

4. HEARING OF CASES

- A. **VARIANCE REQUEST, ANTHONY P. MARTIN AND NADIA H. MARTIN, 3954 ANVIL** – In order to allow an existing detached accessory building to remain in the side yard. Accessory buildings are permitted only in the rear yard.

SECTION: 7.03 (B) (2) (a)



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REC'D

AUG - 1 2011

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/#>



PLANNING DEPT.
REGULAR MEETING FEE \$150.00
SPECIAL MEETING FEE \$650.00

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 DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 3954 Anvil Dr.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-24-127-025
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: No.
6. APPLICANT INFORMATION:
 NAME Same
 COMPANY _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 E-MAIL _____

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: _____

8. OWNER OF SUBJECT PROPERTY:

NAME Anthony P. Martin & Nadia H. Martin

COMPANY _____

ADDRESS Home address

CITY _____ STATE _____ ZIP _____

TELEPHONE (248)250-7788

E-MAIL _____

The undersigned hereby declare(s) 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

I, _____ (PROPERTY OWNER) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT Anthony P. Martin DATE 8/1/2011

PRINT NAME: Anthony P. Martin

SIGNATURE OF PROPERTY OWNER Anthony P. Martin & Nadia H. Martin DATE 8/1/2011

PRINT NAME: Anthony P. Martin & Nadia H. Martin

Aug. 1st 2011

On June 8th 2011, The City of Troy Issued a Permit to Build a shed in the Back Yard of my Property.

I Built the shed and applied with the Dementions and Locations as shown in the site plan and on June 22nd 2011, the shed was approved by the City Inspector and on July 26th 2011, A different City Inspector Came and told me that the shed is in a wrong Location and is a violation to chapter 39, Section 7.03 of Troy Ordinance Code and must be relocated 9 Feet toward the back of the house according to the Complain that the City received From my next door neighbor who wants the shed to be relocated.

I Feel that I am being mistreated by the City of Troy who approved the shed and after (5) weeks is asking me to relocate it because there was an error in their Approval and the shed Can't be in the Current Location, it is the same Location that was approved and I was told to put it as it shows in the site plan 10 Feet From each wall of the back of the house.

The reason my neighbor Complained on July 26 is because on July 7/19/2011, I put a privacy Fence and didn't put the good side toward his house as he wanted me to do.

Therefore, I kindly request to relief of Chapter 39, Section 7.03 and keep the shed in the Current Location because it Cost me time-money and 4 days of a hard work to Build it. I Believe that I am not responsible to relocate and pay For the shed For an error on the City's Inspector behalf and a Complain From a neighbor.

I appreciate Your Fare decision on the above matter.

Thank You


Anthony P. Martin

City of Troy
Building Inspection Department
500 West Big Beaver, Troy MI 48084
248-524-3344

7/27/2011

Martin, Anthony
3954 Anvil
Troy, MI 48083-5691
PID: 88-20-24-127-025

Subject: Permit- PB2011-0455 (Not Approved)

Dear Martin, Anthony

On July 26, 2011, we discussed the shed constructed at your property. The permit was issued on June 8th 2011 and was approved based on the site plan submitted to the Building Inspection Department. The site plan clearly shows the location of the shed, behind the building line and in the rear yard.

On June 22, 2011 a final building inspection was conducted and approved by the building inspector. I regret to inform you that the shed was approved in error, and the shed cannot be approved in its current location. This is due to the fact it is not behind the building line and in the rear yard as shown on your approved site plan. It is located in an unbuildable area.

You must relocate the shed as indicated on your site plan, or you may request a variance from the City of Troy BZA. We apologize for the confusion and have spoken to the Director of Economic & Community Development, Mark Miller. Mr. Miller has agreed that this is an unfortunate situation and has directed Planning staff to waive application fees to allow you to go to BZA to request relief if you choose to do so. You may request relief of Chapter 39 section 7.03 of the Troy Zoning Ordinance that prohibits structures in a side yard.

