

## ZONING BOARD OF APPEALS

Zoning Board of Appeals is a group of seven of your neighbors appointed by 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. Petitioners 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 agenda. When an item is called, the Chairman will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

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

At the conclusion of public comments the Chairman 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.

## 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. The practical difficulty must be clearly related to as many of the 5 standards below as possible:

- 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.



# ZONING BOARD OF APPEALS MEETING AGENDA

500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3364  
[www.troymi.gov](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

Glenn Clark, Chair, David Eisenbacher, Vice Chair  
Thomas Desmond, Allen Kneale, David Lambert, Philip Sanzica  
Orestis Kaltsounis (Alternate), Paul McCown (Alternate)

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**May 17, 2016**

**7:30 P.M.**

**Council Chamber**

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1. ROLL CALL
2. APPROVAL OF MINUTES – April 19, 2016
3. APPROVAL OF AGENDA
4. HEARING OF CASES
  - A. VARIANCE REQUEST, DAVID J. PARDUN, 1321 BOYD – In order to split a parcel of land into two parcels, a 305.5 square foot variance from the 7,500 square foot minimum lot size.  
  
ZONING ORDINANCE SECTION: 4.06 (C) R-1E Zoning District
  - B. VARIANCE REQUEST, SAFET STAFA OF STERLING CONSTRUCTION INC., 6511 MALVERN – In order to construct a new home, a 2 foot variance to the 30 foot maximum height limit.  
  
ZONING ORDINANCE SECTION: 4.06 (C) R-1A Zoning District
  - C. VARIANCE REQUEST, JASON SOUSA, 4354 CHERRYWOOD – In order to construct an addition to the house, 1) a 3 foot variance from the required 10 foot minimum side yard setback, and 2) a 5 foot variance from the requirement that both side yard setbacks combined be at least 25 feet.  
  
ZONING ORDINANCE SECTION: 4.06 (C) R-1B Zoning District
5. COMMUNICATIONS
6. MISCELLANEOUS BUSINESS - Election of Officers (Chair, Vice Chair)
7. PUBLIC COMMENT
8. ADJOURNMENT

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

On April 19, 2016, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Glenn Clark  
Thomas Desmond  
David Eisenbacher (arrived 7:48 p.m.)  
Allen Kneale  
David Lambert  
Philip Sanzica

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Julie Q. Dufrane, Assistant City Attorney

2. APPROVAL OF MINUTES – March 15, 2016

Moved by Lambert  
Seconded by Desmond

RESOLVED, to approve the March 15, 2016 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – Item 4A withdrawn by applicant, noted by Board.

4. HEARING OF CASE

VARIANCE REQUEST, DAVID J. PARDUN, 1321 BOYD – In order to split a parcel of land into two parcels, a 305.5 square foot variance from the 7,500 square foot minimum lot size

Moved by Lambert  
Seconded by Clark

RESOLVED, to deny the variance.

Yes: Lambert, Clark  
No: Eisenbacher, Kneale, Sanzica, Desmond

MOTION FAILS

Moved by Kneale  
Seconded by Lambert

RESOLVED, to deny the variance.

Yes: Kneale, Lambert, Clark

No: Sanzica, Desmond, Eisenbacher

MOTION FAILS

Moved by Lambert  
Seconded by Kneale

RESOLVED, to postpone the request to the May 17, 2016 regularly scheduled Zoning Board of Appeals meeting.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – The Board acknowledged receipt of the Master Plan status memo from the Planning Director.
6. MISCELLANEOUS BUSINESS – None.
7. PUBLIC COMMENT – None
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:32 p.m.

Respectfully submitted,

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Glenn Clark, Chairman

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Paul Evans, Zoning and Compliance Specialist

4. HEARING OF CASES

- A. VARIANCE REQUEST, DAVID J. PARDUN, 1321 BOYD – In order to split a parcel of land into two parcels, a 305.5 square foot variance from the 7,500 square foot minimum lot size.

ZONING ORDINANCE SECTION: 4.06 (C) R-1E Zoning District

## Paul M Evans

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**From:** Dave Pardun <davidpardun@gmail.com>  
**Sent:** 04 May, 2016 2:13 PM  
**To:** Paul M Evans  
**Subject:** May 17th BZA Meeting David J. Pardun

Paul, I'm sorry I just found out I will be out of town on a personal issue the week of May 17 can we please postpone it to the June 21 Meeting.

Thank You David J. Pardun 248-321-2399



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1281

(R-1D)

1321

BOYD

1333

1345

1357

1369

# 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)



**FEE \$150.00**  
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 1321 Boyd St Troy MI. 48085
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 2023376035
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: \_\_\_\_\_
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: \_\_\_\_\_
5. APPLICANT:  
NAME DAVID J. PARDON  
COMPANY \_\_\_\_\_  
ADDRESS 638 THURBEE DR.  
CITY Troy STATE MI. ZIP 48085  
PHONE 248-321-2399  
E-MAIL DAVID.PARDON@GMAIL.COM  
AFFILIATION TO THE PROPERTY OWNER: owner

6. PROPERTY OWNER:

NAME SAME AS APPLICANT  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

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.

I, DAVID J. PARDON (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 [Signature] DATE 3/17/16

PRINT NAME: DAVID J. PARDON

PROPERTY OWNER SIGNATURE [Signature] DATE 3/17/16

PRINT NAME: DAVID J. PARDON

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. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

David J. Pardun  
638 Thurber Dr.  
Troy, MI 48085

City of Troy  
Zoning Board  
500 W. Big Beaver Rd.  
Troy, MI 48084

To Whom It May Concern:

This letter is the request for a variance at the location 1321 Boyd St. in Troy Michigan, which is currently a double lot. North of Big Beaver Rd and East off Rochester Rd. (see attached lot survey)

This Proposal was requested last year at this time and was tabled for the next meeting. I received a call from the city attorney approximately a week before the next meeting letting me know that the tying vote from the board at the last meeting was disapproval by the BZA according to the law and I would have to wait 1 year before I could appear before the board again for this variance. So here I am again to request the same variance to the Board with new conditions. I have been in contact with the Troy School district which gave me permission to install a side walk from Boyd St to the parking lot of the school which would create a safety zone for the children walking to and from school keeping them off the street for their safety. (See attached Letter Dated 2-2-16 & Proposed Sidewalk & lot split survey)

- 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 the property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.

Currently the lot dimensions for 1321 Boyd St. are 120' x 120'. The requirements in the neighborhood for a single lot are 60' x 125', but upon further research the whole neighborhood has lot sizes of 60' x 120'. Additionally, I am asking the lot of 1321 Boyd St. (120'x120') to be turned into two separate lots of 60' x 120' to build a brand new home on each lot. The lot currently has trees and site hazards that will be removed from the site. Also, there is a beat up fence that will be removed and replaced with a new one. The new fences will only extend from the back of the house to the back of the property. This will give traveling cars a safe distance of visibility for cars traveling west and cars pulling out of the school. These potential brand new houses would improve the subdivision substantially if the variance is granted.

- 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.

The City of Troy requires a lot size of 7,500 Square Feet in which we do not meet this requirement. Most of Boyd Street has a lot size of 60' x 120' (7,200 SF). I am asking for the request of a variance to split the lot of 1321 Boyd St. in Troy to two separate 60' x 120' lots to match most of the existing lots on the street and to clean up the property and build two brand new homes with garages that will be approximately 1,500 to 2,000 square feet to match the existing new homes in the area. (See attached Pictures first two are existing homes on Boyd St & the third is a new proposed homes)

- C) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.

We are trying to keep with the surrounding properties to keep the same ascetics. These houses will blend with the existing neighborhood by keeping the square footages, style, and yard size of the new houses the same as neighboring houses.

(See attached picture of existing house 1321 Boyd St. which will be removed and two Arial photos of the existing lots on Boyd)

- D) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.

This area was platted in 1920 with many of the homes in this neighborhood 60'x120'. If granted the variance I would be able to build homes the same size as they are in the subdivision now. (See attached parcel layout sheet)

- 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.

This Variance will not be harmful or alter the essential character of the area by removing trees & vegetation that is currently on this site it will enhance the light and air to surrounding homes.

There would be less danger of fire or endangerment to public safety because the new homes will be constructed to all city codes with sidewalks installed for pedestrian safety.

March 17, 2016

Each lot will have its own electrical, sanitary, and storm service. This will not change the characteristics of the neighborhood but enhance the street as a whole. These potentially new homes will upgrade the current property value in the surrounding area. Finally, they will meet all city and safety codes upon being built.

In conclusion, by granting a variance of the double lot, I would be able to split the current lot into two separate lots to upgrade the properties in the subdivision. Furthermore, I will be cleaning up the condition of the property and build two brand new homes with garages. Lastly, this will enhance the current condition of the whole neighborhood by having a new home with garage on each lot.

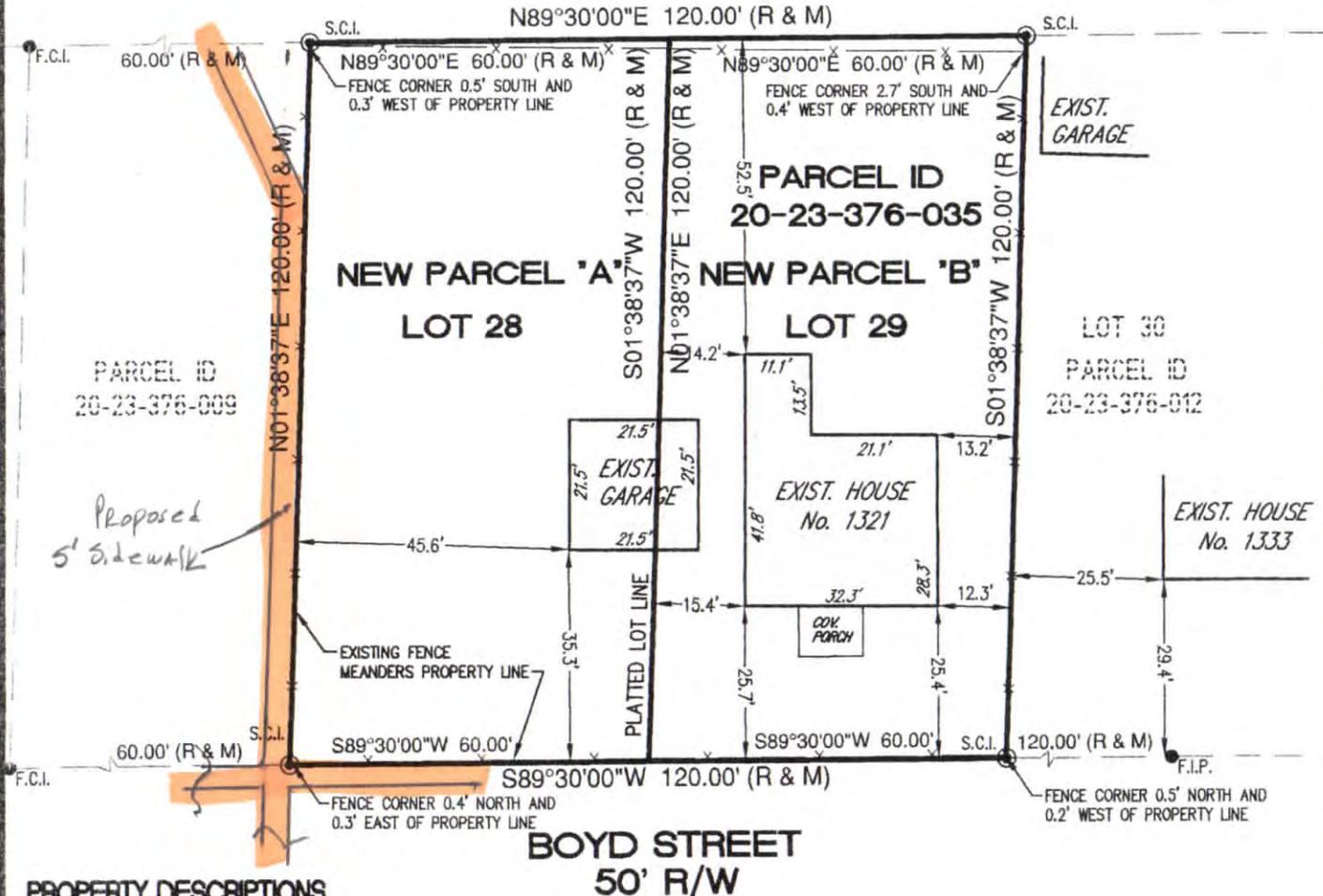
Thank you,

David J. Pardun  
248-321-2399  
davidpardun@gmail.com

# PROPOSED LOT SPLIT 1"=30'



PARCEL ID  
20-23-326-001



## PROPERTY DESCRIPTIONS

### EXISTING:

LOTS 28 AND 29 OF "BEAVER RUN SUB", PART OF THE S.W. 1/4 OF SECTION 23 AND THE S.E. 1/4 OF SECTION 22, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 46 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

### PROPOSED:

#### PARCEL "A"

LOT 28 OF "BEAVER RUN SUB", PART OF THE S.W. 1/4 OF SECTION 23 AND THE S.E. 1/4 OF SECTION 22, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 46 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS. CONTAINING 7194.5 SF AND/OR 0.17 ACRES OF LAND. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

#### PARCEL "B"

LOT 29 OF "BEAVER RUN SUB", PART OF THE S.W. 1/4 OF SECTION 23 AND THE S.E. 1/4 OF SECTION 22, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 46 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS. CONTAINING 7194.5 SF AND/OR 0.17 ACRES OF LAND. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

## LEGEND

- F.C.I. FOUND CAPPED IRON
- F.I.R. FOUND IRON ROD
- F.I.P. FOUND IRON PIPE
- S.C.I. SET CAPPED IRON
- (R) RECORDED
- (M) MEASURED

## CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON, THAT THE PROPERTY LINES ARE AS SHOWN, AND THAT ENCROACHMENTS, IF ANY, ARE AS NOTED.

*Stephen R. Jacobi*



# LOT SURVEY



PARCEL ID  
20-23-326-001

N89°30'00"E 120.00' (R & M)

PARCEL ID  
20-23-376-035

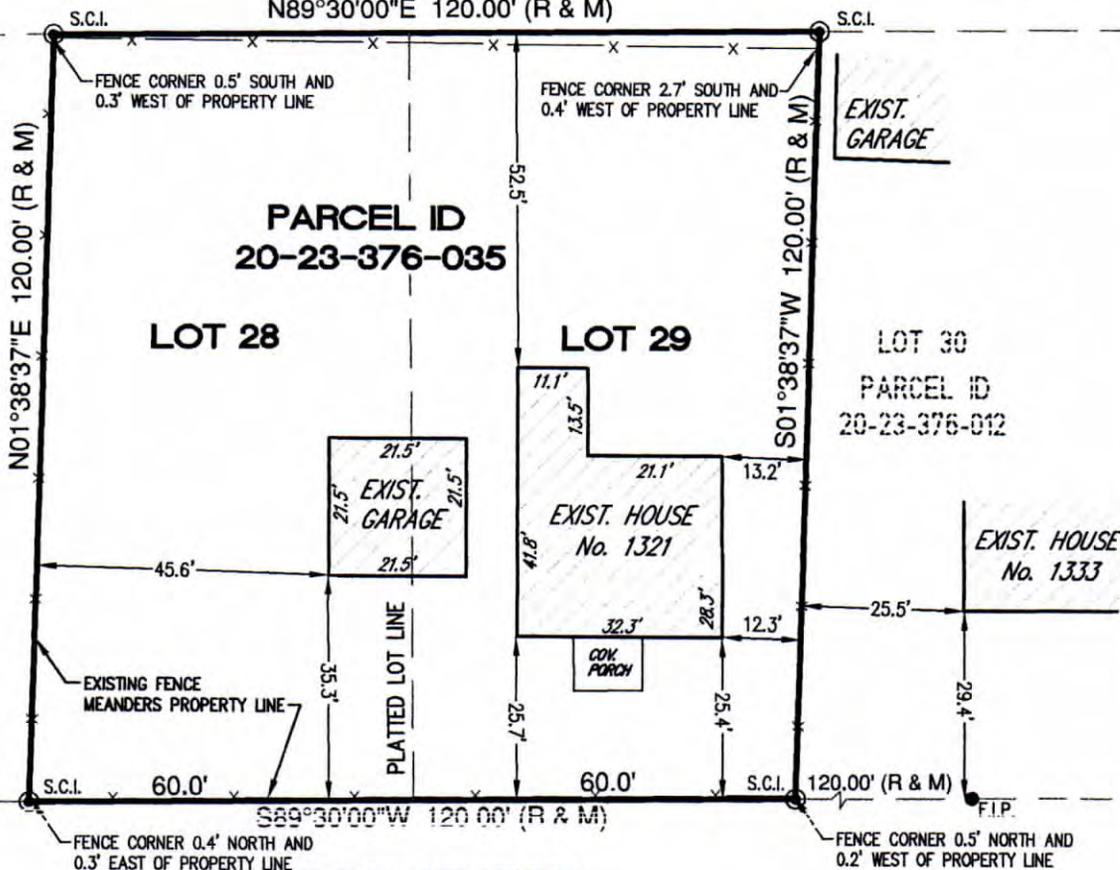
LOT 28

LOT 29

LOT 30

PARCEL ID  
20-23-376-009

PARCEL ID  
20-23-376-012



**BOYD STREET**  
50' R/W

**LEGEND**

- F.C.I. FOUND CAPPED IRON
- F.I.R. FOUND IRON ROD
- F.I.P. FOUND IRON PIPE
- S.C.I. SET CAPPED IRON
- (R) RECORDED
- (M) MEASURED

**PROPERTY DESCRIPTION**

LOTS 28 AND 29 OF "BEAVER RUN SUB", PART OF THE S.W. 1/4 OF SECTION 23 AND THE S.E. 1/4 OF SECTION 22, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 46 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: NO TITLEWORK WAS SUPPLIED BY CLIENT. THEREFORE, NO EASEMENTS OF RECORD, IF ANY EXIST, COULD BE SHOWN.

