

A Special Meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Wednesday, June 29, 1988, by the Chairman, Carmelo Milia.

PRESENT: Peter Dungjen
James Giachino
Gary Lepp
John Lovio
Carmelo Milia
John Pappageorge
Sherwood Shaver

ITEM #1. VARIANCE REQUESTED: Ronald and Barbara Lepri, 5394
Hertford, for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct an 18'x12' enclosed patio onto the rear of an existing residence. The proposed addition would result in a rear yard setback of 42.2 feet. The Zoning Ordinance requires a minimum rear yard setback of 45 feet in this residential zoned district.

Ronald Lepri, Barbara Lepri and Steve Rossman, Patio Enclosures were present. Mr. Lepri explained that when they purchased their lot they did not realize that it was smaller than many of the surrounding lots. The proposed enclosed patio is the same size as their existing patio, which they find to be a functional size. If they were to meet the required setback, they would only be allowed an 9'3" addition, which would not allow for their furniture, nor would it be a functional size. They feel that they have a hardship in that they are restricted because of a smaller lot. The Lepri's further stated that they have talked to several of the immediate neighbors and they had no objection to the proposed addition.

The chairman opened the public hearing.

There were not comments from the audience.

The chairman closed the public hearing.

There were 6 letters of approval on file: Margaret V. Riddle, 5343 Folkstone - Gerald Curcio, 5362 Winchester - Maryann and D. Canniff, 5410 Hertford - M. J. Husson, 5379 Hertford - Edward Fleischer, 5409 Hertford - Gary H. and Sandra L. Jestic, 314 Folkstone Ct.

Motion by Pappageorge
Supported by Shaver

MOVED, to grant Ronald and Barbara Lepri, 5394 Hertford, a variance, as requested, for relief of the rear yard setback - 42.2 feet where 45 feet is required, based on the following:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to the property described in the application.
5. Compared to the rest of the subdivision, this lot has a dimensional problem.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

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ITEM #2. VARIANCE REQUESTED: Orestes & Kessie Kaltsounis, 5058 John R. (Creative Learning Center), for relief of the 10 foot greenbelt required at the John R. frontage.

Mr. Stimac explained that the petitioner is requesting a permit to construct an addition onto a child care center that is located on the east side of John R. just north of Long Lake Road. The site plan indicates that they will not have the required 10 foot landscaped greenbelt along the front property line at John R. The plans do indicate that they do comply with the landscaping requirements of the site but due to the type of entrance and parking area, the 10 feet greenbelt with the 5 trees that are required in it are omitted from the plan. It appears that the plan has trees and landscaping in excess of what is required but they are not located in the right area.

James Stolakis, the Architect, was present. Mr. Stolakis explained that the proposed addition requires additional parking and that they provide the greenbelt. The location of the building does not allow the room for the parking, drive and greenbelt. Even if they were to move parking to the rear, which would take away from the required play area, they still could not meet the greenbelt requirement. Without the variance, it will effect the needed expansion and cause an economic hardship.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There was 1 letter of objection on file: Donna L. Tafelski, 5144 Orchard Crest.

Motion by Lovio
Supported by Lepp

MOVED, to deny the request of Orestes & Kessie Kaltsounis, 5058 John R. (Creative Learning Center), for relief of the required greenbelt, based on the following:

1. The petitioner has not demonstrated any hardship or sufficient reasons for a variance.

Ayes: 6
Nays: 1- Milia
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #3. VARIANCE REQUESTED: Gregory Wise, 1970 Kirkton, for relief of the side yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct a 18'x22' detached accessory building (garage). The plot plan indicates that the garage will be located 3 feet from the south property line. The Zoning Ordinance requires a minimum 6 foot setback to any side or rear property line for a detached accessory structure.

Gloria Wise, the owner and Larry Hanson of Father & Son Construction were present. Mrs. Wise explained that to move the garage over, would block the view of the rear yard from their bay window. They have proposed the minimum size garage needed to allow the view from the window. Also, when they purchased the home, 3 feet was the allowed setback.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

ITEM #3.

