



## 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. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

- 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.

# **MOTION TEMPLATE GRANT VARIANCE**

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

## **MOTION TEMPLATE DENY**

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**

## **MOTION TEMPLATE POSTPONE**

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**

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## ZONING BOARD OF APPEALS – OPENING STATEMENT

The Zoning Board of Appeals is a group of seven of your neighbors appointed by the Troy 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. Applicants 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 approved agenda. When an item is called, the Chairperson will verify that the applicant is present. Then the City Administration will summarize the facts of the case. If there is less than a full board (7 members) present at a meeting, an applicant may request a postponement so his or her request can be heard by a full board. If there is no request for a postponement, the applicant will then be given an opportunity to address the Board to explain the justification for the action requested.

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

At the conclusion of public comments, the Chairperson 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.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

248.524.3364  
planning@troymi.gov

## ZONING BOARD OF APPEALS MEETING AGENDA

Michael Bossenbroek, Chair, David Eisenbacher, Vice Chair  
Thomas Desmond, Aaron Green, Mahendra Kenkre, Jim McCauley,  
Tyler Fox, Barbara Chambers, Alternate, Jeffrey Forster, Alternate

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<b>April 18, 2023</b>	<b>7:00 P.M.</b>	<b>COUNCIL CHAMBERS</b>
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1. ROLL CALL
2. PROCEDURE
3. APPROVAL OF MINUTES – February 21, 2023
4. APPROVAL OF AGENDA
5. HEARING OF CASES:
  - A. 3459 TALBOT, FLORAINE BISHAY- A variance request to allow construction of a home addition setback 1.5 feet from the side property line. The Zoning Ordinance requires the addition be setback 5 feet from the side property line.  
  
ZONING ORDINANCE SECTION: 4.06 C, R-1E Zoning District
  - B. 944 MARENGO, OLLIE APHIADEAN- A variance request to divide a land parcel into two parcels. One proposed parcel will have 77.61 feet width and frontage, the other proposed parcel will have 67.61 feet width and frontage. The Zoning Ordinance requires a minimum 100 feet width and frontage.  
  
ZONING ORDINANCE SECTION: 4.06 C, R-1B Zoning District
6. COMMUNICATIONS
7. MISCELLANEOUS BUSINESS
8. PUBLIC COMMENT
9. 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 February 21, 2023 at 7:00 p.m., Chairperson Bossenbroek called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Michael Bossenbroek  
Barbara Chambers  
Thomas Desmond  
Jeffrey Forster  
Tyler Fox  
Aaron Green  
Mahendra Kenkre

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Allan Motzny, Assistant City Attorney

2. PROCEDURE- read by Member Forster

3. APPROVAL OF MINUTES –

Moved by Chambers  
Seconded by Green

RESOLVED, to approve the January 17, 2023 draft minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – No changes.

5. HEARING OF CASE:

- A. 944 MARENGO, OLLIE APHIADDEAN- A variance request to divide a land parcel into two parcels, each having 72.61 feet width and frontage, where the Zoning Ordinance requires a minimum 100 feet width and frontage.

Moved by Forster  
Seconded by Green

RESOLVED, to deny the request

Yes: Chambers, Forster, Kenkre, Green  
No: Bossenbroek, Fox, Desmond

MOTION PASSED

6. COMMUNICATIONS – Mr. Evans advised the Board of upcoming MAP training, update on 1300 Bradley, no March meeting.
7. MISCELLANEOUS BUSINESS – None
8. PUBLIC COMMENT – Several individuals commented.
9. ADJOURNMENT –The Zoning Board of Appeals meeting ADJOURNED at 8:18 p.m.

Respectfully submitted,

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Michael Bossenbroek, Chairperson

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Paul Evans, Zoning and Compliance Specialist

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- A. 3459 TALBOT, FLORAINE BISHAY- A variance request to allow construction of a home addition setback 1.5 feet from the side property line. The Zoning Ordinance requires the addition be setback 5 feet from the side property line.

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



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

## Zoning Board of Appeals Application

[planning@troymi.gov](mailto:planning@troymi.gov) | Fee \$150.00

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:00 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: 3459 Talbot, Troy MI. 48083
2. PROPERTY TAX IDENTIFICATION NUMBER(S): \_\_\_\_\_
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: Section
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: Yes, front yard set back. Granted in 2018
5. APPLICANT:  
NAME Florine Bishay  
COMPANY \_\_\_\_\_  
ADDRESS 3459 Talbot  
CITY Troy STATE MI ZIP 48083  
PHONE 248-939-6585  
E-MAIL floriane.bishay@gmail.com  
AFFILIATION TO THE PROPERTY OWNER: Owner



## Zoning Board of Appeals Application

6. PROPERTY OWNER:

NAME Floriane Bishay

COMPANY \_\_\_\_\_

ADDRESS 3459 Talbot

CITY Troy STATE MI ZIP 48083

TELEPHONE 248-939-6585

E-MAIL floriane.bishay@gmail.com

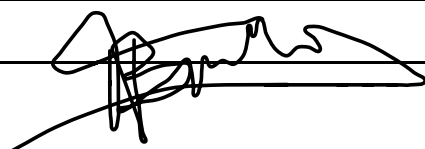
The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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, Floriane Bishay (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 03-05-2023

PRINT NAME: Floriane Bishay

PROPERTY OWNER SIGNATURE  DATE 03-05-2023

PRINT NAME: Floriane Bishay

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.



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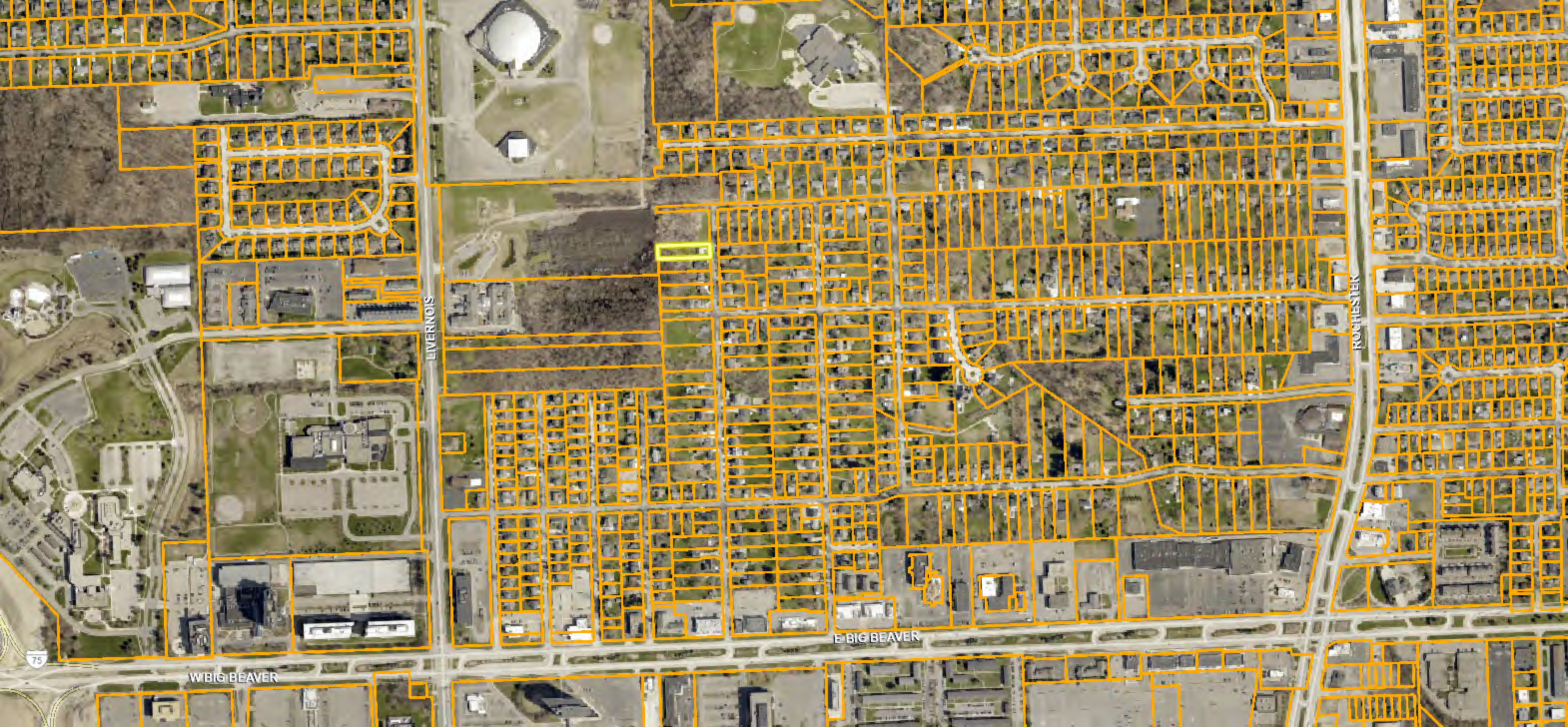
## Zoning Board of Appeals Application