Please contact me if you wish to discuss this matter or have any questions. You can speak to the Planning Director, Brent Savidant with BZA Questions as Well.

Sincerely,

Sincerely,

Steve Burns,
Building Official

Brent Savidant,
Planning Director



PB2011-0455%PB%135.00

Building Permit No: PB2011-0455

Building Department
Inspection: (248) 689-5744
Phone: (248) 524-3344

500 W. Big Beaver Road
Troy, Michigan 48084
Hours: Mon-Fri 8am - 4:30pm

Fax: (248) 689-3120
www.ci.troy.mi.us

3954 ANVIL 88-20-24-127-025 Lot: 192 Subdivision: OLDE FORGE SUB NO Zoning: Use Group: Construction Type:	<div style="text-align: right;">Location</div> MARTIN, ANTHONY 3954 ANVIL TROY MI 48083-5691 <div style="text-align: right;">Owner</div>
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Issued: 06/08/2011

FOR INSPECTIONS - CALL (248) 689-5744
Inspections called in by 6:00 A.M. will be scheduled the same day.

MARTIN, ANTHONY MARTIN, ANTHONY 3954 ANVIL TROY MI 48083-5691	<div style="text-align: right;">Applicant</div>
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Work Description: R-ATTACHED. CONSTRUCT/INSTALL NEW PRE-FAB SHED 8' X 12' AT REAR OF HOME, IN COMPLIANCE WITH CHAPTER 39 OF THE TROY ORDINANCE.

Special Stipulations: MEET ALL CODES AND INSPECTIONS

Work will meet all codes and inspections.

Permit Item	Work Type	Quantity	Item Total
Initial Plan Review Fee	Plan Rev Min.	1.00	30.00
Alterations	Bond Alter	1.00	50.00
Value \$1,001-10,000	Building Permit	1,300.00	55.00

Res., Garage/Acc. Structure

Total Due: \$135.00

Payment Validation

This permit is issued subject to the Building Code, Zoning Ordinance and all other Ordinances of the City of Troy, and shall become void once work is not started or is abandoned for a period of one hundred eighty (180) days.

Separate permits must also be obtained for signs and any plumbing, heating, refrigeration, electric, or sewer work.

This permit conveys no right to occupy any street or public right-of-way, either temporarily or permanently.

[] TREASURER COPY

[] DEPARTMENT COPY

[] CONTRACTOR COPY



BUILDING PERMIT APPLICATION
CITY OF TROY
 DEPARTMENT OF BUILDING INSPECTIONS
 500 W. BIG BEAVER ROAD
 TROY, MICHIGAN 48084
 248-524-3344

RECEIVED

JUN 03 2011

CITY OF TROY
 BUILDING DEPT.

BUILDING PERMITS

Date: 6/3/2011

PB2011-0455

Project Information

Job Address: 3954 Anvil Dr. Troy mi 48083 Suite # _____
 Lot: 192 Subdivision: ODE FORGE SUB Sidwell # _____

Building Type

Industrial Office Commercial Multiple Other _____
 Residential Duplex Condo

Request For Building Permit To:

Construct Complete Add to Alter Repair Demolish Other _____
 New Building Existing Structure Tenant Space Spa Other _____
 Garage/Accessory Building Deck Patio Pool

Additional Information on location of Construction (Floor/area of bldg.)

