

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.



500 West Big Beaver
Troy, MI 48084
troymi.gov

248.524.3364
planning@troymi.gov

ZONING BOARD OF APPEALS MEETING AGENDA

Glenn Clark, Chairman, Michael Bossenbroek, Vice Chairman
Thomas Desmond, David Eisenbacher, Aaron Green Jim McCauley,
Sadek Rahman, Orestis Kaltsounis Alternate, Mahendra Kenkre Alternate

March 16, 2021

7:30 P.M.

Remote Meeting

Public Comment may be communicated to the Zoning Board of Appeals via telephone voice mail by calling 248.524.3580 or by sending an email to ZBAPublicComments@troymi.gov. All comments will be provided to the Zoning Board of Appeals. Public comments must be received by 3 pm the day of the remote meeting. The meeting can be viewed at: https://troymi.gov/community/government/citycouncil/council_meeting_webcast.php.

1. ROLL CALL

2. PROCEDURE

3. APPROVAL OF MINUTES – January 27, 2021

4. APPROVAL OF AGENDA

5. HEARING OF CASES

- A. VARIANCE REQUEST, 3415 CROOKS: A variance to allow a house addition to be setback 35 feet from the rear property line. The Zoning Ordinance requires the addition to be setback 45 feet from the rear property line.

ZONING ORDINANCE: 4.06 C, R-1B Zoning

- B. VARIANCE REQUEST, 347 LOWRY: A use variance to enlarge an existing single family home. The property is in the BB Zoning District. The home is nonconforming because single family homes are not permitted in the BB Zoning District. The Zoning Ordinance prohibits enlarging structures devoted to nonconforming uses. The home was constructed prior to the establishment of the BB Zoning District.

ZONING ORDINANCE: 14.03 A & F, Table 5.03-A-1

6. COMMUNICATIONS

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at 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.

7. MISCELLANEOUS BUSINESS
8. PUBLIC COMMENT
9. ADJOURNMENT

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ZONING BOARD OF APPEALS – OPENING STATEMENT

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. Administration will present public comments to the Board.

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.

RESOLUTION TEMPLATE

Moved by:

Seconded by:

That the variance request for [applicant name, address or location], for [request]

Be granted for the following reasons:

The applicant has demonstrated that:

- a) Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.
- b) The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.
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- d) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
- e) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City

Yeas:

Nays:

MOTION CARRIED / FAILED

Moved by:
Seconded by:

That the variance request for [applicant name, address or location], for [request]

Be denied for the following reason(s):

The applicant has not demonstrated that:

- f) Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.
- g) The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.
- h) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
- i) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
- j) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City

Yeas:
Nays:

MOTION CARRIED / FAILED

Moved by:
Seconded by:

RESOLVED, that the variance request for [applicant name, address or location], for [request]

Be postponed for the following reason(s):

Yeas:
Nays:

MOTION CARRIED / FAILED

G:\ZONING BOARD OF APPEALS\Resolution Template Zoning Board of Appeals.doc

On January 19, 2021 at 7:31 p.m., via remote meeting using the GoTo Meeting platform, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Glenn Clark
Aaron Green
Mahendra Kenkre
David Eisenbacher
James McCauley
Michael Bossenbroek
Orestis Kaltsounis

Also Present:

Paul Evans, Zoning and Compliance Specialist
Allan Motzny, Assistant City Attorney
Jackie Ferencz, Administrative Assistant, Planning Department
Bob Laux, Information Technology
Julie DuFrane, Assistant City Attorney

2. REVISED PROCEDURE- read by Vice Chair Bossenbroek

3. MODIFICATION OF ZONING BOARD OF APPEALS RULES OF PROCEDURE

Moved by McCauley
Seconded by Green

RESOLVED, to approve resolution modifying Rules of Procedure to allow electronic meetings.

Yes: All

MOTION PASSED

4. APPROVAL OF MINUTES – December 15, 2020

Moved by Green
Seconded by Eisenbacher
RESOLVED, to approve the December 15, 2020 meeting minutes.

Yes: All

MOTION PASSED

5. APPROVAL OF AGENDA – No changes

6. HEARING OF CASES:

A. VARIANCE REQUEST, 4928 PARK MANOR, NEETU SHARMA & AMBUJ MATHUR: A variance to allow a partially covered deck 10 feet from the rear property line where the development approval requires the deck to be no less than 25 feet from the rear property line.

Moved by Green
Second by McCauley

RESOLVED, to deny petitioner's request.

Yes: Green
Kenkre
Kaltsounis
Bossenbroek
McCauley
Clark

No: Eisenbacher

MOTION PASSED

Chair Clark called recess at 9:04pm
Meeting resumed at 9:10pm

B. VARIANCE REQUEST, 4095-4115 CROOKS AND PROPERTY ADJACENT, SAFET "SAM" STAFA: Tollbrook North, LLC ("Developer") appeals the November 10, 2020 decision of the City of Troy's Planning Commission ("PC") to deny the Preliminary Site Plan ("PSP") for its Crooks Road Townhomes project to the City's Zoning Board of Appeals ("ZBA"). The Developer requests that the ZBA reverse the PC's decision and grant PSP approval.

Moved by Eisenbacher
Second by Bossenbroek

RESOLVED: That the ZBA finds that the decision by the Planning commission was arbitrary and capricious and the ZBA modifies the Planning Commission resolution to set it aside and the ZBA sends this Site Plan back to the Planning Commission to provide a more thorough and detailed resolution.

Member McCauley CALLS THE QUESTION

Yes: Kenkre
Eisenbacher
McCauley
Green
Bossenbroek
Clark

No: Kaltsounis

Vote on proposed resolution

Yes: Eisenbacher
Clark
Bossenbroek

No: Kaltsounis
Green
McCauley
Kenkre

MOTION Fails

Moved by Green
Second by McCauley

RESOLVED That the ZBA affirm the Planning Commission's decision on this matter.

Member Bossenbroek CALLS THE QUESTION

Yes: Bossenbroek
Kenkre
McCauley
Kaltsounis

No: Clark
Eisenbacher
Green

Vote on proposed resolution

Yes: Green
Kenkre
McCauley
Kaltsounis

No: Bossenbroek
Eisenbacher
Clark

MOTION Passes

7. COMMUNICATIONS: None

8. MISCELLANEOUS BUSINESS: Mr. Evans advised the Board that staff is working on a future ZBA training.

9. PUBLIC COMMENT: None

10. ADJOURNMENT: The Zoning Board of Appeals meeting ADJOURNED at 11:42pm.

Respectfully submitted,

Glenn Clark, Chairman

Paul Evans, Zoning and Compliance Specialist

G:\ZONING BOARD OF APPEALS\Minutes\2021\Draft\2021 01 19 ZBA Minutes Draft.doc



MUER

ALPINE

MCCLURE

BANMOOR

CROOKS

BANMOOR

EMERSON

WILSHIRE

WILSHIRE

W.BIG BEAVER

W.BIG BEAVER

75



3415

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1612

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1516

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MUER

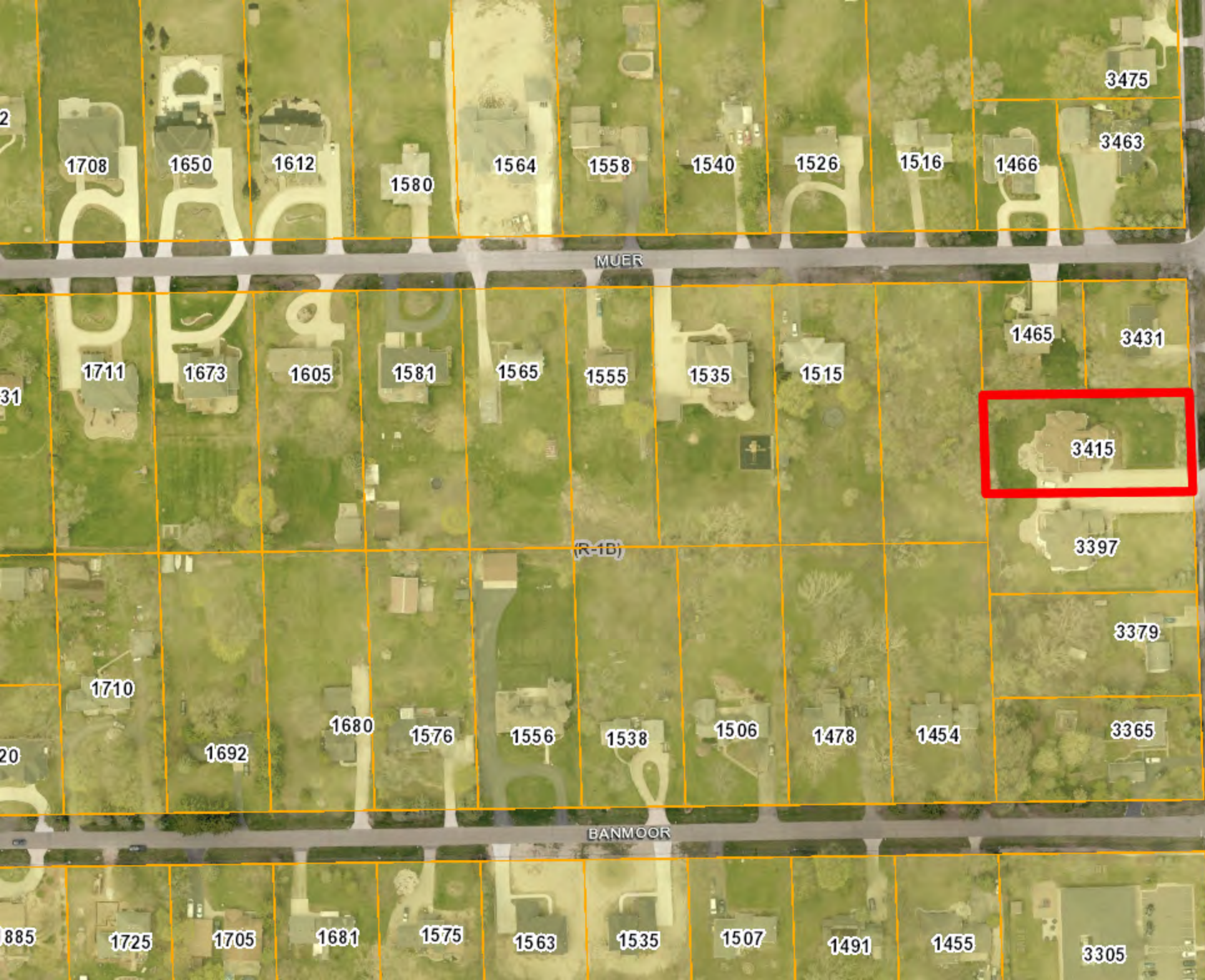
BANMOOR

CROOKS

MUER

BANMOOR

EMERSON



1465

3431

3415

3397

994

CROOKS



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48084 | 248-524-3364

Zoning Board of Appeals Application

planning@troymi.gov | Fee \$150.00

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE DIGITAL APPLICATION AND FEE AT LEAST **36 DAYS BEFORE** THE MEETING DATE. PRE APPLICATION MEETING WITH PLANNING DEPARTMENT REQUIRED BEFORE FILING APPLICATION.

