500 West Big Beaver
Troy, MI 48084

# ZONING BOARD OF APPEALS <br> MEETING AGENDA 

Michael Bossenbroek, Chair, Thomas Desmond, Vice Chair Aaron Green, David Eisenbacher, Mahendra Kenkre, Jim McCauley, Tyler Fox, Barbara Chambers, Alternate, Jeffrey Forster, Alternate

FEBRUARY 20, 2024
7:00 P.M.
COUNCIL CHAMBERS

1. ROLL CALL
2. PROCEDURE
3. $\quad$ APPROVAL OF MINUTES - November 21, 2023
4. APPROVAL OF AGENDA
5. HEARING OF CASES:

5268 CROWFOOT, KEVIN FARRELL for GREAT DAY IMPROVEMENTS - A variance request to allow a proposed home addition to be constructed 31 feet from the rear property line, where the Zoning Ordinance requires the addition to be setback 40 feet from the rear property line.
6. COMMUNICATIONS
7. MISCELLANEOUS BUSINESS
8. PUBLIC COMMENT

## 9. ADJOURNMENT

## Zoning Board of Appeals Application

## 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. 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.

## MOTION TEMPLATE GRANT VARIANCE

## RESOLUTION TEMPLATE

Moved by:
Seconded by:
That the variance request for [applicant name, address or location], for [request]
Be granted for the following reasons:
The applicant has demonstrated that:
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

## Yeas:

Nays:
MOTION CARRIED / FAILED

## MOTION TEMPLATE DENY

Moved by:
Seconded by:
That the variance request for [applicant name, address or location], for [request]
Be denied for the following reason(s):
The applicant has not demonstrated that:
f) 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.
g) 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.
h) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
i) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
j) 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

## Yeas:

Nays:

## MOTION CARRIED / FAILED

## MOTION TEMPLATE POSTPONE

Moved by:
Seconded by:
RESOLVED, that the variance request for [applicant name, address or location], for [request] Be postponed for the following reason(s):

Yeas:
Nays:

## MOTION CARRIED / FAILED

## ZONING BOARD OF APPEALS - OPENING STATEMENT

The Zoning Board of Appeals is a group of seven of your neighbors appointed by the Troy 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. Applicants 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 approved agenda. When an item is called, the Chairperson will verify that the applicant is present. Then the City Administration will summarize the facts of the case. If there is less than a full board (7 members) present at a meeting, an applicant may request a postponement so his or her request can be heard by a full board. If there is no request for a postponement, the applicant will then be given an opportunity to address the Board to explain the justification for the action requested.

After the applicant makes their presentation, and answers any questions that the Board may have, the Chairperson will open the Public Hearing. Any person wishing to speak on the request should raise their hand and when recognized by the Chairperson, 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 Chairperson. Comments should be kept as brief as possible and closely pertain to the matter under consideration. Only one person will be recognized by the Chairperson to speak at one time.

At the conclusion of public comments, the Chairperson 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.

On November 21, 2023 at 7:00 p.m., Chairperson Bossenbroek called the Zoning Board of Appeals meeting to order.

## 1. ROLL CALL

Present:
Michael Bossenbroek
Barbara Chambers
Tommy Desmond
David Eisenbacher
Tyler Fox
Jeffrey Forster
James McCauley
Also Present:
Paul Evans, Zoning and Compliance Specialist
Allan Motzny, Assistant City Attorney
2. PROCEDURE- read by Vice Chair Desmond
3. APPROVAL OF MINUTES -

Moved by Fox
Seconded by Bossenbroek
RESOLVED, to approve the September 19, 2023 draft minutes.
Yes: All
MOTION PASSED
4. APPROVAL OF AGENDA - No changes
5. HEARING OF CASES:

4370 HEDGEWOOD, ANANDA PANDY - A variance request to allow a proposed home addition to be constructed 26 feet $13 / 8$ inches from the rear property line, where the development approval requires the addition to be setback 35 feet from the rear property line.

