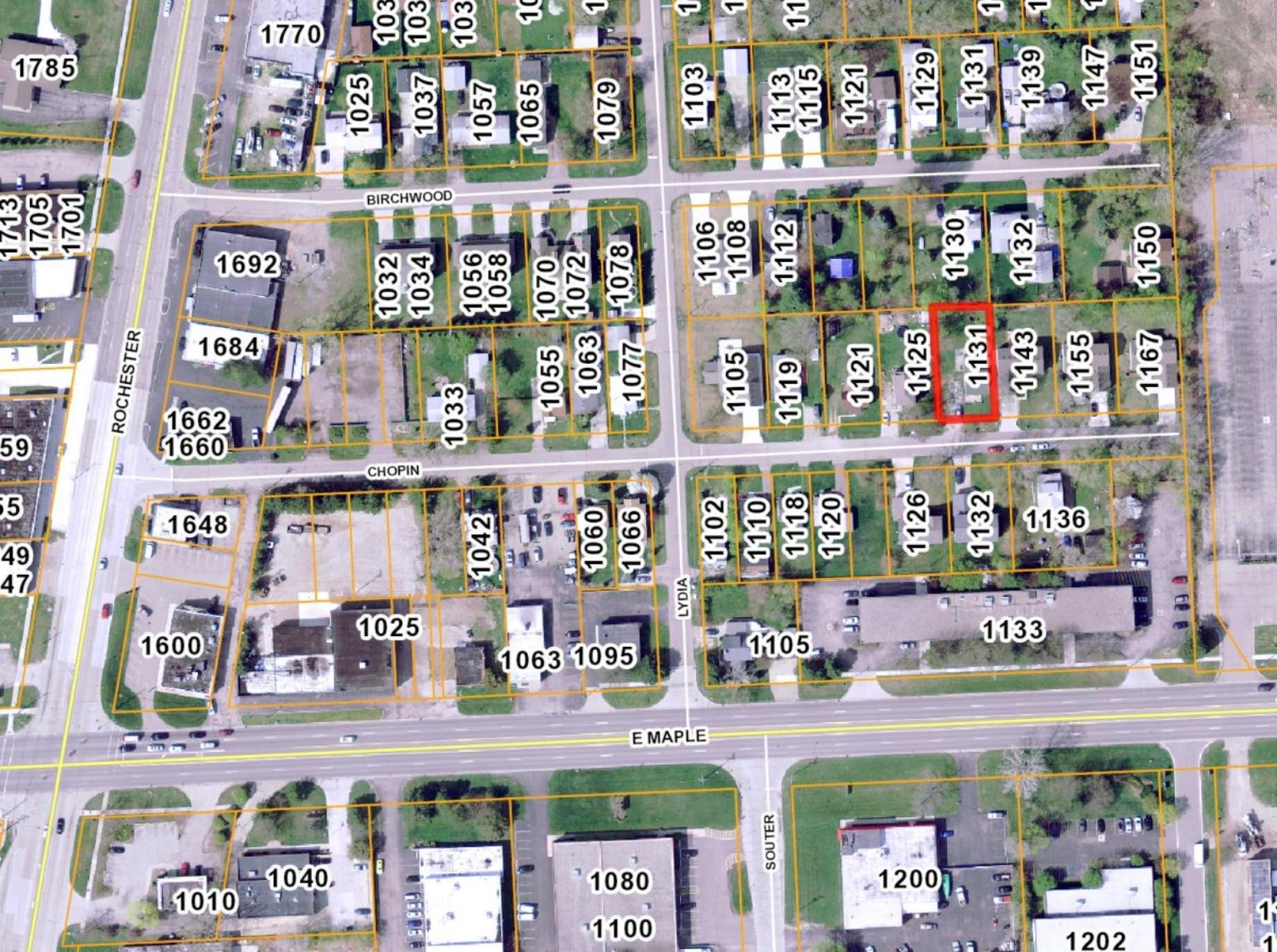


- A. **VARIANCE REQUEST, GARY ABITHEIRA, 1135 CHOPIN (a.k.a. property between 1125 and 1143 Chopin)** – In order to continue construction on a new house, a variance from the requirement that the house be set back at least 10 feet from one side lot line, and have combined total setbacks for both side yards of at least 20 feet. Applicant is requesting the proposed house be 9 feet from one side property line and 6 feet from the other.