### ZONING BOARD OF APPEALS APPLICATION CHECKLIST

Please provide the following in digital format. You may e-mail them to [planning@troymi.gov](mailto: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





LIVERNOIS

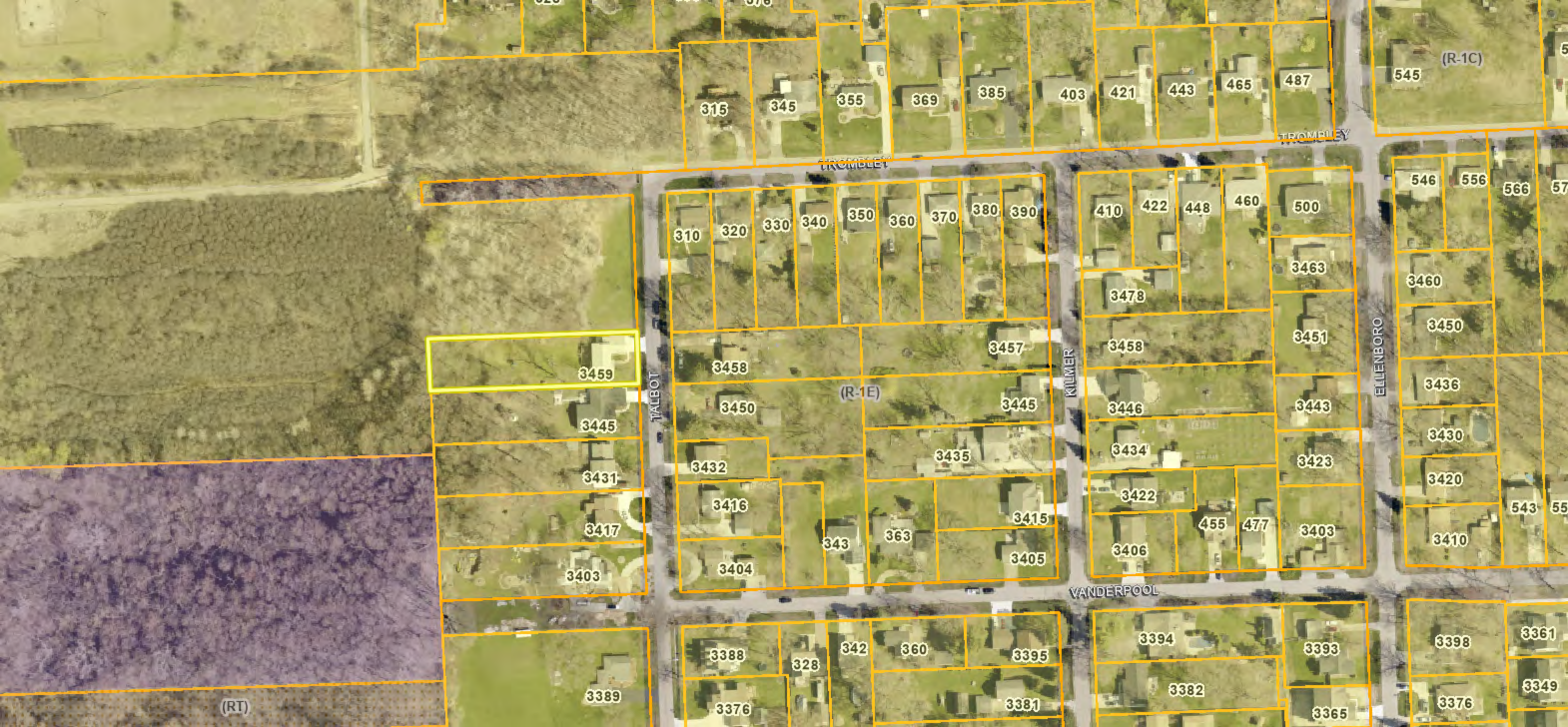
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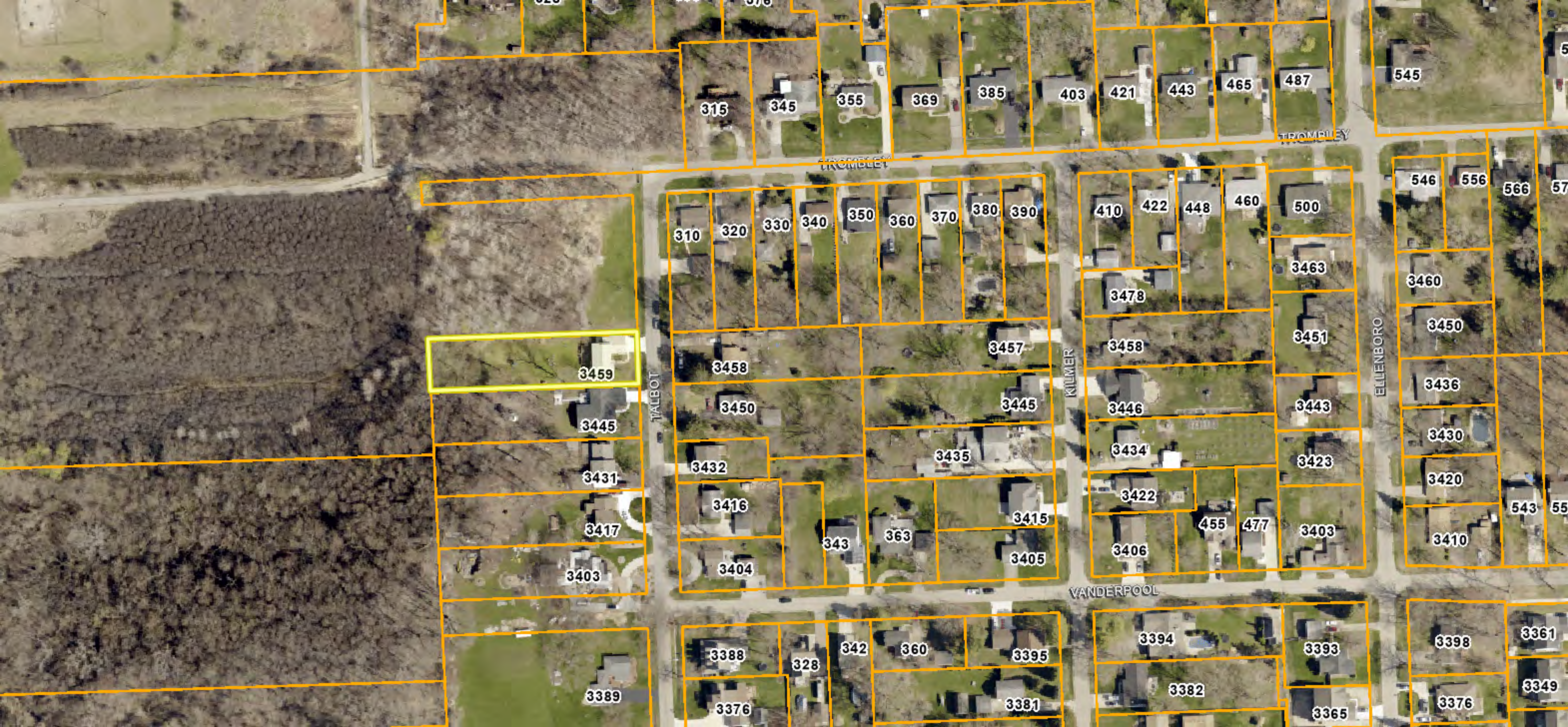
TALBOT

