD OF APPEALS MEETING AGENDA

Glenn Clark, Chairman, Daniel Agauas, Vice Chairman Michael Bossenbroek, Thomas Desmond, David Eisenbacher Jim McCauley, Sadek Rahman,

March 17, 2020

7:30 P.M.

Council Chamber

- 1. ROLL CALL
- 2. PROCEDURE
- 3. <u>APPROVAL OF MINUTES</u> February 18, 2020
- 4. APPROVAL OF AGENDA
- 5. <u>HEARING OF CASES</u>
 - A. <u>VARIANCE REQUEST, NICHOLAS AND JULIE SANTINI, 3539 SALEM</u>: A variance request to have a commercial vehicle (school bus) parked outside. The Zoning Ordinance allows one commercial vehicle, either a pickup truck or passenger/cargo style van.

ZONING ORDINANCE SECTION: 7.12

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

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at <u>clerk@troymi.gov</u> 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 February 18, 2020 at 7:35 p.m., in the Council Chambers of Troy City Hall, Member Eisenbacher, acting Chairman, called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present: Michael Bossenbroek Thomas Desmond David Eisenbacher Aaron Green James McCauley Sadek Rahman

<u>Also Present:</u> Paul Evans, Zoning and Compliance Specialist Allan Motzny, Assistant City Attorney

- 2. <u>PROCEDURE</u>
- 3. <u>APPROVAL OF MINUTES</u> January 21, 2020

Moved by McCauley Seconded by Desmond

RESOLVED, to approve the January 21, 2020 meeting minutes.

Yes: All

MOTION PASSED

- 4. <u>APPROVAL OF AGENDA</u> No changes
- 5. <u>HEARING OF CASES:</u>
 - A. <u>VARIANCE REQUEST, GARY ABITHEIRA, 1151 WOODSLEE</u>: A variance request to construct a two dwelling residence on a property that has less than the 5,000 square foot minimum area per dwelling unit.

Moved by McCauley Second by Desmond

RESOLVED, grant the request.

Yes: All

MOTION PASSED

B. <u>VARIANCE REQUEST, AL MERIAN FOR AL MERIAN CONSTRUCTION LLC, 920</u> <u>LONGFELLOW:</u> A variance request to construct a home addition less than the 40 foot minimum required setback from the rear property line.

Moved by McCauley Second by Desmond

RESOLVED, grant the request.

Yes: Rahman, Desmond, Eisenbacher, McCauley No: Bossenbroek, Green

MOTION PASSED

- 6. <u>COMMUNICATIONS</u> None.
- 7. <u>MISCELLANEOUS BUSINESS</u> None.
- 8. <u>PUBLIC COMMENT</u> One person commented.
- 9. <u>ADJOURNMENT</u> The Zoning Board of Appeals meeting ADJOURNED at 8:39 pm.