**CERTIFICATION**

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON, THAT THE PROPERTY LINES ARE AS SHOWN, AND THAT ENCROACHMENTS, IF ANY, ARE AS NOTED.



STEPHEN R. JACOBI  
PROFESSIONAL SURVEYOR NO. 43057

CLIENT:

**PARDUN BUILDERS**



Mickalich Engineering, Inc.  
Civil Engineering | Land Surveying | Planning  
8405 Andersonville Rd. (248) 220-3299  
Suite F albert@mickalich.com  
Clarkston, MI 48346

DATE: 01/12/15  
SCALE: 1"=30'  
SHEET # 1 OF 1  
JOB # 14-147

City of Troy  
Planning Department  
500 W. Big Beaver  
Troy, MI 48084

2-2-16

To whom it may concern;

I'm asking the board to approve the lot splits at 1321 Boyd St if the splits are approved I will install a sidewalk from Boyd St to the school parking lot. I have approvals from the Troy School District allowing me to install a 5' wide by 120' sidewalk on the schools east property line of lot 27.

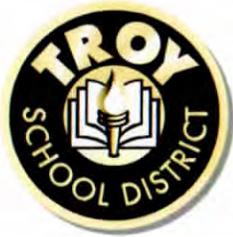
If this is approved we are asking the board to incorporate into the stipulations that the side walk would be installed at the time of construction not allowing occupancy until the side walk is completed.

If there is any further work needed other than the sidewalk being installed we will have the option to cancel the lot split and NOT install sidewalk on lot 27 making the stipulation of not allowing occupancy Null and void.

This should satisfy a lot of the concerns in the neighborhood and the safety of the school children walking to and from school keeping them out of harm's way.

Thank You

David J Pardun  
248-321-2399



**Rick West**  
**Assistant Superintendent, Business Services**

4400 Livernois  
Troy, Michigan 48098-4777  
rwest@troy.k12.mi.us

248.823.4022  
Fax: 248.823.4013

February 2, 2016

City of Troy  
Planning Department  
500 West Big Beaver  
Troy, MI 48083

Dear Paul Evans,

I am writing to inform you that Troy School District is the current owner of Lot 27 on Boyd St in Troy, MI. The property currently consists of an ingress and egress to Baker Middle School from Boyd St. We have been in discussion with developer, Dave Pardun, regarding our mutual interest in developing a sidewalk parallel to the current ingress and egress that would run from Boyd St. to the Baker Middle School Parking Lot.

Please accept this letter as Troy School District's commitment to provide Dave Purdun the necessary access to develop a sidewalk on Lot 27 of Boyd St. The sidewalk will improve the safety of those students, parents, and civilians that walk this route to and from Baker Middle School.

If you have any questions regarding this letter please contact me via phone at 248-823-4022 or via email at [rwest@troy.k12.mi.us](mailto:rwest@troy.k12.mi.us).

Sincerely,

A handwritten signature in black ink that reads "Rick West". The signature is written in a cursive, slightly slanted style.

Rick West  
Troy School District  
Assistant Superintendent, Business Services



2/19/2015

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Existing House



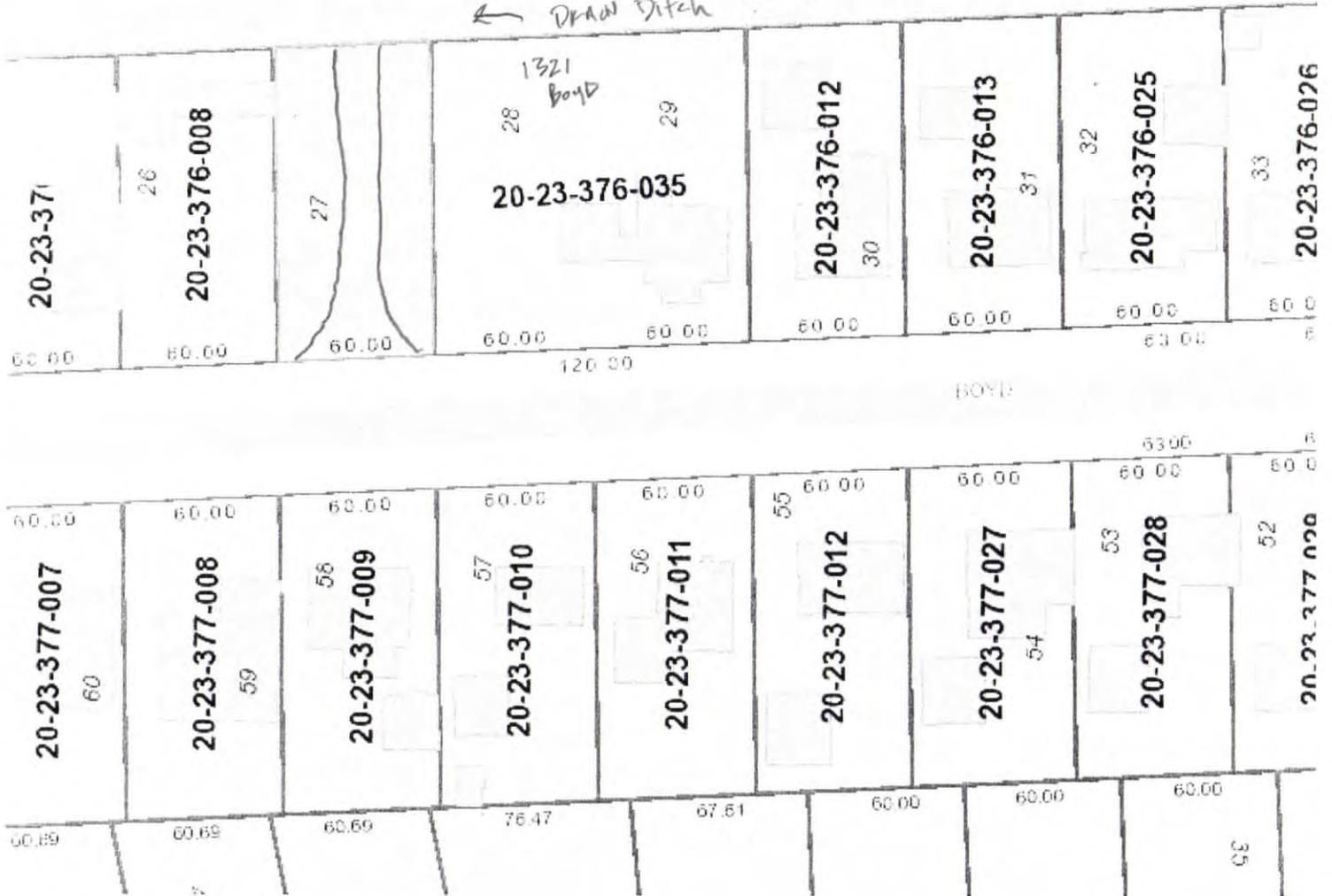
Existing House

Search...

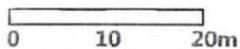
*School*

 Base Map

*← Drain Ditch →*



*Parcel Layout*



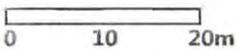
Search...

site



I want to...

Aerial Base Map



Minnie J. Levy his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as BEAVER RUN SUBDIVISION, part of S. W. 1/4 Sec. 23 & S. E. 1/4 Sec. 22, T. 2 N., R. 11 E., <sup>Troy Twp.</sup> Oakland County, Mich. and that the streets and easements as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in Presence of:

E. Skinner  
Edwin W. Brown

Jacob J. Levy (L. S.)  
Minnie J. Levy (L. S.)

STATE OF MICHIGAN  
County of Oakland SS

On this 9<sup>th</sup> day of May 1924 before me, a notary public in and for said county, personally came the above named Jacob J. Levy and Minnie J. Levy his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

My commission expires Feb 24 1925 Edwin W. Brown  
Notary Public, Oakland County, Mich.

DEDICATION

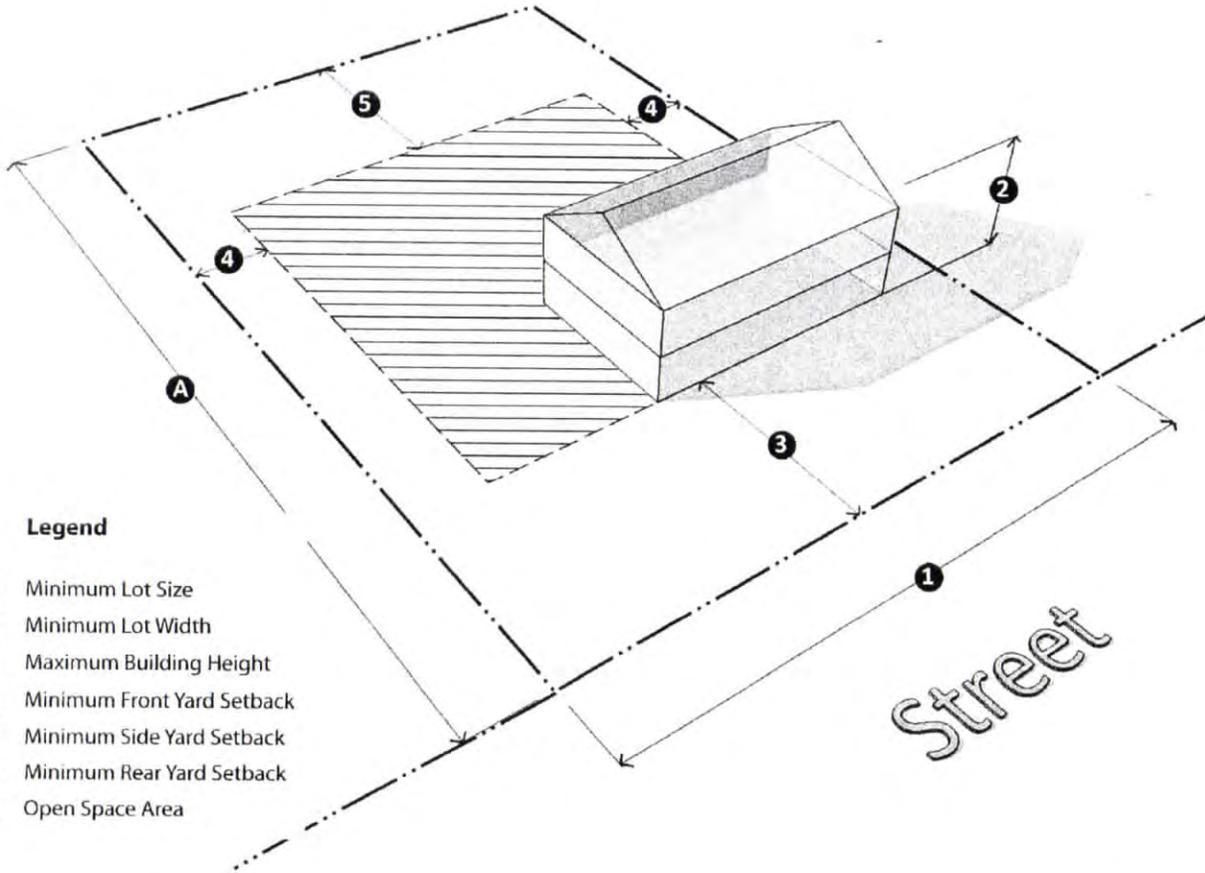
KNOW ALL MEN BY THESE PRESENTS That we The Royal Oak Savings Bank a Michigan corporation by C.A. Lehman Vice President and E.D. Skinner Cashier as mortgagee, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as 'BEAVER RUN SUBDIVISION' Part of S. W. ... Oakland County, Mich. and that

metal fifteen inch permanent monuments, of points marked thus "0" platted, and at all int

This plat was apprx Mich. at a meeting held

The land embraced in Sec. 23 & S. E. 1/4 Sec. follows; Beginning at the <sup>said point of beginning lying</sup> Oakland County, Mich.; to the east line of the 50' E., 121.7 ft.; thence

at. It will be includ  
1 (22 hours ago)  
id Know About Workplac  
148.524.3359 | Cell:  
notes innovation, and within the region. We do th nity for life. We believe in



**Legend**

- A** Minimum Lot Size
- 1** Minimum Lot Width
- 2** Maximum Building Height
- 3** Minimum Front Yard Setback
- 4** Minimum Side Yard Setback
- 5** Minimum Rear Yard Setback
- 6** Open Space Area

Use District	Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	Area in Sq. Ft.	Width in Ft.	Frontage in Ft.	In Stories	In Feet	Front	Sides		Rear		
	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>3</b>	Least One <b>4</b>	Least Two <b>4</b>	<b>5</b>		
<b>R-1A</b>											
No Sewer	30,000	150	150	2 1/2	30	40	15	30	45	1,400	30%
Sewer	21,780	120	120	2 1/2		40	15	30	45		
<b>R-1B</b>											
No Sewer	21,780	110	110	2 1/2	30	40	15	30	45	1,400	30%
Sewer	15,000	100	100	2 1/2		40	10	25	45		
<b>R-1C</b>											
No Sewer	21,780	110	110	2 1/2	30	30	15	30	40	1,200	30%
Sewer	10,500	85	85	2 1/2		30	10	20	40		
<b>R-1D</b>											
No Sewer	21,780	110	110	2 1/2	30	25	15	30	40	1,000	30%
Sewer	8,500	75	75	2 1/2		25	8	20	40		
<b>R-1E</b>											
No Sewer	21,780	110	110	2 1/2	30	25	15	30	35	1,000	30%
Sewer	7,500	60	60	2 1/2		25	5	15	35		

4. POSTPONED ITEM

- A. VARIANCE REQUEST, DAVID J. PARDUN, 1321 BOYD STREET – In order to split a parcel of land into two parcels, a 305.5 square foot variance from the 7,500 square foot minimum lot size. Zoning Ordinance Section 4.06 (C) R-1E Zoning District.

Moved by Kneale  
Seconded by Clark

RESOLVED, to deny the variance.

Yes: Eisenbacher, Kneale, Clark  
No: Kaltsounis, Sanzica, Desmond

Moved by Sanzica  
Seconded by Desmond

RESOLVED, to grant the variance.

Yes: Kaltsounis, Sanzica, Desmond  
No: Kneale, Clark, Eisenbacher

Moved by Clark  
Seconded by Kneale

RESOLVED, to deny the variance.

Yes: Clark, Desmond, Kneale  
No: Kaltsounis, Sanzica, Eisenbacher

Moved by Eisenbacher  
Seconded by Kaltsounis

RESOLVED, to grant the variance.

Yes: Sanzica, Eisenbacher, Kaltsounis  
No: Clark, Desmond, Kneale

Moved by Sanzica  
Seconded by Desmond

RESOLVED, to grant the variance.

Yes: Kaltsounis, Sanzica, Desmond  
No: Kneale, Clark, Eisenbacher

RESOLVED, to postpone the item to the April 21, 2015 Zoning Board of Appeals Meeting.

Yes: All

MOTION PASSED

5. HEARING OF CASES

A. VARIANCE REQUEST, DAVID J. PARDUN, 1321 BOYD STREET – In order to split a parcel of land into two parcels, a 305.5 square foot variance from the 7,500 square foot minimum lot size. Zoning Ordinance Section 4.06 (C) R-1E Zoning District.

Moved by Courtney  
Seconded by Lambert

RESOLVED, to deny the variance.

Moved by Eisenbacher  
Seconded by Lambert

RESOLVED, to table the motion to the March 17, 2015 Zoning Board of Appeals Meeting.

Yes: All

MOTION PASSED

**ITEM #3 – VARIANCE REQUEST. RWT BUILDING, LLC, 1309 BOYD (PROPOSED ADDRESS)**, for relief of the Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to divide a parcel and construct a new single-family residence. The existing home at 1321 Boyd is located on Lot #29 with a portion of the attached garage located on Lot #28. Although these two lots are shown as two separate parcels for tax purposes, since the same individual owns them, Section 40.50.02 of the Zoning Ordinance considers this to be an undivided parcel. Individually these lots are only 7,200 square feet in area. Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District. The plans submitted propose to remove the garage, separate the lots creating two 7,200 square foot parcels, and build a new home on Lot #28.

This item last appeared before this Board at the meeting of July 20, 2004 and was postponed to allow the Board members to revisit the site to determine if the proposed home would create an adverse effect to surrounding property.

Mr. Courtney asked if the setback requirements would be met with the new home. Mr. Stimac indicated that the plans submitted indicate a new dwelling with 7 ½' on each side and 45' of building width, which would comply with the Ordinance. Mr. Courtney then stated that basically this variance would be creating two non-conforming lots.

Mr. Murray Deagle from RWT Building, LLC was present and stated that the proposed homes would comply with the requirements of the Ordinance with the exception of the lot area. Mr. Deagle also said this neighborhood is quite mixed in the type of homes that exist and did not feel this proposed split would cause an adverse effect to surrounding property. Mr. Deagle had approached the School District to see if they would consider selling some of the property behind this lot in order to have the lots meet the area requirement, but was told that they would not sell any of their land, however believes that this lot would conform with the other homes in the area regarding the depth of the lot. Mr. Deagle went on to say that he feels that the new construction would not only improve the neighborhood but would also add property value to the City of Troy. Mr. Deagle also said that they would be willing to move the house farther east in order to add to the side yard setback. RWT Building has been constructing new homes in Troy for the last ten years, and the homes that they build are generally 2200 square feet, and Mr. Deagle feels this size of home is very desirable in this area.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are seven (7) written objections on file. There are three (3) written approvals on file.