1. ADDRESS OF THE SUBJECT PROPERTY: 3415 Crooks Rd, Troy, MI 48084
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-20-427-036
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 30.10.02 Rear Set Back
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: N/A
5. APPLICANT:
 - NAME Magdi Samwel
 - COMPANY Space Design Innovation Inc.
 - ADDRESS 29732 Farmbrook Villa Lane
 - CITY Southfield STATE MI ZIP 48034
 - PHONE 248 930 8132
 - E-MAIL Space.Design.Innovation@Gmail.com
 - AFFILIATION TO THE PROPERTY OWNER: Owners Designer



Zoning Board of Appeals Application

6. PROPERTY OWNER:

NAME Fr. Maximus Habib [Magdy Habib]
COMPANY N/A
ADDRESS 3415 Crooks Rd
CITY Troy STATE MI ZIP 48084
TELEPHONE 248 835 9238
E-MAIL fr.maximus@gmail.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, Magdi Samwel (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 Nov. 18th, 2020
PRINT NAME: Magdi Samwel

PROPERTY OWNER SIGNATURE _____ DATE Nov. 18th, 2020
PRINT NAME: Fr. Maximus Habib [Magdy Habib]

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.



Zoning Board of Appeals Application

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Zoning Board of Appeals Application

ZONING BOARD OF APPEALS APPLICATION CHECKLIST

Please provide the following in digital format. You may e-mail them to planning@troymi.gov or submit them on media such as a CD or jump drive:

- ✓ Completed application
- ✓ Statement of practical difficulty see page 3
- ✓ Plot plan or survey showing property lines, existing and proposed buildings, their dimensions and locations (height, length, width, as applicable)
- ✓ Setbacks from property lines
- ✓ Elevation drawings
- ✓ Photos as necessary to accurately describe the request, including existing and proposed property conditions
- ✓ Any other information that explains the request
- ✓ Incomplete applications cannot be accepted

STATEMENT OF PRACTICAL DIFFICULTY

Zoning Board of Appeals, City of Troy.

Dear Board members,

My client, Fr. Maximus Habib [Magdy Habib, **started serving as a Priest on July 2001**], Current Property owner located in 3415 Crooks Rd, Troy, MI 48084, Would like to add a one-story light structure, totally enclosed pool, in his back yard. Current back yard is very private, totally surrounded by large trees providing an excellent screening for all the neighbors.

Please refer to attached plans and elevations, and 3d rendering, to show the extent of the new addition, in the house backyard. **The house was originally constructed in 2003.**

The propose of the appeal is to obtain the zoning boards of appeals approval to extend an additional 10ft behind the rear set back line, With the proposed addition, the site still meets and exceeds all zoning requirement, with the only exception of the back-yard requirement providing 35'-0" vs. the required 45'-0" to the rear property line.

For The last 5 years, Fr. Maximus Habib, the Current Property owner has recently undergone arthroscopic surgery secondary to degenerative joint disease of his right shoulder as well. He has been suffering from degenerative joint disease that has affected bilateral knee joints and the contralateral shoulder, for which he participates in weekly physical therapy. In addition, he suffers from degenerative disc disease.

Per recommendation of his treating physicians, surgeons and therapist he is starting hydrotherapy and water aerobics. For everyday health maintenance he requires a low impact daily activity as an adjunct his recovery. Regarding exercise, the low impact nature of swimming lends itself to be the most efficacious and most highly recommended form of physical activity in his situation.

Unfortunately, Due to Fr. Maximus' profession as an orthodox priest, he is unable to attend a public swimming pool, thus necessitating the pool as the most ideal form of preventative care to foster increased activity and joint health to prolong life, health, and ability to participate in the community as an active member.

Best Regards

Magdi Samwel, President

Space Design Innovation

29732 Farmbrook Villa Lane, Southfield, MI

Email: Space.Design.Innovation@Gmail.com

Cell: 248 930 8132



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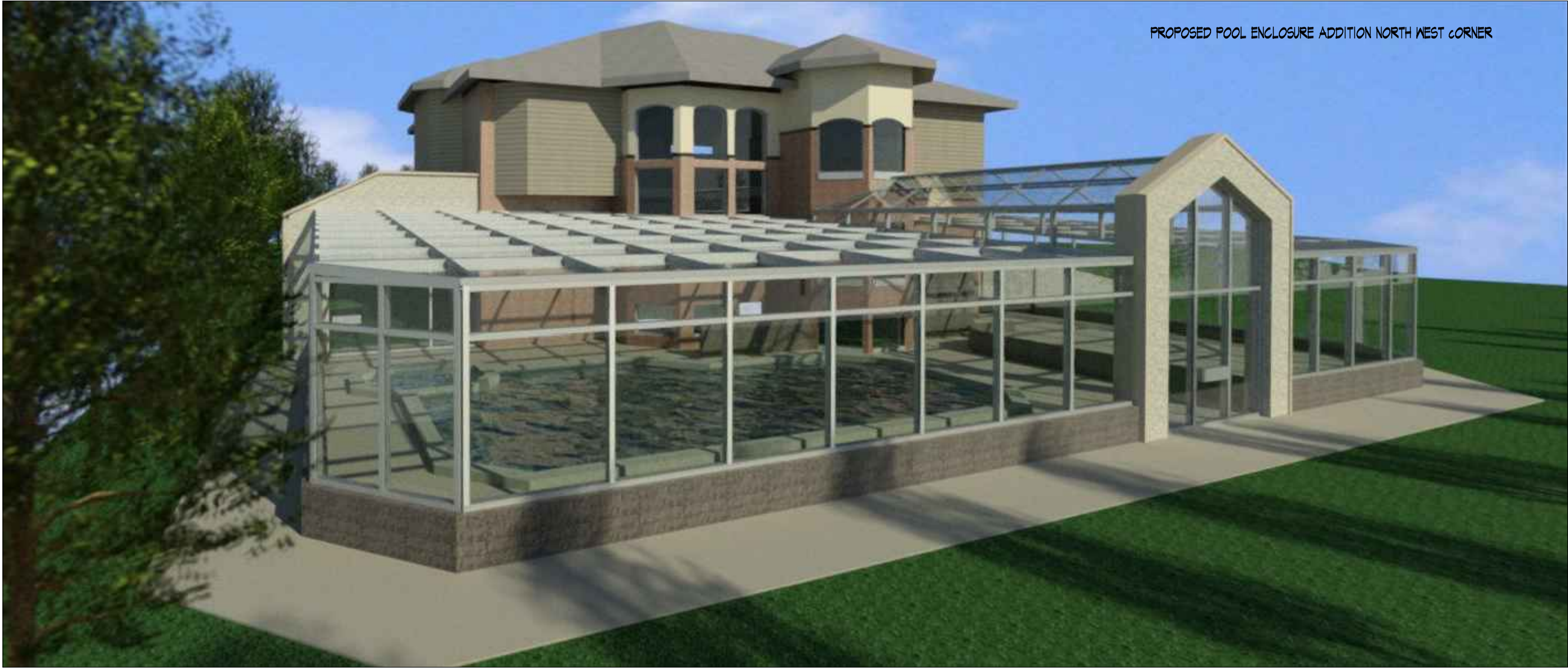


SITE VIEW WITH PROPOSED ADDITION

SITE INFORMATION:		
ZONING		R-1B
EXISTING SITE AREA.	0.634 ACRE	27,600 SQ. FT.
SETBACK REQUIREMENT:		
FRONT		40 FT
REAR		45FT
SIDE	10FT ONE SIDE, 25FT TWO SIDES	
SETBACK PROVIDED:		
FRONT		40 FT
REAR	10FT ONE SIDE, 25FT TWO SIDES	
SIDE		35 FT
EXISTING GROSS BUILDING AREA.		
		± 4743 SQ. FT
SITE COVERAGE ALLOWED		
		30%
EXISTING BUILDING SITE COVERAGE BEFORE ADDITION		
		13.11 %
EXISTING BUILDING SITE COVERAGE WITH ADDITION		
		23.52 %



PARTIAL SITE PLAN WITH PROPOSED ADDITION



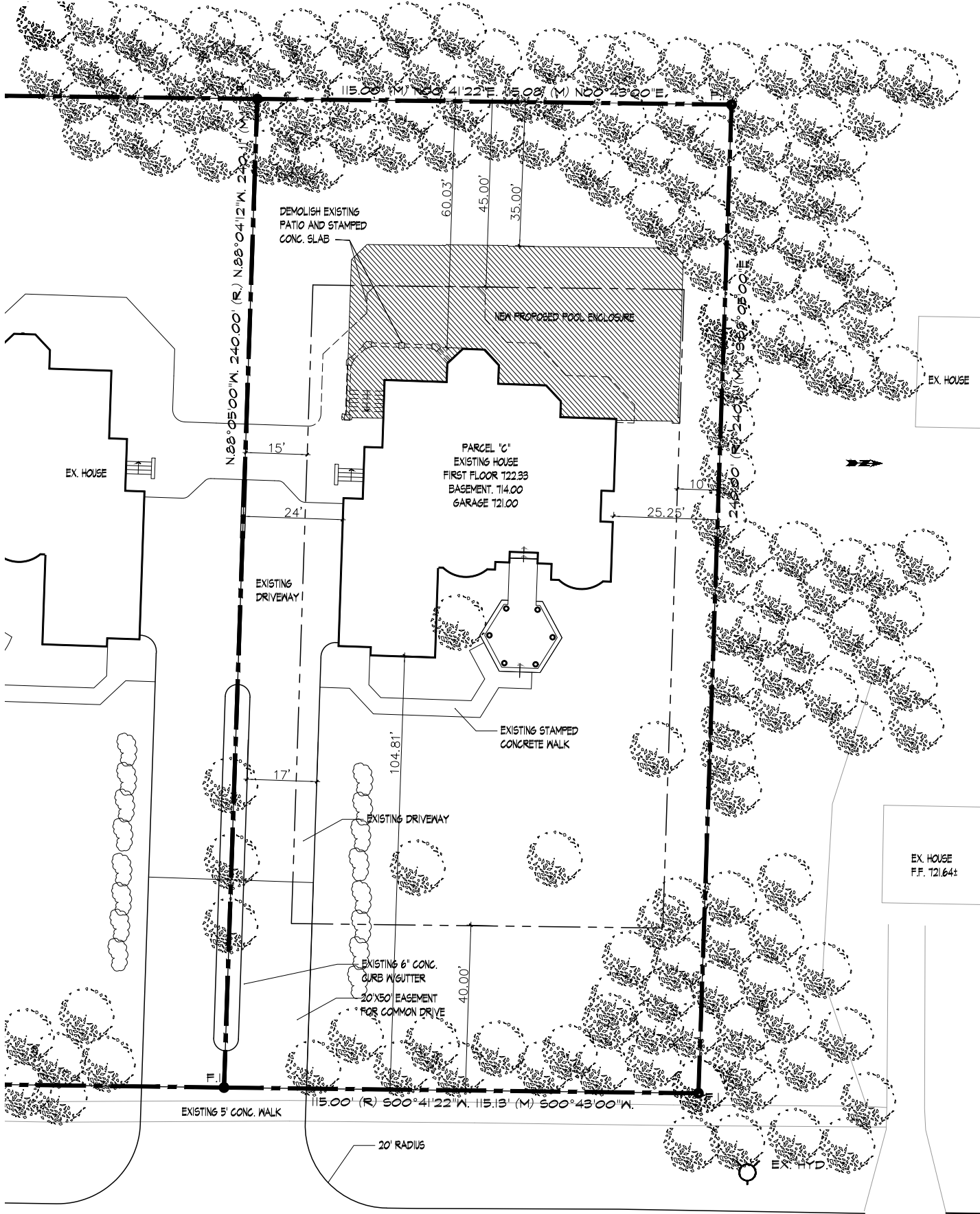
PROPOSED POOL ENCLOSURE ADDITION NORTH WEST CORNER

Date	Issued
	Revisions

Scale	N.T.S.
Date	Nov. 20th. 2020
Design	MS
Approved	MS
Project	2020

Pool Addition For The Residence Of
Fr. & Dr. Maximus Habib
3415 Crocks Road
Troy, MI 48084
T: 2 4 8 . 8 3 5 . 9 2 3 8

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CROOKS RD. 120' WD.