**SECTION: 4.07 (C)**



1785

1770

1025

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1125

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1662  
1660

CHOPIN

1648

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1060

1066

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1110

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1120

1126

1132

1136

1600

1025

1063

1095

1105

1133

LYDIA

E MAPLE

1010

1040

1080

1100

SOUTER

1200

1202

11261

1125

1131

1143

1155

CHOPIN

LYDIA

(RT)

BIRCHWOOD

(RT)

CHOPIN

(RT)

(MRF)

(IB)

1106  
1108

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1120

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1136

# 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](mailto:evanspm@troymi.gov)  
<http://www.troymi.gov/CodeEnforcement/#>



REGULAR MEETING FEE \$150.00  
SPECIAL MEETING FEE \$650.00

**RECEIVED**  
APR 18 2012  
**PLANNING**

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: 1135 Chopin
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-27-481-016
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 Gary Abithera  
COMPANY \_\_\_\_\_  
ADDRESS 3301 Mirage  
CITY Troy STATE MI ZIP 48083  
TELEPHONE 248-840-2828  
E-MAIL Gabithera@wideopenwest.com

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

8. OWNER OF SUBJECT PROPERTY:  
NAME Same  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
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, Gary Abithorn (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 [Signature] DATE 4/16/12

PRINT NAME: Gary Abithorn

SIGNATURE OF PROPERTY OWNER [Signature] DATE 4-16-12

PRINT NAME: \_\_\_\_\_

April 18, 2012

To: Zoning Board of Appeals:

I was granted a building permit to construct a home at 1135 Chopin. After digging and pouring the basement walls I was told to stop building. Apparently, a change in the zoning does not allow a home with five and ten foot side yard setbacks. The prior zoning ordinance did allow these setbacks.

I am asking for a variance for this house at 1135 Chopin.