There were 2 letters of approval on file: Thomas Carroll, 2019 Kirkton - Ruth Maxwell, 1960 Beech Lane.

Motion by Giachino
Supported by Dungjen

MOVED, to grant Gregory Wise, 1970 Kirkton, a variance, as requested, for relief to construct a detached garage with a 3 foot setback from the side lot line where a 6 foot setback is required, based on the following:

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to properties in the immediate area or zoning district.
3. The variance relates only to the property described.
4. The Ordinance was changed to require 6 feet.
5. The location of the garage and the size of the garage has been situated to take advantage of the view.

Ayes: 5
Nays: 2- Milia, Lepp
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #4. VARIANCE REQUESTED: Ken and Jacqueline Werner, 5485 Cheltenham, for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct an open deck onto the rear of an existing residence. The site plan indicates that the proposed deck would result in a rear yard setback of 33 feet to the deck itself and 31 feet to the stairs that lead up to the deck. The Zoning Ordinance requires a minimum 35 foot setback to any portion of an open deck in this residential zoned district.

Ken Werner was present and stated that the size of the deck is to allow for enough room around the table. He has talked with the neighbors to the side and rear and they have no objection. To cut down the deck any further would make it too long and narrow with a hall way effect. Also because of the neighbors deck there would be no intrusion on privacy.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 5 approvals on file: James Lang, 5468 Corbin - Peter Kucyj, 5453 Cheltenham - David R. Fay, 5452 Corbin - C. P. McEachin, 5495 Corbin - John C. King, 5497 Cheltenham

Motion by Pappageorge
Supported by Giachino

MOVED, to grant Ken and Jacqueline Werner, 5485 Cheltenham, a variance, as requested, for relief to construct a deck which will result in a 33 foot rear yard setback where 35 feet is required, based on the following:

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
4. The petitioner has made every effort to minimize the variance, the variance is small.

ITEM #4.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #5. VARIANCE REQUESTED: Styl-Rite Homes, 5175 Spring Meadows,
for relief of the required side yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct a single family residence in a new subdivision, in the City of Troy. The subdivision is located on the north side of Long Lake between John R. and Dequindre. The site plan indicates that the residence will have a 9.25 foot setback from each side lot line. The Zoning Ordinance requires a minimum 10 foot side yard setback in this residential zoned district.

Jerry Lynn of Styl-Rite Homes and the owner, Pat McIntosh were present. The petitioners explained that the home has an enlarged study and bedrooms. The larger rooms are needed for additional closet space, furniture, books and stereo's. The petitioner has two teen age girls who need the larger rooms to accommodate their furniture and to give them larger closets. The petitioner indicated that they chose a standard home and enlarged it to meet their needs, also, the location was chosen because of the proximity to the commons area and pond. Also, they currently live in Troy and want to keep their two girls in the Troy Schools.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Dungjen
Supported by Lovio

MOVED, to deny the request of Styl-Rite Homes, 5175 Spring Meadows, for relief of the side yard setback - 9.25 feet where 10 feet is required, based on the following:

1. The petitioner has not demonstrated a practical difficulty or hardship.
2. There is adequate lot area to build within the ordinance.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #6. VARIANCE REQUESTED: Styl-Rite Homes, 5191 Spring Meadows,
for relief of the required setback from Duke Drive.

Mr. Stimac explained that the petitioner is requesting a permit to construct a single family residence in a new subdivision and the site is located at the southwest corner of Spring Meadows and Duke. This corner site requires a double front setback. The site plan indicates that the house will have a 29.5 foot setback to Duke Drive. The Zoning Ordinance requires a minimum 30 foot setback to both streets when a lot is considered to have double frontage.

ITEM #6.