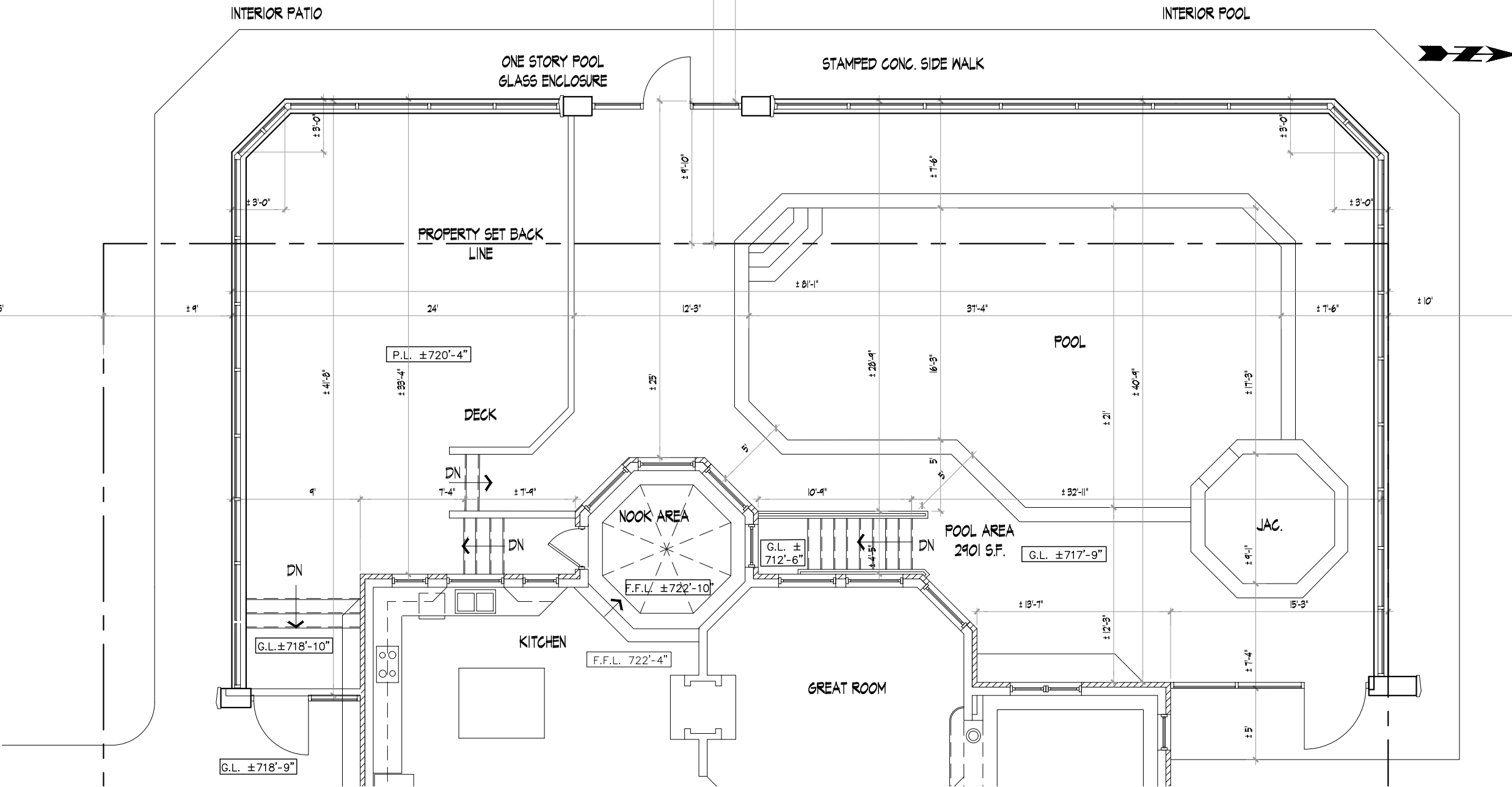
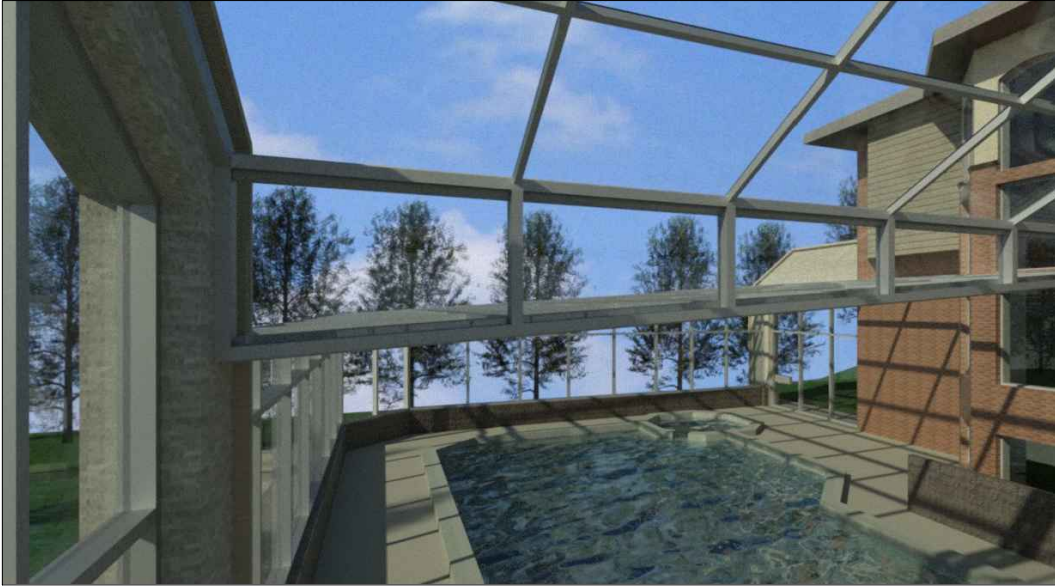
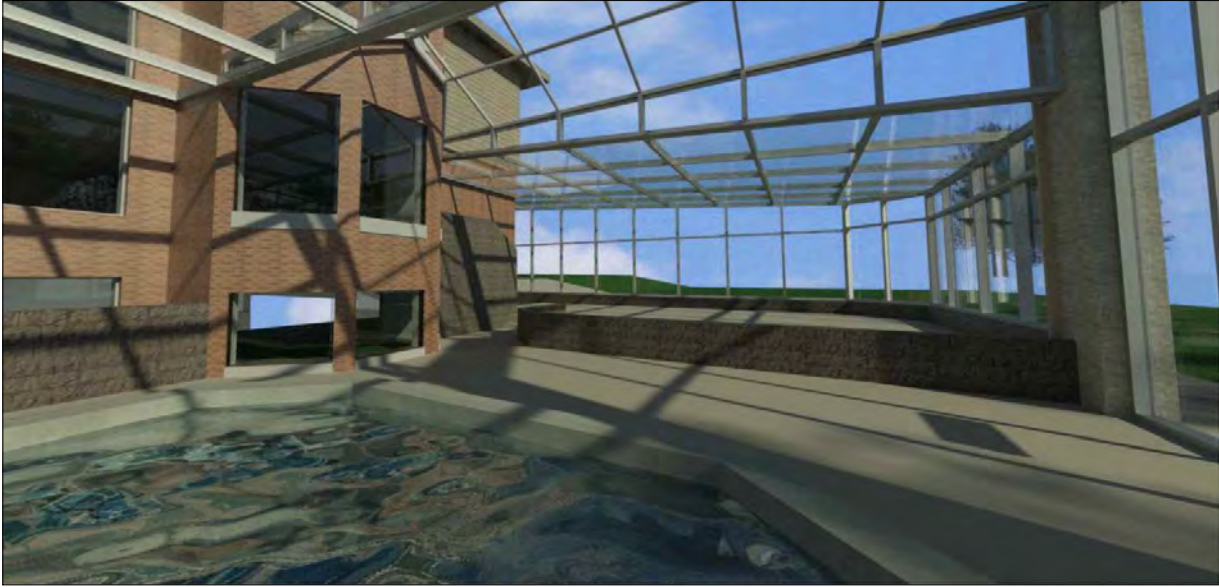
southfield, MI 48043
T: 2 4 8 . 9 3 0 8 1 3 2
Space.design.innovation@gmail.com
Design & Project Management
Magdi Samwel

Date	Issued
Revisions	
Scale	1" = 64'-0".
Date	Jul. 25th. 2020
Design	MS
Approved	MS
Project	2020

Pool Addition For The Residence Of
Fr. & Dr. Maximus Habib
3415 Crooks Road
Troy, MI 48084
T: 2 4 8 . 8 3 5 . 9 2 3 8