KILMER

ELLENBORO

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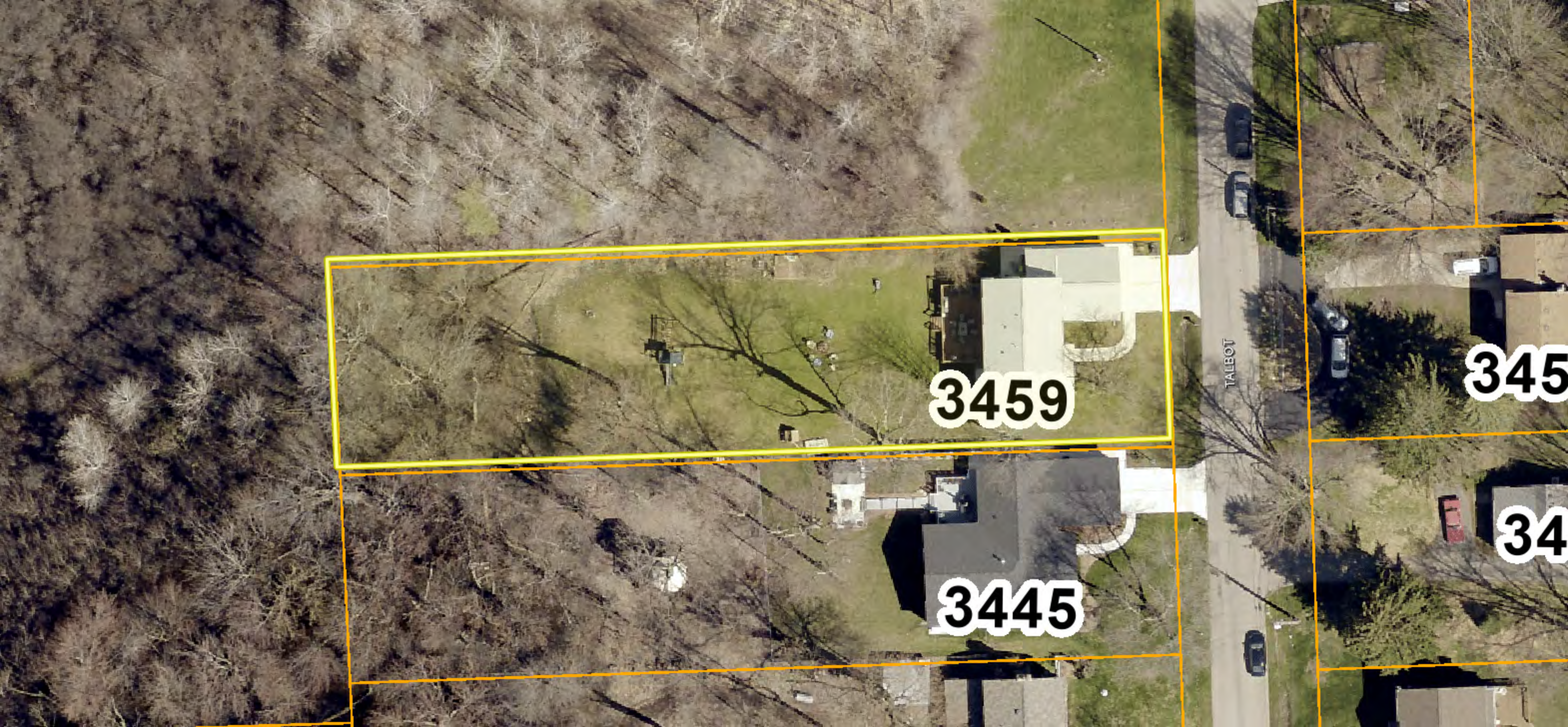
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VANDERPOOL



An aerial photograph of a residential neighborhood. A large rectangular area of a property is highlighted with a yellow border. The property contains a house with a grey roof and a large green lawn. To the right of the highlighted area is a street labeled 'TALBOT'. Other properties are visible to the right, some with their own address labels. The surrounding area is filled with trees, some of which are bare, suggesting a cooler season.

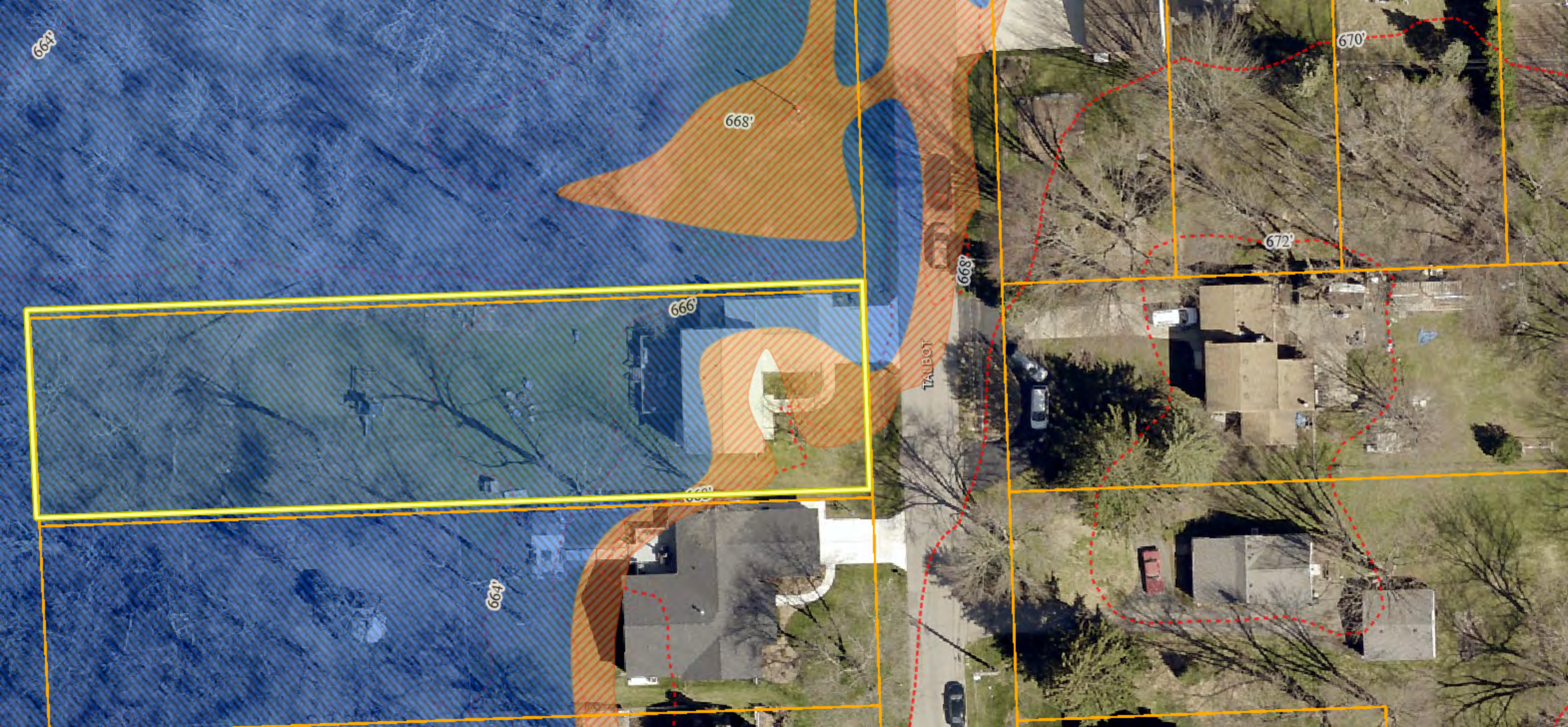
**3459**

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**34**







BENCHMARKS

DATUM: NAVD-88

BM A (CITY BM NO. 1379)  
ELEV: 667.239  
ARROW ON TOP OF HYDRANT, WEST SIDE TALBOT, OPPOSITE #310 TROMBLEY

BM B  
ELEV: 666.05  
NORTHEAST CORNER OF A/C PAD ALONG NORTH SIDE OF #3459 TALBOT ST.

BM C  
ELEV: 668.66  
GARAGE FLOOR, EAST SIDE OF DETACHED GARAGE AT #3445 TALBOT ST.

LEGAL DESCRIPTION (AS PROVIDED)

Lot 95 of "REPLAT OF OUTLOT "A" OF BIG BEAVER" a recorded subdivision that is part of the Southwest 1/4 of Section 22, City of Troy, Oakland County, Michigan, as recorded in Liber 26, Page 17, Oakland County Records.

FLOOD PLAIN

A LARGE PORTION OF THE SITE LIES WITHIN ZONE AE, AN AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD. ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 26125C0534F WITH EFFECTIVE DATE OF SEPTEMBER 29, 2006.

ADDITIONALLY, ACCORDING TO THE PUBLISHED FLOOD STUDY FOR THIS AREA, SECTION "I" INDICATES THE REGULATORY WATER SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD TO BE 667.6. THE STATED ELEVATION DATUM IS NAVD-88.

FLOOD PLAIN NOTE:  
FINISH FLOOR OF #3459 TALBOT STREET IS 1.14 FEET ABOVE THE 1% ANNUAL CHANCE FLOOD.

**SITE SOILS:**

SITE SOILS CONSIST OF SANDY TOPSOIL OVER SANDY CLAY.