Size of Bldg./Addition/Tenant Space/Garage/Deck/etc.: 8x8 FT shade 8x12 FT POR FAB

ZONING: RLC USE GROUP: R3 CONST. TYPE: 5B

ESTIMATED COST OF CONSTRUCTION ~~\$1000.00~~ 1300 By Contractor \$ 1300 By Department

Applicant Information

Name: Anthony P. Martin Phone: (248)565-5048 Fax: _____
 Address: 3954 Anvil Dr. City: Troy State: MI Zip: 48083
 License # _____ Federal ID # _____ MESC # _____ Comp. Carrier _____
 Email: _____ Preferred Contact # _____

Owner Information

Name: Anthony P. Martin Phone: (248)565-5048 Fax: _____
 Address: 3954 Anvil Dr. City: Troy State: MI Zip: 48083

PLOT PLANS SHALL BE Submitted on Separate Sheets and shall show all easements and measurements (must be correct and in detail).
 Show all streets abutting lot, indicate front of lot, show all buildings, existing and proposed distances to lot lines.

I, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS WHICH MAY APPLY TO THIS CONSTRUCTION AND AM AWARE OF MY RESPONSIBILITY THEREUNDER.

Homeowner Affidavit

I hereby certify that the 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 State of Michigan Building Code and shall not be enclosed, covered up or occupied until it has been inspected and approved. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.

Section 23a of the state construction code act of 1972, 1972PA 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 subject to civil fines.

Signature of Applicant: [Signature] Date: 6/3/2011
 (owner's signature indicates compliance with homeowner's affidavit)

Subscribed and sworn to before me this 3 day of June Notary Public: Oakland County, Michigan
Gerald Rice My commission expires 12-28-16

A SOIL EROSION PERMIT MAY BE NECESSARY FOR YOUR BUILDING PERMIT TO BE PROCESSED
PLEASE SEE THE ENGINEERING DEPARTMENT
FOR BUILDING DEPARTMENT USE ONLY

GERALD D. RICE
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES Dec 28, 2016
 ACTING IN COUNTY OF Oakland

APPROVED BY: Plan Commission
 Board of Zoning Appeals
 City Council

Date: _____
Date: _____
Date: _____

PLAN ANALYST COMMENTS: MEET ALL CODES & INSPECTIONS FOR
NEW 8' X 12' shed @ rear of HOME IN
compliance w/ CH 39 OF TROY ORDINANCE