Mr. Kovacs stated that he had gone back to this site and noticed that there was a drainage ditch that ran along the back of the property. Mr. Kovacs also said that he did

### ITEM #3 – con't.

not see how a new home would obstruct the view of the school, as presently there are a number of large trees, and the school is set back approximately 200' from these trees. Mr. Kovacs also said that he did not see a problem with this request as he feels that the proposed home would fit in with the other homes in the area and feels that conforming to the Ordinance would be unnecessarily burdensome for the petitioner.

Mr. Courtney stated that he feels this is a conforming lot now and by granting a variance the Board would create two (2) non-conforming lots and the only hardship was monetary. Mr. Courtney said that he could not justify this variance.

Mr. Fejes agreed with Mr. Courtney and stated that he did not see any type of hardship at all with the land, and would not be able to justify a variance. Mr. Hutson said that he thinks that splitting this parcel would increase the congestion in the area and he could not find a practical difficulty that ran with the land.

Mr. Maxwell stated that he did not think splitting this property would create a hardship and felt that the proposed homes would fit in with this area and would improve the property.

Motion by Courtney  
Supported by Hutson

MOVED, to deny the request of RWT Building, LLC, 1309 Boyd (proposed address), for relief of the Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.
- Petitioner did not demonstrate a hardship.

Yeas: 5 – Hutson, Schultz, Courtney, Fejes, Gies  
Nays: 2 – Kovacs, Maxwell

MOTION TO DENY REQUEST CARRIED

**ITEM #2 – VARIANCE REQUEST. RWT BUILDING, LLC, 1309 BOYD (PROPOSED ADDRESS)**, for relief of the Zoning Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to divide a parcel and construct a new single-family residence. The existing home at 1321 Boyd is located on Lot #29 with a portion of the attached garage located on Lot #28. Although these two lots are shown as two separate parcels for tax purposes, since the same individual owns them, Section 40.50.02 of the Zoning Ordinance considers this to be an undivided parcel. Individually these lots are only 7,200 square feet in area. Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District. The plans submitted propose to remove the garage, separate the lots creating two 7,200 square foot parcels, and build a new home on Lot #28.

This item first appeared before this Board at the meeting of June 15, 2004 and was postponed at the request of the petitioner.

Mr. Gregory Wieg, the owner of this property was present. Mr. Wieg stated that he has owned this lot for approximately 12 years and this property was assigned a separate sidwell number, and was assessed a value of \$50,000 for tax purposes and he believed was considered to be a buildable lot. Mr. Wieg said that he has retired and wished to sell the property to this developer as he is well known to Mr. Wieg and believes that any home he puts in will enhance the value of this area.

Mr. Courtney asked if Mr. Wieg had ever checked with the City to determine if another home could be built on this property. Mr. Wieg stated that he had not and had assumed because of the high value of the lot that it was a buildable lot.

Mr. Hutson stated that in order to grant a variance this Board must find a practical difficulty with the land and as far as he could determine the hardship in this case was a financial one. Mr. Wieg said that it is a financial hardship to him and he had always paid taxes on it with the idea that it was a buildable lot. Mr. Wieg also said that this home would be in keeping with the character of the area. Mr. Hutson said that he had visited this area and did not want to contribute to the congestion in the area.

Mr. Kovacs asked about the size of the lots in this area. Mr. Stimac indicated most of the lots in the area are 60' wide, which was the way they were originally platted. Mr. Stimac also stated that he thought that the depth of the north side of the street were 120' deep. Mr. Stimac also pointed out that some of the homes are on two lots and there is an access drive to the school on the single lot immediately to the west.

The Chairman opened the Public Hearing.

Mr. Brad Comb, 1296 Boyd, was present and stated that he was concerned about building a house on that corner as it will block traffic. Mr. Comb said that this is a very

## ITEM #2 – con't.

congested area and is concerned about the children going to school. Mr. Comb also said that he would not have a problem with this if it was a mid-block lot, but would rather not see a house built here. Mr. Comb is also concerned about the number of trees that would be taken down and is opposed to this variance.

Mrs. Diane Alati, 1308 Boyd was present and stated that she is opposed to this variance request. Mrs. Alati said that this is a very high traffic area and believes that construction on this lot would create a larger problem. Mrs. Alati also said that a bond was recently passed and a new, larger school facility was going to be built here and the congestion would be increased.

No one else wished to be heard and the Public Hearing was closed.

There are six (6) written objections on file. There are three (3) written approvals on file.

Mr. Kovacs indicated that he thought a new home would fit in this area and did not think it would create a problem.

Mr. Maxwell asked who owned the access lot to the school. Mr. Stimac said that to the best of his knowledge he thought it would be owned by the school district. Mr. Maxwell indicated that he thought if there was school expansion there should also be expansion to the access drive as well.

Mr. Kovacs asked if the proposed residence would comply with the requirements of the Ordinance. Mr. Stimac said that the plan as proposed would comply with the setback requirements of the R-1E Zoning District.

Mr. Courtney said that he believes that are enough small lots in the area and thinks this lot should be left alone. Mr. Courtney thinks that the Board should honor the Ordinance "as is".

Mr. Strat asked if this property was considered a corner lot and Mr. Stimac said that because the access drive to the school is not a public street, this property is not considered by the Ordinance to be a corner lot. Mr. Strat asked if the existing structure meets the side yard requirements. Mr. Stimac said that the plans submitted indicate that the existing house has a 10' setback to the east property line and has a 6' setback to the west property line exclusive of the garage. The R-1E Zoning District requires a minimum of 5' with a total of 15' for the setback.

Mr. Kovacs stated that the petitioner thought he was paying taxes on a buildable lot and Mr. Stimac said that he could not comment on the procedures regarding City assessments. This property as indicated has two separate tax bills, but does have a structure that straddles both property lines.

Mr. Courtney stated that the assessment on this property is on the total combined property. Mr. Courtney asked if the school was planning to expand the drive to the school. Mr. Stimac said that the parcel of land that the school owns is 60', and thought

**ITEM #2 – con't.**

a standard residential street could go in there. Mr. Courtney then asked what the setbacks for the proposed house would be if a public street were put in. Mr. Stimac said that the proposed house would have to have a minimum 10' setback from the west property line and a 5' setback to the east property line.

Motion by Courtney  
Supported by Hutson

MOVED, to deny the request of RWT Building, LLC, 1309 Boyd (proposed address), for relief of the Zoning Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

- Petitioner did not demonstrate a hardship with the land.

Yeas: 2 – Hutson, Courtney  
Nays: 4 – Kovacs, Maxwell Strat, Gies

**MOTION TO DENY FAILS**

Motion by Courtney to postpone.

Mr. Maxwell said that the property owner needs a variance to build on a second lot, and feels that some of the problems mentioned belong to the school in the area. Mr. Maxwell also said that there are a number of lots in the area that are small and thinks this would fit in.

Mr. Hutson stated that the Board is bound by the Ordinance and a variance requires a practical difficulty with the land and did not feel that there was a hardship with the land. Mr. Hutson also said that this is a crowded area and would rather not make it more crowded and would rather see a home on a double lot than two homes on smaller lots.

Motion by Courtney  
Supported by Strat

MOVED, to postpone the request of RWT Building, LLC, 1309 Boyd (proposed address), for relief of the Zoning Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District until the next scheduled meeting of August 17, 2004.

- To allow the Board members to revisit the site to determine if the proposed home would create an adverse effect to surrounding property.

Yeas: All – 6

**MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF AUGUST 17, 2004 CARRIED**



# Geographical Information Systems Online



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



**ITEM #2 – con't.**

- To allow the Planning Commission to discuss and act on the special use approval request submitted by the Church.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 21, 2004 CARRIED

**ITEM #3 – VARIANCE REQUEST. RWT BUILDING, LLC, 1309 BOYD (PROPOSED ADDRESS)**, for relief of the Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to divide a parcel and construct a new single-family residence. The existing home at 1321 Boyd is located on Lot #29 with a portion of the attached garage located on Lot #28. Although these two lots are shown as two separate parcels for tax purposes, since the same individual owns them, Section 40.50.02 of the Zoning Ordinance considers this to be an undivided parcel. Individually these lots are only 7,200 square feet in area. Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District. The plans submitted propose to remove the garage, separate the lots creating two 7,200 square foot parcels, and build a new home on Lot #28.

This item last appeared before this Board at the meeting of July 20, 2004 and was postponed to allow the Board members to revisit the site to determine if the proposed home would create an adverse effect to surrounding property.

Mr. Courtney asked if the setback requirements would be met with the new home. Mr. Stimac indicated that the plans submitted indicate a new dwelling with 7 ½' on each side and 45' of building width, which would comply with the Ordinance. Mr. Courtney then stated that basically this variance would be creating two non-conforming lots.

Mr. Murray Deagle from RWT Building, LLC was present and stated that the proposed homes would comply with the requirements of the Ordinance with the exception of the lot area. Mr. Deagle also said this neighborhood is quite mixed in the type of homes that exist and did not feel this proposed split would cause an adverse effect to surrounding property. Mr. Deagle had approached the School District to see if they would consider selling some of the property behind this lot in order to have the lots meet the area requirement, but was told that they would not sell any of their land, however believes that this lot would conform with the other homes in the area regarding the depth of the lot. Mr. Deagle went on to say that he feels that the new construction would not only improve the neighborhood but would also add property value to the City of Troy. Mr. Deagle also said that they would be willing to move the house farther east in order to add to the side yard setback. RWT Building has been constructing new

**ITEM #3 – con't.**

homes in Troy for the last ten years, and the homes that they build are generally 2200 square feet, and Mr. Deagle feels this size of home is very desirable in this area.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are seven (7) written objections on file. There are three (3) written approvals on file.

Mr. Kovacs stated that he had gone back to this site and noticed that there was a drainage ditch that ran along the back of the property. Mr. Kovacs also said that he did not see how a new home would obstruct the view of the school, as presently there are a number of large trees, and the school is set back approximately 200' from these trees. Mr. Kovacs also said that he did not see a problem with this request as he feels that the proposed home would fit in with the other homes in the area and feels that conforming to the Ordinance would be unnecessarily burdensome for the petitioner.

Mr. Courtney stated that he feels this is a conforming lot now and by granting a variance the Board would create two (2) non-conforming lots and the only hardship was monetary. Mr. Courtney said that he could not justify this variance.

Mr. Fejes agreed with Mr. Courtney and stated that he did not see any type of hardship at all with the land, and would not be able to justify a variance. Mr. Hutson said that he thinks that splitting this parcel would increase the congestion in the area and he could not find a practical difficulty that ran with the land.

Mr. Maxwell stated that he did not think splitting this property would create a hardship and felt that the proposed homes would fit in with this area and would improve the property.

Motion by Courtney  
Supported by Hutson

MOVED, to deny the request of RWT Building, LLC, 1309 Boyd (proposed address), for relief of the Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

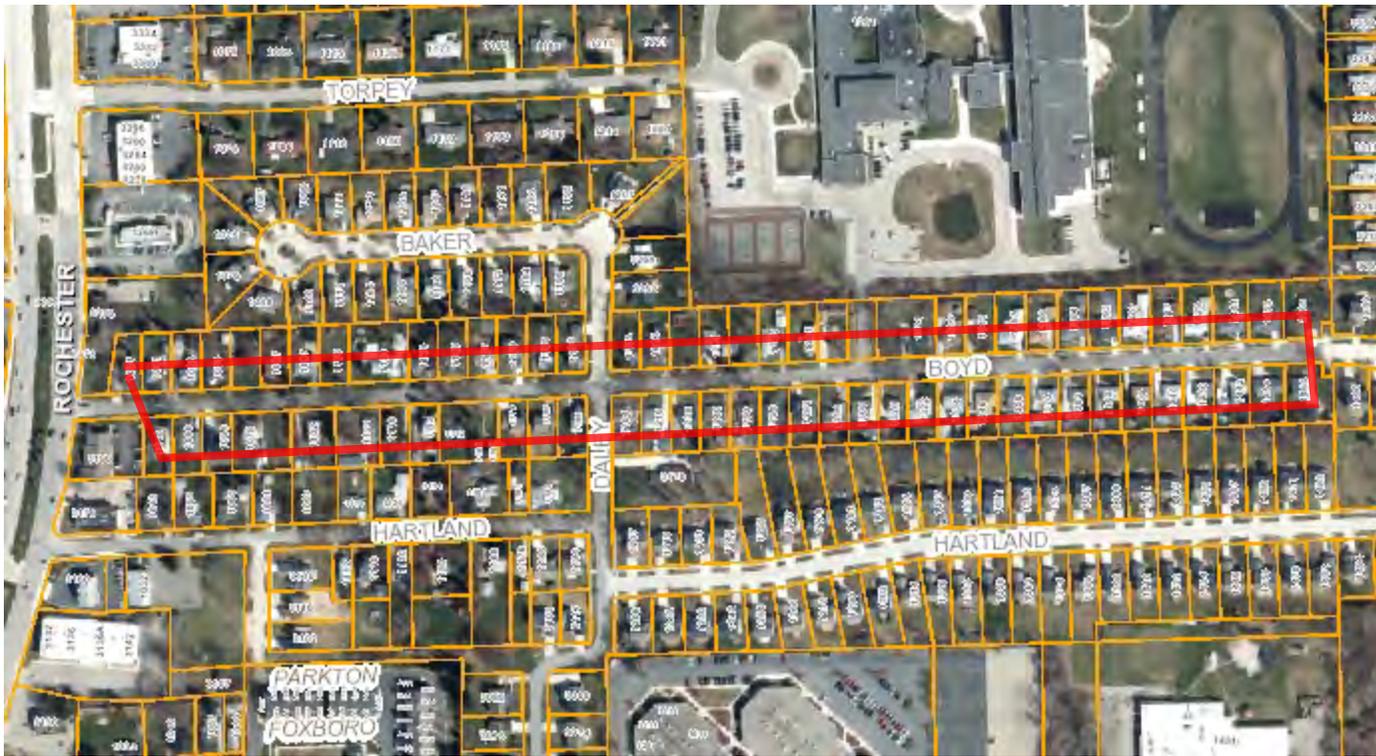
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.
- Petitioner did not demonstrate a hardship.

Yeas: 5 – Hutson, Schultz, Courtney, Fejes, Gies  
Nays: 2 – Kovacs, Maxwell



# Parcel Variance Report

## Prepared March 2016 by City of Troy



Address: 1321 BOYD	Parcel Frontage: 120	Area (SQFT): 14,398
Address: 1369 BOYD	Parcel Frontage: 63	Area (SQFT): 7,559
Address: 1109 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1333 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1157 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1265 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1213 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1199 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1139 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address: 1063 BOYD	Parcel Frontage: 60	Area (SQFT): 7,199
Address:	Parcel Frontage:	Area (SQFT):

1041 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1393 BOYD	63	7,559
Address:	Parcel Frontage:	Area (SQFT):
1345 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1149 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1097 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1454 BOYD	72	8,756
Address:	Parcel Frontage:	Area (SQFT):
1417 BOYD	63	7,559
Address:	Parcel Frontage:	Area (SQFT):
1357 BOYD	63	7,559
Address:	Parcel Frontage:	Area (SQFT):
1251 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1167 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1131 BOYD	120	14,398
Address:	Parcel Frontage:	Area (SQFT):
1031 BOYD	66	7,279
Address:	Parcel Frontage:	Area (SQFT):
1441 BOYD	72	8,636
Address:	Parcel Frontage:	Area (SQFT):
1381 BOYD	63	7,559
Address:	Parcel Frontage:	Area (SQFT):
	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1382 BOYD	63	7,654
Address:	Parcel Frontage:	Area (SQFT):
1186 BOYD	60	7,189
Address:	Parcel Frontage:	Area (SQFT):
1055 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1466 BOYD	62	11,322
Address:	Parcel Frontage:	Area (SQFT):
1322 BOYD	60	7,284
Address:	Parcel Frontage:	Area (SQFT):
1264 BOYD	60	7,279
Address:	Parcel Frontage:	Area (SQFT):
1228 BOYD	60	7,284

Address:	Parcel Frontage:	Area (SQFT):
1142 BOYD	60	7,189
Address:	Parcel Frontage:	Area (SQFT):
1418 BOYD	63	7,658
Address:	Parcel Frontage:	Area (SQFT):
1406 BOYD	63	7,656
Address:	Parcel Frontage:	Area (SQFT):
1346 BOYD	63	7,599
Address:	Parcel Frontage:	Area (SQFT):
1240 BOYD	60	7,290
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1204 BOYD	60	7,243
Address:	Parcel Frontage:	Area (SQFT):
1394 BOYD	63	7,655
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1320 BOYD	60	7,283
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1430 BOYD	63	7,659
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1308 BOYD	60	7,282
Address:	Parcel Frontage:	Area (SQFT):
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1216 BOYD	60	7,293
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1198 BOYD	60	7,198
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1128 BOYD	60	7,207
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1370 BOYD	63	7,653
Address:	Parcel Frontage:	Area (SQFT):
1078 BOYD	120	14,396
Address:	Parcel Frontage:	Area (SQFT):
1050 BOYD	60	7,189
Address:	Parcel Frontage:	Area (SQFT):
1407 BOYD	63	7,559
Address:	Parcel Frontage:	Area (SQFT):
	60	7,199

Address:	Parcel Frontage:	Area (SQFT):
	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1358 BOYD	63	7,339
Address:	Parcel Frontage:	Area (SQFT):
1296 BOYD	60	7,281
Address:	Parcel Frontage:	Area (SQFT):
1122 BOYD	90	10,795
Address:	Parcel Frontage:	Area (SQFT):
1453 BOYD	72	8,639
Address:	Parcel Frontage:	Area (SQFT):
1429 BOYD	63	7,559
Address:	Parcel Frontage:	Area (SQFT):
1281 BOYD	60	7,199
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1205 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1185 BOYD	60	7,199
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1087 BOYD	60	7,199
Address:	Parcel Frontage:	Area (SQFT):
1442 BOYD	72	8,751
Address:	Parcel Frontage:	Area (SQFT):
1334 BOYD	60	7,285
Address:	Parcel Frontage:	Area (SQFT):
1174 BOYD	60	7,207
Address:	Parcel Frontage:	Area (SQFT):
1152 BOYD -1162	120	14,396
Address:	Parcel Frontage:	Area (SQFT):
1102 BOYD	90	10,790
Address:	Parcel Frontage:	Area (SQFT):
1465 BOYD	61	11,024