Jerry Lynn of Styl-Rite Homes and the owner Mrs. Toten were present. The petitioners stated that the road curves at the rear portion of the lot which causes the rear corner of the home (family room) to encroach. This is one of the standard homes offered by the builder. This the size home is needed by the owner in that their family is out of town and would be staying with them when they come to visit. They have a mother-in-law who will probably eventually live with them. They currently live in Troy and hope to keep their children in the Troy School System.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

Motion by Shaver
Supported by Pappageorge

MOVED, to grant Styl-Rite Homes, 5191 Spring Meadows, a variance, as requested, for relief of the setback from Duke Drive - 29.5 feet where 30 feet is required, based on the following:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to property owners in the immediate vicinity or zoning district.
4. There is a practical difficulty with the characteristics of the site, due to a curve in the street.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #7. VARIANCE REQUESTED: Allstate Construction, and Mr. & Mrs. Clifford Porter, for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct a 23'x15' sun room addition onto the rear of an existing residence. The proposed addition would result in a rear yard setback of 32 feet. The Zoning Ordinance requires a minimum 45 foot rear yard setback in this residential zoned district.

Jim Bartoletti was present to represent Allstate Construction. The petitioner stated that due to the irregular shape of the lot, it is impossible to construct an addition without a variance, they would be limited to a 3 foot addition. The lot backs up to school district property and is adjacent to the bus parking area. Because of the proximity to the parking area, if they had an open patio, they will be subject to bus fumes.

The chairman opened the public hearing.

Stuart Heto, 4546 Heatherbrook, was present and stated that he is the only neighbor who would have a direct view of the proposed sun room addition and he has no objection.

There were no further comments from the audience.

The chairman closed the public hearing.

ITEM #7.

Motion Pappageorge
Supported by Dungjen

MOVED, to grant Allstate Construction/Mr. & Mrs. Porter, 4547 Heatherbrook, a variance, as requested, for relief of the rear yard setback to construct a sun room addition which will result in a 32 foot rear yard setback where 45 feet is required, based on the following:

1. The variance is not contrary to public interest.
2. The variance will not establish a prohibited use within the zoning district.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to the property described in the application.
5. The petitioner has a practical difficulty due to the irregular shape of his lot.
6. The most affected neighbor has no objections.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #8. APPLICATION WITHDRAWN

ITEM #9. VARIANCE REQUESTED: Rochester Home Improvement, 5700 Whitehaven, for relief of the rear yard setback.

Mr. Stimac explained that the petitioner is requesting a permit to construct an addition and an open deck onto the rear of an existing residence. The site plan indicates that there will be a 31.45 foot rear yard setback to the addition and the Zoning Ordinance requires a minimum 35 foot rear yard setback in this residential zoned district. The plan also indicates that the open patio deck will have a 23 foot rear yard setback and the Zoning Ordinance requires a minimum 25 foot rear yard setback to an open deck in this residential zoned district.

Mr. Stevens of Rochester Home Improvement was present and stated that the existing footings and knee walls were installed when the home was constructed. The footings were placed with the intent of constructing an enclosed patio. They have three sons and their family room is not large enough for gatherings. The cost of removing and re-constructing footings and the knee wall would be very costly - the deck would be too small to use.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: Jack Cavellier, 5716 Whitehaven

There were 4 letters of objection on file: Sam Bonanno, Jr., 5711 Glasgow - James and Margaret Zagacki, 5641 Glasgow - Lawrence and Christine Nelson, 5743 Glasgow - Mark Shuttleworth, 5727 Glasgow

Motion by Pappageorge
Supported by Lovio

MOVED, to grant Rochester Home Improvement, 5700 Whitehaven, a variance for relief of the rear yard setback to construct an addition which will result in a 31.45 foot setback where 35 feet is required and deny the request to construct a deck which would result in a 23 foot setback where 25 feet is required, based on the following:

ITEM #9.

1. The variance is not contrary to public interest.
2. The deck would extend too far into the rear yard.

Ayes: 7
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST FOR ADDITION AND DENY REQUEST FOR DECK
CARRIED.

The Board of Zoning Appeals adjourned at 8:53 p.m.

MS/ddb

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