Moved by Eisenbacher
Seconded by Fox
RESOLVED, to grant the request.
Yes: Eisenbacher, Chambers, Kenkre, Fox, Desmond, Forster
No: McCauley, Bossenbroek

## MOTION PASSED

6. COMMUNICATIONS - Mr. Fox reported a Master Plan status update. Mr. Evans advised there is no December business and the meeting will be cancelled.
7. MISCELLANEOUS BUSINESS - None
8. PUBLIC COMMENT - None
9. ADJOURNMENT - The Zoning Board of Appeals meeting ADJOURNED at 7:35 p.m.

Respectfully submitted,

Michael Bossenbroek, Chairperson

Paul Evans, Zoning and Compliance Specialist

5268 CROWFOOT, KEVIN FARRELL for GREAT DAY IMPROVEMENTS - A variance request to allow a proposed home addition to be constructed 31 feet from the rear property line, where the Zoning Ordinance requires the addition to be setback 40 feet from the rear property line.




DATE: January 18, 2024
TO: Zoning Board of Appeals
FROM: Paul Evans, Zoning Compliance Specialist
SUBJECT: Variance request 5268 Crowfoot
The applicant has included photos of area homes with rear yard additions. All have received Building Permits.

5338 Crowfoot \& 2387 Saffron Ct. received variances in 2001 \& 1992 respectively.
5196 Tucker is a non-existent address number.
2221 Mayflower appears to be mislabeled. We believe the correct address is 2205 Mayflower.
The others, including 2205 Mayflower, were compliant with setbacks and did not need variances.
planning@troymi.gov | Fee: $\$ 500.00$

THE ZONING BOARD OF APPEALS MEETS THE THIRD TUESDAY OF EACH MONTH AT 7:00 P.M. AT CITY HALL. PLEASE FILE A COMPLETE DIGITAL APPLICATION AND FEE AT LEAST 36 DAYS BEFORE THE MEETING DATE. PRE APPLICATION MEETING WITH PLANNING DEPARTMENT REQUIRED BEFORE FILING APPLICATION.

1. address of the subject property: 5268 Crowfoot Dr Fray, mI 48085
2. PROPERTY TAX IDENTIFICATION NUMBER(S): $20-12-328-003$
$\qquad$
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: $\qquad$
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide dates) and particulars: $\qquad$ No.
5. APPLICANT:
name Rein Farrell company Great Day Improvements
address 28421 Highland Rd


PHONE ( 313 ) $634-1324$
E-MAIL Detroit e greatdayimprovements
AFFILIATION TO THE PROPERTY OWNER: Cont reactor $\qquad$

## Zoning Board of Appeals Application

6. PROPERTY OWNER:


COMPANY $\qquad$
address 5268 Crowfoot $D r$


E-MAIL philip 524 egmail.com

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.

1. Kif trel(Recinl. Fardel) (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.
APPLICANT SIGNATURE $\qquad$ DATE $12 / 15 / 2023$

PRINT NAME:
Resin P.Farcell

PROPERTY OWNER SIGNATURE $\qquad$ DATE $\qquad$ PRINT NAME: $\qquad$ TO MN

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.
gi gacat day mprovements UC

On behalf of Mr. Philip John,
The application for variance has been submitted for Mr. Philip John at 5268 Crowfoot Dr to discuss the rear setback that will be affected by the building of a sunroom.

The dimensions of the room are $10^{\prime}$ by $12^{\prime}$ totaling 120 square feet. This is a modest size that will allow Mr. John and family to enjoy the outdoors in comfort. In proposing this design, there were comparable rooms in the area that were used to keep the layout to a modest scale in order to seek the same allowance.

We have submitted pictures with addresses of properties with similar rooms on the rear of the homes. This build is very comparable.

As for positive impact on the community, the additional space will also increase the value of the home. This will be a benefit to the community, and more importantly a legacy they can leave to their family.

The build is behind the home and not affecting the curb appeal of the home or neighborhood. There are no incursions to the left or right setbacks, therefore, there will be no issues with easements or other ordinances.

Again, our submission is in good faith and in an effort to serve one of your constituents to the fullest extent. Please consider allowing this project to be built for Mr. John.