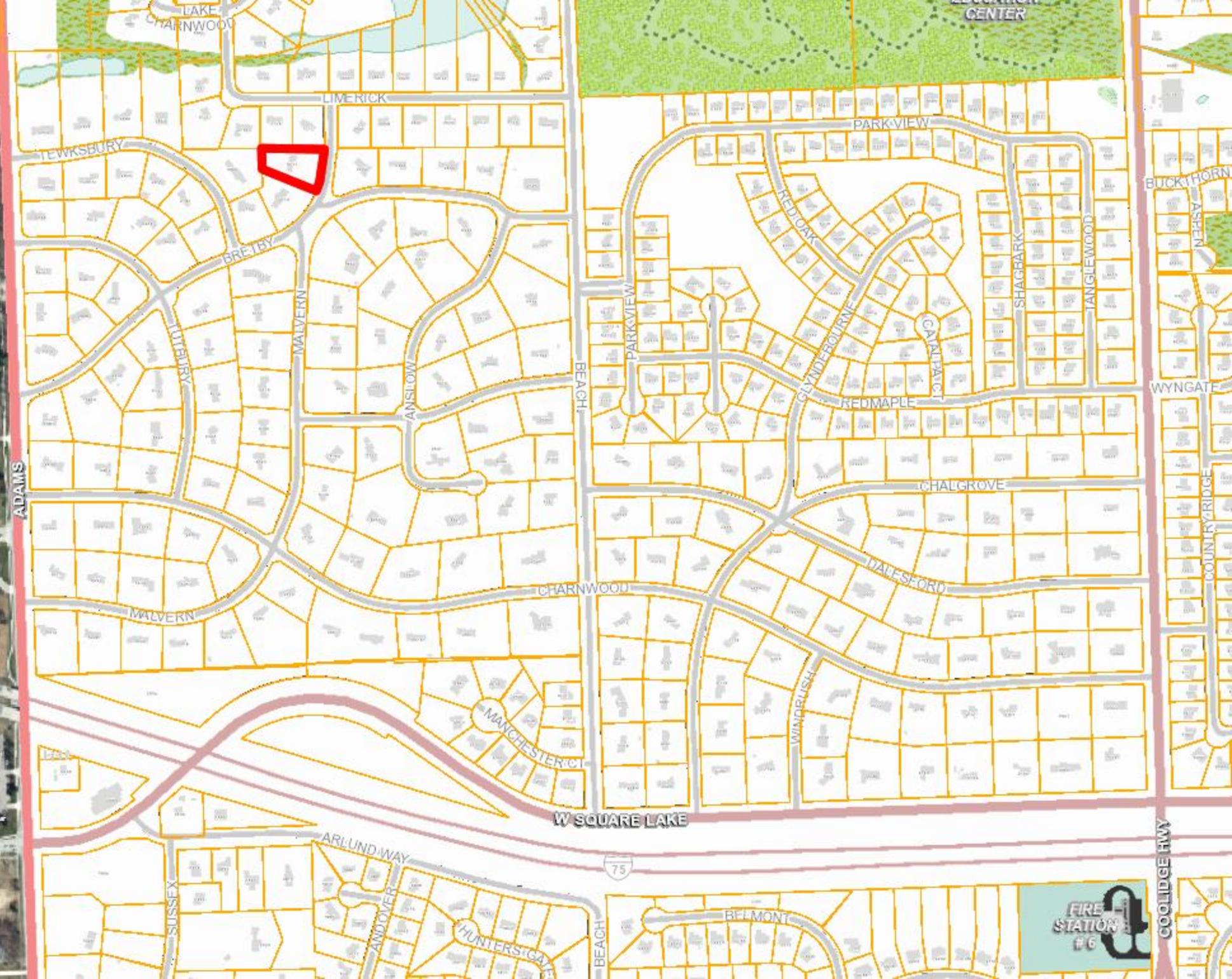
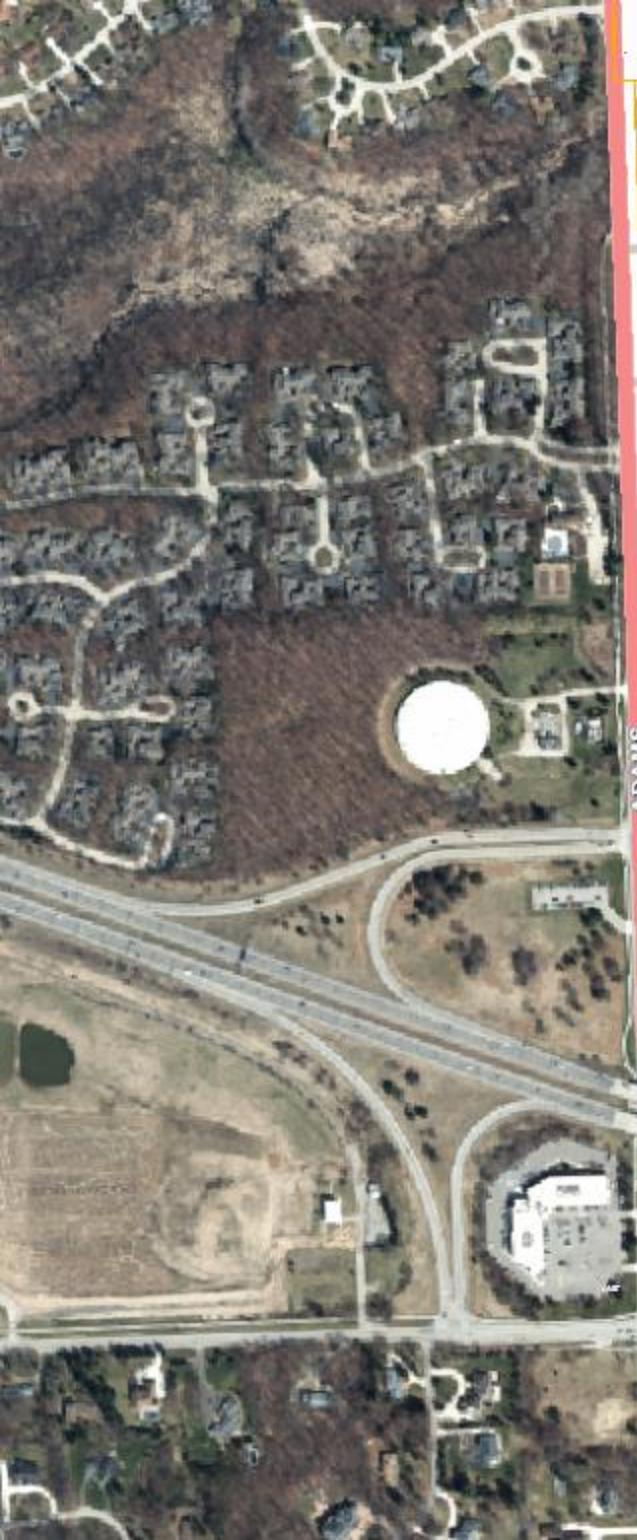
### Summary Parcel Frontage

Number of Parcels Selected	72
Frontage Avg (Mean)	66
Frontage Standard Deviation	14
Area Avg (Mean)	7,988
Area Standard Deviation	1,805

4. HEARING OF CASES

- B. VARIANCE REQUEST, SAFET STAFA OF STERLING CONSTRUCTION INC., 6511 MALVERN – In order to construct a new home, a 2 foot variance to the 30 foot maximum height limit.