Thank You,

Gary Abitheira

**OWNER:**  
 GFA DEVELOPMENT  
 979 BADDER AVE  
 TROY, MI 48083  
 GARY ABITHEIRA  
 248.840-2828

# PLOT PLAN

SHEET 1 OF 3

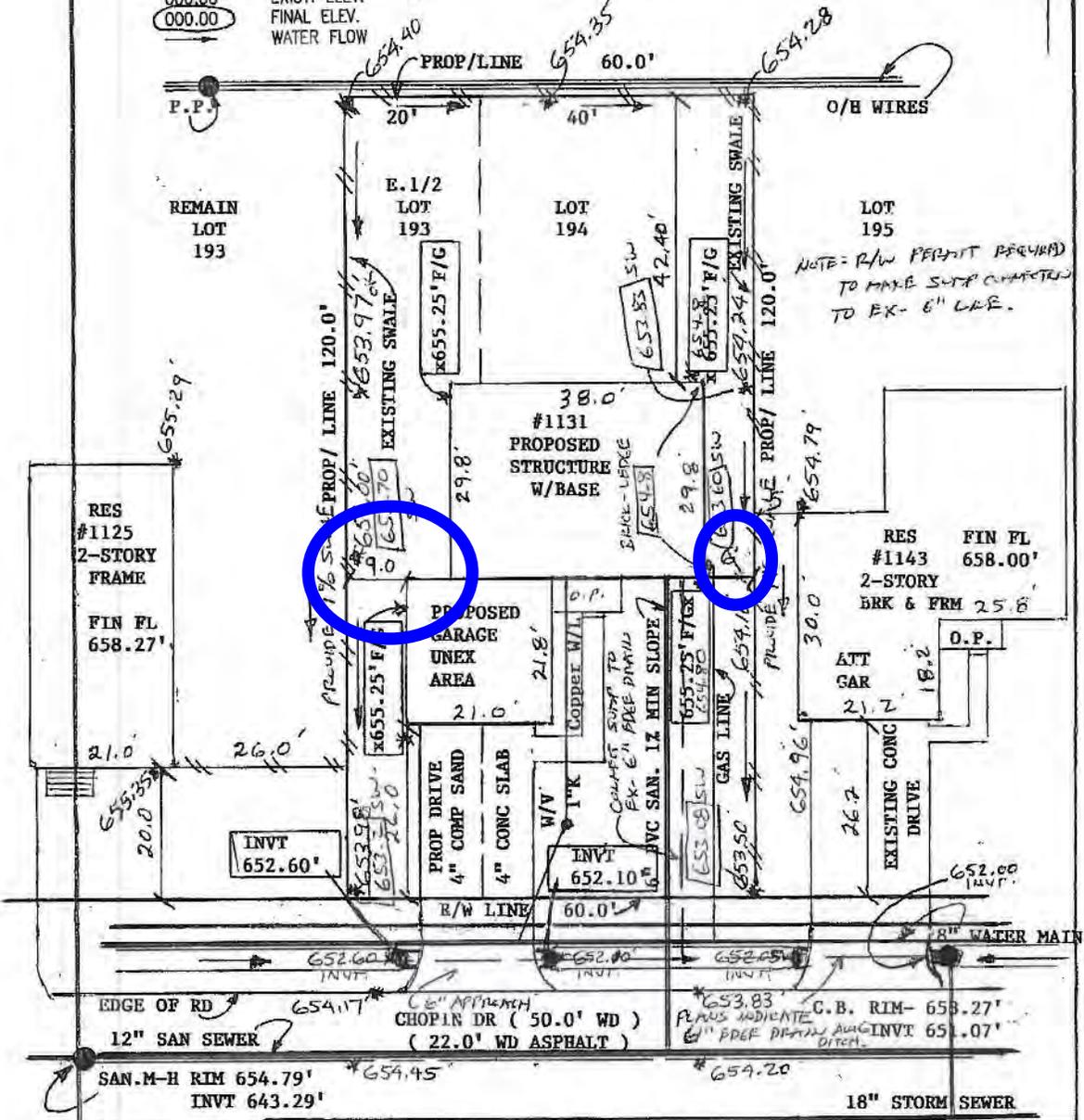
NUMBER  
 GL-2012-0015-

PICTURE #:  
 REF #:  
 CUSTOMER:

PERL:  
 FINAL: 3-1-2012  
 SCALE: 1" = 20'

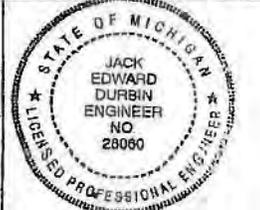
- LEGEND**
- S — SANITARY LINE
  - G — GAS LINE
  - W — WATER LINE
  - — LOT LINE
  - — PROPERTY LINE
  - X — FENCE
  - 000.00 — PROP. FLEV.
  - 000.00 — EXIST. ELEV.
  - 000.00 — FINAL ELEV.
  - — WATER FLOW

**\*\* APPROVED \*\***  
 AS NOTED:  
 CITY OF TROY  
 LAND SURVEYOR  
 D/B/TM 3-26-2012  
 PROVIDE UPDATED PLANS AS PER  
 COMMENTS -



LAND ENGINEERING  
 SYSTEMS' SEVEN LLC.  
 1563 Woodgate Drive  
 Troy, MI 48063  
 PH: (248) 250-6972  
 FAX: (248) 250-0993  
 sys7survey@yahoo.com

CERTIFIED BY  
 [Signature]  
 AGENT FOR:  
 SYSTEMS' SEVEN, LLC.



ORIGINAL P.H. 3-13-12  
 (REVISED)

NOTE: THIS SITE IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

(DEMAND COPY) 1135 CHOPIN (NEW) FB2012-0297 DEMO-1135 CHOPIN



\*PB2012-0297%PB%3081.75\*

# Building Permit No: PB2012-0297

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.troymi.gov

1135 CHOPIN Location  
88-20-27-481-016 Lot:  
Subdivision:  
Zoning: R-1E Use Group: R-3  
Construction Type: 5B

Owner  
ABITHEIRA, GARY  
3301 MIRAGE  
TROY MI 48083  
(248) 619 0535

Issued: 03/27/2012

Applicant  
ATHENS PARC DEVELOPERS  
ATHENS PARC DEVELOPERS  
3301 MIRAGE  
TROY MI 48083  
(248) 840 2828

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

**Work Description:** R-FOLDED. MEET ALL CODES & INSPECTIONS FOR NEW 2 STORY HOME W/ 2 CAR ATTACHED GARAGE IN COMPLIANCE W/ 2009 MRC, MUEC, MMC, MPC, 2008 NEC.

**Special Stipulations:** AS-BUILT/FOUNDATION CERT REQUIRED PRIOR TO FRAMING. SUBMIT ENGINEERED TRUSS DRAWINGS PRIOR TO ROUGH FRAME INSPECTION SUBMIT ENERGY CODE COMPLIANCE REPORT & HEAT PLAN PRIOR TO MECHANICAL PERMIT  
Work will meet all codes and inspections.