SPECIAL STIPULATIONS: _____

Plan Review Fee Paid \$ _____ Date _____

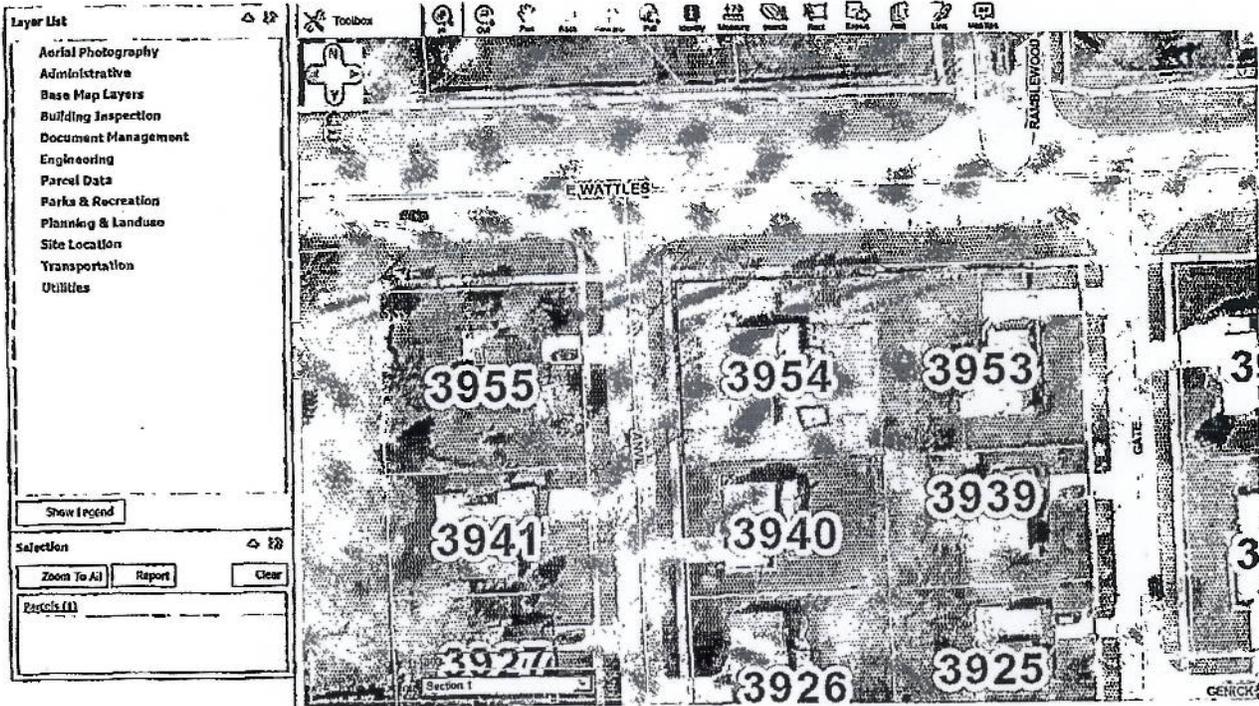
Soil Erosion _____

FEES DUE:
Building Permit Fee \$ 55⁰⁰
Certificate of Occupancy \$ 0
Bond (refundable) \$ 30⁰⁰
Plan Review Fee \$ 30⁰⁰
Add'l Plan Review Fee \$ 0
Micro Film Charge \$ _____
Grade Inspection \$ _____
Street Maintenance Fee \$ _____
Tree Deposit \$ _____
Registration (exp. 5/31) \$ _____
TOTAL DUE \$ _____

Sewer Fee \$ 0
Water Fee Due \$ _____
Structural Review Fee \$ _____
Plans [] Rolled
[] Folded
[] Attached

APPROVED BY: [Signature]

DATE: 6-8-11



ARCHITECTURAL FEATURES SHALL NOT ENCR OACH INTO REQUIRED YARDS

APPROVAL OF THIS PERMIT DOES NOT RELIEVE THE BUILDER OR OWNER OF COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES

**CITY OF TROY
Building Department**

Date

Approved By

Date	Department	Approved By
	Planning	
	Structural	
	Civil	
	Electrical	
	Plumbing	
	HVAC	
6/8/11	Building	<i>[Signature]</i>