ZONING ORDINANCE SECTION: 4.06 (C) R-1A Zoning District



ADAMS

TEWKSBURY

BRIBBY

LIME RICK

MALVERN

ANSLOW

BEACH

PARKVIEW

PARKVIEW

RED OAK

GLYNDERBOLINE

RED MAPLE

CATALPA

SHAGBARK

TANGLEWOOD

BUCKTHORN

WYNGATE

MALVERN

CHARNWOOD

CHALCROVE

WALSFORD

MANCHESTER

WINDRUSEL

W SQUARE LAKE

SUSSEX

ARLUND WAY

ANDOVER

HUNTERS GATE

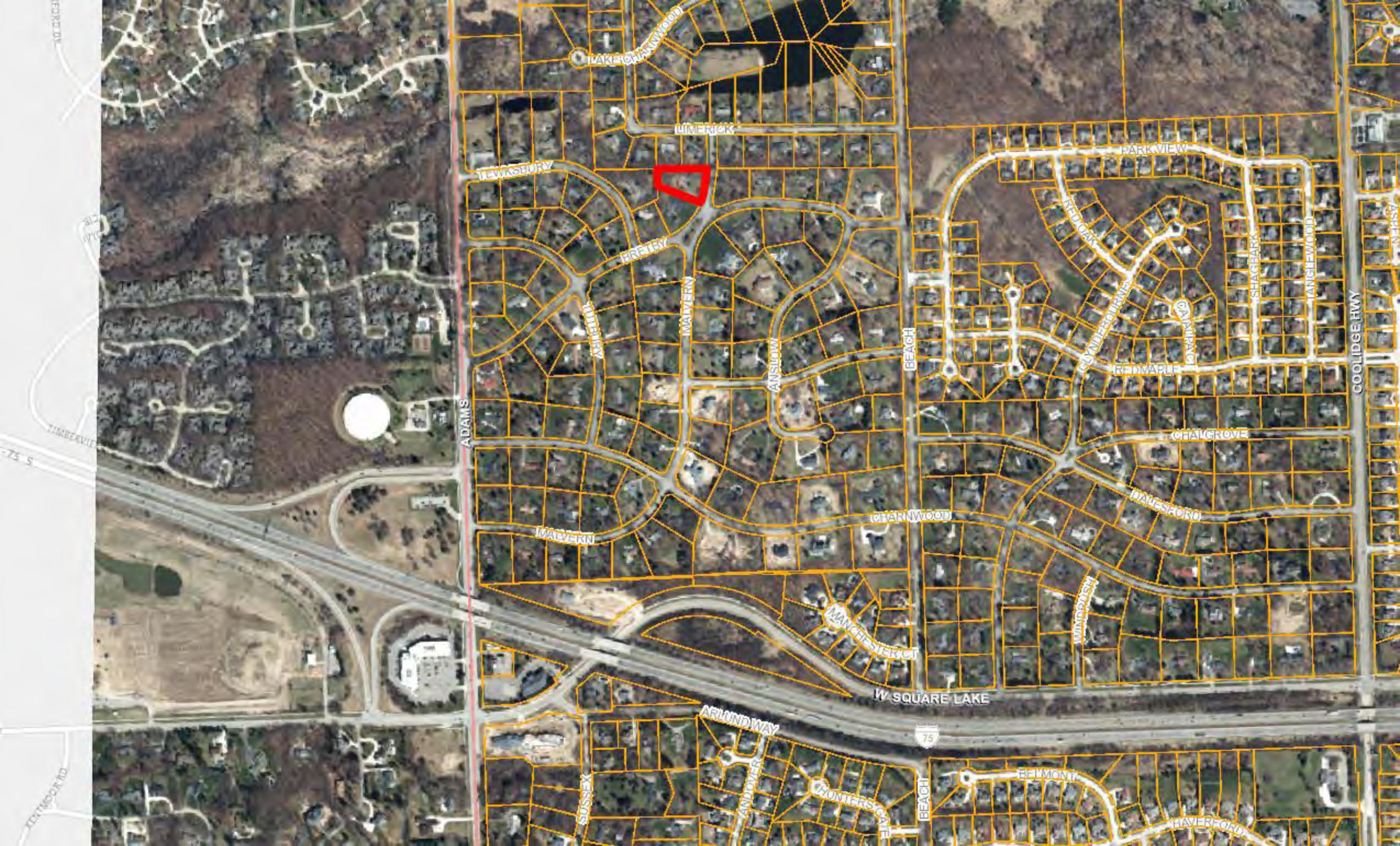
BELMONT

75

BEACH

FIRE STATION #6

COOLIDGE HWY



EDGE DR

TIMBERVIEW

TENTHMOOR RD

LAKEWOOD PARKWAY

WIMPERICK

LEWISBURG

HRP HWY

WALVERN

ANSLOW

BEACH

PARKVIEW

TELEGRAPH

RAMMART

SHAGBARK

MANCHESTER

COOLIDGE HWY

ADAMS

CHATEL GROWS

WALVERN

BRANWOOD

WALVERN

MANCHESTER

WALVERN

W SQUARE LAKE

ARLOND WAY

75

BEACH

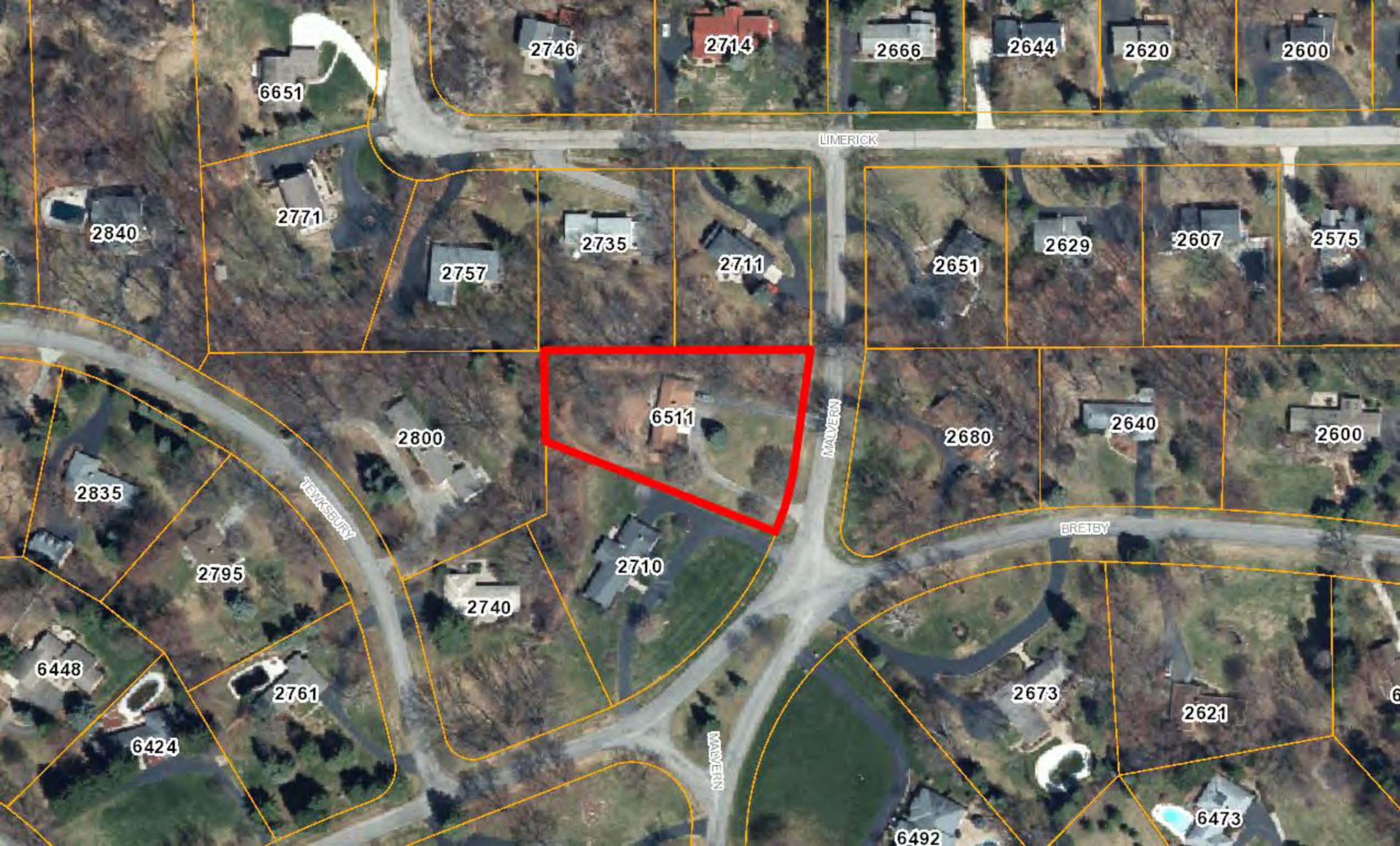
BENNETT

WALVERN

SUSSEX

ANTHONY

WALVERN



6651

2746

2714

2666

2644

2620

2600

LIMERICK

2840

2771

2757

2735

2711

2651

2629

2607

2575

6511

2800

2680

2640

2600

MALVERN

BRETBY

2835

TENKSBURY

2795

2710

2740

6448

2761

2673

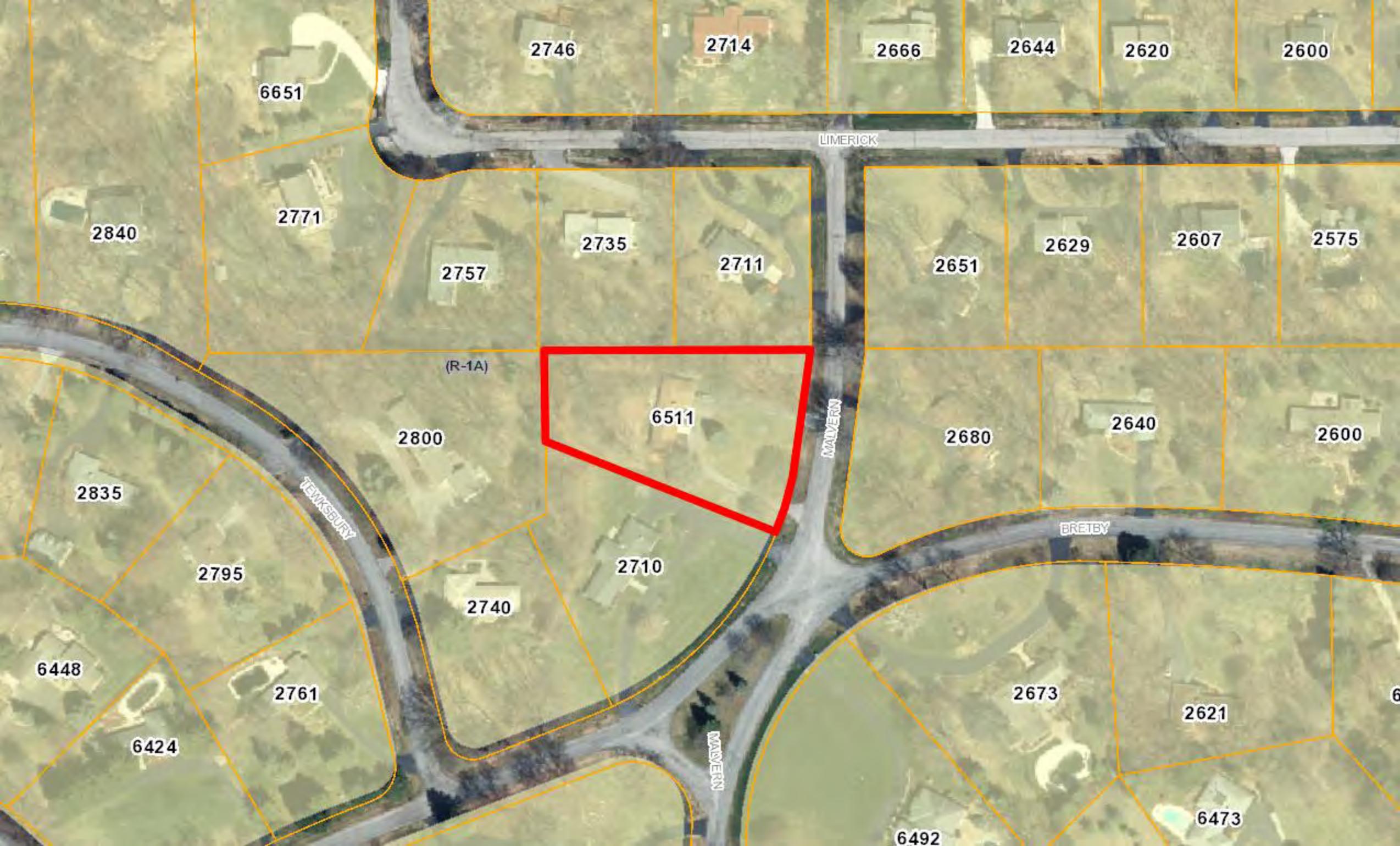
2621

6424

MALVERN

6492

6473



2746

2714

2666

2644

2620

2600

6651

LIMERICK

2840

2771

2757

2735

2711

2651

2629

2607

2575

(R-1A)

6511

2800

MALVERN

2680

2640

2600

BRETRY

2835

TWKSURY

2795

2710

2740

2673

2621

6448

2761

6424

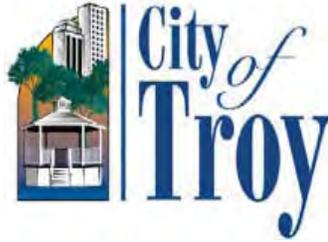
MALVERN

6492

6473

# 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)



**FEE \$150.00**  
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION AND FEE AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 6511 Malvern Drive
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-06-151-014
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 4.06.C., Maximum Height, R-1A
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: no
5. APPLICANT:  
NAME Safet Stafa  
COMPANY Sterling Construction Inc.  
ADDRESS 1612 Muer Drive  
CITY Troy STATE MI ZIP 48084  
PHONE 248-890-8421  
E-MAIL sam@scihomesinc.com  
AFFILIATION TO THE PROPERTY OWNER: same

6. PROPERTY OWNER:

NAME (same as Applicant)

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

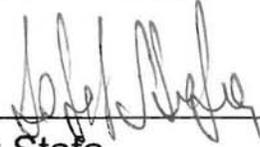
TELEPHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

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.

I, Safet Stafa (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  DATE 4/12/2016

PRINT NAME: Safet Stafa

PROPERTY OWNER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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

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.

PROPOSED ZONE HEIGHT VARIANCE  
PURSUANT TO CITY OF TROY CODE  
FOR  
6511 MALVERN DRIVE TROY, MI 48098

April 13, 2016

City of Troy Zoning Board  
500 W. Big Beaver Road  
Troy, MI 48064

RE: New Home Construction 6511 Malvern Dr.  
Home Height  
Request for Variance

Dear, Zoning Board Members:

This variance request is being submitted for the approval from the board pertaining to a new home construction project and more specifically for an increase of the height of the home.

Variance Requested:

- 1.) The Dwelling is requiring a 2 ft variance on the height of the home.

Variance Standards:

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 the property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.

The purpose of the variance request is not to increase the usable square footage of the home but rather to maximize the developable land on the property and to construct the home in parity with the character of the neighborhood and other new construction projects. The proposed height of the home will not block anyone's view including the neighbors located directly in each direction. This home that will be built is of significant size and sits atop a hill on a lot that is more than one acre. This particular neighborhood is going through a major transformation of new million dollar plus homes and this home at 6511 Malvern Dr. fits in line with the other newly constructed homes which adds to the overall appeal and value of this neighborhood and to the current and future tax revenue to the City of Troy. These lots are not properties that would be considered as split lots for multi home building projects. This lot along with the other homes in the neighborhood will be single home lots.

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.

The characteristics which make compliance difficult are related to the subject property.

c.) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.

The characteristics which make compliance difficult are not of a personal nature.

d.) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or previous owner.

The characteristics which make compliance difficult were not created by the current or 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.

The proposed variance will not negatively alter the character of the development. In fact it will improve the overall character of the neighborhood and development. These homes are all located on large lots and are not located in close proximity to each other. This proposed house is located on a hill already situated above the properties that surround it and will not impair any light or air at all to all of the adjacent properties. The entire perimeter of the property has large pre-existing clusters of trees that are very mature and tall and if anything impedes light or air at all it would be the natural tree's and vegetation, not the height of the home even with a 2 ft variance increase.

The proposed variance would not affect congestion in public streets in any way, nor would it increase fire danger or the public safety. This new home and the height variance will not unreasonably diminish or impair any established properties value. In fact, it would be quite the opposite. This new significant property with exceptional architecture will increase the overall property value of the older pre existing homes which is in line with the ongoing growth of the neighborhood. As an added note, the new homes in this area have increased the traffic of new potential home buyers and that has afforded the opportunity for the pre-existing home owners to capture top dollar for their homes for the owners that are choosing to sell. That in turn, will improve and increase the tax revenue for the City of Troy.

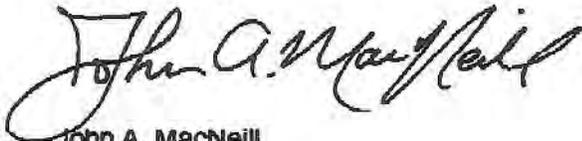
This project does not affect nor is it correlated in any aspect to public health issues, safety, comfort, morals or welfare of the inhabitants of the City.

It is in the opinion of the homeowner and builder that this development meets the intent of the ordinance requirements. The project does so in a fashion that enhances the project for the

benefit of current and future residents of this neighborhood as well as for the City of Troy. Absent from granting of a variance, the property viability for the home owner is in question. For the reasons stated above, the applicant believes that variance standards have been satisfied to justify granting the requested 2 ft increase height variance and would respectfully request approval from the Zoning Board.

The home owner, builder and architect are available to answer any further questions and we look forward to having future discussions.

Best Regards,

A handwritten signature in black ink that reads "John A. MacNeill". The signature is written in a cursive style with a large initial "J".

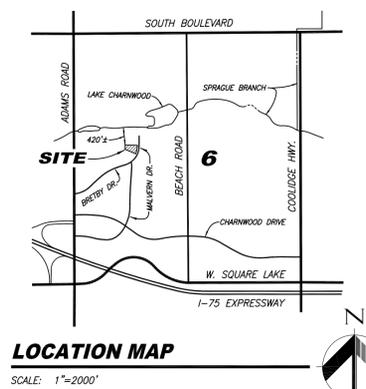
John A. MacNeill  
Property Owner.

Sam Stafa

Sterling Construction  
Builder

**LEGEND**

	EXISTING GRADE		PROPOSED GRADE
	EXISTING CONTOURS, 1' INTERVAL		AS-BUILT GRADE
	EXISTING ASPHALT PAVEMENT		DIRECTION OF SURFACE DRAINAGE
	PROPOSED CONCRETE PAVEMENTS		EXISTING TREE TO REMAIN
	SILT FENCE & LIMITS OF EARTH DISTURBANCE		EXISTING TREE TO BE REMOVED



**PROPERTY DESCRIPTION**

PARCEL NO. 20-06-151-014  
 LOT 71, "CHARWOOD HILLS NO. 2" A SUBDIVISION OF PART OF THE WEST 1/2 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW THE CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 73 OF PLATS, PAGES 21 AND 22 OF OAKLAND COUNTY RECORDS.

**SITE CRITERIA**

- PARCEL SUMMARY:**
  - ADDRESS: #6511 MALVERN DRIVE
  - PARCEL ID NO.: 20-06-151-014
  - EXISTING ZONING: R-1A
  - AREA OF SITE: 42,825 S.F. (0.983 ACRE)
  - AREA OF HOUSE FOOTPRINT: 5,324 S.F.
  - LOT COVERAGE ALLOWED: 30%
  - LOT COVERAGE PROPOSED: 12.4%
  - TOTAL AREA OF EARTH DISTURBANCE: 0.74 ACRE
  - APPROX. 420 FEET TO A TRIBUTARY TO THE SPRAGUE BRANCH TO THE NORTH (REFER TO LOCATION MAP).
- SETBACK SUMMARY:**
  - FRONT (TO R.O.W. LINE): 40'
  - REAR: 45'
  - SIDE: 15' MIN., 30' TOTAL

**BENCHMARKS**

- CITY BENCHMARK #1535  
 ELEVATION = 851.90 (NAVD 88 DATUM)  
 TOP ARROW ON HYDRANT #6-36 AT EXISTING RESIDENCE #2740 BRETRY DRIVE.
- SITE BENCHMARK  
 ELEVATION = 839.88 (NAVD 88 DATUM)  
 EXISTING SANITARY MANHOLE LOCATED IN ASPHALT PAVEMENT OF MALVERN DRIVE AT LOT 71 (SUBJECT PROPERTY).

**NOTES**

- THE CONTRACTOR SHALL VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES AND CONTACT "MISS DIG" PRIOR TO START OF CONSTRUCTION.
- ALL CONSTRUCTION MATERIALS SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE LOCAL MUNICIPALITY, COUNTY, AND STATE.
- THE CONTRACTOR SHALL VERIFY HOUSE DIMENSIONS & FINISH FLOOR ELEVATIONS WITH FINAL APPROVED BUILDING CONSTRUCTION DRAWINGS PRIOR TO THE START OF CONSTRUCTION.
- THE BUILDER AND/OR OWNER SHALL REVIEW PLOT PLAN WITH SUBDIVISION ASSOCIATION PRIOR TO THE START OF CONSTRUCTION, IF APPLICABLE.
- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

**NOTE**

REFER TO SHEET TO THE STANDARD CITY OF TROY SOIL EROSION DETAIL SHEET FOR SOIL EROSION AND SEDIMENTATION CONTROL NOTES AND DETAILS.

**CONTRACTOR'S NOTE**

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE) for the location of underground utilities.

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

**SOILS** (FROM COUNTY SOILS SURVEY)

60C URBAN LAND - MARLETTE COMPLEX (8% TO 15% SLOPES). 0"-8" DARK GRAYISH BROWN SANDY LOAM, 8"-22" DARK YELLOWISH BROWN AND BROWN CLAY LOAM AND SANDY LOAM, 22"-31" YELLOWISH BROWN CLAY LOAM, 31"-60" YELLOWISH BROWN AND PALE BROWN LOAM. MEDIUM SURFACE RUNOFF, WELL DRAINED, MODERATELY SLOW PERMEABILITY.

**SEQUENCE OF CONSTRUCTION**

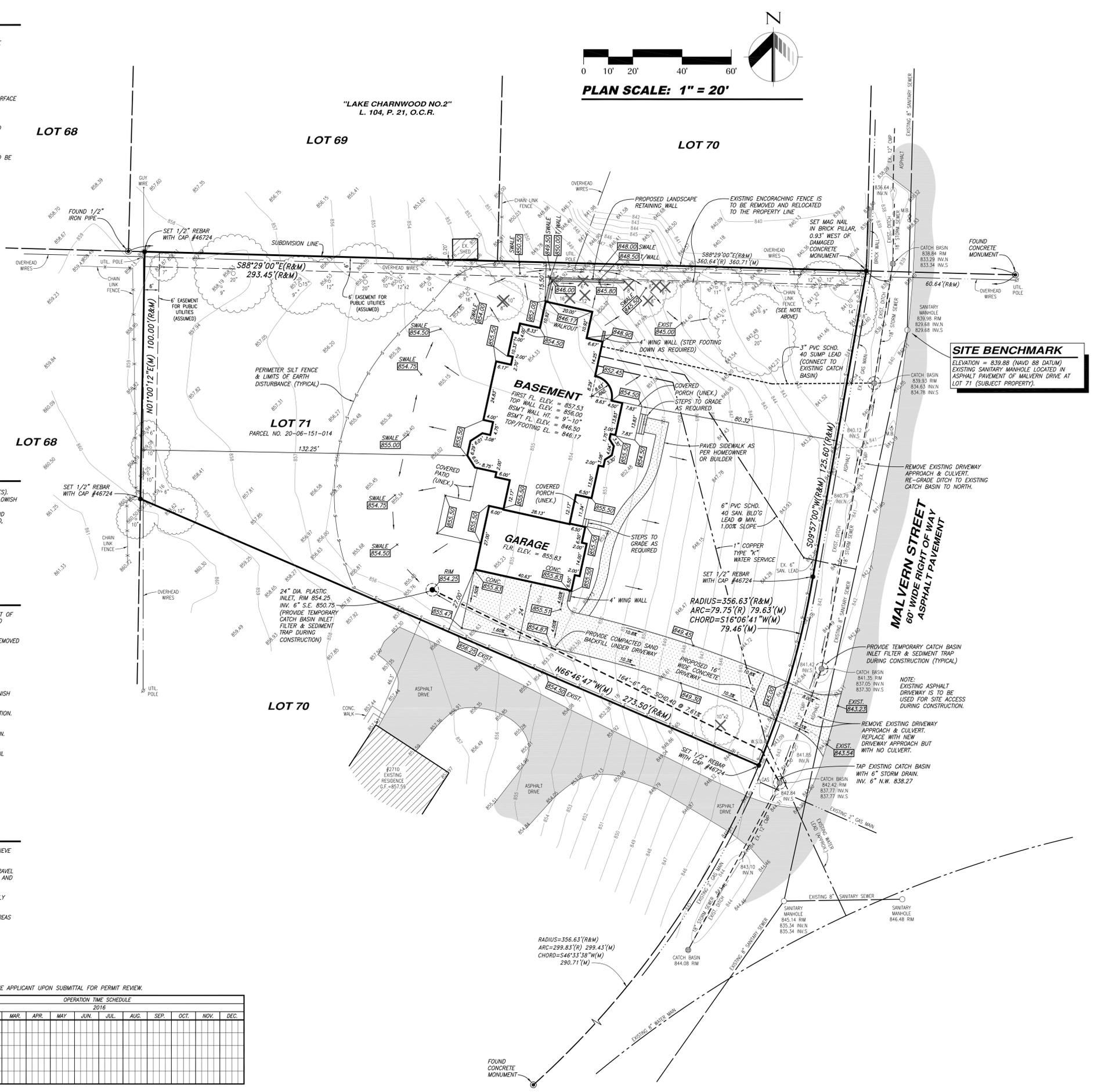
- INSTALL ALL SOIL EROSION CONTROL MEASURES PRIOR TO THE START OF CONSTRUCTION. ALL SOIL EROSION MEASURES ARE TO BE INSTALLED PRIOR TO ANY GROUNDBREAKING OR EARTH MOVEMENT.
- DEMOLISH HOUSE AND ALL STRUCTURES, PAVEMENTS, ETC. TO BE REMOVED FROM THE SITE. REMOVE ALL TREES INDICATED ON THE PLAN FOR REMOVAL.
- BEGIN HOUSE CONSTRUCTION.
- INSTALL UTILITY LEADS AND UNDERGROUND UTILITIES.
- FINISH HOUSE CONSTRUCTION, INSTALL DRIVEWAY, AND ESTABLISH FINISH GRADE INCLUDING YARD SWALES.
- RIGHT-OF-WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- ALL SWALES GREATER THAN 1:5 AND 10' AROUND STORM SEWER STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- AFTER PERMANENT EARTH STABILIZATION IS COMPLETED, REMOVE ALL TEMPORARY SOIL EROSION CONTROL MEASURES. NO PERMANENT SOIL EROSION MEASURES (ASIDE FROM FINAL VEGETATIVE STABILIZATION & RIP-RAP AT STREET CULVERTS) APPLIES TO THIS PARCEL.

**SOIL EROSION NOTES**

- LIMITS OF EARTH DISTURBANCE WILL BE CONTAINED ON SITE TO ACHIEVE POSITIVE DRAINAGE AWAY FROM THE PROPOSED HOUSE.
- EXISTING DOMINANT LAND FEATURES ARE EXISTING RESIDENCE W/ GRAVEL DRIVEWAY, LAWN AREAS, SCATTERED MATURE TREES & DENSER TREE AND BRUSH & TREE AREAS.
- SOIL EROSION CONTROL MEASURES WILL BE MAINTAINED ON A WEEKLY BASIS AND AFTER EACH STORM EVENT BY THE BUILDER.
- SEED & MULCH OR SOD SHALL BE PROVIDED ON ALL DISTURBED AREAS AS PERMANENT VEGETATIVE RESTORATION.