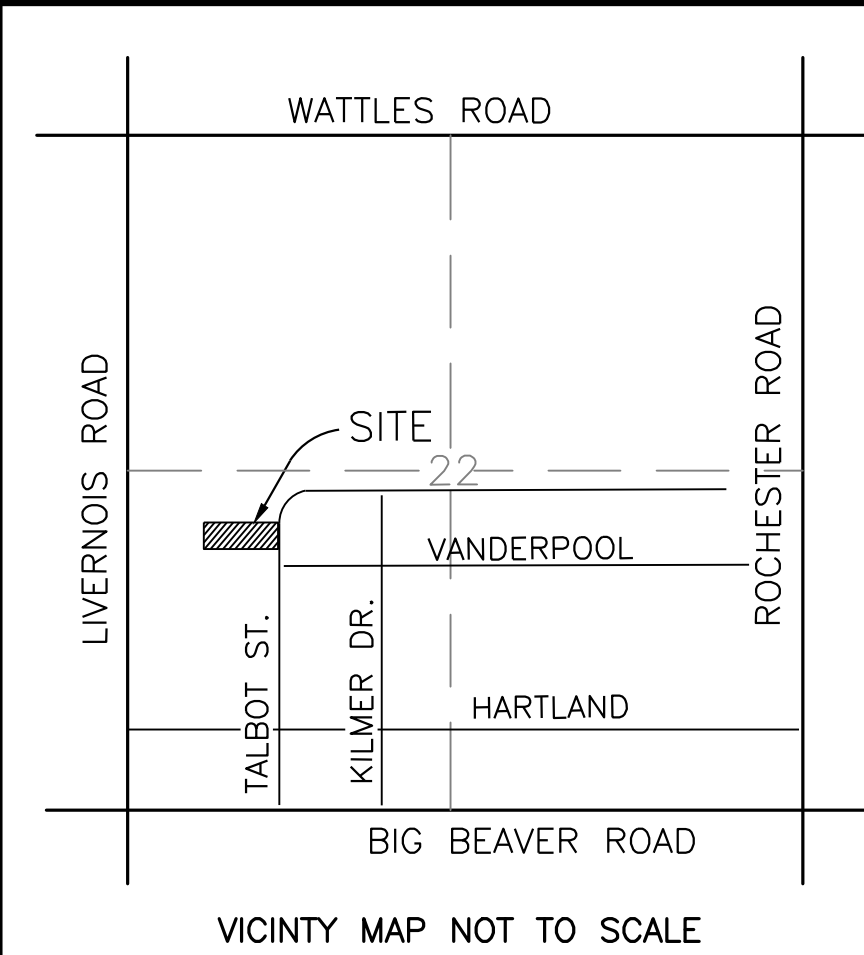
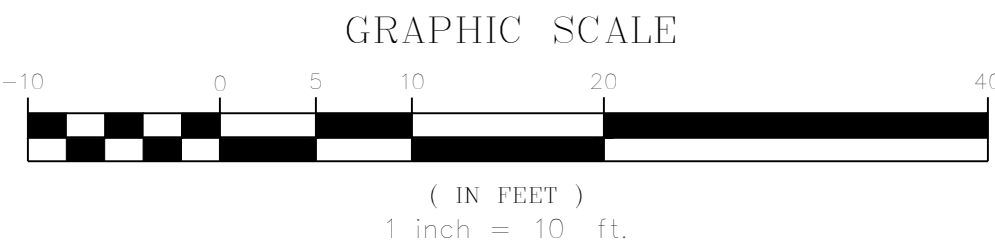
ACCORDING TO THE USDA SOIL SURVEY, THE SITE CONSISTS OF SOIL TYPE 36A - METAMORA SANDY LOAM, 0 TO 3% SLOPES; SOMEWHAT POORLY DRAINED AND SOIL TYPE 33 - LENAWEE SILTY CLAY LOAM, 0 TO 1% SLOPES; POORLY DRAINED.

**SYMBOLS: STORM, EROSION & GRADING**

—○— SILT FENCE, TYP. (SEE DETAIL ON OAKLAND COUNTY SOIL EROSION & SEDIMENTATION CONTROL DETAILS SHEET)

REFER TO DETAILS ON OAKLAND COUNTY SOIL EROSION & SEDIMENTATION CONTROL DETAILS SHEET

**NOTE:**  
EXISTING & PROPOSED DRAINAGE PATTERNS TO REMAIN UNCHANGED.



NO.	DATE	BY	DESCRIPTION
104-17	TSS	REVISED PER CLIENT	



**CAUTION!**  
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY THAT THE REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL, HANDLES FROM ANY AND ALL LIABILITY, FEES, OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXISTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

**3 FULL WORKING DAYS BEFORE YOU DIG CALL**

**811**  
Know what's below  
Call before you dig  
Miss Dig System, Inc.  
1-800-482-7171 www.missdig.net  
(TOLL FREE)



**STOREY ENGINEERING GROUP, LLC**  
48364 MANCHESTER  
MACOMB, MI 48044  
(586) 216-1043  
www.storeyengineering.com

DES.	TSS	DN.	TSS	SUR.	TSS	P.M.
AMEER BISHAY						
3459 TALBOT TROY, MI 48063						
GRADING PLAN						
BISHAY RESIDENCE						
3459 TALBOT TROY, MI 48063						
CITY OF TROY, OAKLAND COUNTY, MICHIGAN						

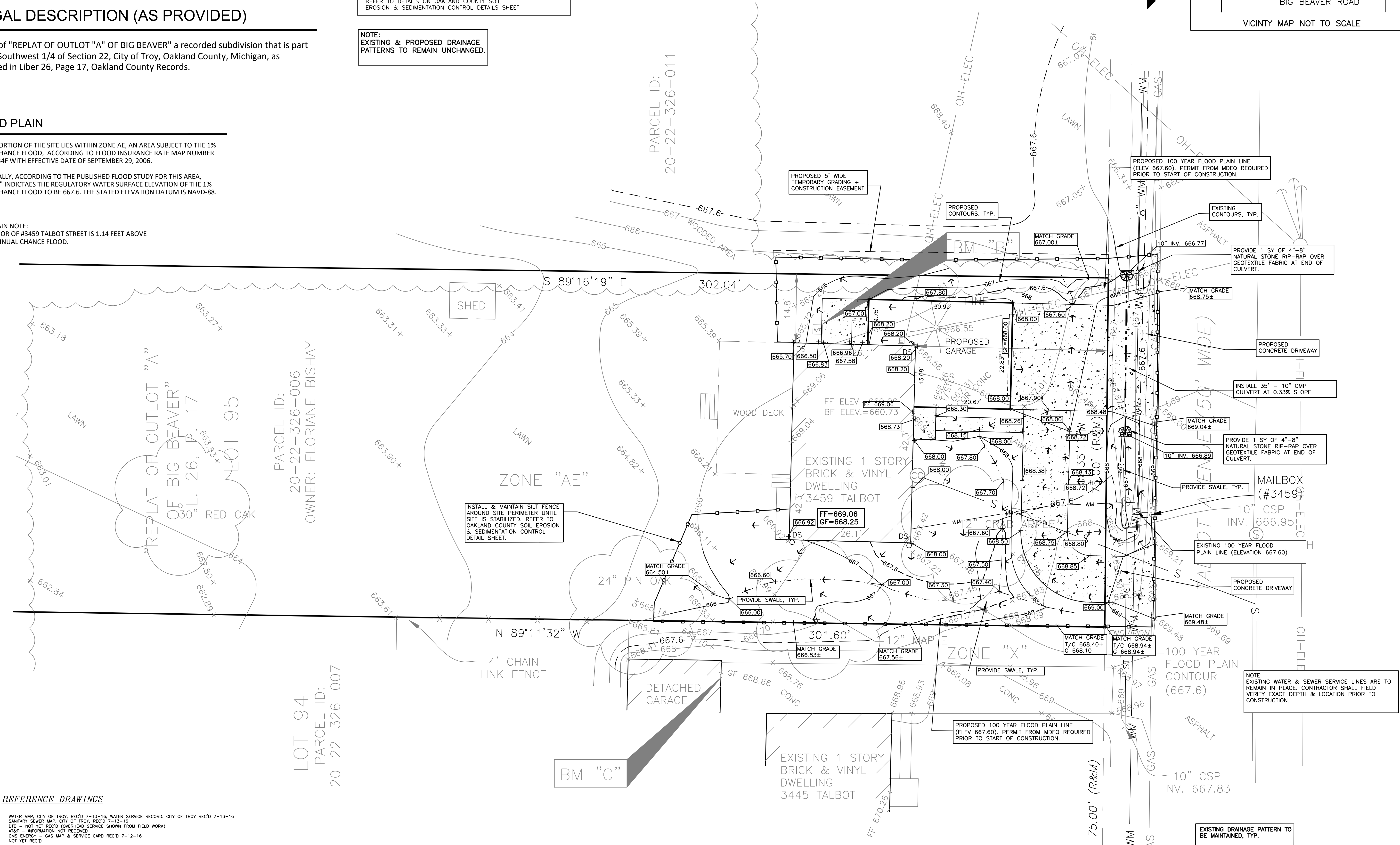
ORIGINAL ISSUE DATE:  
6/26/2017

Project No. 2016-012

SCALE: 1" = 10'

DRAWING NUMBER:

**C-4.1**



REFERENCE DRAWINGS

WATER MAP, CITY OF TROY, REC'D 7-13-16, WATER SERVICE RECORD, CITY OF TROY REC'D 7-13-16  
SANITARY SEWER MAP, CITY OF TROY, REC'D 7-13-16  
DTE - NOT YET REC'D (OVERHEAD SERVICE SHOWN FROM FIELD WORK)  
AT&T - INFORMATION NOT RECEIVED  
CMS ENERGY - GAS MAP & SERVICE CARD REC'D 7-12-16  
NOT YET REC'D



**Variance Address: 3459 Talbot, Troy MI. 48083**

**Variance Request:** Build within 5' side-yard setback (as per R1E) at north property line. The variance request is for a 3.5ft variance.