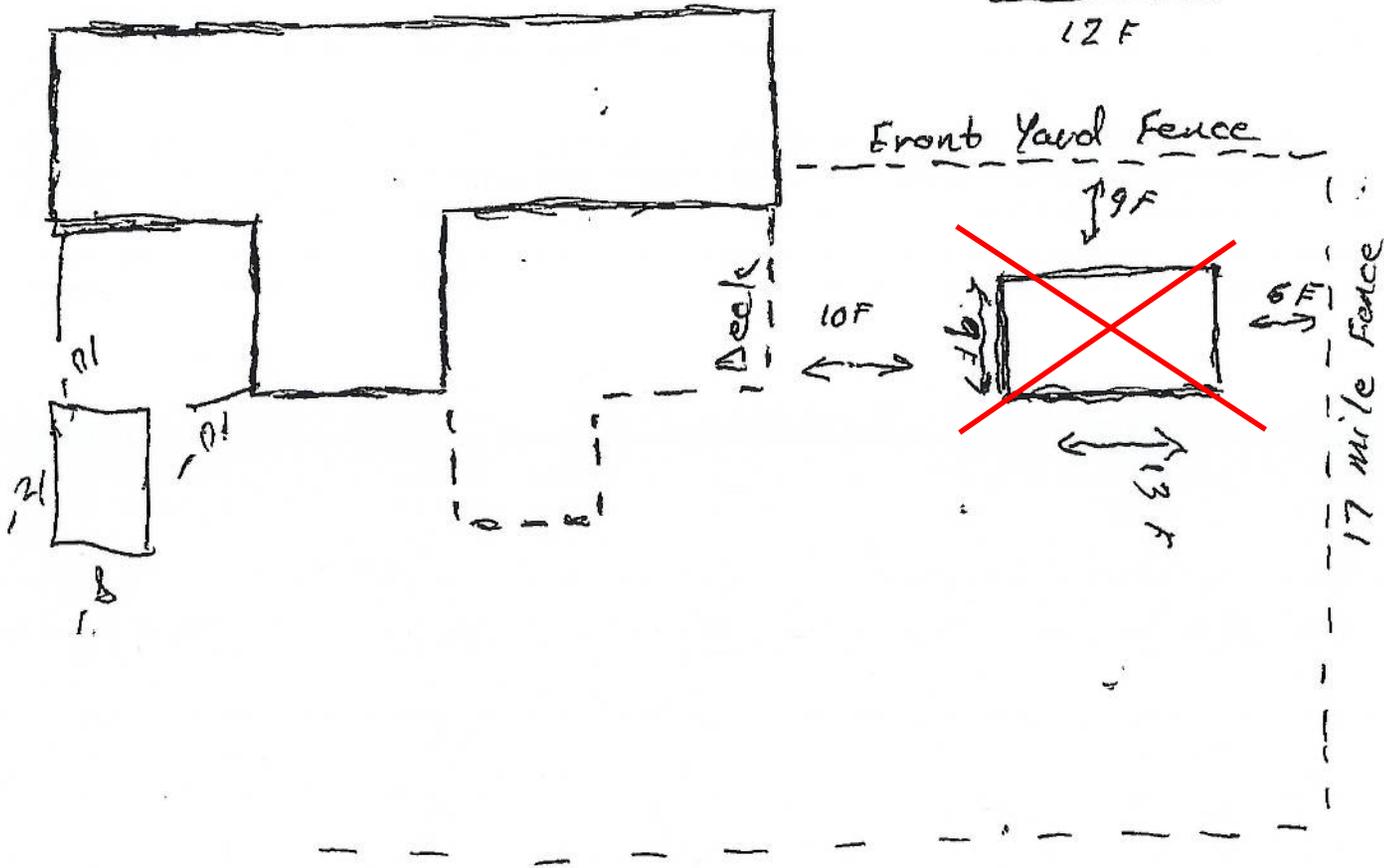
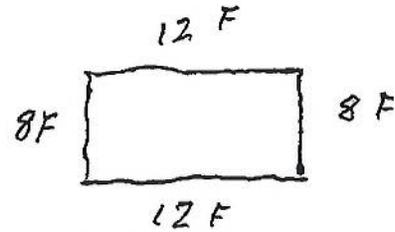
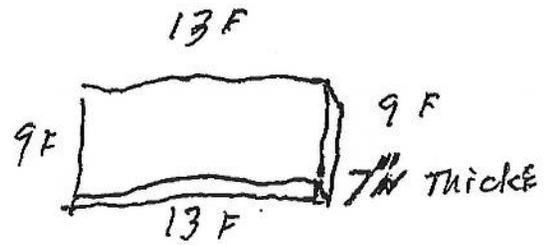
**3 FULL WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG@
1-800-482-7171**