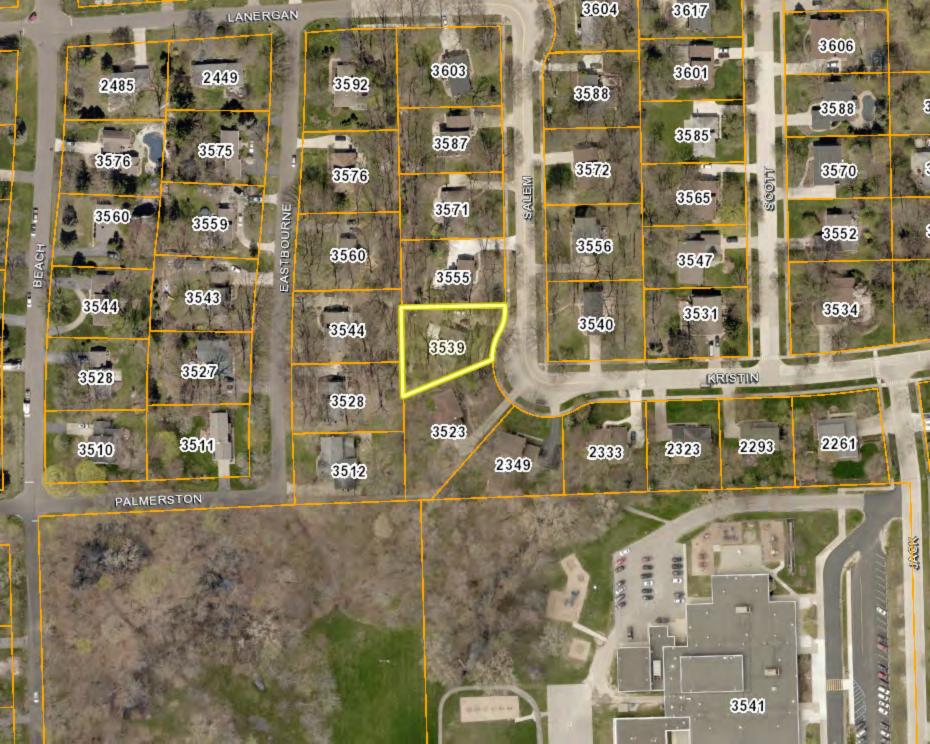
Respectfully submitted,

Glenn Clark, Chairman

Paul Evans, Zoning and Compliance Specialist

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Article 2 Definitions



CLUB: An organization and its premises catering exclusively to members and their guests for social intellectual, recreational, cultural, or athletic purposes not operated for profit.

COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

COMMERCIAL VEHICLE: PICK-UP TRUCK: A light truck, including one with an "extended cab" or a "crew cab", manufactured with an open body, low sides, and a tailgate.

COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN: An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout.

CONCEPT DEVELOPMENT PLAN (CDP): The initial plan submitted for Planned Unit Development approval in accordance with Article 11. The Concept Development Plan describes the overall design of the project and its buildings and requires legislative approval. Considered in tandem with a development agreement, approval of a Concept Development Plan by City Council also reclassifies the property as PUD on the Zoning District Map.

CONDOMINIUM PROJECT, CONVENTIONAL: A development in which ownership interest is divided under the authority of the Condominium Act (P.A. 59 of 1978, as amended) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

CONDOMINIUM, GENERAL COMMON ELEMENTS: Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (P.A. 59 of 1978, as amended).

CONDOMINIUM, LIMITED COMMON ELEMENTS: Portions of the condominium development other than the condominium unit reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined by the Condominium Act (P.A. 59 of 1978, as amended).

CONDOMINIUM, MASTER DEED: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 or 1978, as amended.

CONDOMINIUM PROJECT, SITE: A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

Definitions

Figures & Maps

Zoning Map

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Nonconformity



- 4. Recreation vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e. engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreation vehicle or equipment.
- C. Non-Residential Districts. The storage of recreational vehicles and equipment in nonresidential districts when it is not associated with the business of the property shall be prohibited.

SECTION 7.12 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DIS-TRICTS

Outdoor parking of commercial vehicles is prohibited in residential districts, with the following exception:

A. The outdoor parking of one (1) commercial vehicle of one (1) of the following two (2) (types is permitted for each dwelling unit on a residential lot or parcel:

1. A Commercial Vehicle: Pick-up Truck, as defined in Article 2.0; or

2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Article 2.0.

SECTION 7.13 TEMPORARY BUILDINGS, STRUCTURES, AND USES

- A. Intent. Certain temporary buildings, structures, or uses of limited duration shall be permitted, subject to the standards set forth in this Section. Temporary buildings, structures, uses, shall not involve the construction or alteration of any permanent building or structure, and are discontinued and removed upon expiration of an approved time period. The Zoning Administrator may issue a permit for temporary structures and uses based upon receipt of an application, plot plan, compliance with permit requirements of this Section, and a permit fee as applicable.
- B. Exception. This Section shall not apply to any uses regulated by Chapter 61 Temporary Merchant Businesses.
- C. Application Requirements and Standards for Review.