**Project description pertaining to variance:** 328 sq.ft addition at north property line. The proposed addition extends 3.5' into the 5' side-yard setback. The addition spans east to west with a small addition protruding southward.

The image below represents the proposed addition and side-yard setback location (north quadrant).



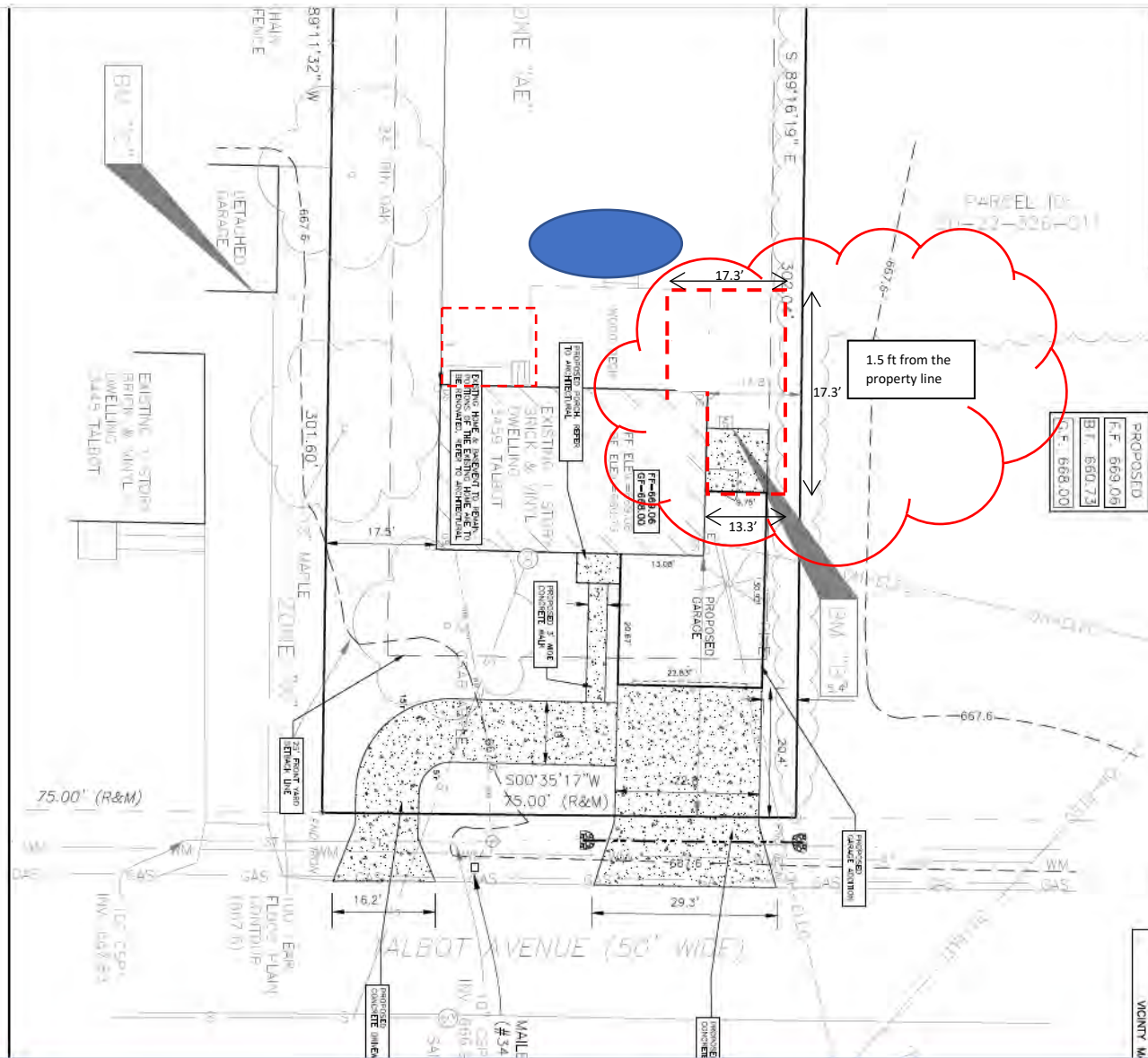
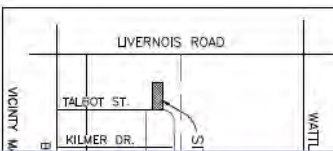
The site-survey (image) below reflects the proposed addition location and estimated dimensions.

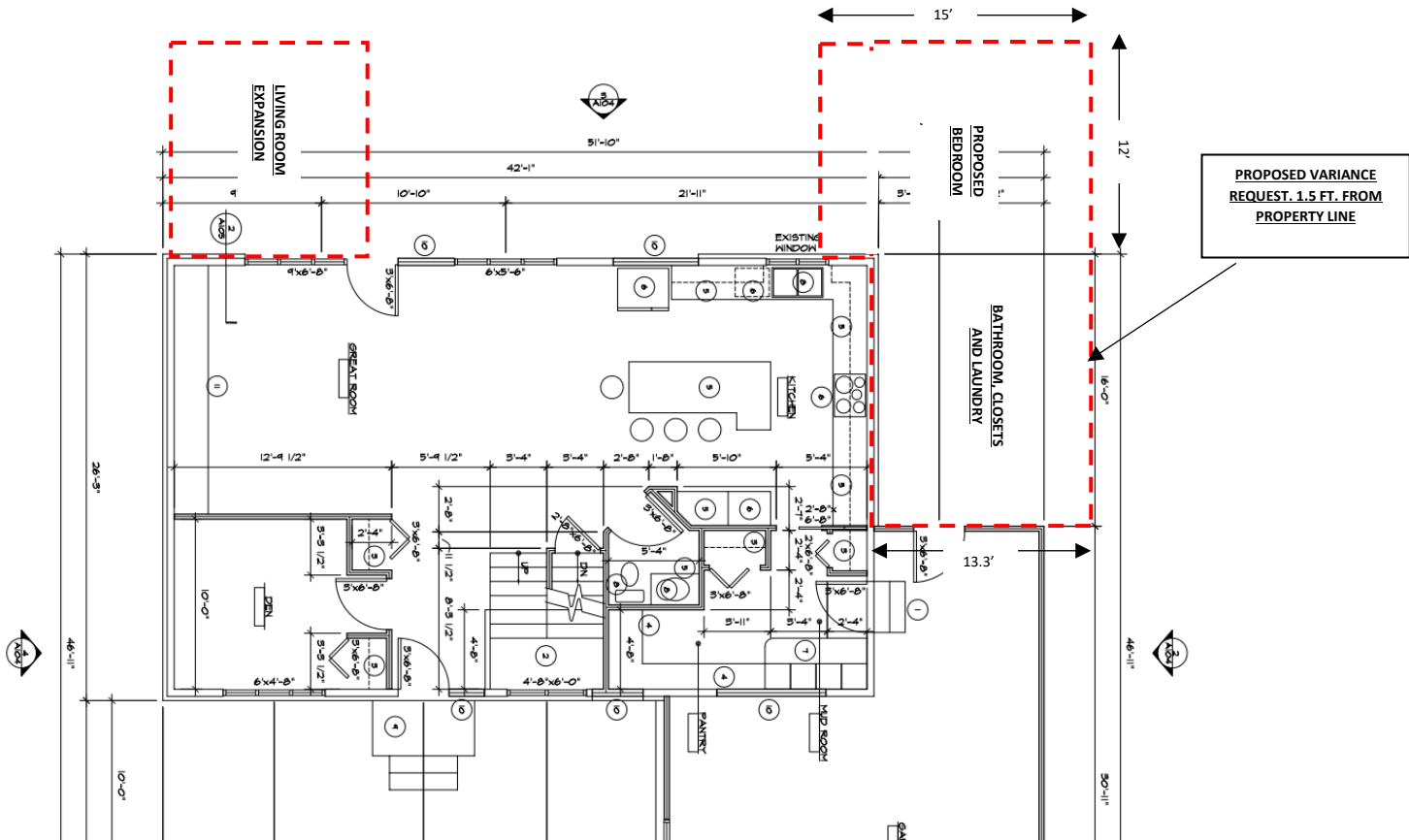
NOTE  
CONTRACTOR SHALL OBTAIN A RIGHT OF WAY  
PERMIT FROM THE CITY OF TROY FOR ALL WORK  
WITHIN THE RIGHT OF WAY OF TALBOT STREET