Permit Item	Work Type	Quantity	Item Total
Value \$10,001 to 1 Million	Building Permit	191,564	2,035.00
Cert of Occupancy	C of O	2,035.0	101.75
Bond Single Family Res. w/SW Bon	Bond w/SW	1.00	350.00
Initial Plan Review Fee	Plan Rev Min.	1.00	30.00
Plan Review Fee	Plan Review	191,564	162.00
Grade/Drainage-Res	Grade Res	1.00	50.00
R-1E Street Fee	Street Fee	1.00	63.00
R-1E Tree Fee	Tree Fee	1.00	90.00
Residential Sewer Tap	Sewer Tap	1.00	200.00

**Res., New Construction**

**Total Due: \$3081.75**

**PAID on: 03/27/2012**

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

**1135 Chopin  
current site condition**



**04/20/2012**

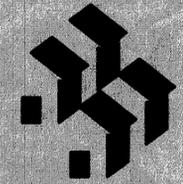
Moisev/Gordon Associates, Inc.  
818 West Eleven Mile Road  
Royal Oak, MI 48067  
tel: 248.541.2388  
fax: 248.542.0255  
www.moisev-gordon.com

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Moisev/Gordon Associates, Inc.  
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to the client for the subject project.  
Common law copyright is reserved  
by the Architect.

Use figured dimensions only.  
Do not scale the drawings.

Client:  
**Harmony  
Developers L.L.C.**

P.O. Box 5345  
St. Clair Shores, MI



Project Title:  
**Colonial**  
West Oak Subdivision  
Troy, MI

Elevation <sup>C</sup>  
**Wider House**  
Sheet Title:  
**Elevations**

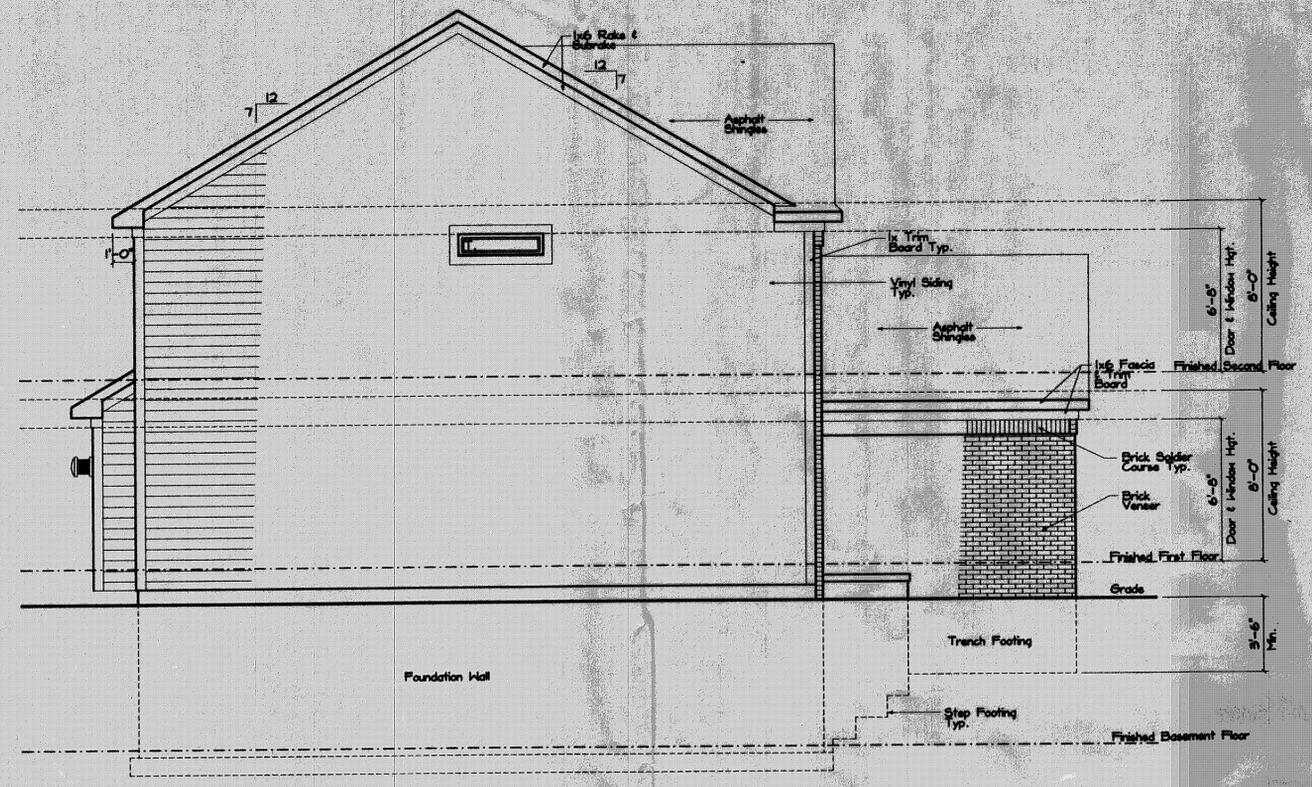
Project Number: 02300  
Drawn By: AJM, RW  
Checked By: AJM  
Approved By: AJM  
Date: 02-06-02