Sheet Title
Architectural Site Plan
Sheet No C 1

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**SPACE
DESIGN
INNOVATION**

29732 Farmbrook Villa Ln.
southfield, MI 48043

T : 2 4 8 . 9 3 0 8 1 3 2

Space.design.innovation @ gmail.com

Design & Project Management

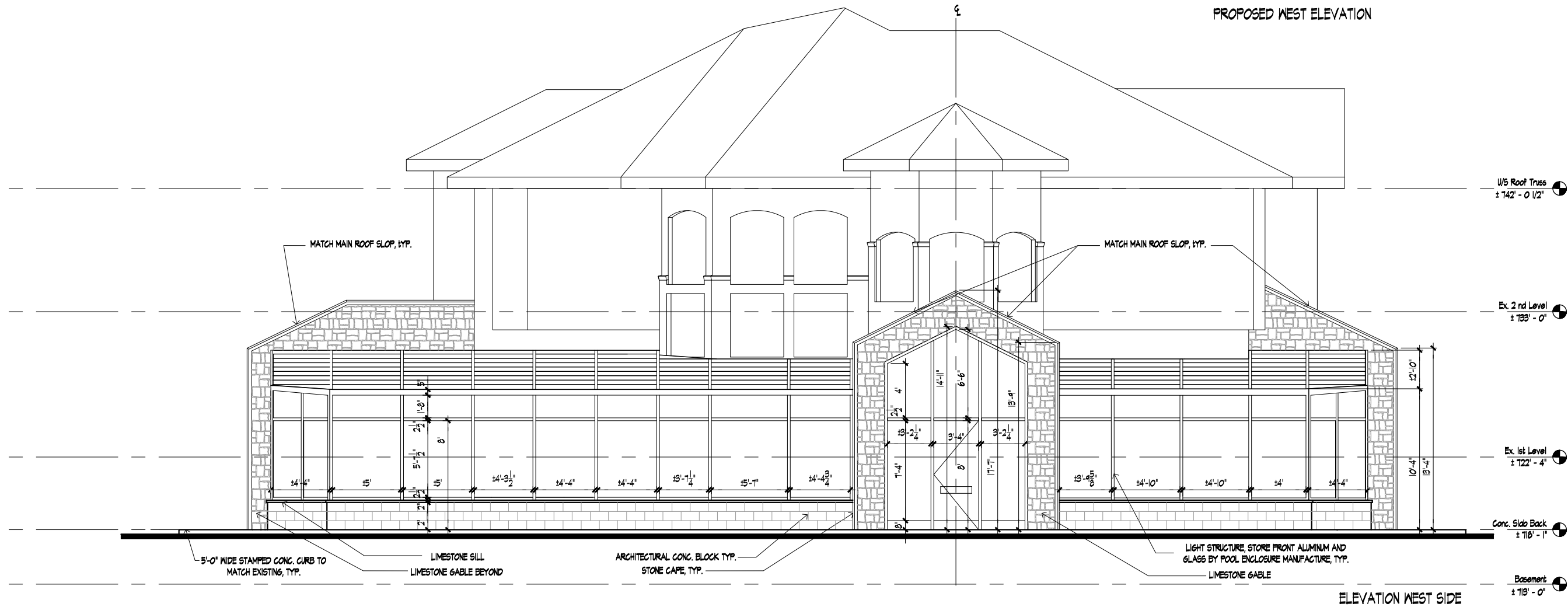
Magdi Samwel

Date	Issued
Revisions	
Scale	1/16" = 1'-0"
Date	Nov. 20th, 2020
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Approved	MS
Project	2020
Pool Addition For The Residence Of	
Fr. & Dr. Maximus Habib	
3415 Crocks Road	
Troy, MI 48084	
T: 2 4 8 3 5 . 9 2 3 8	
Sheet Title	
Floor Plan	
Proposed Pool Enclosure	
Sheet No	A 2

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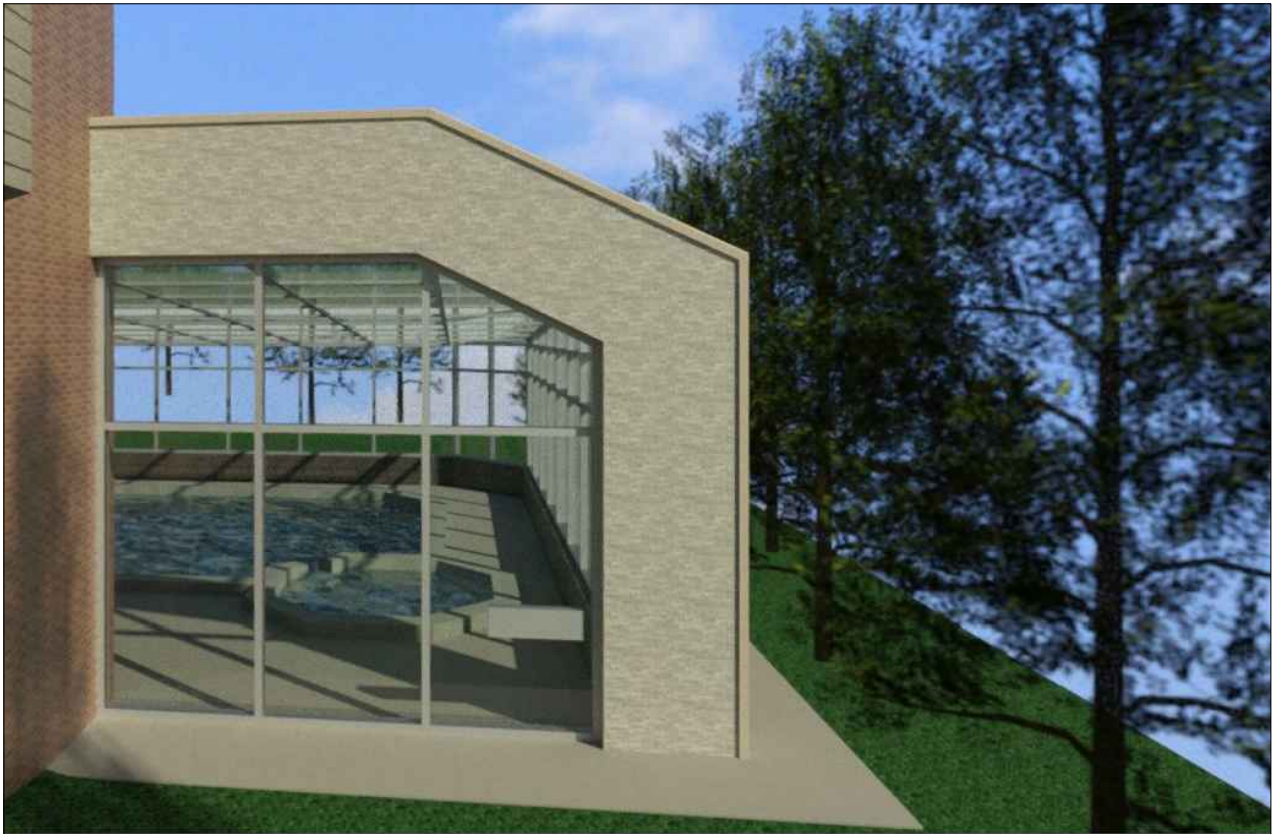
PROPOSED WEST ELEVATION



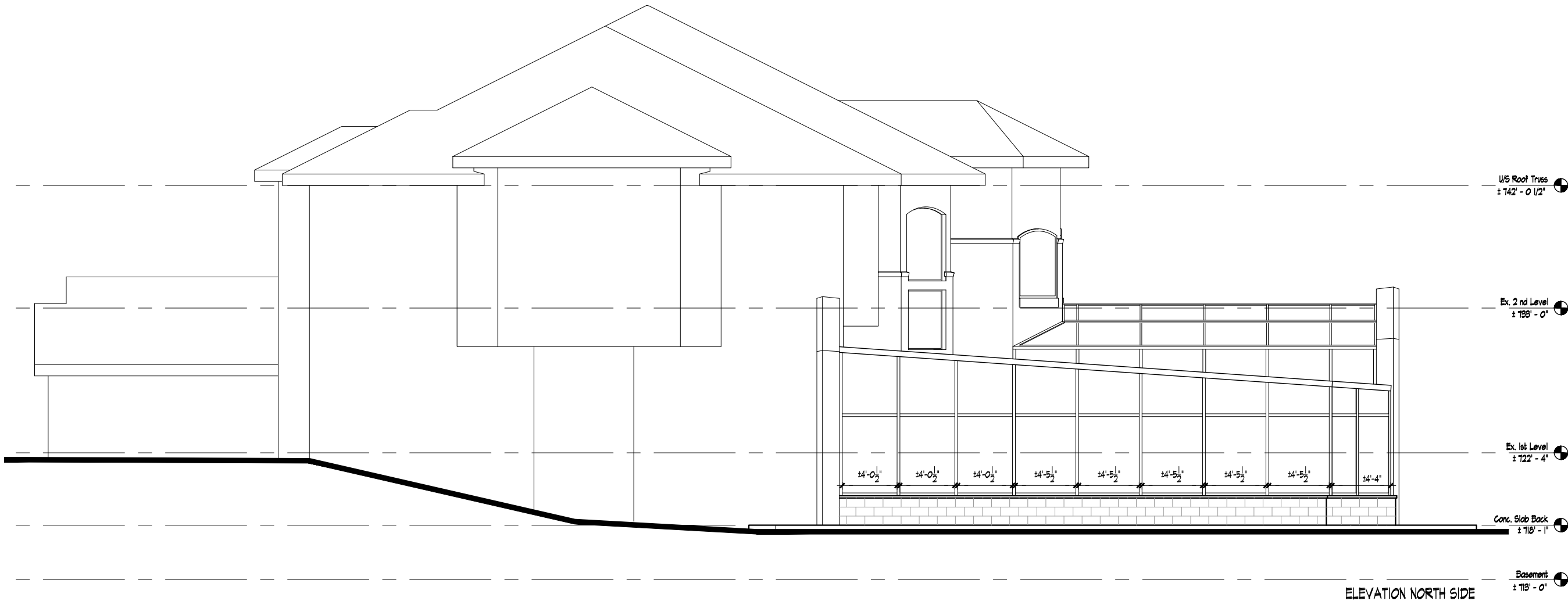
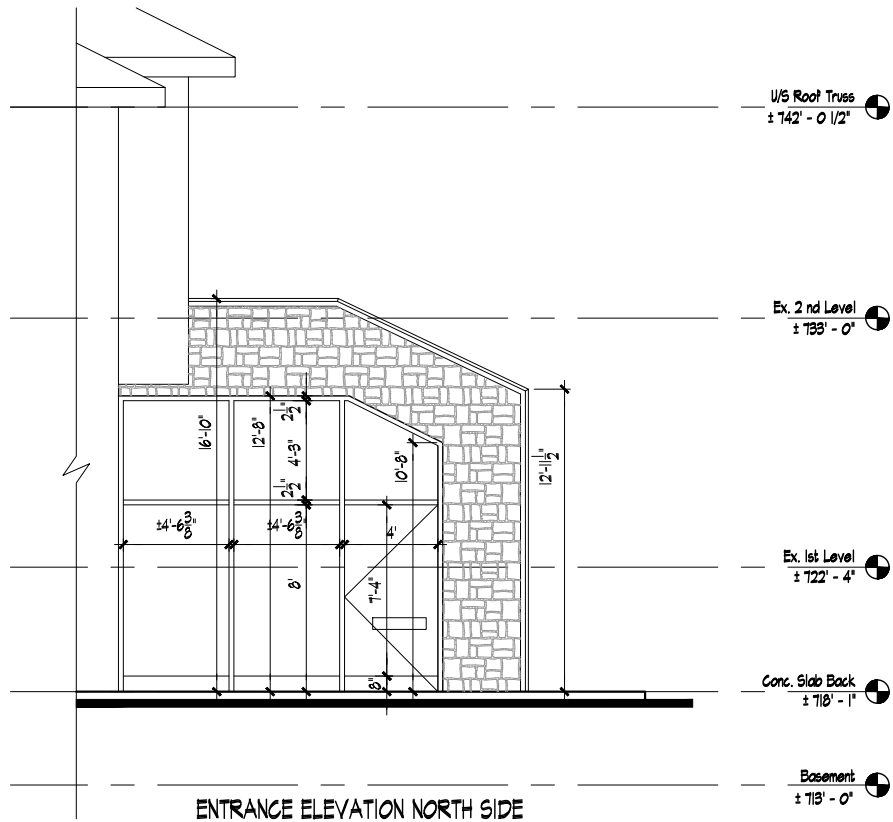
ELEVATION WEST SIDE