NOTE: THIS TIMING AND SEQUENCE CHART IS TO BE COMPLETED BY THE APPLICANT UPON SUBMITAL FOR PERMIT REVIEW.

CONSTRUCTION SEQUENCE	OPERATION TIME SCHEDULE											
	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
A SOIL EROSION CONTROL MEASURES												
B DEMO & HOUSE CONSTRUCTION												
C DRIVEWAY & SIDEWALK CONSTRUCTION												
D FINAL GRADING												
E PERMANENT VEGETATIVE RESTORATION												



REVISIONS: 4-6-16 REVISIONS: 4-6-16 REVISIONS: 4-6-16

CLIENT: MR. SALET STAFFA STERLING CONSTRUCTION, INC. 2401 MALVERN DRIVE TROY, MI 48064 (248) 800-8421

SCALE: 1"=2000'

JOB NO: 15-087 DATE: 3-9-16 DRAWN BY: N.P.R.

PROJECT: Lot 71 "Charnwood Hills No. 2"

PLANS: #6511 MALVERN DRIVE, PARCEL 20-06-151-014 PART OF THE W. 1/2 OF SECTION 6, T.2N., R.1E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

ENGINEERING: HORIZON ENGINEERING LLC  
 CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
 P.O. Box 182158, Shelby Township, Michigan 48318  
 Phone 586.453.8097 Fax 586.580.0053

SHEET: 1 OF 1 MUNICIPAL REVIEW NUMBERS:

THE IDEAS AND DESIGN CONCEPTS EXPRESSED HEREIN AND THE GRAPHICALLY DISPLAYED ARRANGEMENT OF THEIR COMPONENTS REPRESENTED BY THIS DRAWING HAVE BEEN DEVELOPED FOR THE EXCLUSIVE USE OF THE SPECIFIED PROJECT AND ARE THE SOLE PROPERTY OF JMP Design & Build, Inc. INCORPORATED. A CONVEYANCE OR DISCLOSURE OF THE IDEAS DESIGN CONCEPTS OR USE OF ANY GRAPHICALLY DISPLAYED ARRANGEMENTS OF THE COMPONENTS SHALL BE AT THE DISCRETION AND ONLY THROUGH THE EXPRESSED WRITTEN CONSENT OF JMP Design & Build, Inc. ALL MATERIALS HEREIN ARE PROPRIETARY AND COPYRIGHTED ARCHITECTURAL SEAL

PROJECT

**MacNeill RESIDENCE**

BUILDER/CLIENT  
 SCI BUILDING

PRELIMINARY   
 CONSTRUCTION   
 PERMIT   
 SHEET TITLE:  
 FRONT & BACK ELEVATIONS

DATE: 01-14-2016  
 01-19-2016  
 02-23-2016  
 04-14-2016  
 DRAWN BY: J.M.P.  
 CHECKED BY: J.M.P.  
 JOB NUMBER:  
 16 - 104  
 SHEET NUMBER:

CITY OF TROY MAXIMUM MEDIAN BUILDING HT. IS 30'-0" THIS ROOF EXCEEDS HT. BY 24".  
 HATCHED AREA DENOTES 24" OF EXCEEDING ROOF HT.

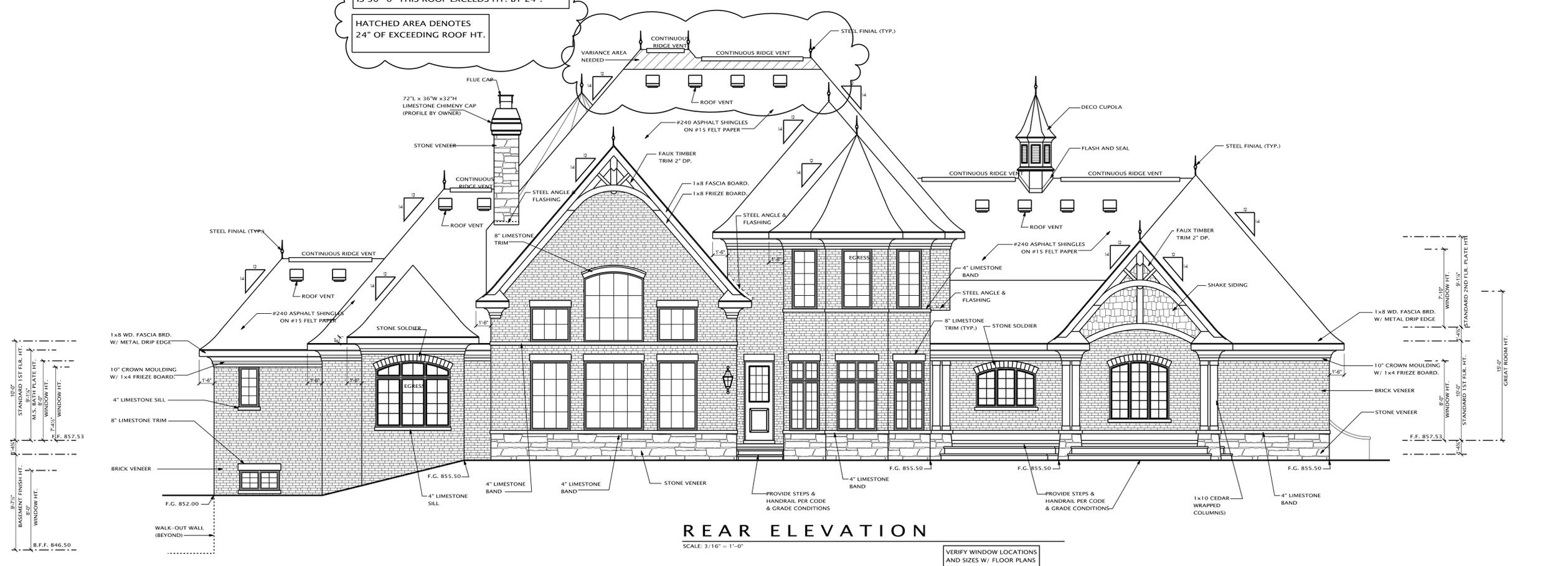


**FRONT ELEVATION**

SCALE: 3/16" = 1'-0"

VERIFY WINDOW LOCATIONS AND SIZES W/ FLOOR PLANS

CITY OF TROY MAXIMUM MEDIAN BUILDING HT. IS 30'-0" THIS ROOF EXCEEDS HT. BY 24".  
 HATCHED AREA DENOTES 24" OF EXCEEDING ROOF HT.



**REAR ELEVATION**

SCALE: 3/16" = 1'-0"

VERIFY WINDOW LOCATIONS AND SIZES W/ FLOOR PLANS

THE IDEAS AND DESIGN CONCEPTS EXPRESSED HEREIN AND THE GRAPHICALLY DISPLAYED ARRANGEMENT OF THEIR COMPONENTS REPRESENTED BY THIS DRAWING HAVE BEEN DEVELOPED FOR THE EXCLUSIVE USE OF THE SPECIFIED PROJECT AND ARE THE SOLE PROPERTY OF JMP Design + Build, Inc. INCORPORATED. A CONVEYANCE OR DISCLOSURE OF THE IDEAS DESIGN CONCEPTS OR USE OF ANY GRAPHICALLY DISPLAYED ARRANGEMENTS OF THE COMPONENTS SHALL BE AT THE DISCRETION AND ONLY THROUGH THE EXPRESS WRITTEN CONSENT OF JMP Design + Build, Inc. ALL MATERIALS HEREIN ARE PROPRIETARY AND COPYRIGHTED ARCHITECTURAL SEAL

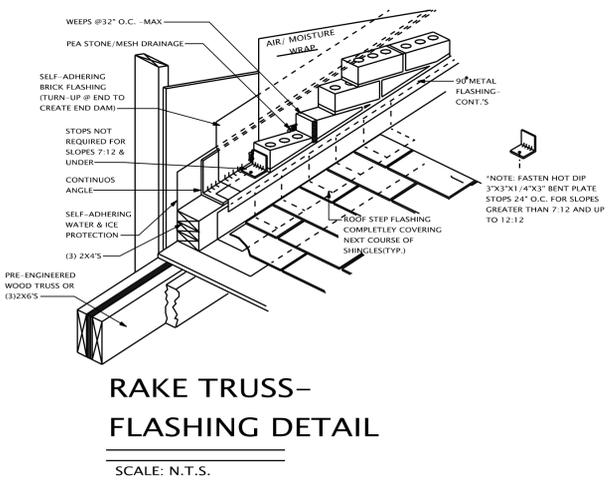
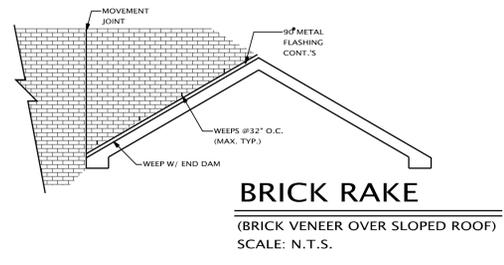
PROJECT

**MacNeill RESIDENCE**

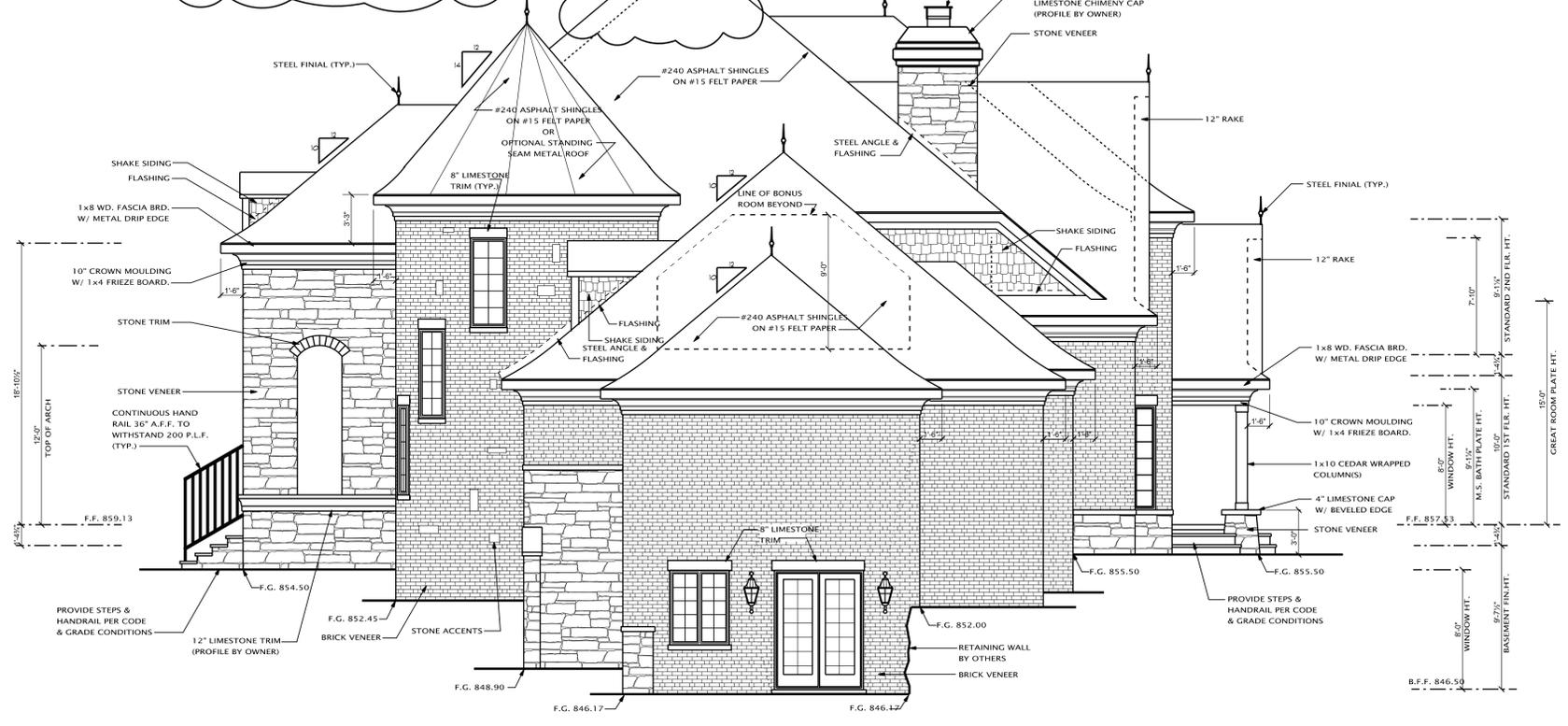
BUILDER/CLIENT  
SCI BUILDING

PRELIMINARY   
CONSTRUCTION   
PERMIT   
SHEET TITLE:  
LEFT & RIGHT ELEVATIONS

DATE: 01-14-2016  
01-19-2016  
02-23-2016  
04-14-2016  
DRAWN BY:  
J.M.P.  
CHECKED BY:  
J.M.P.  
JOB NUMBER:  
16 - 104  
SHEET NUMBER:



CITY OF TROY MAXIMUM MEDIAN BUILDING HT. IS 30'-0" THIS ROOF EXCEEDS HT. BY 24".  
HATCHED AREA DENOTES 24" OF EXCEEDING ROOF HT.

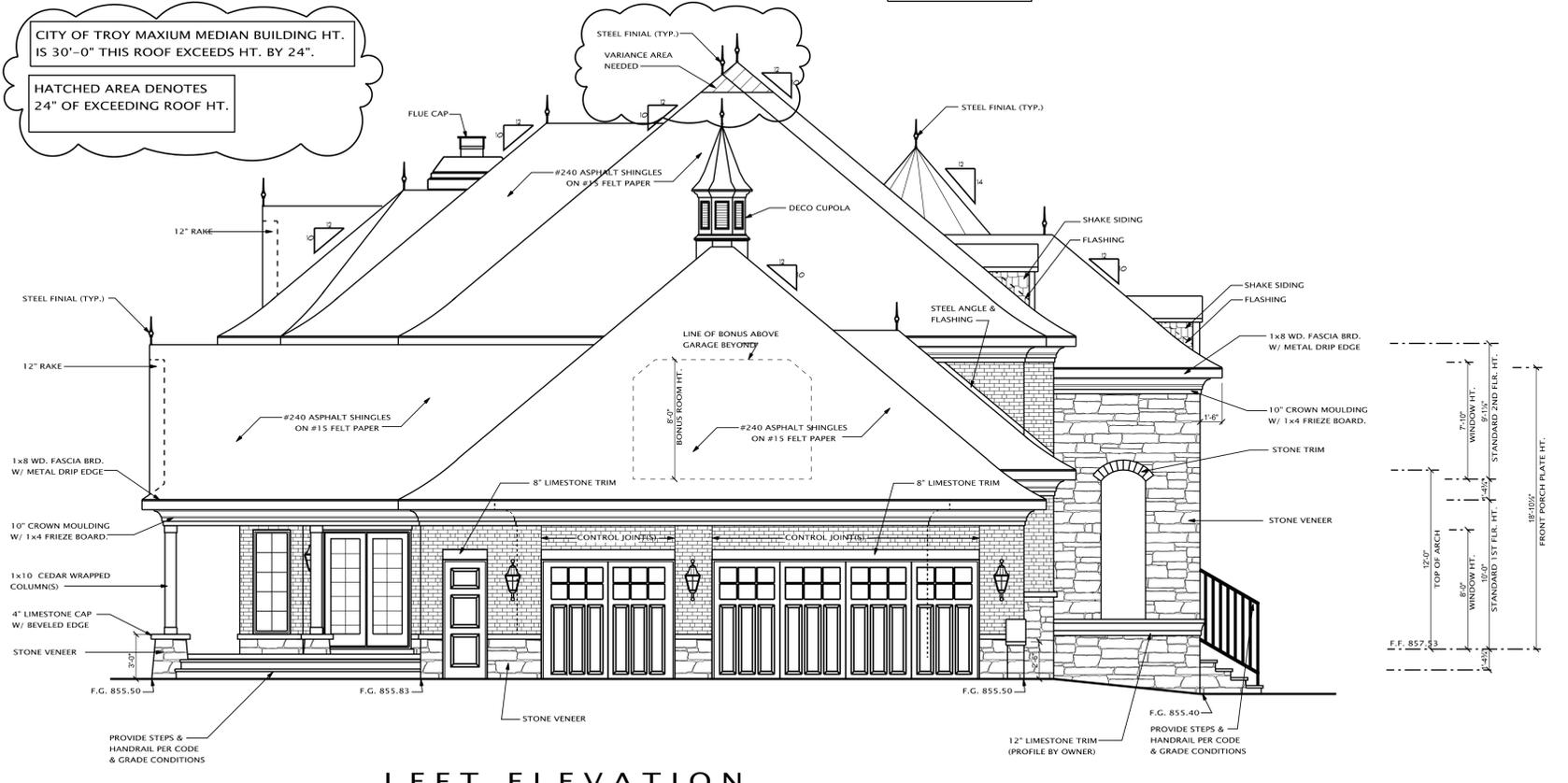


**RIGHT ELEVATION**  
SCALE: 3/16" = 1'-0"

**ROOF VENTING NOTE**  
(AS PER SECTION R806 MBC)  
THE TOTAL NET FREE VENTILATING AREA SHALL NOT BE LESS THAN 1/150 OF THE AREA OF THE SPACE VENTILATED, EXCEPT THAT THE TOTAL AREA IS PERMITTED TO BE REDUCED TO 1/300, PROVIDED AT LEAST 50 PERCENT AND NOT MORE THAN 80 PERCENT OF THE REQUIRED VENTILATING AREA IS PROVIDED BY VENTILATORS LOCATED IN THE UPPER PORTION OF THE SPACE TO BE VENTILATED AT LEAST 3 FEET ABOVE EAVE OR CORNICE VENTS WITH THE BALANCE OF THE REQUIRED VENTILATION PROVIDED BY EAVE OR CORNICE VENTS. AS AN ALTERNATIVE, THE NET FRESH-CROSS-VENTILATION AREA MAY BE REDUCED TO 1/300 WHEN AQ VAPOR BARRIER HAVING A TRANSMISSION RATE NOT EXCEEDING 1 PERM IS INSTALLED ON THE WARM SIDE OF THE CEILING.