Table of Contents

1. Application. An application for approval of any temporary use, building, or structure shall be filed with the Zoning Administrator. The request shall include, at a minimum, the following information:

Definitions

Figures & Maps

a. The name, address, and telephone number of the applicant.

Zoning Map

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Tables

Nonconformity



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48084 | 248-524-3364

Zoning Board of Appeals Application

March meeting

deadline

planning@troymi.gov | Fee \$150.00

IS February 17 THE ZONING BOARD OF APPEALS MEETS THE THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL. PLEASE FILE A COMPLETE DIGITAL APPLICATION AND FEE AT LEAST 29 DAYS BEFORE THE MEETING DATE. PRE APPLICATION MEETING WITH PLANNING DEPARTMENT REQUIED BEFORE FILING APPLICATION.

| 1. | ADDRESS OF THE SUBJECT PROPERTY: 3539 SALEM ROAD, TROY, M, 4808 |
|----|--|
| 2. | PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-19-254-011 |
| 3. | ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 7.11; 1.12 |
| 4. | HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: |
| 5. | APPLICANT: NAME JULIE L. SANTINI |
| | COMPANY DETROIT COUNTRY DAY SCHOOL |
| | ADDRESS 3539 SALEM ROAD |
| | CITY TROY STATE MI ZIP 48084 |
| | PHONE 248. 229. 5915 |
| | E-MAIL GREATSANTINIS CAOK. COM |
| | AFFILIATION TO THE PROPERTY OWNER: PROPERTY OWNER |



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48084 | 248-524-3364 Zoning Board of Appeals Application

6. PROPERTY OWNER: NAME______UIE L. SANTINI COMPANY_DETROIT COUNTRY DAY SCHOOL

ADDRESS 3539 SALEM ROAD CITY ZIP 48084 STATE GREATSANTINIS @ ASL. COM E-MAIL

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.

SULIE L. SANTINI (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. DATE 2.8.20 APPLICANT SIGNATURE PRINT NAME: JU/IE DATE of PROPERTY OWNER SIGNATURE nue PRINT NAME: JULIE L. JANTINI

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. The applicant will be notified of the time and date of the hearing by mail. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

Approved variances are good for a one year period.

Revised July 31, 2019

STATEMENT OF PRACTICAL DIFFICULTY

As far as the characteristics that would make it difficult to park the bus on our property are concerned for requesting a variance, there are no physical barriers.

a)

1. We have an exceptionally long driveway, which widens at the end. The driveway goes back farther than our garage. So the bus is pulled back behind the front of our house. We are able to park another car next to the bus and behind the garage also.

2. It is only irregularly shaped at the end, which is wide enough to accommodate the bus, which is my current parking space.

3. There are no bushes, grass or other vegetation getting affected by the bus. It is solely parked on the pavement of our driveway.

4. It is parked twelve feet from our next-door neighbor's property line. If it is parked closer to the front of my garage door, it's fifteen feet away from their property line.

5. It cannot be seen until you are walking or driving in front of my home.

6. It is equipped with eight seats.

7. The bus that is currently parked on my property is:

22 feet, 6 inches in length; 8 feet wide; 8 feet in height

b)

1. Our lot is as large as or larger than the surrounding lots in the same zoning district.

2. Our driveway is larger and wider than other driveways in the same zoning area. The dimensions are

12 feet wide, 39 feet long - Driveway, sidewalk to front of side-entry

garage; 32 feet wide: 27 feet long -parking area and entry into garage.