Thanks,

## Patio Enclosures

To: City of Troy Zoning Board of Appeals<br>From: Patio Enclosures on behalf of Philip John<br>5268 Crowfoot Dr. Troy, MI 48085<br>RE: Pre-Application addressing Practical Difficulty<br>Date: 1/11/2024

To whom it may concern:
We are applying for a $10^{\prime}$ variance based on a permit denial issued by the City of Troy Chief Building Inspector on December 7, 2023. Below are our responses to the criteria to establish Practical Difficulty.
A) The property depth from the back of the house to the rear fence line is only $40^{\prime}$. The proposed sunroom is $14^{\prime}$ wide $\times 10^{\prime}$ deep and within the footprint of the original deck. The setback does not allow for additional indoor living space on any side of the house. The back of the house is the most practical location for the sunroom.
a. It is adjacent to the school property and playground, as are the rest of the house on his side of the street. There are no neighbors behind that would be impacted by the new room.
b. The rear of the property is screened with mature cedar trees creating privacy.
c. The sunroom will not be visible from the street.
B) The variance request is sought for Mr. John's premises at 5268 Crowfoot Dr. This is their home.
C) The variance request is not of a personal nature. It is not practical to locate the room anywhere else on the premises.
D) Mr. John and the previous owner did not create the circumstances which make compliance with the zoning difficult. The house was built in 1990. The John's purchased the house in 1998. The setback unfairly prevents Mr. John from improving his property and increasing the value of his home.
E) The proposed variance will not be harmful or alter the essential character of the neighborhood. Mr. John received letters of support and approval from his neighbors on both sides of the home. Nor will it negatively impact or impair any of the considerations listed in this section. There are several sunrooms in the neighborhood that appear to have faced the same difficulty prior to their construction. One is 4 houses to the north on the same side of the street at 5338 Crowfoot. Another is 2387 Saffron Ct. 5189 Julian is a corner lot and is clearly visible from the street.

Thank you for your time and consideration of this matter for the John family. If more information is needed to secure a variance, please let us know.

Best regards,
Howard Brophy
Patio Enclosures Design Consultant

City of Troy
500 W Big Beaver Rd, Troy MI 48084
248-524-3344
buildinginspection@troymi.gov
RESIDENTIAL BUILDING PERMIT APPLICATION



Section 23a of the state construction code act of 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines.
SIGNATURE OF CONTRACTOR OR HOMEOWNER (Homeowner's signature indicates compliance with Section VI. Homeowner Affidavit)


DATE
$10 / 23 / 26$

I hereby certify the building work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Michigan Residential Building Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Cities Building Inspector. I will cooperate with the Cities Building Inspector and assume the responsibility to arrange for necessary inspections.

Please give a description of work:
Seasonal Enclosure
$\qquad$
$\qquad$
$\qquad$

APPROVED BY:
$\square$ Plan Commission

- Board of Zoning Appeals
- City Council

Date: $\qquad$
Date: $\qquad$
Date: $\qquad$

PLAN ANALYST COMMENTS: $\qquad$
$\qquad$
$\qquad$
$\qquad$

SPECIALSTIPULATIONS: $\qquad$
$\qquad$
$\qquad$
$\qquad$
Plan Review Fee Paid $\$$

Soil Erosion $\qquad$

| FEES DUE: |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Building Permit Fee | \$ | Sewer Fee |  |  |
|  |  | Water Fe | e Due | \$ |
| Certificate of Occupancy | \$ | Structural | Review Fee | \$ |
| Bond (refundable) | \$ | Plans | []Rolled | []Plan Review Comments |
| Plan Review Fee | \$ |  | []Folded |  |
| Add'I Plan Review Fee | \$ |  | []Attached |  |
| Micro Film Charge | \$ |  | []Scanned |  |
| Grade Inspection | \$ |  | []No Plans |  |
| Street Maintenance Fee | \$ |  |  |  |
| Tree Deposit | \$ |  |  |  |
| Residential Bldg Contractor |  |  |  |  |
| TOTAL DUE | \$ |  |  |  |

APPROVED BY: $\qquad$ DATE: $\qquad$

## Date

To whom it may concern,
1 SCOTY R10y, the owner of 5282 crowfoot Dr and the neighbor of Philip John, am aware of the planned enclosure to the back of the property at 5268 Crowfoot Drive. I do not have any concerns about the proposed project.