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Revisions	
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Approved	MS
Project	2020
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Fr. & Dr. Maximus Habib	
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Troy, MI 48084	
T: 2 4 8 . 8 3 5 . 9 2 3 8	
Sheet Title	
Elevations	
Proposed Pool Enclosure	
Sheet No	A 3

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NORTH ENTRANCE ELEVATION



**SPACE
DESIGN
INNOVATION**

29732 Farmbrook Villa Ln.
southfield, MI 48043
T: 2 4 8 . 9 3 0 8 1 3 2
[Space.design.innovation @ gmail.com](mailto:Space.design.innovation@gmail.com)
Design & Project Management
Magdi Samwel

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Approved	MS
Project	2020
Pool Addition For The Residence Of Fr. & Dr. Maximus Habib 3415 Cocks Road Troy, MI 48084 T: 2 4 8 . 8 3 5 . 9 2 3 8	
Sheet Title Elevations Proposed Pool Enclosure	
Sheet No	A 4



75

400

LOWRY

353

347

335

203

150

2585

2559

2543

2511

2499

2495

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2499

200

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2359

2546

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2520

2332

2330

2328

LIVERNOIS

KIRTS

KIRTS

KIRTS



646

400

LOWRY

353

347

335

203

570

580

560

(BB)

500

150

50

2499

200

100

(MF)

KIRTS

KIRTS

KIRTS



400

LOWRY

353

347

335

203

560

LOWRY

353

347

335

203

Article 5 Form-Based Districts

Table 5.04.C-1 Use Groups Permitted									
Use Group (Table 5.03-1)	Site Type BB:A: Major Sites			Site Type BB:B: Medium Sites			Site Type BB:C: Minor Sites		
	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors
1 Residential	NP	NP	NP	NP	NP	NP	NP	NP	NP
2 Residential/Lodging	UP	UP	P	UP	UP	P	UP	UP	P
3 Office/Institution	P	P	P	P	P	P	P	P	P
4* Auto/Transportation	NP	NP	NP	NP	NP	NP	NP	NP	NP
5 Retail/Entertainment/ Service**	P	P	P	P	P	P	P	P	P
6 Misc. Commercial	NP	NP	NP	NP	NP	NP	NP	NP	NP
7 Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP
P - Permitted Use Groups UP - Permitted Use Groups in Upper Stories Only S - Special Use Approval Groups NP - Prohibited Use Groups * Drive-through uses for Financial Institutions are allowed under Special Use in compliance with Section 5.04.5.d. ** Lodging uses are permitted subject to Special Use Approval.									

Table 5.04.C-2 Building Forms Permitted									
Building Forms	Site Type BB:A: Major Sites			Site Type BB:B: Medium Sites			Site Type BB:C: Minor Sites		
	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors
A: Small, single-purpose, out buildings	P ¹	P	P	P ¹	P	P	P	P	P
B: Small, multi-tenant commercial with mixed use	P ¹	P	P	S	P	P	P	P	P
C: Attached residential or live/work	S	S	S	P	P	P	P	P	P
D: Multi-story mixed use, medium density	P	P	P	P	P	P	P	P	P
E: Large format com- mercial	P	P	S	P	P	S	NP	NP	NP
F: Large format mixed- use	P	P	S	P	P	S	NP	NP	NP
¹ Permitted only when located in an outlot of a Building Form D, E, or F project in a separate parcel, or within a designated outlot that remains part of the primary parcel. P - Permitted Building Form S - Special Approval Building Form NP - Prohibited Building Form									

Authority and
Administration

Development
Regulations

Processes and
Procedures

Supplemental Design
Regulations

Nonconformity,
Appeals, Amendments

Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

- g. If a site is adjacent to two (2) different street types, the more intense street type shall control for the purpose of determining allowable use groups.

TABLE 5.03-A-1 USE GROUPS BY CATEGORY	
PRINCIPAL USE	
Use Group 1	
Residential Uses:	
One-Family dwellings	
Two-Family dwellings	
Use Group 2	
Residential/Lodging Uses:	
One-Family attached dwellings	
Multiple-Family dwellings	
Live/Work units	
Senior assisted/independent living	
Child care centers	
Use Group 3	
Office/Institution:	
General office	
Professional and medical office	
Hospitals	
Medical office	
Primary/secondary schools (private)	
Post-secondary schools	
Places of worship	
Data centers	
Technology centers / Office research	
Publicly owned/operated office and service facilities	
Funeral homes	
Veterinary clinics or hospitals	
Use Group 4	
Auto/Transportation Uses:	
Vehicle sales	
Vehicle service station	
Vehicle repair station	
Vehicle body repair	
Vehicle wash	

Use Group 5
Retail, Entertainment, and Service Uses:
Lodging*
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Use Group 6
Miscellaneous Commercial Uses:
Building & lumber supply
Garden centers, nurseries
Outdoor commercial recreation
Indoor commercial recreation
Self-Storage
Commercial kennels / pet day care
Drive-through facilities
Use Group 7
Industrial Uses:
Contractor's equipment storage
Food products
Commercial outdoor storage
Manufacturing, processing, etc.
Metal plating
Plastics
Printing
Tool & die, gauge & machine shops
Truck/trailer rental
Warehousing/wholesale
Experimental research & testing labs

* Lodging uses in all Form-Based Districts are permitted subject to Special Use Approval in compliance with [Article 9](#).

B. Building Form Standards.

1. The [form-based districts](#) permit a series of potential building forms, dependant on the site's location. The six building forms, set forth in Tables [5.03.B.1](#) through [6](#), are established in this section as follows:



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48084 | 248-524-3364

Zoning Board of Appeals Application

planning@troymi.gov | Fee \$150.00

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE DIGITAL APPLICATION AND FEE AT LEAST **29 DAYS BEFORE** THE MEETING DATE. PRE APPLICATION MEETING WITH PLANNING DEPARTMENT REQUIRED BEFORE FILING APPLICATION.

1. ADDRESS OF THE SUBJECT PROPERTY: 347 lowery
[REDACTED ADDRESS]
2. PROPERTY TAX IDENTIFICATION NUMBER(S) [REDACTED]
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: BB
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: No
5. APPLICANT:
NAME Jason Talos
COMPANY _____
ADDRESS 5857 Trenton
CITY Detroit STATE Mi ZIP 48210
PHONE 2485684541
E-MAIL Jasontalos@gmail.com
AFFILIATION TO THE PROPERTY OWNER: Same person. Applicant/owner



Zoning Board of Appeals Application

6. PROPERTY OWNER:

NAME Jason Talos

COMPANY _____

ADDRESS 5857 trenton

CITY Detroit STATE Mi ZIP 48210

TELEPHONE 2485684541

E-MAIL Jasontalos@gmail.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 Talos (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 January 11, 2021

PRINT NAME: Jason Talos

PROPERTY OWNER SIGNATURE  DATE December 4, 2020

PRINT NAME: Jason Talos

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.



Zoning Board of Appeals Application

STATEMENT OF PRACTICAL DIFFICULTY

In order for a variance to be granted, a practical difficulty, as determined by the Board, must be present. On a separate sheet, please clearly identify and explain the practical difficulty justifying the variance request. 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 Application

ZONING BOARD OF APPEALS APPLICATION CHECKLIST

Please provide the following in digital format. You may e-mail them to planning@troymi.gov or submit them on media such as a CD or jump drive:

- ✓ Completed application
- ✓ Statement of practical difficulty see page 3
- ✓ Plot plan or survey showing property lines, existing and proposed buildings, their dimensions and locations (height, length, width, as applicable)
- ✓ Setbacks from property lines
- ✓ Elevation drawings
- ✓ Photos as necessary to accurately describe the request, including existing and proposed property conditions
- ✓ Any other information that explains the request
- ✓ Incomplete applications cannot be accepted

STATEMENT IN SUPPORT OF REQUEST FOR VARIANCE

The subject site is in a platted residential neighborhood of small lots which lie immediately south of the I 75 highway, between the highway and the existing commercial/office uses on Kirts Blvd, between Crooks Road and Livernois. Most of the many of the lots are vacant, however a number of the lots contain occupied residential uses. These lots are serviced by a gravel road, Lawry road, which is blocked at the east end and accessed off a drive from Kirts Blvd. The lot is 65' wide and 170' deep on the south side of Lawry.

There is an existing residential dwelling on the site and a detached service garage. The status of the use is non conforming as the result of the City of Troy placing a zoning classification of "Big Beaver Road" on the subject parcel. The applicant purchased the property as a home for himself and his fiance. He was drawn to this area as the result of her parents living nearby. After acquiring the property, the applicant applied for and received a building permit from the City of Troy to update the house and to replace the existing garage. After the issuance of the permit, the applicant proceeded to remove the old garage structure and begin the remodeling project on the house. After spending thousands of dollars on the project, the applicant was notified by the Building Officials of the City of Troy that the building permit was issued in error and that there was a zoning conflict.

It is impossible to utilize the site for any of the uses permitted under the terms of the existing zoning classification. The zoning classification prohibits any residential structures. The site is burdened by recorded residential use restrictions which limit the use to residential. As such, given the size and location of the subject property, it is impossible to earn any reasonable return on the property without the requested variance. The only possible use that exists on the site is residential. Technically, the applicant is continuing the existing non conforming residential use on the site and is merely upgrading the existing structure and the existing garage on the site.



PB2020-1500%PB%874.00

Building Permit No: PB2020-1500

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

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

Fax: (248) 689-3120
www.troymi.gov

347 LOWRY	Location	Owner
88-20-28-251-013	Lot: 34	TALOS, JASON
Subdivision: Beaver Park		3435 KILMER
Zoning: R-1C	Use Group:	TROY MI 48083
Construction Type: 5B		

Issued: 10/01/2020

TALOS, JASON
3435 KILMER
TROY

Applicant

MI 48083

FOR INSPECTIONS - CALL (248) 689-5744
*Inspections called in by 4:30 P.M. will be scheduled the next business day. **NOTE NEW INSPECTION CUT-OFF TIME***

Work Description: R - CONSTRUCT A 2-STORY ADDITION TO HOUSE - TO INCLUDE AN ATTACHED GARAGE AND 2ND STORY LIVING SPACE, IN COMPLIANCE WITH THE 2015 MICHIGAN RESIDENTIAL CODE.

Special Stipulations: SEPARATE TRADE PERMITS REQUIRED. CALL FOR REQUIRED INSPECTIONS. PULL DEMO PERMIT FOR GARAGE.

Work will meet all codes and inspections.