3. The width at the end of our driveway accommodates two vehicles, the bus and our Malibu, parked side by side. The Malibu is not blocked at all, and can get into and out of our driveway with ease, with enough room to enter and leave our property.

c)

1. I am currently parking this bus on my property due to new employment with Detroit Country Day Schools. I was given a bus route that is closer from my home to my students' homes. Detroit Country Day School bus lot is located at Nine-and-a-half and Telegraph Roads. Their policy with the smaller buses is that the employees take the buses home, in order to be able to pick up students, with pick- up times taken into consideration. My first pick up is at 6:12 a.m. in the morning. I leave my home at 5:45 a.m. to be able to keep to the schedule. Another reason for taking home buses is because Detroit County Day School bus lot is not able to fit all the buses that are in use.

d)

1. There are no characteristics that make compliance with the dimensional requirements that were made by us or a previous owner.

e)

1. Parking the bus in my driveway is not harmful in any way, other than it's a commercial vehicle, that happens to be a small, yellow school bus, which has Detroit Country Day School's logo on both sides of the bus.

2. It does not affect light or air to our neighbors.

3. It does not increase congestion of traffic on our street. I leave very early in the morning. In the evening I am usually home about 7:00 p.m. So I encounter very little traffic both times of the day. I am very aware and courteous of the other vehicles driving down our street approaching both ways, as well as pedestrians walking by my house, when I am parking. I put my hazards on and wait for all traffic and pedestrians to pass around me, both ways, before I back into my driveway.

4. It is no more of a health or fire hazard than a car, minivan or SUV. It is Chevy- made, runs on unleaded gasoline. No diesel fuel. It is not equipped with an airbrake, so it is quiet. It's really no different than driving my Jeep Grand Cherokee, other than the height of the bus.

5. This vehicle parked in my driveway will not endanger public safety in any way. It is not a public health hazard, safety hazard or comfort hazard. It is not considered immoral or offensive. As a matter of fact, Detroit Country Day School services Troy residents' children. And I have since found out, at least one employee of Detroit Country Day School, a teacher, lives in my neighborhood, and walks by my house regularly.

Statement of practical difficulty

I am a school bus driver for Detroit Country Day School. My day starts at 4:30 a.m., Monday through Friday. I have the bus parked in my driveway for these reasons.

First, Detroit Country Day's policy is for the bus drivers, who drive the small buses, to take them home at the end of the day.

Secondly, the bus parking lot is not large enough to accommodate all the buses.

Thirdly, Detroit Country Day's lot is located at Nine-and-a-half Mile and Telegraph Roads.