LOT COVERAGE CALCULATION:  
TOTAL LOT AREA = 22,573 SF  
STRUCTURE AREA PROPOSED PER ORDINANCE = 1,631.4 SF  
LOT COVERAGE PERCENTAGE =  $1,631.4 / 22,573 = 7.23\%$   
(MAX LOT COVERAGE ALLOWED = 30%)

REQUIRED SETBACKS	
SLIDE YARD	5.0' (5.1' total of 2)
FRONT YARD	25.0'
REAR YARD	35.0'

↑ PROPOSED FRONT YARD SETBACK = 20.50'  
FRONT YARD SETBACK VARIANCE REQUESTED - 4.50'





The matrix below reflects each condition outlined in the practical difficulty Zoning Board of Appeals (ZBA) Application section with the corresponding difficulty inventoried.

Condition	Practical Difficulty
<p><b>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></p>	<p>A practical difficulty meeting this criterion:</p> <ul style="list-style-type: none"> <li>• Home's existing layout would make proposed addition; non-conforming, impair existing layout and impractical to consider.</li> <li>• Limited room for westward expansion due to further encroachment into the flood plain. Moreover, rapid change in grade moves the improvement further into the floodplain (reference Topo plan for additional details)</li> <li>• Proposed addition locations and improvements increase home's likelihood to be removed from 100 year flood-plain</li> <li>• A southward addition, conflicts with gas, water and sewer leads at south quadrant</li> </ul>
<p><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.</b></p>	<p>Characteristics for dimensional difficulty is directly related to the home's position relative to plot lines. The home's platted position wasn't optimized for land use, ROW, set backs and future expansion.</p>
<p><b>The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.</b></p>	<p>N/A</p>
<p><b>The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.</b></p>	<p>Home's off-set placement and lot delineations have contributed to limited expansion in other directions.</p>
<p><b>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.</b></p>	<p>Improvement is within the lot envelope. No know health and safety concerns.</p>



The image below reflects the home's position relative to the 100 year and 500 year floodplain.





- D. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT – A request for a variance to allow a proposed garage addition to the residence to be set back 20.5 feet from the front property line. The Zoning Ordinance requires a minimum setback of 25 feet.

Moved by Eisenbacher  
Second by Desmond

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- D. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT – A request for a variance to allow a proposed garage addition to the residence to be set back 20.5 feet from the front property line. The Zoning Ordinance requires a minimum setback of 25 feet.

Moved by Eisenbacher  
Second by Desmond

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

4. HEARING OF CASES

- C. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT – In order to construct an attached garage that has a 2<sup>nd</sup> floor 1) a 4 foot variance to the required 25 foot front yard setback, and 2) a 296 square foot variance to the requirement that the floor area of the garage not exceed 75% of the ground floor footprint of the living area of the dwelling. 75% of the ground floor area of the living area of the dwelling is 828 square feet. Zoning Ordinance Sections 1) 4.06 (C) R-1E Zoning District, 2) 7.03 (B) (1) (b)

Moved by Eisenbacher

Seconded by Sanzica

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

4. HEARING OF CASES

- A. VARIANCE REQUEST, FLORAINE BISHAY, 3459 TALBOT – In order to construct an attached garage, a 4 foot variance to the required 25 foot front yard setback.

Moved by Courtney  
Seconded by Fisher

RESOLVED, to grant the request.