Issued:  
PERMIT  
02-21-02

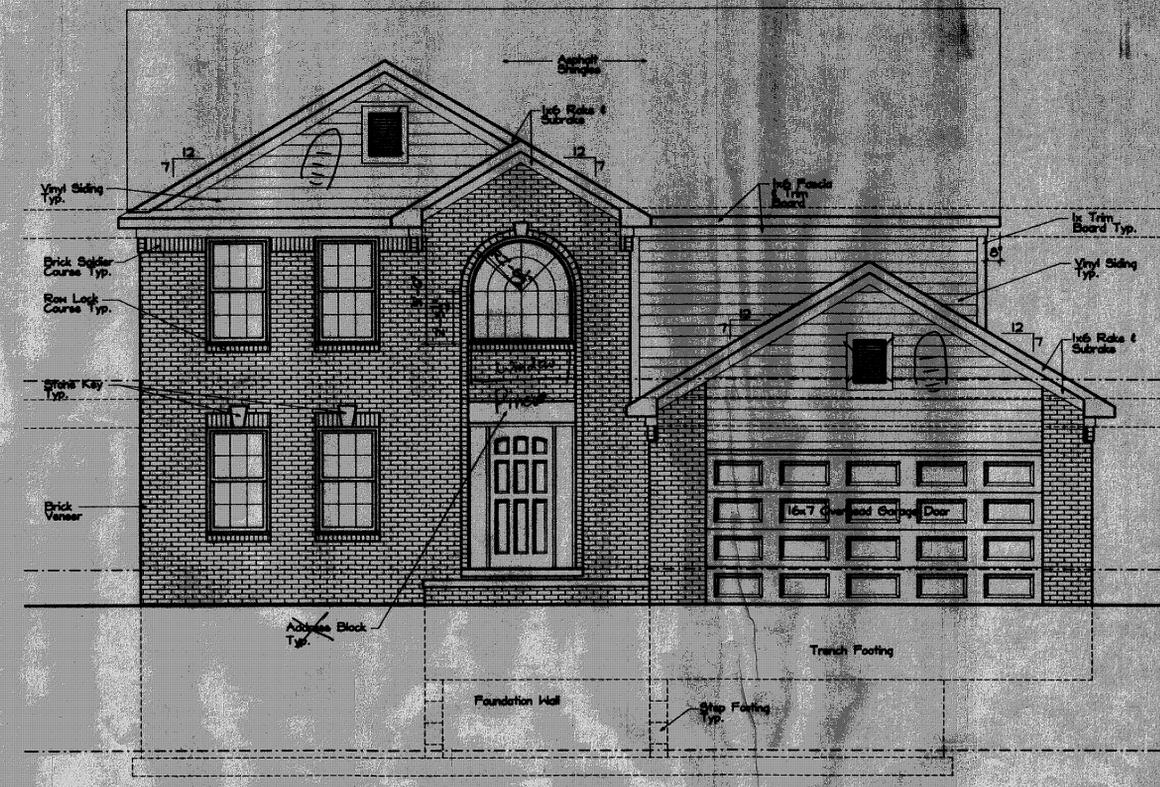
Sheet Number:

**A-4**

File: #02.1166.21136



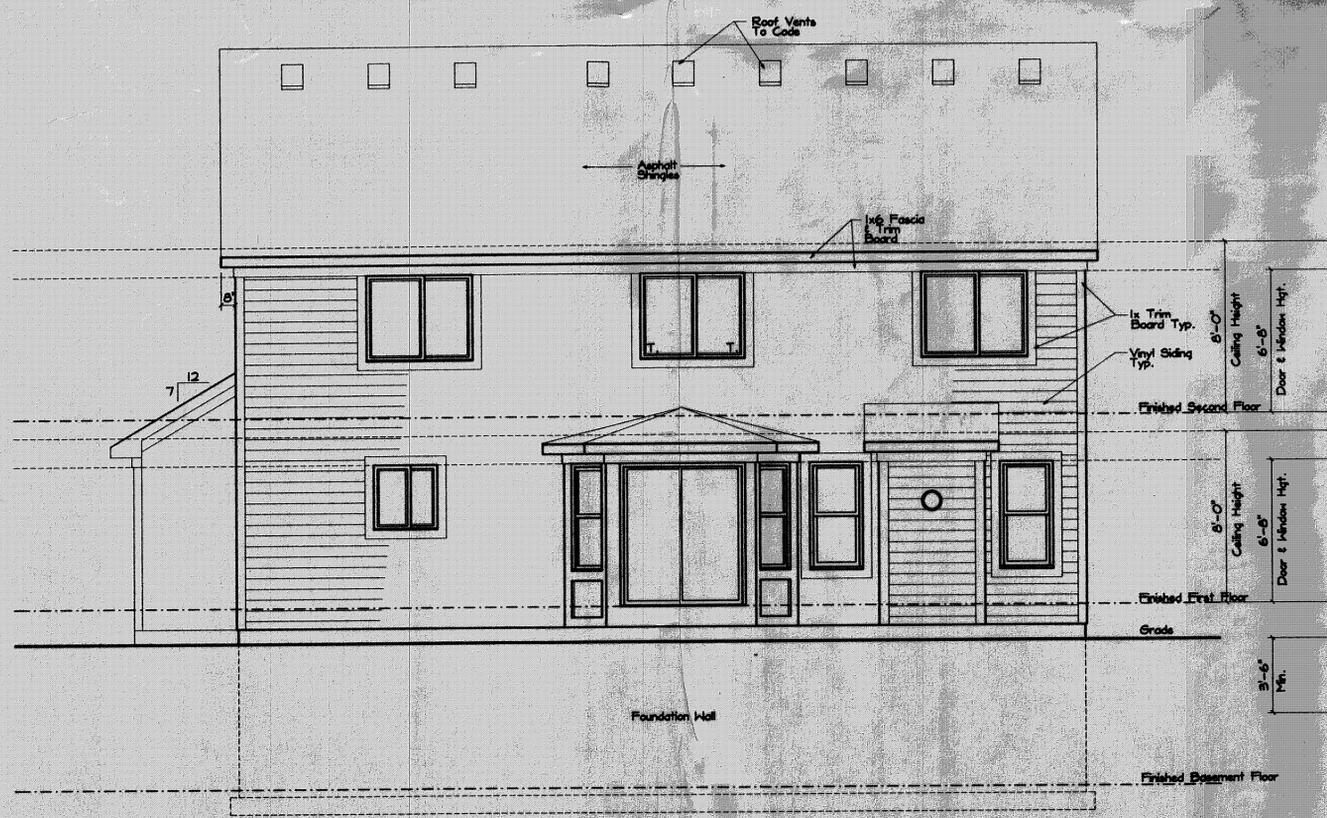
**Left Elevation**  
Scale: 1/4" = 1'-0"



