

On November 19, 2019, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

- Daniel Agauas
- Michael Bossenbroek
- Glenn Clark
- Tommy Desmond
- David Eisenbacher
- Aaron Green
- Orestis Kaltsounis

Also Present:

- Paul Evans, Zoning and Compliance Specialist
- Lori Grigg-Bluhm, City Attorney

2. PROCEDURE

3. APPROVAL OF MINUTES – October 15, 2019

Moved by Green
Seconded by Agauas

RESOLVED, to approve the October 15, 2019 meeting minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – No changes.

5. HEARING OF CASES

A. VARIANCE REQUEST, SAFET STAFA FOR TOLLBROOK WEST, LLC, 3109 ALPINE AND PARCEL 88-20-20-401-020: A use variance in accordance with the Big Beaver Zoning District. If a use variance is not granted, applicant appeals the July 22, 2019 decision of the Troy City council to deny Tollbrook West’s request to rezone the property from R-1B, One Family Residential District, to BB, Big Beaver District.

Moved by: Eisenbacher
Seconded by: Kaltsounis

RESOLVED, that the use variance for the property located at 3109 Alpine currently zoned R-1B, One Family Residential, be DENIED. The Applicant has presented no

evidence establishing an unnecessary hardship, and has failed to demonstrate satisfaction of all of the elements required to be considered for a use variance request.

The Zoning Board of Appeals makes the following findings and conclusions based on the written materials, comments, and testimony of the Applicant's representatives, other interested persons, professional consultants, and other factual material presented to the Board to assist with deliberation:

1. The applicant has not demonstrated that the site cannot reasonably be used for any other use allowed within the current zoning designation of R-1B. It is the explicit finding of this Board that the property can be reasonably used for the purposes permitted in the current zoning district, R-1B.
2. There are no unique circumstances peculiar to this property. The applicant has not proven that there are certain features or conditions of the land that are generally applicable throughout the zone, nor has the applicant demonstrated, through expert testimony, that these features make it impossible to earn a reasonable return without some adjustment.

Specifically,

- a. The parcel is not exceptionally narrow or shallow tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

- b. There are no topographic conditions or other extraordinary situations on the parcel tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

3. Granting a use variance where the applicant would be allowed to develop the parcel with any allowable use under BB District zoning will alter the essential character of the adjacent neighborhood and be a detriment to adjacent properties.

4. The applicant has not identified a specific use for the property within the proposed BB District zoning, therefore, it is difficult to adequately assess whether the capacity and operations of public roads, utilities, or other facilities and services will be significantly compromised. However, the BB District in general allows for more intense uses than R-1B zoning, therefore, it is reasonable to presume the impact on the adjacent road, Alpine, which is smaller and more narrow than other roads in the BB District and which does not have enough right-of-way to construct a sidewalk, will be compromised.

5. The need for the variance request is self-created by the applicant.

BE IT FURTHER RESOLVED, That this board is not addressing that portion of the application seeking to appeal the July 22, 2019 legislative decision of the Troy City Council denying Tollbrook West's request to rezone the property located at 3109 Alpine from R-1B, One Family Residential District, to BB, Big Beaver District, because this

Board does not have jurisdiction over such a request under Troy’s Zoning Ordinance Section 15.04(B).

Moved by: Green
Seconded by: Desmond

RESOLVED, that the public be permitted to comment on the three cases that were postponed from the October 2019 Zoning Board of Appeals Meeting.

Moved by: Bossenbroek
Seconded by: Green

RESOLVED, to incorporate changes to the proposed resolution.

Yes: All

Vote on Mr. Green’s motion:

Yes: All

Vote on Mr. Eisenbacher’s motion:

Yes: All

B. VARIANCE REQUEST, SAFET STAFSA FOR TOLLBROOK, LLC, 3086, 3114, 3142 MCCLURE: A use variance in accordance with the Big Beaver Zoning District. If a use variance is not granted, applicant appeals the July 22, 2019 decision of the Troy City council to deny Tollbrook West’s request to rezone the property from R-1B, One Family Residential District, to BB, Big Beaver District.

Moved by Green
Second by Desmond

RESOLVED, that the use variance for the property located at 3086, 3114, and 3142 McClure currently zoned R-1B, One Family Residential, be DENIED. The Applicant has presented no evidence establishing an unnecessary hardship, and has failed to demonstrate satisfaction of all of the elements required to be considered for a use variance request.