**FLASHING NOTE**  
(AS PER SECTION R703.8, 1-7 MBC)  
PROVIDE HEAD AND SILL FLASHING AT ALL WINDOWS/ DOORS  
PROVIDE WEEP HOLES @ 32" (MAX.) SPACING @ 2ND COURSE OF PERIMETER AND ABOVE ALL OPENINGS W/ BRICK ABOVE  
PROVIDE PRE-FIN. WALL FLASHING AS REQUIRED- 18" UP WALL BEHIND SIDING 8" UP WALL AT BRICK

CITY OF TROY MAXIMUM MEDIAN BUILDING HT. IS 30'-0" THIS ROOF EXCEEDS HT. BY 24".  
HATCHED AREA DENOTES 24" OF EXCEEDING ROOF HT.



**LEFT ELEVATION**  
SCALE: 3/16" = 1'-0"

VERIFY WINDOW LOCATIONS AND SIZES W/ FLOOR PLANS

THE IDEAS AND DESIGN CONCEPTS EXPRESSED HEREIN AND THE GRAPHICALLY DISPLAYED ARRANGEMENT OF THEIR COMPONENTS REPRESENTED BY THIS DRAWING HAVE BEEN DEVELOPED FOR THE EXCLUSIVE USE OF THE SPECIFIED PROJECT AND ARE THE SOLE PROPERTY OF JMP Design & Build, Inc. INCORPORATED. A CONVEYANCE OR DISCLOSURE OF THE IDEAS DESIGN CONCEPTS OR USE OF ANY GRAPHICALLY DISPLAYED ARRANGEMENTS OF THE COMPONENTS SHALL BE AT THE DISCRETION AND ONLY THROUGH THE EXPRESSED WRITTEN CONSENT OF JMP Design & Build, Inc. ALL MATERIALS HEREIN ARE PROPRIETARY AND COPYWRITTEN ARCHITECTURAL SEAL

PROJECT

**MacNeill RESIDENCE**

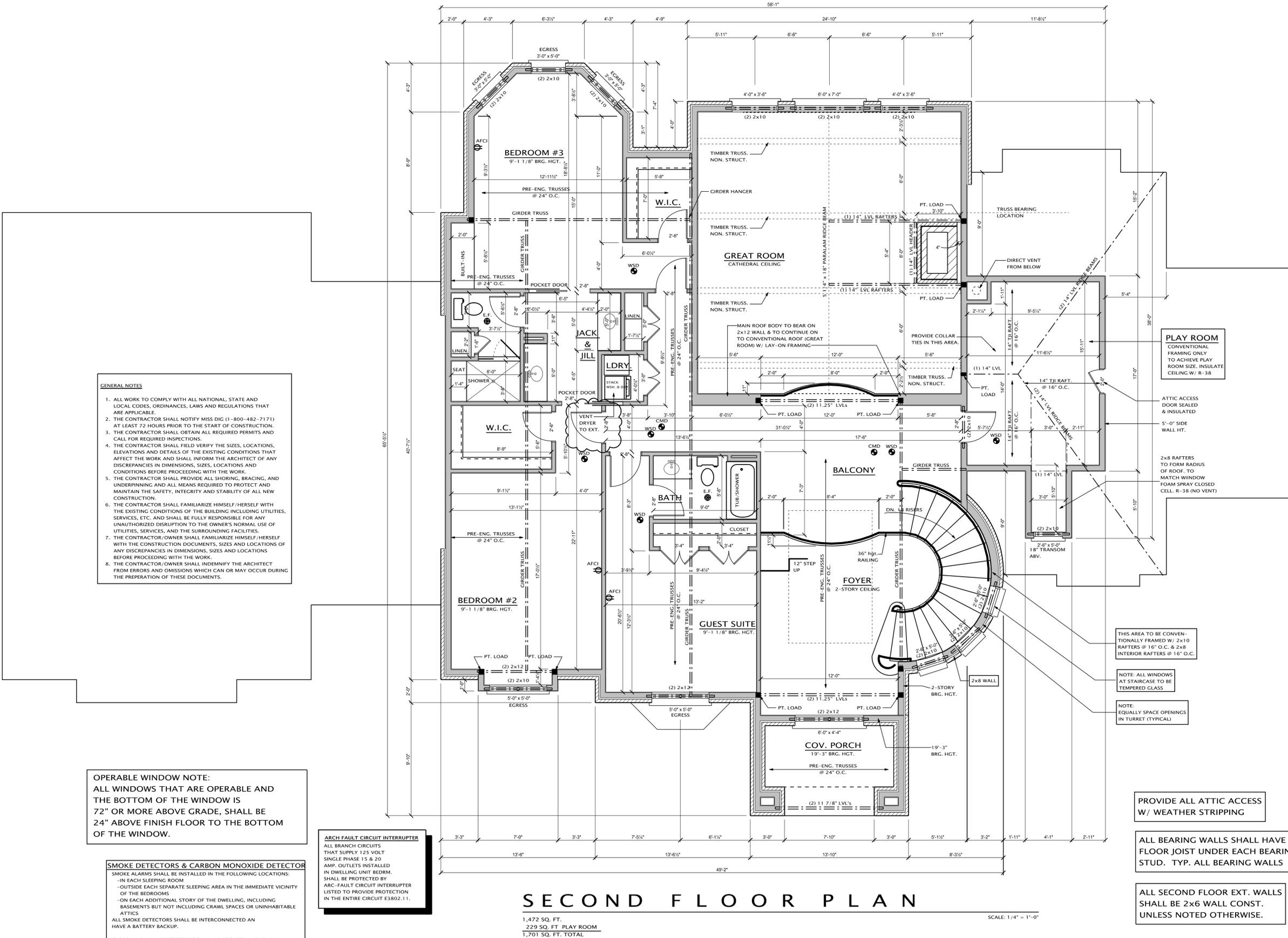
BUILDER/CLIENT  
SCI BUILDING

PRELIMINARY   
CONSTRUCTION   
PERMIT   
SHEET TITLE:  
SECOND FLOOR PLAN

DATE: 01-14-2016  
01-19-2016  
02-23-2016  
04-14-2016  
DRAWN BY:  
J.M.P.  
CHECKED BY:  
J.M.P.

JOB NUMBER:  
16 - 104

SHEET NUMBER:



- GENERAL NOTES**
1. ALL WORK TO COMPLY WITH ALL NATIONAL, STATE AND LOCAL CODES, ORDINANCES, LAWS AND REGULATIONS THAT ARE APPLICABLE.
  2. THE CONTRACTOR SHALL NOTIFY MISS DIG (1-800-482-7171) AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
  3. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND CALL FOR REQUIRED INSPECTIONS.
  4. THE CONTRACTOR SHALL FIELD VERIFY THE SIZES, LOCATIONS, ELEVATIONS AND DETAILS OF THE EXISTING CONDITIONS THAT AFFECT THE WORK AND SHALL INFORM THE ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS, SIZES, LOCATIONS AND CONDITIONS BEFORE PROCEEDING WITH THE WORK.
  5. THE CONTRACTOR SHALL PROVIDE ALL SHORING, BRACING, AND UNDERPINNING AND ALL MEANS REQUIRED TO PROTECT AND MAINTAIN THE SAFETY, INTEGRITY AND STABILITY OF ALL NEW CONSTRUCTION.
  6. THE CONTRACTOR SHALL FAMILIARIZE HIMSELF/HERSELF WITH THE EXISTING CONDITIONS OF THE BUILDING INCLUDING UTILITIES, SERVICES, ETC. AND SHALL BE FULLY RESPONSIBLE FOR ANY UNAUTHORIZED DISRUPTION TO THE OWNER'S NORMAL USE OF UTILITIES, SERVICES, AND THE SURROUNDING FACILITIES.
  7. THE CONTRACTOR/OWNER SHALL FAMILIARIZE HIMSELF/HERSELF WITH THE CONSTRUCTION DOCUMENTS, SIZES AND LOCATIONS OF ANY DISCREPANCIES IN DIMENSIONS, SIZES AND LOCATIONS BEFORE PROCEEDING WITH THE WORK.
  8. THE CONTRACTOR/OWNER SHALL INDEMNIFY THE ARCHITECT FROM ERRORS AND OMISSIONS WHICH CAN OR MAY OCCUR DURING THE PREPARATION OF THESE DOCUMENTS.

**OPERABLE WINDOW NOTE:**  
ALL WINDOWS THAT ARE OPERABLE AND THE BOTTOM OF THE WINDOW IS 72" OR MORE ABOVE GRADE, SHALL BE 24" ABOVE FINISH FLOOR TO THE BOTTOM OF THE WINDOW.

**SMOKE DETECTORS & CARBON MONOXIDE DETECTOR**  
SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS:  
-IN EACH SLEEPING ROOM  
-OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS  
-ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS BUT NOT INCLUDING CRAWL SPACES OR UNINHABITABLE ATTICS  
ALL SMOKE DETECTORS SHALL BE INTERCONNECTED AND HAVE A BATTERY BACKUP.  
CARBON MONOXIDE DETECTORS SHALL BE LOCATED IN THE NEAR VICINITY OF EACH BEDROOM AND IN BASEMENT NEAR STAIRS. HARD WIRED AND BATTERY BACK-UP. BACK UP

**ARC-Fault Circuit Interrupter**  
ALL BRANCH CIRCUITS THAT SUPPLY 125 VOLT SINGLE PHASE 15 & 20 AMP. OUTLETS INSTALLED IN DWELLING UNIT BEDRM. SHALL BE PROTECTED BY ARC-FAULT CIRCUIT INTERRUPTER LISTED TO PROVIDE PROTECTION IN THE ENTIRE CIRCUIT E3802.11.

**SECOND FLOOR PLAN**

1,472 SQ. FT.  
229 SQ. FT. PLAY ROOM  
1,701 SQ. FT. TOTAL

SCALE: 1/4" = 1'-0"

THIS AREA TO BE CONVENTIONALLY FRAMED W/ 2x10 RAFTERS @ 16" O.C. & 2x8 INTERIOR RAFTERS @ 16" O.C.  
NOTE: ALL WINDOWS AT STAIRCASE TO BE TEMPERED GLASS  
NOTE: EQUALLY SPACE OPENINGS IN TURRET (TYPICAL)

PROVIDE ALL ATTIC ACCESS W/ WEATHER STRIPPING

ALL BEARING WALLS SHALL HAVE FLOOR JOIST UNDER EACH BEARING STUD. TYP. ALL BEARING WALLS

ALL SECOND FLOOR EXT. WALLS SHALL BE 2x6 WALL CONST. UNLESS NOTED OTHERWISE.

**PLAY ROOM**  
CONVENTIONAL FRAMING ONLY TO ACHIEVE PLAY ROOM SIZE. INSULATE CEILING W/ R-38

ATTIC ACCESS DOOR SEALED & INSULATED  
5'-0" SIDE WALL HT.  
2x8 RAFTERS TO FORM RADIUS OF ROOF. TO MATCH WINDOW FOAM SPRAY CLOSED CELL R-38 (NO VENT)

THE IDEAS AND DESIGN CONCEPTS EXPRESSED HEREIN AND THE GRAPHICALLY DISPLAYED ARRANGEMENT OF THEIR COMPONENTS REPRESENTED BY THIS DRAWING HAVE BEEN DEVELOPED FOR THE EXCLUSIVE USE OF THE SPECIFIED PROJECT AND ARE THE SOLE PROPERTY OF JMP Design & Build, Inc. INCORPORATED. A CONVEYANCE OR DISCLOSURE OF THE IDEAS DESIGN CONCEPTS OR USE OF ANY GRAPHICALLY DISPLAYED ARRANGEMENTS OF THE COMPONENTS SHALL BE AT THE DISCRETION AND ONLY THROUGH THE EXPRESSED WRITTEN CONSENT OF JMP Design & Build, Inc. ALL MATERIALS HEREIN ARE PROPRIETARY AND COPYRIGHTED ARCHITECTURAL SEAL

PROJECT

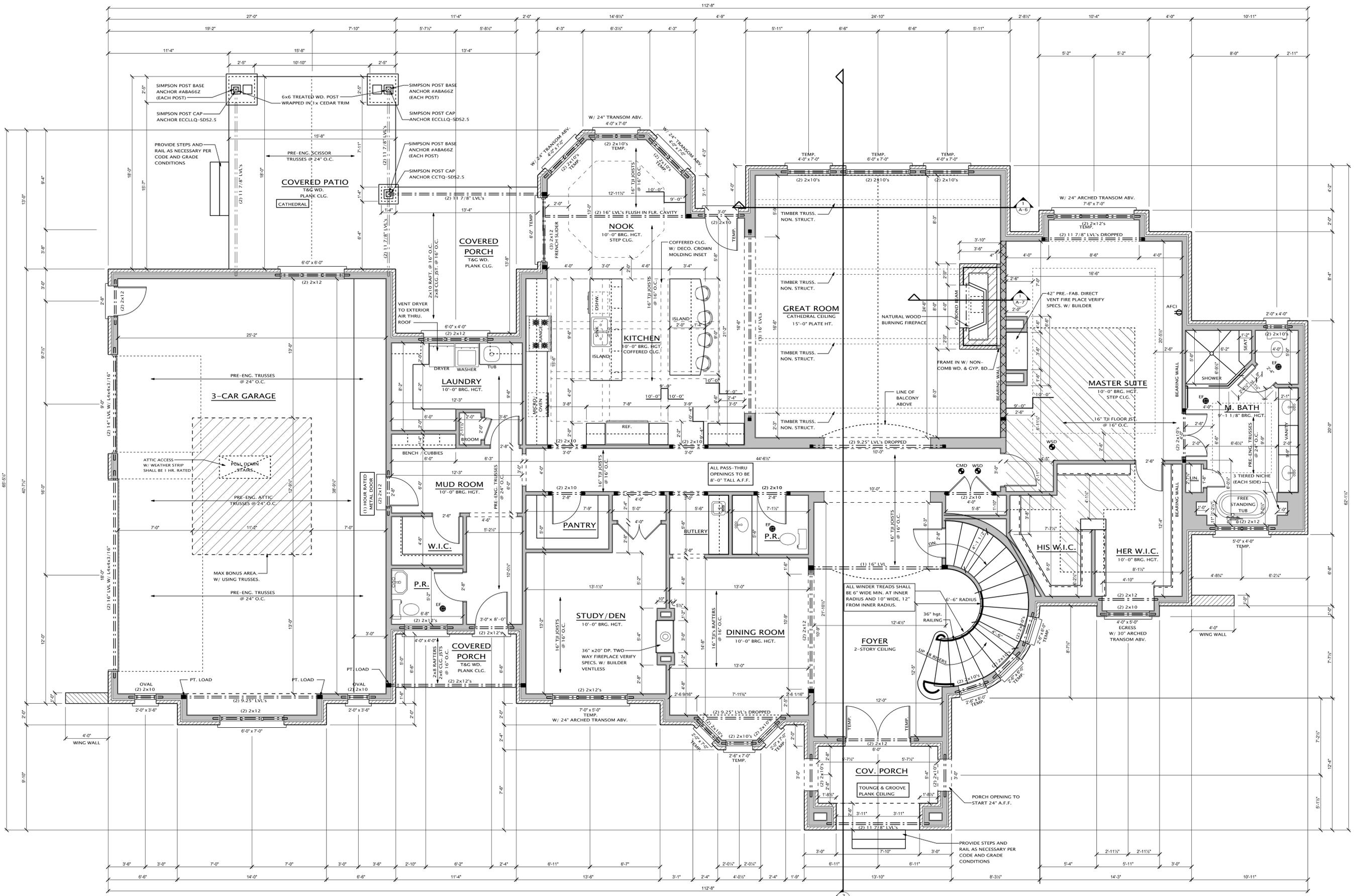
**MacNeill RESIDENCE**

BUILDER/CLIENT  
**SCI BUILDING**

PRELIMINARY   
CONSTRUCTION   
PERMIT   
SHEET TITLE:  
**FIRST FLOOR PLAN**

DATE: 01-14-2016  
01-19-2016  
02-23-2016  
04-14-2016  
DRAWN BY:  
**J.M.P.**  
CHECKED BY:  
**J.M.P.**

JOB NUMBER:  
**16 - 104**  
SHEET NUMBER:



**FIRST FLOOR PLAN**

FIRST FLOOR - 3,598 SQ. FT.  
SECOND FLOOR - 1,701 SQ. FT.  
TOTAL - 5,299 SQ. FT.