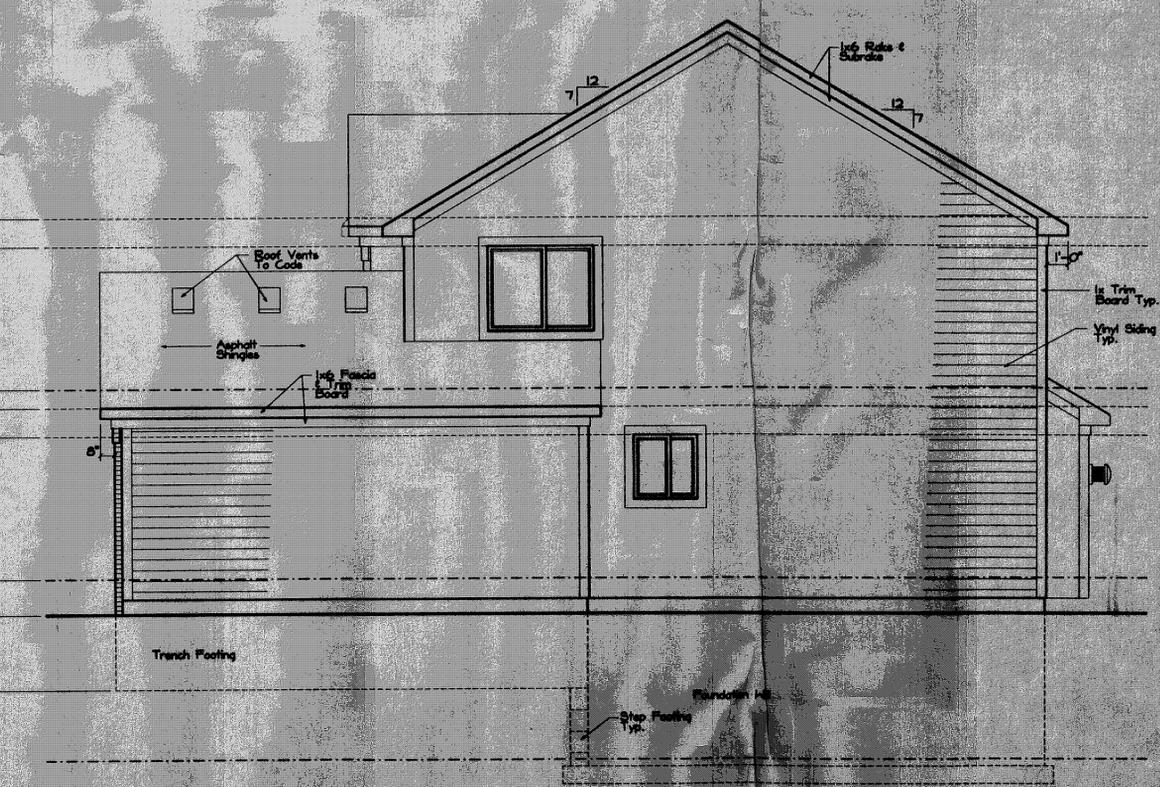
**Front Elevation**  
Scale: 1/4" = 1'-0"

NOTE:  
Provide Roof Ventilation Total  
Of 1/300 Of Roof w/ 50%  
In Eave Typ.

NOTE:  
Provide Flashing Where  
Required By Code Typ.



**Rear Elevation**  
Scale: 1/4" = 1'-0"



**Right Elevation**  
Scale: 1/4" = 1'-0"

version: 02300 West Oak Wider House.dwg(2)023000 A.dwg 09/19/2002 04:07:50 PM

**From:** [Steve Burns](#)  
**To:** [Paul M Evans](#)  
**Subject:** 1135 Chopin Revised Email  
**Date:** Monday, April 23, 2012 11:30:12 AM

---

Paul,

On 3-21-2012 we received an application for demolition of an existing single family home at 1131 Chopin, PID# 88-20-27-481-016. The application submitted indicated it was in the R-1E zoning district. A check of BS&A property file had it listed as R1-E. Having the necessary utility shut off notices it was approved.

On 3-26-12 we received an application for construction of a new single family home at PID #88-20-27-481-016. The application submitted indicated it was in the R1-E zoning district. We assigned a new address (as is customary when a house is demolished) 1135 Chopin. Seeing that the old address was listed as R1-E zoning in the BS&A system the setbacks were reviewed for R-1E.

On 3-30-12 it was discovered that the home was not in an R1-E zoning district, it was actually in the new R-T zoning district formerly R-2. In the past single family homes were regulated in two family districts by the R1-E setbacks so I thought we were ok and just needed to update the file to reflect R-T zoning. Before the zoning ordinance re-write the R-2 zoning district had an exception for single family homes being built in two-family districts that directed you to use R1-E setbacks. I believe that is why the old single family home was listed in BS&A as R1-E. I was unaware that this language was removed from the new zoning ordinance for R-T and therefore would have approved the proposed new home in error either way. This was an oversight on my part for sure. Once we discovered the exception was removed and that it was actually R-T, I immediately called the builder Gary Abitheira that morning and advised him to stop work.

We advised he would need to apply to the BZA for a setback variance. We reviewed the ordinance change and explained that single family homes in that district no longer have R1-E setbacks. I apologized for the inconvenience and have made the necessary changes to the file.

Please feel free to contact me with any further questions.

Steve Burns  
Building Official  
**SAFEbuilt®**  
City of Troy  
Building Department  
248-524-3348

*Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included.*