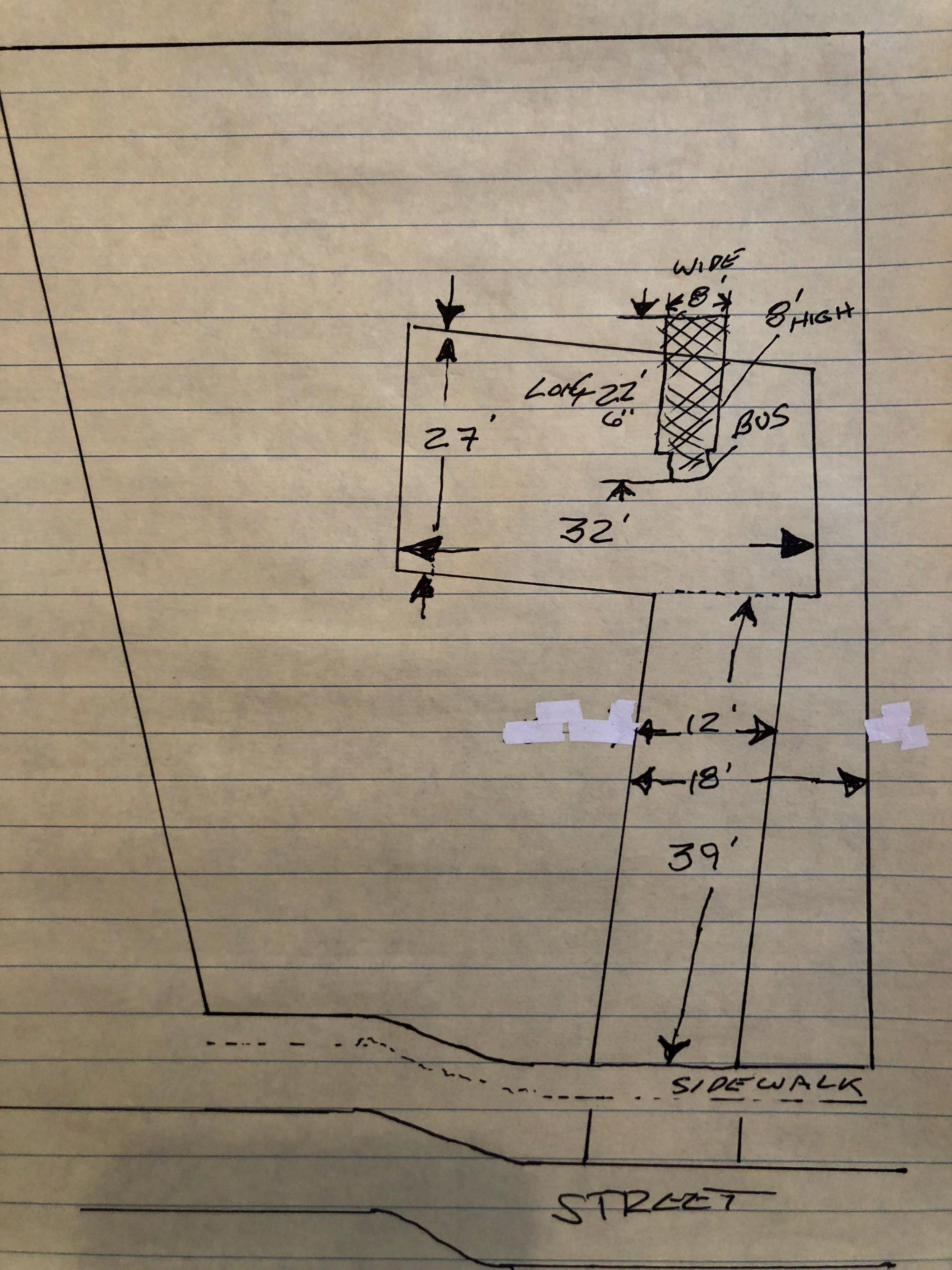
And lastly, my first pick-up is at Adams and Silver Bell Roads in Oakland Township.

I leave my house to pick up the first children on my route at 5:45 a.m. I am scheduled to pick them up at 6:12 a.m. After that, I have three other stops to pick up students. I then drive to Detroit Country Day High School at Thirteen Mile and Lahser Roads. I need to be there by 7:45 a.m. I then go to the Lower School and drop my little ones by 7:55-8:00 a.m.

I am scheduled to work in the afternoon to take home all my students. I leave my house to head to the high school, where all of my students will be waiting for me. There are two pick-times each day, 3:30 p.m. and 5:30 p.m. The 3:30 p.m. is for after school and the 5:30 p.m. is for students who stay for their afterschool activities.

When I have taken all my students home for the day, which is about 7:00 p.m. I am fortunate enough to be able to go directly home, instead of going to the bus yard at Nine-and-a-half Mile and Telegraph.

So, the practical hardship is a time one. I would have to add another two hours going to and from the bus yard in the morning and at the end of the day. That would add two more hours, at least, to my day. On a day with winter advisories, that adds another hour-and-a-half, at best. I understand that these are personal reasons. But to be fair, this is my livelihood. I am just trying to work for my family.



MURIGAGE CERIFICAIE

CERTIFIED TO ALL TITLE COMPANIES AND TO: STANDARD FEDERAL BANK

Applicant: NICHOLAS C. AND JULIE L. SANTINI

Property Description: Lot 11 of SOMERSET ESTATES NO. 1, City of Troy, Cakland County, Michigan, as recorded in Liber 130 of Plats, Pages 40 and 41 of Oakland County Records.