Signed,


Date: $\qquad$
Print Name:


Phone Number: (248) 575-0018

## Date

To whom it may concern,
।
Peter s. Fur homer 5254 Grow hot Dr. and the neighbor of Philip John, am aware of the planned enclosure to the back of the property at 5268 Crowfoot Drive. I do not have any concerns about the proposed project.

Signed, $\qquad$ Date: $12-17-20 \geqslant 3$
Print Name:


Phone Number: $(586) 899-1413$

GREAT DAY IMPROVEMENTS, DETROIT
JOHN RESIDENCE

| DRAWING \# |  | DESCRIPTION <br>  <br> 2 |  |  | COVER |
| :---: | :--- | :--- | :---: | :---: | :---: |
| 3 |  | ELEVATION "B" WALL |  |  |  |
| 4 |  | ELEVATION "A" \& "C" WALL |  |  |  |
| 5 |  | DECK PLAN |  |  |  |
| 6 |  | ELECTRICAL PLAN |  |  |  |
| 7 |  | FLOOR PLAN |  |  |  |
| 8 | ROOF PLAN |  |  |  |  |
| 9 |  | STANDARD DECK DETAILS |  |  |  |
| 10 |  | STANDARD DECK DETAILS |  |  |  |
| 11 |  | SYSTEM DETAILS |  |  |  |
|  |  | SYSTEM DETAILS |  |  |  |

LIVE LOADS:

1. ROOF: 20 PSF
2. FLOOR: 40 PSF

## THIS SUNROOM IS NOT TO BE CONDITIONED OR USED AS A PERMANENT LIVING AREA.

## NOTES

1. ALLVIEW (AAS) SUNROOM; WHITE IN COLOR
2. CONSTRUCT SUNROOM ON NEW DECK
3. NO HEAT BY GDI; ELECTRICAL BY GDI
4. ALL CONCRETE TO BE 3000 PSI MINIMUM
5. ALL DECK LUMBER IS PRESSURE TREATED SYP \#2 OR BETTER
6. THIS SUNROOM IS CONSIDERED AS NON-CONDITIONED SPACE, EXEMPT FROM ENERGY REQUIREMENTS (PER 2015 IRC SECTION N1102.1, NOTE 2)

ALLOWABLE SOIL PRESSURE CONSIDERED
(PRESUMPTIVE) = 1500 PSF
THIS SUNROOM AND FOUNDATION HAVE BEEN EVALUATED FOR DESIGN LOADS REQUIRED BY THE IRC CODE. THIS INCLUDES ALL MATERIALS, COMPONENTS, CONNECTIONS, AND ATTACHMENTS WHEN CALCULATING THE LOAD REQUIREMENTS.




ELEVATION - "A" WALL








LEDGER BOARD FASTENER SPACING AND CLEARANCE


LEDGER BOARD ATTACHMENT DETAIL - BAND JOIST


LEDGER BOARD ATTACHMENT DETAIL CONCRETE OR SOLID MASONRY WALL


NAIL PATTERN FOR DOUBLED JOISTS


RIM JOIST DETAIL


POST TO BEAM DETAIL


LEDGER BOARD ATTACHMENT DETAIL HOLLOW MASONRY WALL


JOIST TO BEAM CONNECTION DETAIL

* SEE MANUFACTURERS RECOMMENDATIONS
FOR ADITIONAL REQUREMENTS

FOR ADDITIONAL REQUIREMENTS


DIAGONAL BRACE DETAIL





5338 Crowfoot Dr, Troy - 4 houses away from Philip John's house



2387 Saffron Ct, Troy - Back of house sunroom


5189 Julian St, Troy - Sunroom on back of house


Phillip John Back Yard Screening


2232 Highbury, Troy - White Solarium


2221 Mayflower, Troy - Roof Over Patio


5196 Tucker Dr, Troy. Overbuilt deck with high walls off addition


2173 Mayflower, Troy - Sunroom on back of house