SCALE: 1/4" = 1'-0"

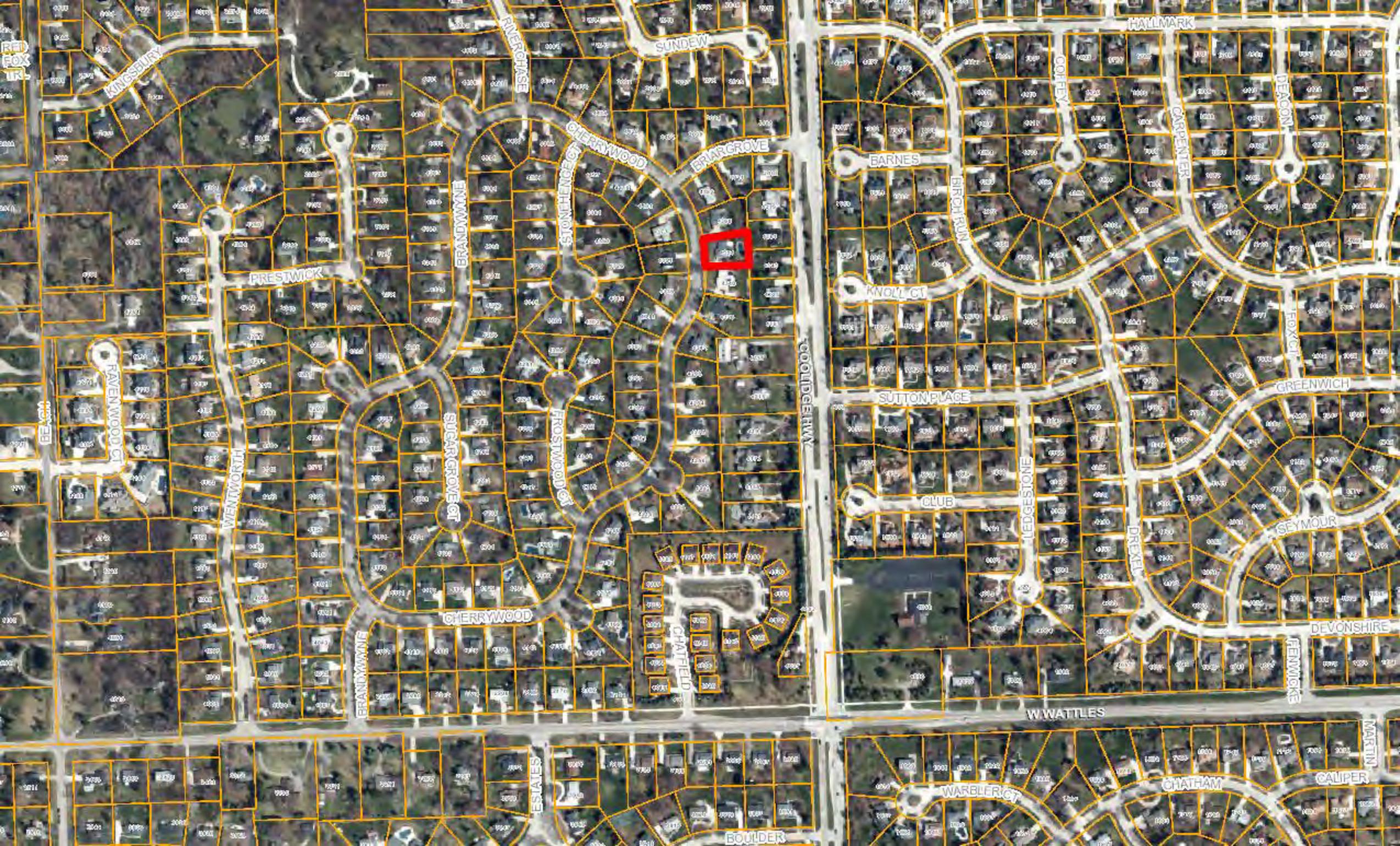
ALL INTERIOR DOORS AND EXTERIOR DOORS SHALL BE 8'-0".  
ALL ARCHWAYS SHALL BE 8'-0" IN HEIGHT.

4. HEARING OF CASES

- C. VARIANCE REQUEST, JASON SOUSA, 4354 CHERRYWOOD – In order to construct an addition to the house, 1) a 3 foot variance from the required 10 foot minimum side yard setback, and 2) a 5 foot variance from the requirement that both side yard setbacks combined be at least 25 feet.

ZONING ORDINANCE SECTION: 4.06 (C) R-1B Zoning District





RED FOX  
LR

KINGSBURY

SUNDEW

HALLMARK

PRESWICK

BRANDWYNE

STONENGA CT

BRIAR GROVE

BARNES

BIRCH RUN

CARPENTER

DEACON

BEAVER

RAVENWOOD CT

WENTWORTH

SUGAR GROVE CT

FROSTWOOD CT

COOLIDGE HWY

SUTTON PLACE

GREENWICH

CLUB

LEDGESTONE

DREXEL

SEYMOUR

CHERRYWOOD

CHAFFIELD

DEVONSHIRE

W. WATTLES

FENWICK

ESTATES

BOULDER

WARBLER CT

CHATHAM

CALIPER

MARTIN



4401

4382

4379

4377

4368

4361

4351

4354

4343

4333

4340

4325

CHERRYWOOD

CHERRYWOOD

COOLIDGE HWY



4401

4382

4379

4377

4368

4361

4351

4354

(R-1B)

4343

4333

4340

4325

CHERRYWOOD

CHERRYWOOD

COOLIDGE HWY

## 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)



FEE \$150.00  
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL. PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST 27 DAYS BEFORE THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 4354 CHERRYWOOD
2. PROPERTY TAX IDENTIFICATION NUMBER(S): \_\_\_\_\_
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: R1-B
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
5. APPLICANT:  
NAME JASON SOUSA  
COMPANY NA  
ADDRESS 4354 CHERRYWOOD  
CITY TROY STATE MI ZIP 48098  
PHONE 248-761-7744  
E-MAIL brianna.rein@gm.com  
AFFILIATION TO THE PROPERTY OWNER: PROPERTY OWNER

6. PROPERTY OWNER:

NAME JASON SOUSA & BRIANNA REIN-SOUSA

COMPANY \_\_\_\_\_

ADDRESS 4354 CHERYWOOD

CITY TROY STATE MI ZIP 48098

TELEPHONE 248-761-7144

E-MAIL brianna.rein@gm.com

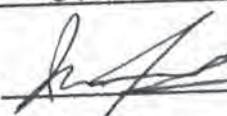
The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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.

I, JASON SOUSA (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  DATE 4-19-16

PRINT NAME: JASON W. SOUSA

PROPERTY OWNER SIGNATURE  DATE 4-19-16

PRINT NAME: JASON W. SOUSA

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. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

April 20<sup>th</sup> 2016

To the Troy Zoning Board:

I Jason Sousa, owner of the property at 4354 Cherrywood Dr., respectfully petition the board for a variance to the zoning ordinance R1-B, which requires both a minimum property line offset of 10ft, and a combined offset from both side property lines of 25 total feet for structures.

Due to our house having no proper basement, as many of the other houses in our neighborhood, and also a rather small living room, both storage and living space is limited. For our growing family it has become increasingly difficult to find space for our household items, as well as, space to live and entertain family and friends. To help address these issues we would like to build a new garage and attach it to our house with a small breezeway/mudroom.

Our proposal is to build a garage with the minimum recommended width for a 2 car garage of 20ft. and attach the new garage to the house via a 5ft wide breezeway that would act as both an entryway and mudroom for our family. When completed this proposal would allow us to then convert our existing garage to living space.

However, this proposal will require 2 variances to existing zoning ordinances. It will require a 3 foot variance to the minimum 10ft set back requirement, and a 7 inches variance to the combined 25ft offset ordinance. Please note that the plot plan on record indicates a dimension from our house to our opposing side property line of only 15'6". However based on our measurement from the surveyors pins that this dimension is incorrect and that at the smallest point between our property line and house the offset is in actuality 17ft 5". Therefore, the 17'5" + 7' proposed offset = 24'5" which is how we calculated the 7 inches variance request.

We have discussed this proposal and our plans with our surrounding neighbors, and in depth with our neighbors George and Diane Garabedian, at 4340 Cherrywood that share our property line. All neighbors have been supportive of our plans. Our proposed plans and the necessary variance will not be harmful or alter the character of the area, impair adequate light or air to any of the adjoining properties.

I know the board may have questions regarding potential alternatives to our proposal that may meet the set-back requirements. We have spent many hours in this attempt, yet we have been unable to find a solution that would allow us to meet all requirements without encountering significant practical difficulty.

- Placing a detached garage in the backyard where offset requirements are not as large.
  - This would require that we take up practically all of our remaining backyard space with the new garage. This is due to our backyard already having an in-ground pool (refer to enclosed aerial photo). In addition it would change our property from an attached garage home to a detached garage home, since we intend to make our current garage into living space.

- Eliminating the proposed 5ft wide breezeway and attaching the garage directly to the house.
  - We did consider this possibility. The issue with this solution is the fact that the home is only a story and half vs. a true two story home. The garage if attached directly to the home would intersect/cover windows of our 'second' floor that are required to be maintained for egress. The bottom edge of these windows is only 9ft off the ground (refer to enclosed photo with measurement). Utilizing a breezeway to attach the garage to the house we are able to use a downward sloping roof (away from the windows) for a distance that allows for the necessary egress, prior to the rising garage wall and roof line.
  
- Making the Garage 17ft wide vs. 20ft wide
  - This would reduce the garage width below the minimum recommended width of a 2 car garage, and make the practical use of the garage difficult. Reducing the garage to a single car garage would negatively affect both the home's value as well as reduce, rather than increase the home's storage space. Another key area we would like to address by adding additional space.
  - A Variance to the 25ft combined off-set of 7inches would still be required even if the garage width was reduced to 17ft. (refer to plot plan with opposite side offset dimensions)

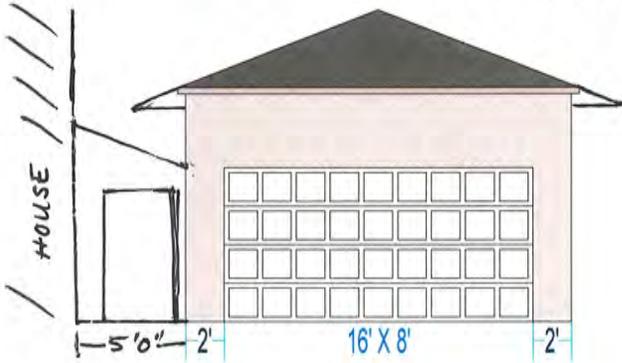
We have submitted the enclosed application, photos/video, plot and building plans to further clarify our proposal and variance request. We appreciate the board's consideration of our proposal.

Jason Sousa

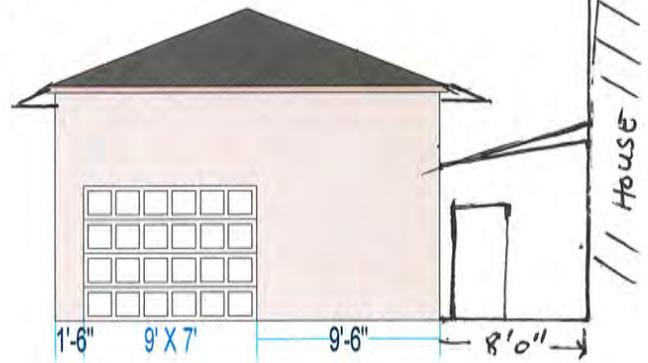


\*\*\* Here are the wall configurations for your design.

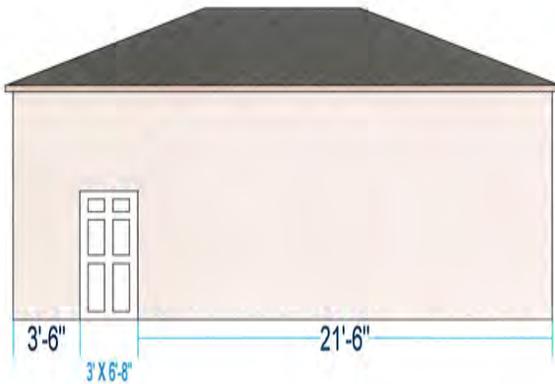
Illustration May Not Depict All Options Selected



Gable Front View  
(1) -



Gable Back View  
(1) -



Eave Front View  
(1) -



Eave Back View

Building Size: 20 feet wide X 28 feet long X 12 feet high

Approximate Peak Height: 16 feet 7 inches (199 inches)

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.  
Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

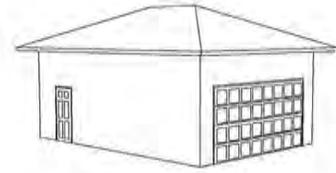
### Items Selected:

Hip roof w/ 5/12 pitch, Standard Trusses 2' O.C.  
 Truss Design Location Zip Code: 48098  
 2x6 Wall Framing Material  
 20' Wide X 28' Deep X 12' High  
 Vinyl Dbl 4" Lap Siding  
 - Khaki  
 1/2" OSB Wall Sheathing  
 Typar Housewrap  
 24" overhang  
 5/8" OSB Roof Sheathing  
 Briarwood Pro, Majestic Shingles  
 O.C. Ventsure Ridge Vent  
 Hickory Aluminum Soffit & Fascia  
 Hickory Premium Roof Edge  
 Smokey Sable

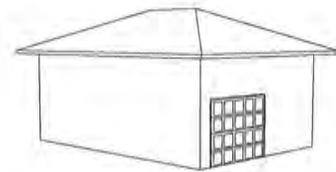
### Options Selected:

The options you have selected are:  
 Deck Defense Synthetic Underlayment  
 2 Rows Granular Ice & Water Barrier  
 1 - 16x8 Overhead Door - MDP68-W1 EZ-Set  
 1 - 36x80 Service Door - E1 6-Panel Steel LS  
 1 -

Front View



Back View



**Estimated base price: \$6,255.78\***

The base price includes: 0" Overhang, 2X4 Wall Studs,  
 7/16 OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx Black Shingles, Pine Fascia, Galv Regular Roof Edge,  
 8" Textured Vertical Hardboard Siding, All selected overhead, service and sliding doors are included.  
 Windows and other options are NOT included.

**Estimated price: \$8,307.81\***

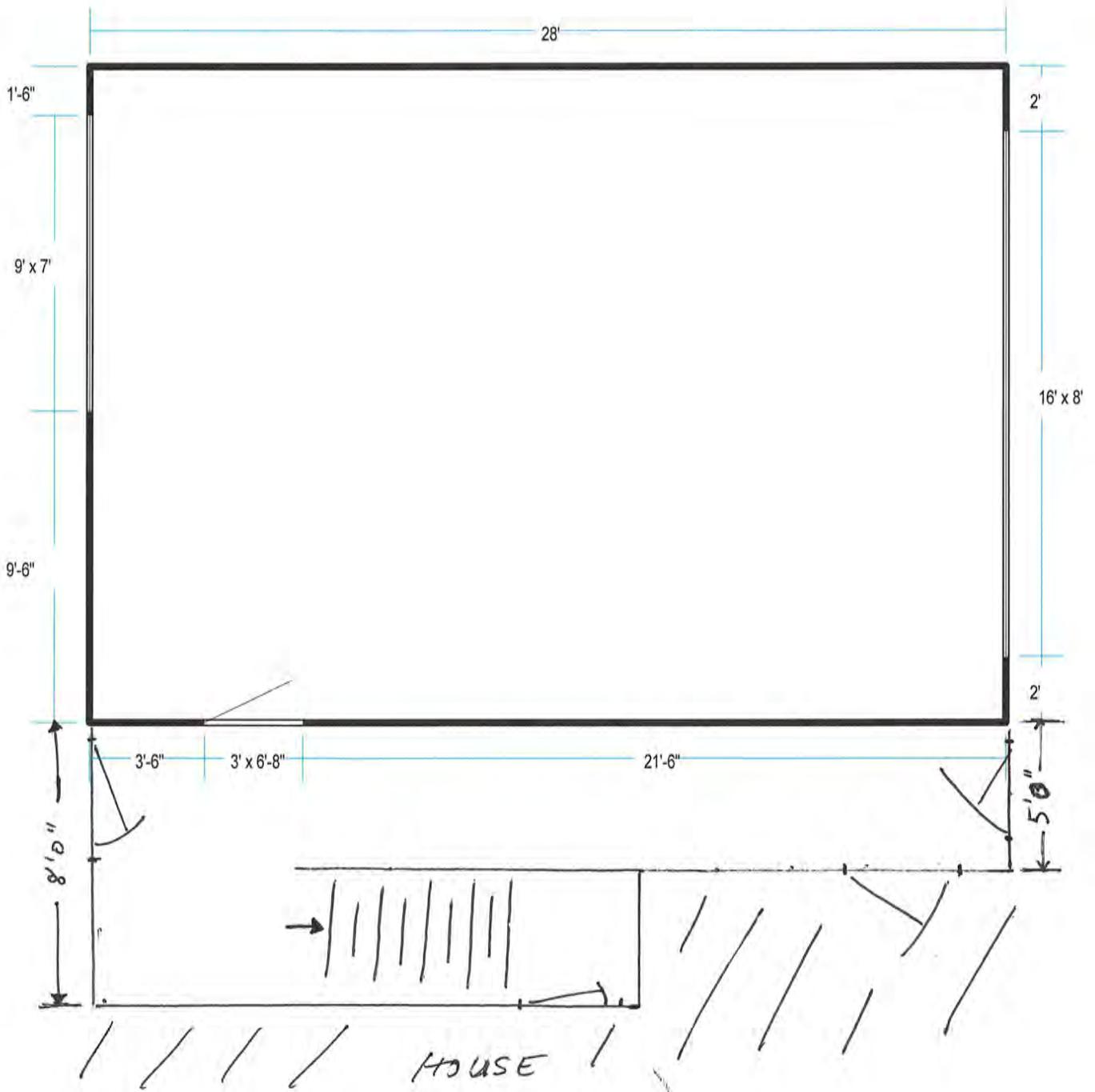
\*Today's estimated price, future pricing may go up or down.  
 \*Tax, labor, and delivery not included.

**\*\*\* Take this sheet to the Building Materials counter to purchase your materials. \*\*\***

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

\*\*\* Garage Floor Plan.

Illustration May Not Depict All Options Selected



Building Size: 20 feet wide X 28 feet long X 12 feet high

Note: Wall construction is 2x6 @ 16" on center