Permit Item	Work Type	Quantity	Item Total
Initial Plan Review Fee	Plan Rev Min.	1.00	30.00
Value \$10,001 to 1 Million	Building Permit	68,750.	805.00
Plan Review Fee	Plan Review	68,750.	39.00

Res., Add/Alter

Total Due: \$874.00**PAID on: 10/01/2020****Credit Card**
Payment Validation

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

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

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

Please take a few minutes and let us know about your experience working with us via our customer feedback survey at <https://troymi.gov/CDSurvey>

[] TREASURER COPY

[] DEPARTMENT COPY

[] CONTRACTOR COPY



BUILDING PERMIT APPLICATION

CITY OF TROY

DEPARTMENT OF BUILDING INSPECTIONS

500 W. BIG BEAVER ROAD

TROY, MICHIGAN 48064

248-524-3344

Check # _____

Date: 9/21/20

BUILDING

Project Information

Job Address: 347 LOWERY TROY MI Suite # _____

Lot: 34 Subdivision: Beaver Park Parcel # _____

Building Type

☐ Commercial

☒ Residential

Size: 1345 square feet

Request for Building Permit To:

☐ Construct ☐ Complete ☒ Add to ☐ Alter ☐ Repair ☐ Demolish ☐ Other _____

☐ New Construction ☒ Existing Structure ☐ Tenant Space ☐ Garage/Accessory Building ☐ Deck ☐ Pool ☐ Roof

Describe Scope of Work: Add an attached garage to existing structure, build a 2nd story level above existing structure and new attached garage

ZONING: RIC USE GROUP: _____ CONST. TYPE: _____ SPRINKLED: Y / N

ESTIMATED COST OF CONSTRUCTION \$ \$68,750.00 By Contractor \$ _____ By Department

Applicant Information

Name: Jason Talos Company: _____

Phone: 248-568-4541 Fax # _____

Address: 5857 TRENTON City: Detroit State: MI Zip: 48210

License # _____ Federal ID # _____ Comp. Carrier _____

Email: JasonTalos@gmail.com Preferred Contact # /Name _____

☒ Check if you would like email notification of any violations

Property Owner Information

Name: Jason Talos Phone: 248-568-4541

Address: 5857 Trenton City: Detroit State: MI Zip: 48210

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

Signature & Print Name: Jason Talos

Date: 9/21/20

(Homeowners applying for the permit need to sign a homeowner's affidavit)

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

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

ADDITION:

APPROVED BY: ☐ Plan Commission
☐ Board of Zoning Appeals
☐ City Council

Date: _____
Date: _____
Date: _____

PLAN ANALYST COMMENTS: _____

R - FOLDED. CONSTRUCT A 1345 ϕ ADDITION, IN COMPLIANCE WITH THE
2015 MICHIGAN RESIDENTIAL CODE.

2 STORY ATTACHED GARAGE W/ 2ND STORY LIVING
SPACE

SPECIAL STIPULATIONS: _____

MEET ALL CODES AND INSPECTIONS. SEPARATE TRADE PERMITS REQUIRED.

Plan Review Fee Paid \$ _____ Date _____

Soil Erosion Yes

FEES DUE:
Building Permit Fee \$ 805

Certificate of Occupancy \$ _____

Bond (refundable) \$ _____

Plan Review Fee \$ 30

Add'l Plan Review Fee \$ 39

Micro Film Charge \$ _____

Grade Inspection \$ _____

Street Maintenance Fee \$ _____

Tree Deposit \$ _____

Residential Bldg Contractor
Registration (exp. 5/31) \$ _____

TOTAL DUE \$ 874

Sewer Fee \$ _____

Water Fee Due \$ _____

Structural Review Fee \$ _____

Plans ☐ Rolled ☐ Plan Review Comments

☐ Folded

☐ Attached

☐ Scanned

☐ No Plans

Flood Plain Review
✓

S/H 9/29/2020

APPROVED BY: Dana V Self DATE: 9-28-2020



Homeowner Affidavit

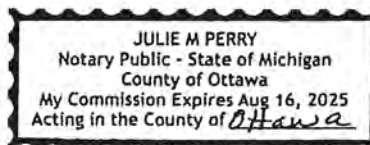
I hereby certify that the work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the State of Michigan Building Code and shall not be enclosed, covered up or occupied until it has been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

HOMEOWNER'S SIGNATURE:

Jason Pals

Subscribed and sworn to before me this 21st day of September 2020 Notary Public,

Ottawa County, Michigan.



Julie M. Perry

NOTARY SIGNATURE

My commission expires: August 16, 2025

City of Troy,

I **Jason Talos**, am writing this letter regarding 347 Lowery Troy, Mi 48084. I am currently submitting the building permit application as a home owner. I currently do not live at 347 Lowery dr but I plan on making it my primary residence as soon as the construction is completed on the house. If there's any questions or concerns I can be reached at jasontalos@gmail.com or 2485684541.

Thanks,
Jason Talos

ARCHITECTURAL DESIGNER:
GEORGE ROSE
CARLETON, MI 48117



SHEET INDEX:

D-1	BUILDING INFORMATION & SITE PLAN
A-1	AS-BUILT AND CONSTRUCTION PLANS
A-2	ARCHITECTURAL FLOOR PLANS
A-3	FOUNDATION PLAN / SECOND FLOOR FRAMES PLAN
A-4	ARCHITECTURAL ELEVATIONS
A-4.1	ARCHITECTURAL ELEVATIONS
A-5	FOUNDATION, FLOOR AND ROOF STRUCTURAL PLANS

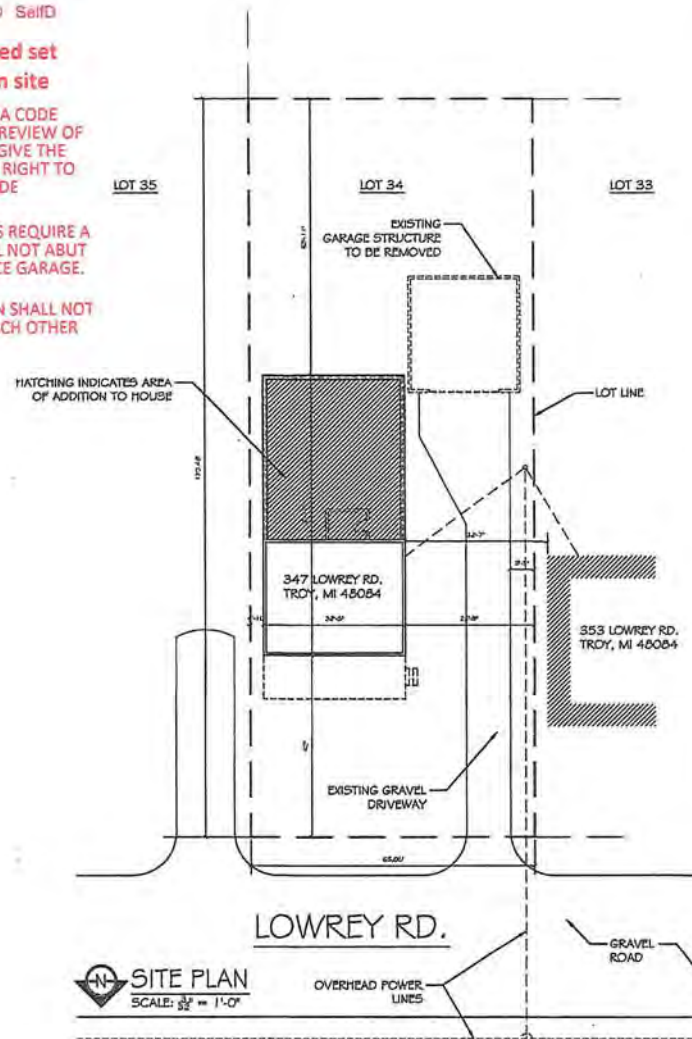
PROJECT DATA

USE GROUP: SINGLE FAMILY RESIDENTIAL (R-1)
CONSTRUCTION TYPE: II B

CODE NOTES:
 MICHIGAN RESIDENTIAL CODE - 2015
 MICHIGAN MECHANICAL CODE - 2015
 MICHIGAN PLUMBING CODE - 2015
 NATIONAL ELECTRICAL CODE - 2017

LEGAL DESCRIPTION:
 =
 BEE OF LOT 11, 082.8 SQ. FT. 70.254 ACRES
 FOOTPRINT OF HOUSE 3,002 SQ. FT.
 SIZE OF HOUSE 3,134 SQ. FT.
 SIZE OF GARAGE 1,050 SQ. FT.
 TOTAL SIZE OF STRUCTURE 4,184 SQ. FT.

SIMILAR FRONT ELEVATION SHALL NOT
OCCUR ADJACENT TO EACH OTHER



GJSR DESIGN

CARLETON, MI 48117
(348) 935-0368

Text submitted by governments or other interested parties will be accepted if it addresses the following issues: technical, scientific, policy, and legal. The following are the issues that will be addressed:

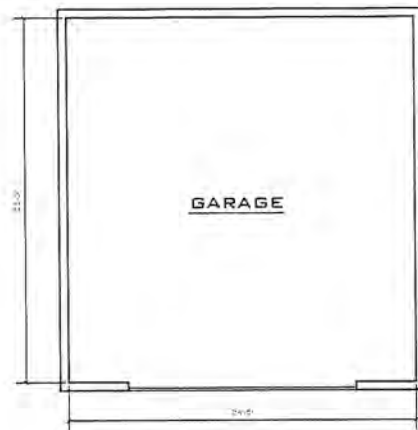
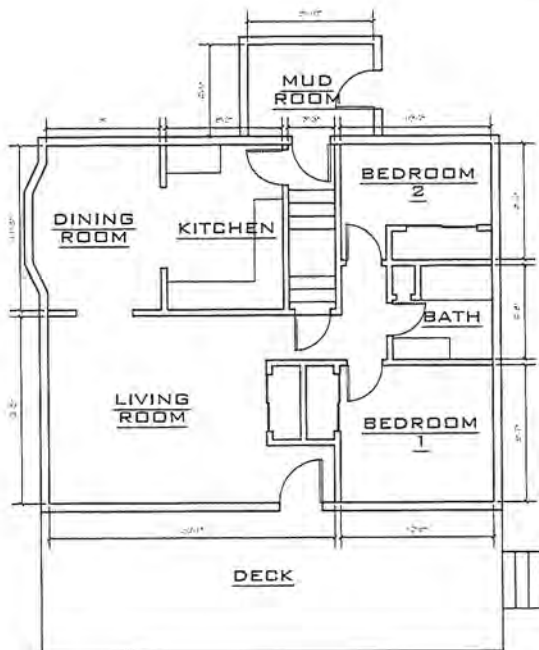
- ☐ Employment
- ☐ Public assistance
- ☐ Insurance
- ☒ Personal
- ☐ Government
- ☐ Religion