The Zoning Board of Appeals makes the following findings and conclusions based on the written materials, comments, and testimony of the Applicant’s representatives, other interested persons, professional consultants, and other factual material presented to the Board to assist with deliberation:

1. The applicant has not demonstrated that the site cannot reasonably be used for any other use allowed within the current zoning designation of R-1B. It is the explicit

finding of this Board that the property can be reasonably used for the purposes permitted in the current zoning district, R-1B.

2. There are no unique circumstances peculiar to this property. The applicant has not proven that there are certain features or conditions of the land that are generally applicable throughout the zone, nor has the applicant demonstrated, through expert testimony, that these features make it impossible to earn a reasonable return without some adjustment.

Specifically,

a. The parcel is not exceptionally narrow or shallow tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

b. There are no topographic conditions or other extraordinary situations on the parcel tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

3. Granting a use variance where the applicant would be allowed to develop the parcel with any allowable use under BB District zoning will alter the essential character of the adjacent neighborhood and be a detriment to adjacent properties.

4. The applicant has not identified a specific use for the property within the proposed BB District zoning, therefore, it is difficult to adequately assess whether the capacity and operations of public roads, utilities, or other facilities and services will be significantly compromised. However, the BB District in general allows for more intense uses than R-1B zoning, therefore, it is reasonable to presume the impact on the adjacent road, McClure, which is smaller and more narrow than other roads in the BB District and which does not have enough right-of-way to construct a sidewalk, will be compromised.

5. The need for the variance request is self-created by the applicant.

BE IT FURTHER RESOLVED, That this board is not addressing that portion of the application seeking to appeal the July 22, 2019 legislative decision of the Troy City Council denying Tollbrook LLC's request to rezone the property located at 3086, 3114, 3142 McClure from R-1B, One Family Residential District, to BB, Big Beaver District, because this Board does not have jurisdiction over such a request under Troy's Zoning Ordinance Section 15.04(B).

C. VARIANCE REQUEST, OLIMPIU JR. & ADRIANA L. APAHIDEAN, 826 MARENGO: A variance to allow a parcel of land to be divided into two parcels, each having 80 feet of width and frontage. The Zoning Ordinance requires the new parcels to have 100 feet of width and frontage.

Moved by Agauas

Second by Desmond

RESOLVED, to grant the request.

Moved by Bossenbroek
Second by Agauas

RESOLVED, to amend the motion that, before lot split approval, portions of the existing home be removed to comply with building setbacks for the proposed parcels.

Yes: All

MOTION PASSED

Vote on the Agauas motion:

Yes: All

MOTION PASSED

D. VARIANCE REQUEST, KENNETH SHAHEEN, 2395 KINGSBURY: 1) a variance to allow a 17 foot tall garage where 14 feet maximum is allowed, 2) a variance to allow a two story garage where only one story is allowed, 3) a variance to allow a 3 foot setback from the property line where 6 feet minimum setback is required, and 4) a variance to allow the building to be in the front yard where the Zoning Ordinance allows it only in the rear yard.

Moved by Eisenbacher
Second by Desmond

RESOLVED, to postpone the request to the next meeting.

Yes: Agauas, Desmond, Eisenbacher, Kaltsounis, Green, Bossenbroek
No: Clark

MOTION PASSED

E. VARIANCE REQUEST, BRENDA SCHLUTOW, 23 SHEFFIELD: A variance to allow an addition to the home that will be 7 feet from the rear property line. The Zoning Ordinance requires the addition to be 35 feet from the rear property line

Moved by Eisenbacher
Second by Desmond

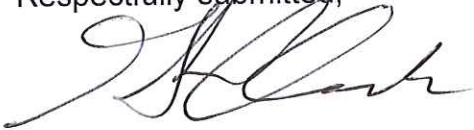
RESOLVED, to grant the request.

Yes: Desmond, Eisenbacher, Kaltsounis, Clark
No: Agauas, Green, Bossenbroek

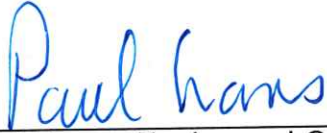
MOTION PASSED

6. COMMUNICATIONS – None.
7. MISCELLANEOUS BUSINESS – None
8. PUBLIC COMMENT – One comment.
9. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:35 pm.

Respectfully submitted,



Glenn Clark, Chair *man*



Paul Evans, Zoning and Compliance Specialist