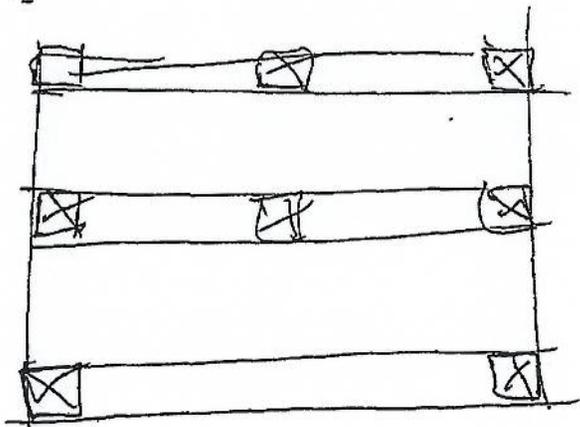
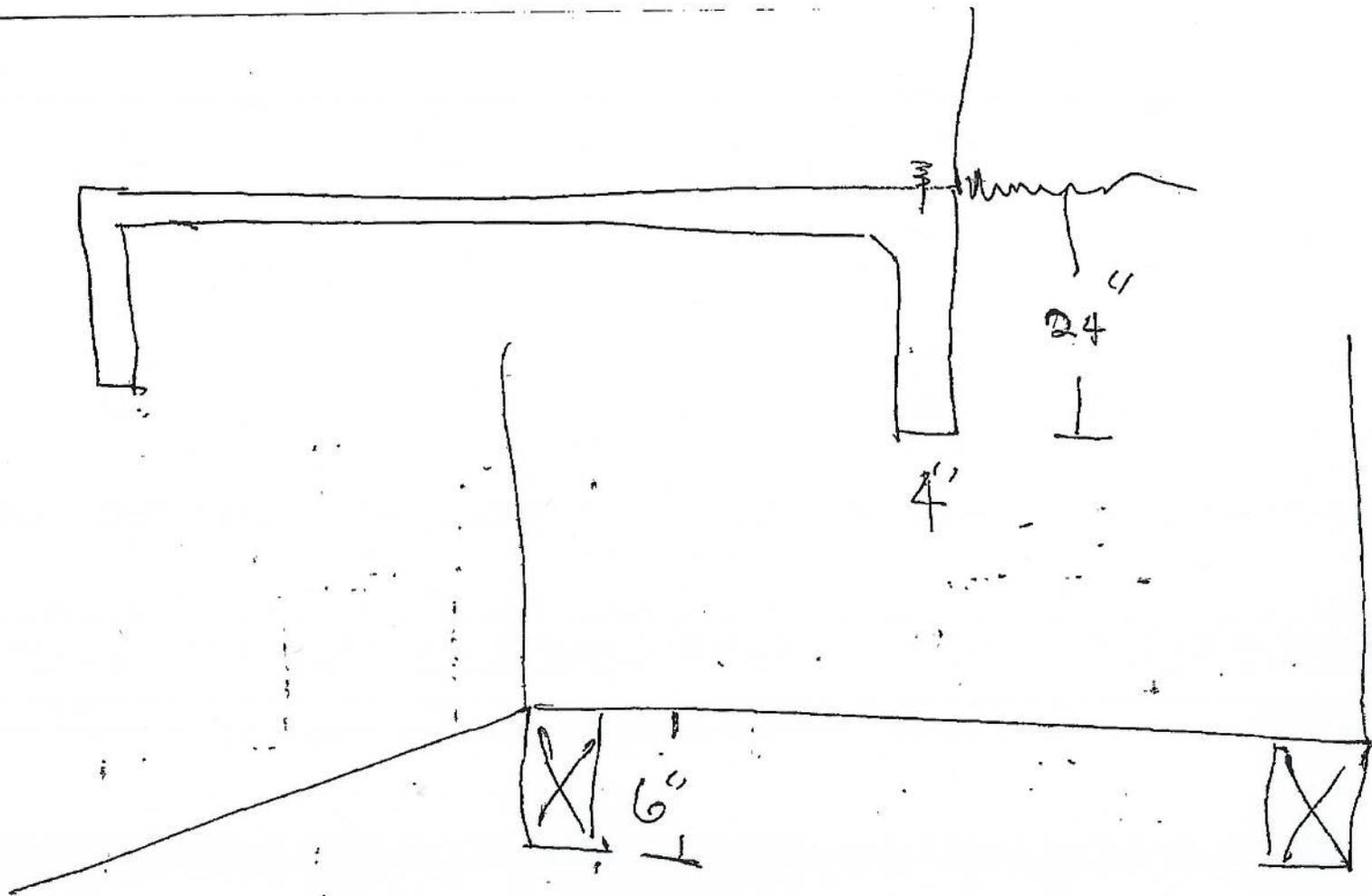
Member utilities are required to locate their lines at no charge to the caller