347 LOWMEY RD,
TRGV, NJ 08054

**BUILDING INFORMATION &
SITE PLAN**

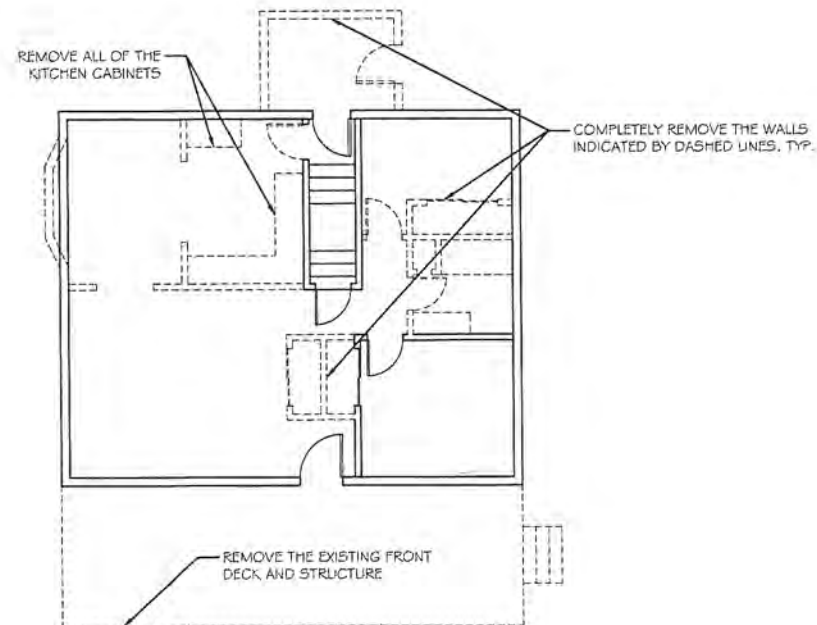
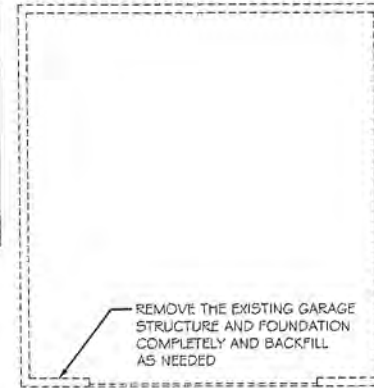
(Printed Name) **GEORGE ROSE**
 (Fulltime Occupation) **D-001**

C-1



DEMOLITION NOTES:

- 1) REMOVE ALL OF THE EXISTING CABINETS, PLUMBING FIXTURES, LIGHT FIXTURES, ETC.
- 2) REMOVE THE ENTIRE ROOF AND SECOND FLOOR STRUCTURE
- 3) BRACE ALL WALLS IN THE HOUSE AS NECESSARY DURING DEMOLITION
- 4) COMPLETELY REMOVE THE EXISTING GARAGE STRUCTURE AND FOUNDATION
- 5) PROVIDE DUMPSTERS AS NECESSARY TO HAUL OFF DEBRIS



DEMOLITION PLAN

SCALE: $\frac{1}{4}" = 1'-0"$

GJSR
DESIGN

CARLTON, MI 48117
(248) 925-0360

THIS DOCUMENT IS UNCLASSIFIED AND UNCONTROLLED. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE ORIGINAL INTENT. ANY REVISIONS OR CHANGES TO THIS DOCUMENT MUST BE APPROVED BY THE ORIGINAL AUTHOR.

☐ Preliminary
☐ In-Situ Assessment
☐ Survey
☒ Project
☐ Construction
☐ Redlined

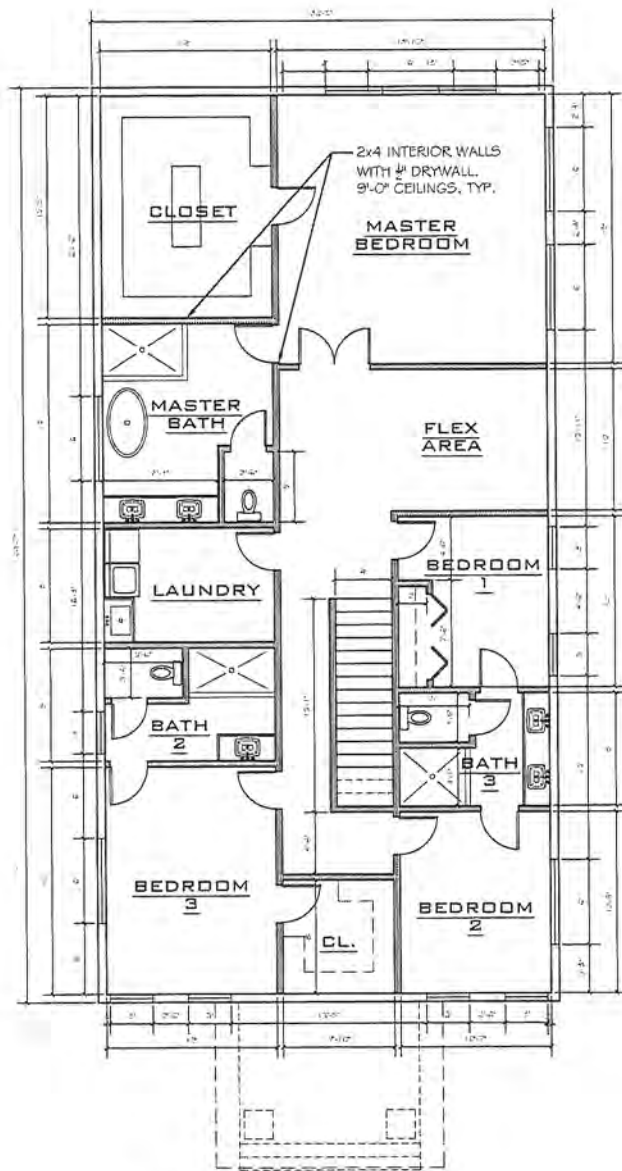
Project Date:
3-17-2024

Project Name:
DEMOLITION PLAN

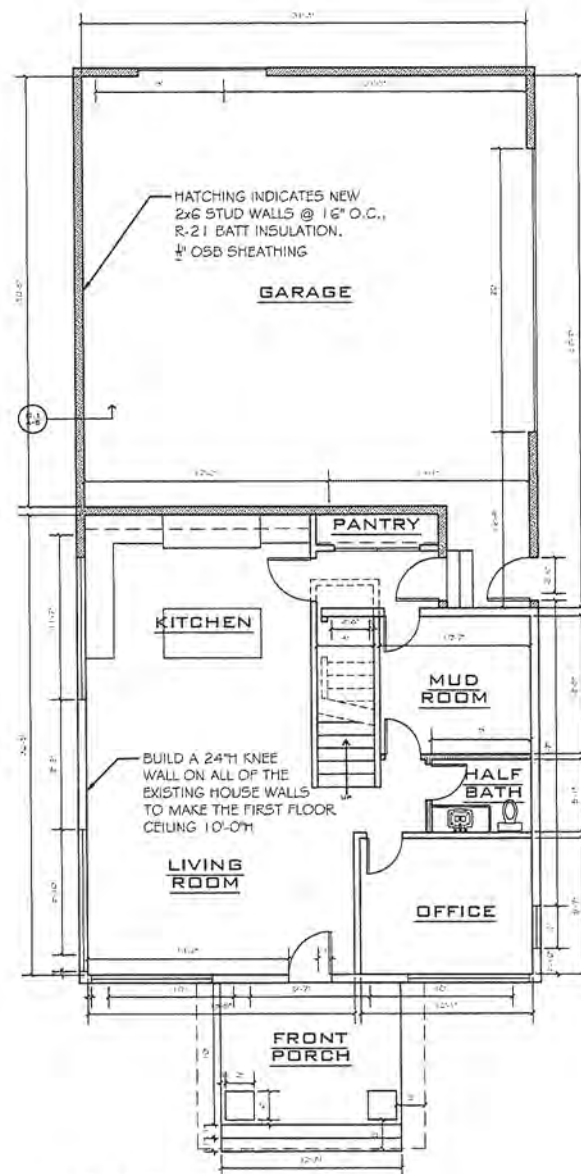
Project No.:
GEORGE ROSE

Project Number:
D-001

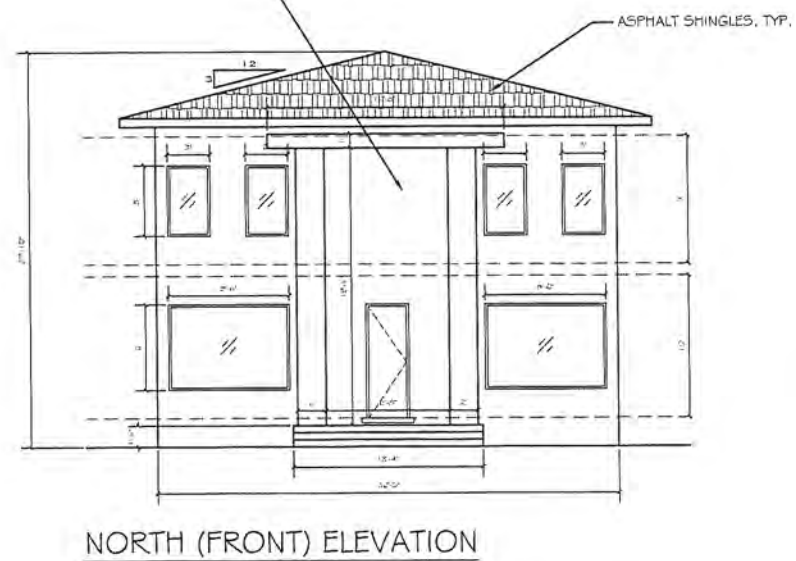
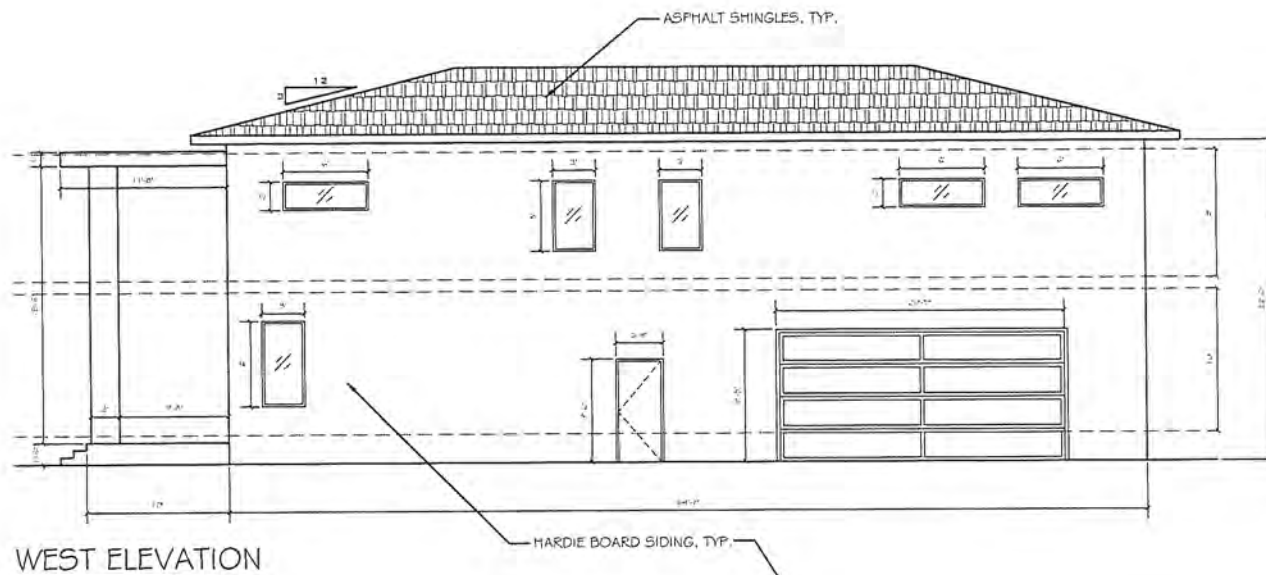
Project Name:
A-1