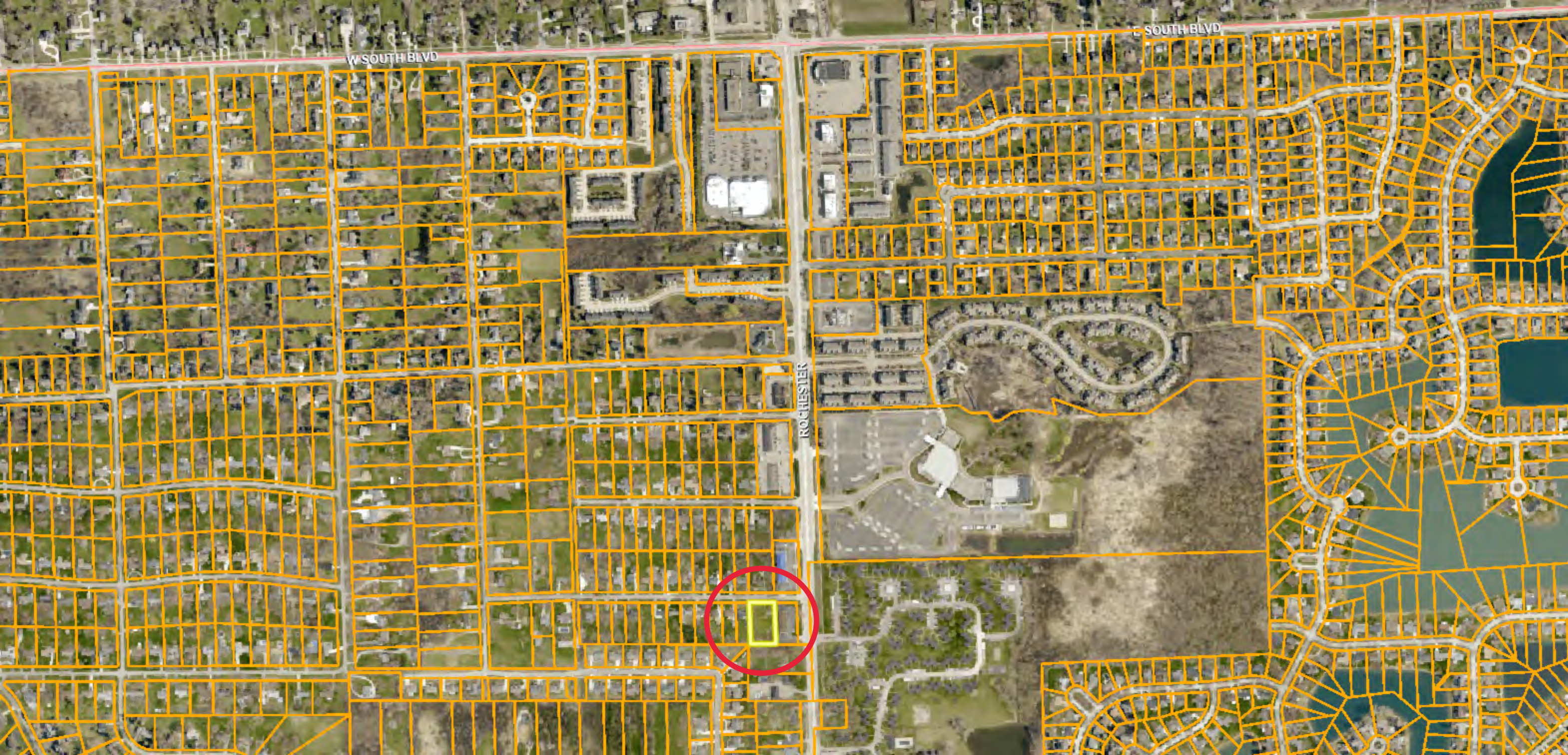
Yes: All

MOTION PASSED

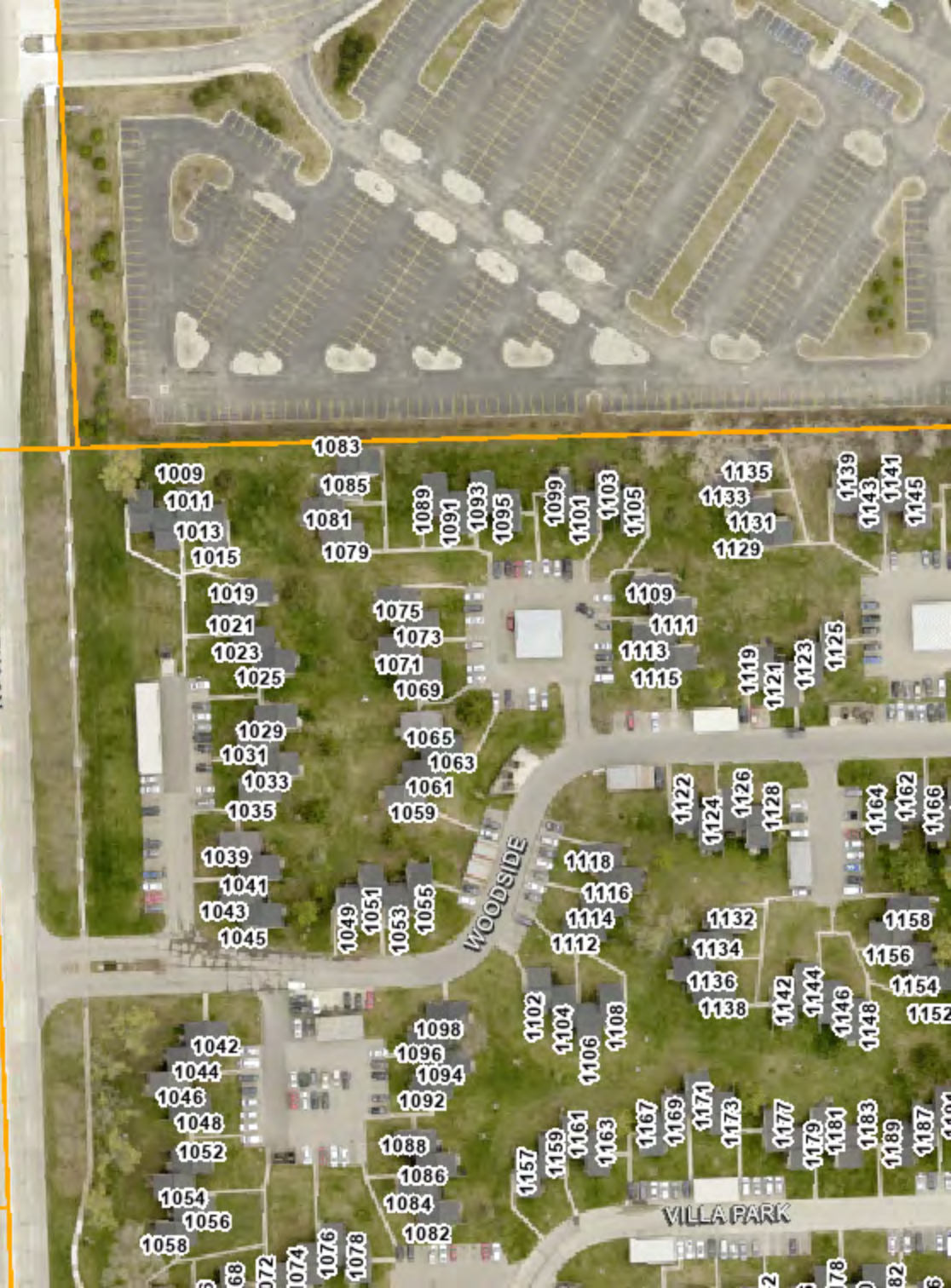
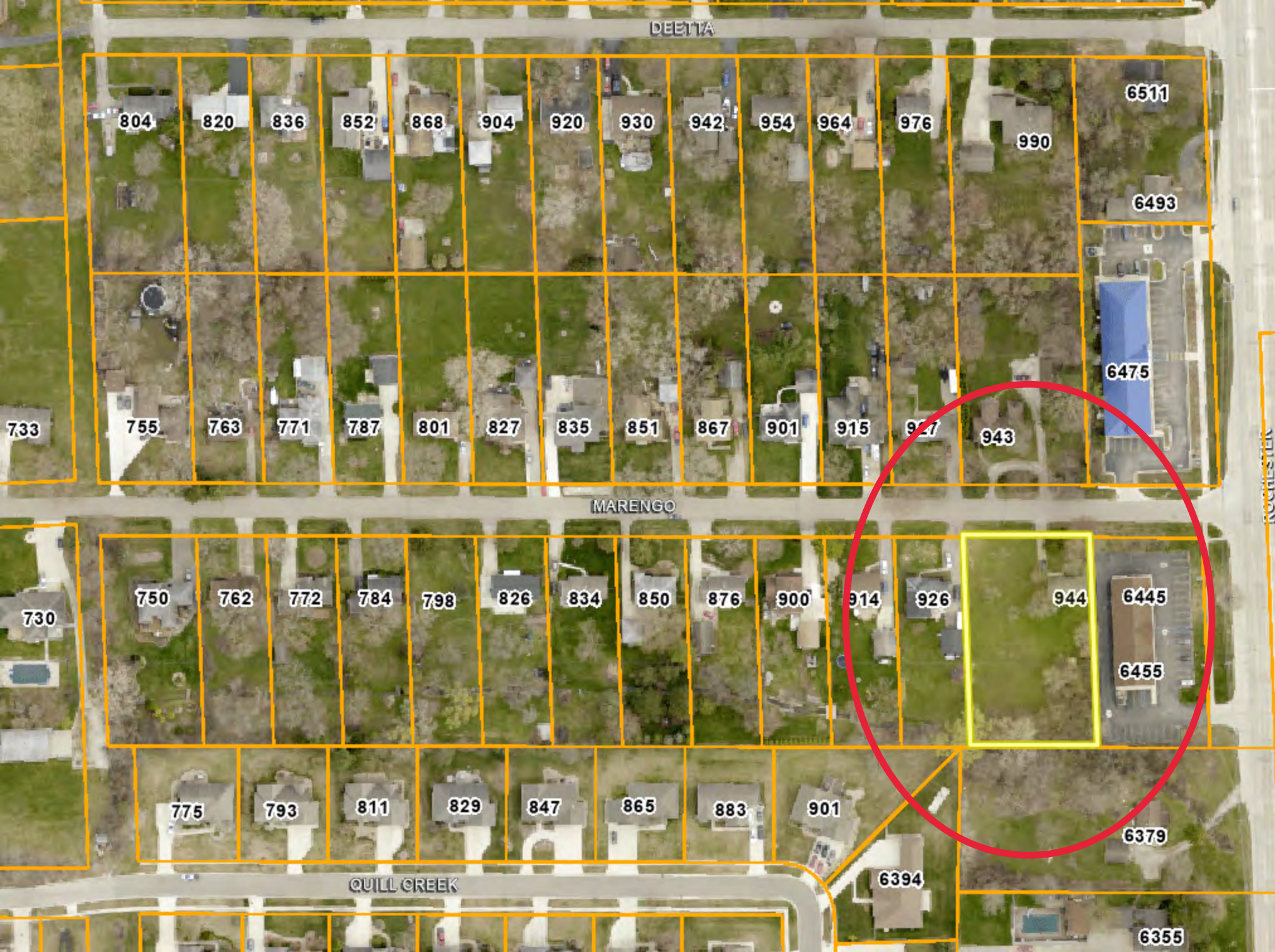
- B. 944 MARENGO, OLLIE APHIADEAN- A variance request to divide a land parcel into two parcels. One proposed parcel will have 77.61 feet width and frontage, the other proposed parcel will have 67.61 feet width and frontage. The Zoning Ordinance requires a minimum 100 feet width and frontage.

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

















914

This is an aerial photograph of a residential neighborhood. The image is divided into several sections by orange and yellow lines, likely representing property boundaries. The addresses 914, 926, 944, 6445, and 6455 are prominently displayed in large white text with black outlines. The area includes houses, lawns, trees, and a parking lot. A road labeled 'ROCHESTER' is visible on the right side of the image.

926

944

6445

6455

ROCHESTER





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

## Zoning Board of Appeals Application

[planning@troymi.gov](mailto:planning@troymi.gov) | Fee \$150.00

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:00 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: 944 Marengo Drive
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-03-279-013
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 4.06(C)
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: Yes. See minutes for ZBA meeting on 02/21/23
5. APPLICANT:  
NAME Ollie Apahidean  
COMPANY \_\_\_\_\_  
ADDRESS 944 Marengo Drive  
CITY Troy STATE MI ZIP 48085  
PHONE 586-604-8554  
E-MAIL apahidean@comcast.net  
AFFILIATION TO THE PROPERTY OWNER: same as owner



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

## Zoning Board of Appeals Application

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, Ollie Apahidean (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 3/13/2023

PRINT NAME: Ollie Apahidean

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

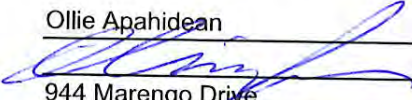
DATE \_\_\_\_\_

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.