FB2011-055 RECORD COPY

Sheed Cost: \$1300.00
~~Cement Cost: \$300.00~~

6" ABOVE GRADE
ON 6" x 6" P.T. TIMBER







CITY INSPECTOR MEASUREMENTS - AS BUILT

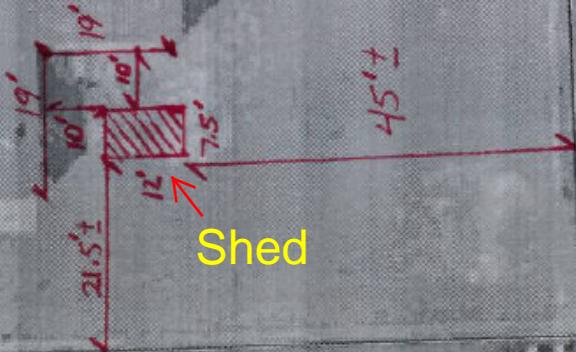
125.01

110.65

109.13

HOUSE

North ↑



Shed

Scale 1: 260

Jump to Extent: Section 1

From: [Jerry Thompson](#)
To: [Planning](#)
Subject: Zoning Ordinaance Sections: 7.03 (B) (2) (a)
Date: Sunday, September 04, 2011 3:44:26 PM

Location 3954 Anvil Dr., Troy, Mi 48083

Applicant/Property Owner: Anthony P. Martin and Nadia H. Martin

I request that the accessory buildings be moved to the appropriate area in the rear yard. There is ample room in the rear yard for this building.

I believe that a variance should be requested prior to putting a building up and furthermore this building was only put up this summer.

Jerome A. Thompson
3940 Anvil Dr.
Troy, Mi. 48083

From: dman9179@aol.com
To: [Planning](#)
Subject: 3954 Anvil Dr/zoning ordinance section 7.03B (2) (a)
Date: Sunday, September 11, 2011 10:58:07 AM

Good Morning

I am sending this email in regards to the Public Hearing on Tuesday, September 20th, 2011 as it relates to the accessory building at 3954 Anvil Dr.

I have been a resident at 3898 Anvil since 1991. Not that my years makes a difference, however I take a great deal of pride in my neighborhood, as well as in the City of Troy. I have met Tony and admire him of all the work he has done in his new residence at 3954 Anvil. The house and lawn look so much better since he has moved in there.

I was not sure exactly why I received this post card from the City, so I decided to take a walk down to the end of the street to physically see the situation. With the privacy fence that was put up, you can not really notice the shed in the back yard unless you really stop to look for it. I believe that the shed should remain and that Tony should not have to move it from its existing location. I would hope that my city will allow the variance on this shed.

Sincerely
Dennis Marckel
3898 Anvil Dr
Troy MI 48083
phone 248.941.7725

From: [Paul M Evans](#)
To: "Sally Arnold"
Cc: [Kathy Czarnecki](#)
Subject: RE: zoning Ordinance section 3954 Anvil Zoning Board of Appeals
Date: Tuesday, September 13, 2011 10:55:54 AM

Thank you. We will forward your comments to the Zoning Board of Appeals.

-----Original Message-----

From: Sally Arnold [<mailto:saljarnoa@sbcglobal.net>]
Sent: Tuesday, September 13, 2011 9:09 AM
To: Paul M Evans
Subject: zoning Ordinance section

Location 3954 Anvil Dr. Troy Mi 48083 Applicant/ property owner; Anthony P. Martin and
Nadia H. Martin I request that the accessory building be moved to the appropriate area in
the rear yard. Please do not grant the variance. Sally J Arnold 3941 Anvil Dr. Troy, Mi 48083