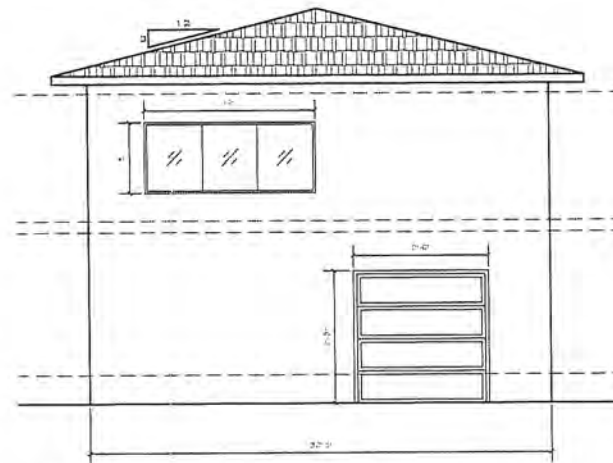


SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

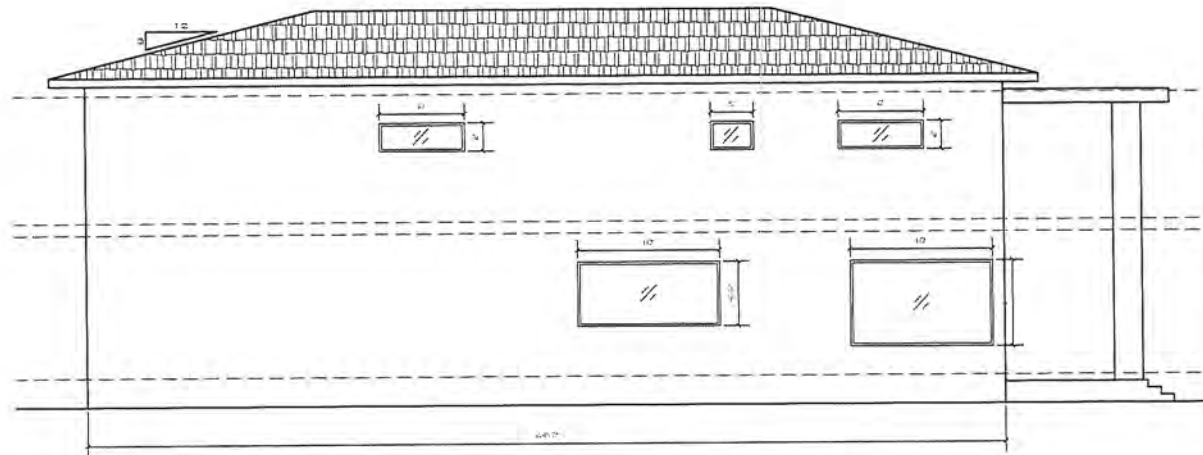


FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

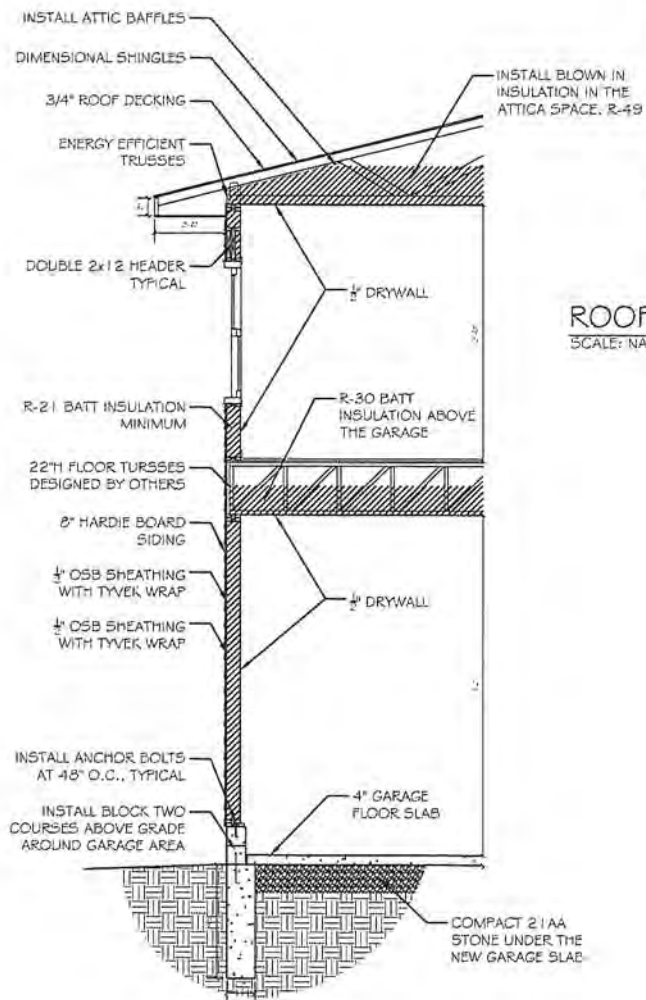




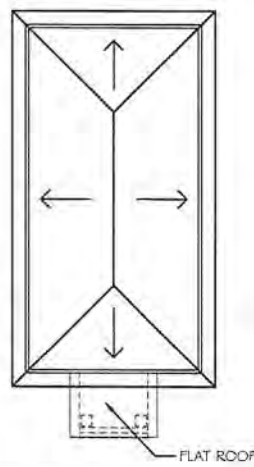
SOUTH ELEVATION



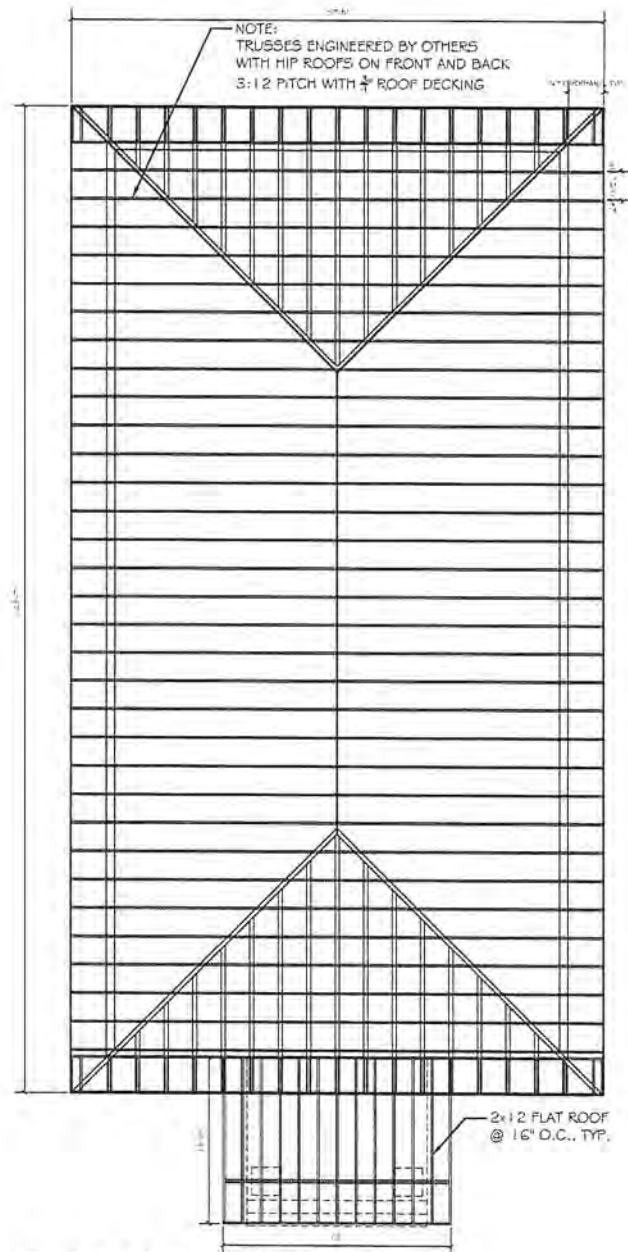
EAST ELEVATION



WALL SECTION
SCALE: 1/2" = 1'-0"



ROOF PITCH DIAGRAM
SCALE: NA



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"

Date: January 26, 2021

To: Members of the Troy Zoning Board of Appeals

From: Allan T. Motzny, Assistant City Attorney

Subject: Application for Use Variance for 347 Lowry

BACKGROUND INFORMATION:

The applicant for the property at 347 Lowry is seeking to build an addition to a residential structure located in a BB zoned district. Since a single-family residential home is not a permitted use in the BB zoning district, the expansion would have the effect of enlarging a nonconforming use. Under Section 14.01 of the zoning ordinance, it is the intent of the ordinance to eliminate nonconforming uses. Under Section 14.03, the extension or expansion of a nonconforming use is prohibited. Accordingly, if any additional land and/or space is used in a manner not allowed by the ordinance, the use is prohibited unless a use variance is granted. Accordingly, the variance request in this matter is a request for a use variance as opposed to a request for a dimensional or non-use variance.

Since this Board seldom hears requests for use variances, the purpose of this memo is to provide some guidance regarding the procedure and the requirements that must be satisfied before a use variance may be granted.

AUTHORITY:

The Michigan Zoning Enabling Act ("MZEA") authorizes a City to adopt an ordinance allowing a Zoning Board of Appeals ("Board") to entertain use variances. Since 2011, the City of Troy's Zoning Ordinance has permitted use variance applications. (Article 15.04(B)(4)).

The term "use variance" is not defined in the City's Zoning Ordinance, but it typically refers to a change which permits a use of the land which the zoning ordinance otherwise proscribes and is similar to a rezoning in that it runs with the land. ((See *Paragon Props Co v. Novi*, 452 Mich. 568, 575; 550 NW2d 772 (1996)).

PROCEDURE:

The zoning ordinance requires a concurring vote of 2/3 of the members of the Board to pass a use variance (at least five votes). In making its decision, the Board is charged with making specific findings of fact and conclusions which will be in the form of a resolution

The applicant has the burden of proof. Under Article 15.04(F), a use variance may be allowed ONLY where there is reasonable evidence of unnecessary hardship and ALL of the following conditions are met:

1. The site cannot be reasonably be used for any of the uses allowed within the current zoning district designation.
2. The condition or situation of the property or the intended use is unique to the property and not commonly present in the general vicinity or in the zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. The Board may consider such unique situations as:
 - a. exceptional narrowness, shallowness or shape of the property
 - b. exceptional topographic conditions or other extraordinary situation on the land
 - c. the use or development of the immediately adjoining property
 - d. any other situation deemed by the Board to be extraordinary; and
3. The use variance will not alter the essential character of the neighborhood or the intent of the Master Plan or be a detriment to the adjacent properties; and
4. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised; and
5. The immediate practical difficulty causing the need for the variance was not self-created by the applicant; and
6. There is no other administrative relief available to the applicant.