**CITY of TROY  
ASSESSING DEPARTMENT  
APPLICATION FOR DESCRIPTION CHANGE**

Owner's name: Ollie Apahidean  
Signature:   
Address: 944 Marengo Drive  
City State Zip: Troy, MI 48085  
Phone (home): \_\_\_\_\_  
Phone (work): \_\_\_\_\_

(each owner must be listed & sign form, use additional sheets if needed)

Date: 3/10/2023

Parcel Number(s)

20-03-279-013  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This request is for a :

SPLIT: ☒

COMBINATION: ☐

CORRECTION: ☐

☐ Survey and Description(s) of existing parcel(s) attached

☒ Survey and Description(s) of each new parcel and remainder parcel(s) attached

☐ Survey detailing correction(s) supplied

☐ Recorded copy of Transfer document supplied, if necessary.

☐ Property Taxes current (Assessing Department to verify)

☐ Special Assessments current (Assessing Department to verify)

☐ Name, Address, Mailing Address (if different) of each parcel supplied

☐ Review and Approval by Planning Department (if necessary), submitted by Assessing Department

**RECEIVED**  
**MAR 10 2023**  
**CITY OF TROY**  
**ASSESSING DEPT.**

**APPROVAL by Assessing Department:**

The above referenced description change has been reviewed and approved for processing by the Assessing Department.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\* After completing form, Print and Sign.  
Remember to add additional pages for all owners involved.

**DENIAL by Assessing Department**

The above referenced description change has been denied by the the Assessing Department for the following reason(s):

☐ Does not meet area requirements for zoning

☐ Does not meet setback requirements

☒ Does not meet width requirements - *Both Lots*

☐ Does not meet depth requirements (24' res.)

☐ Does not meet parking requirements

☐ Does not meet landscape requirements

☐ Does not front on a public roadway

☐ Accessory building only, on land

☐ Allowable site coverage exceeded

\_\_\_\_\_  
Signature

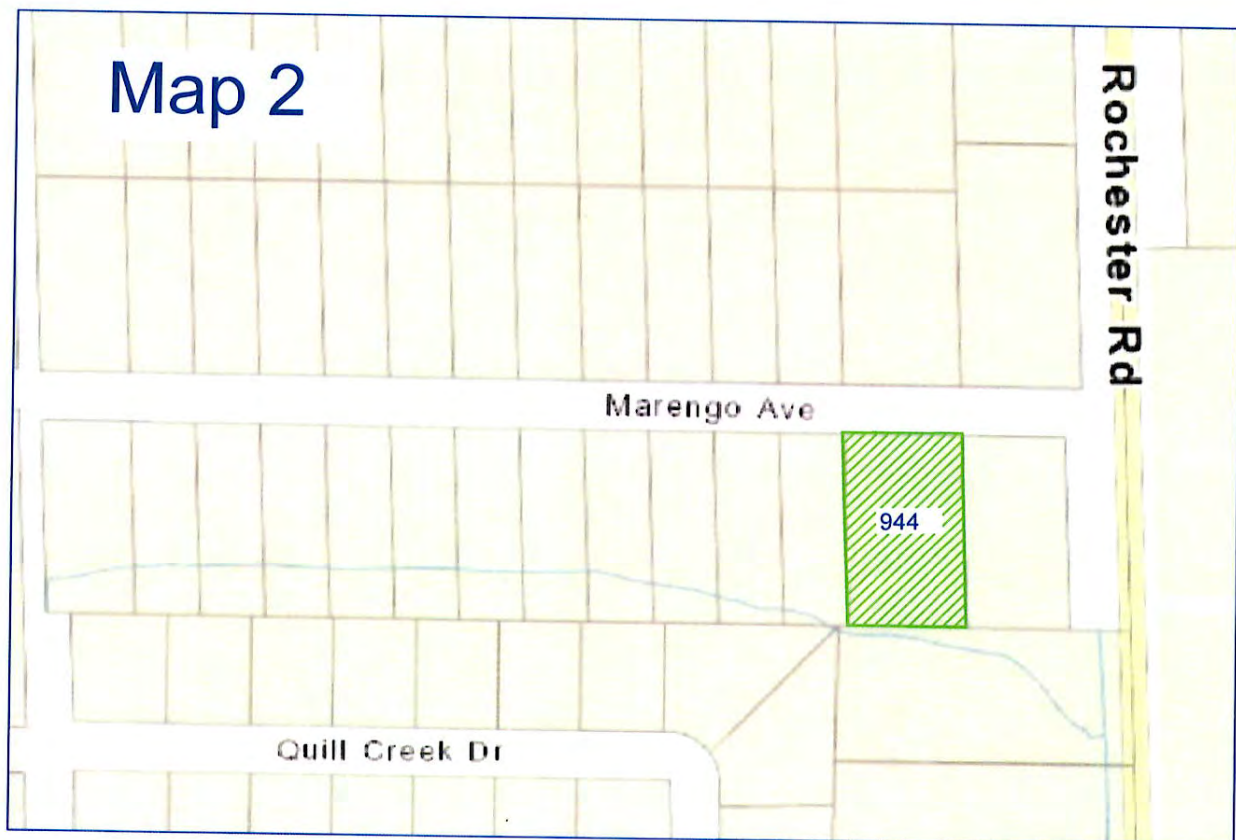
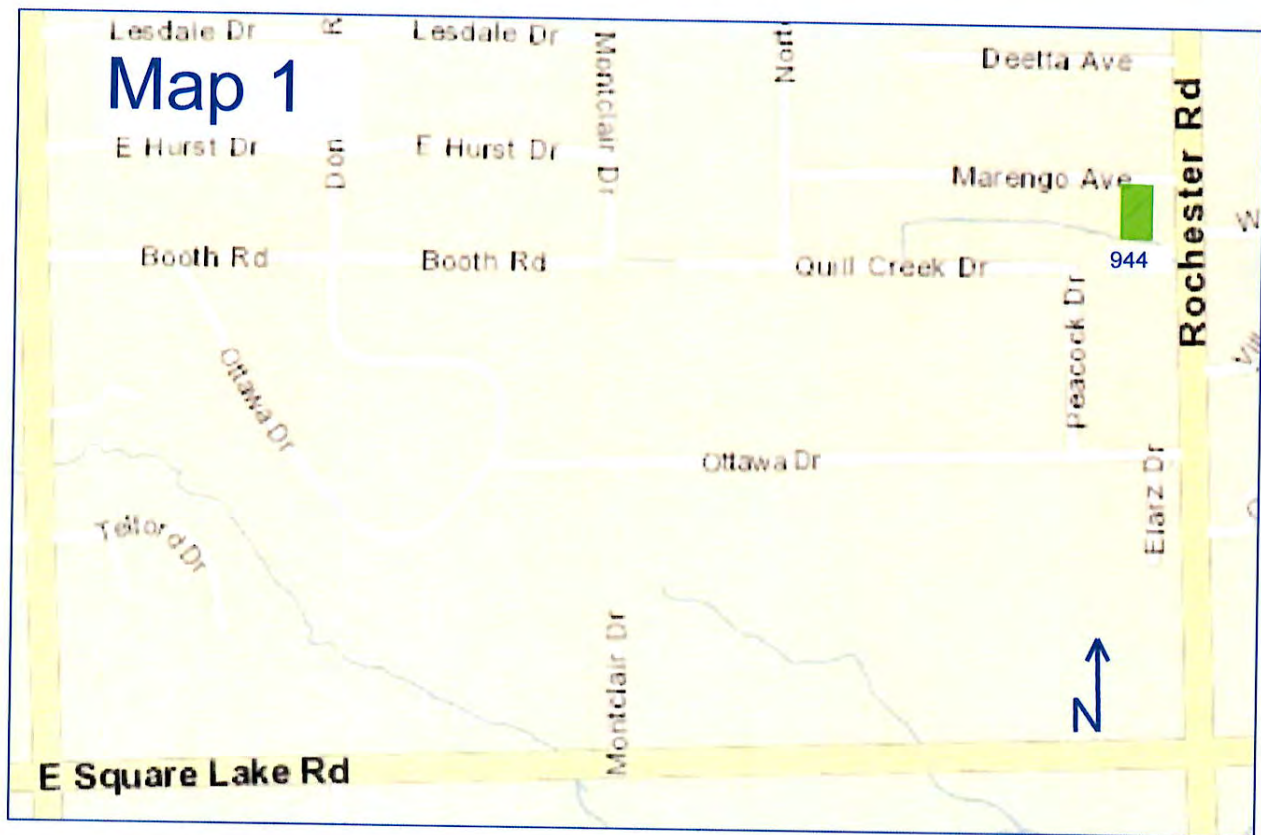
\_\_\_\_\_  
Title

3/10/23  
Date

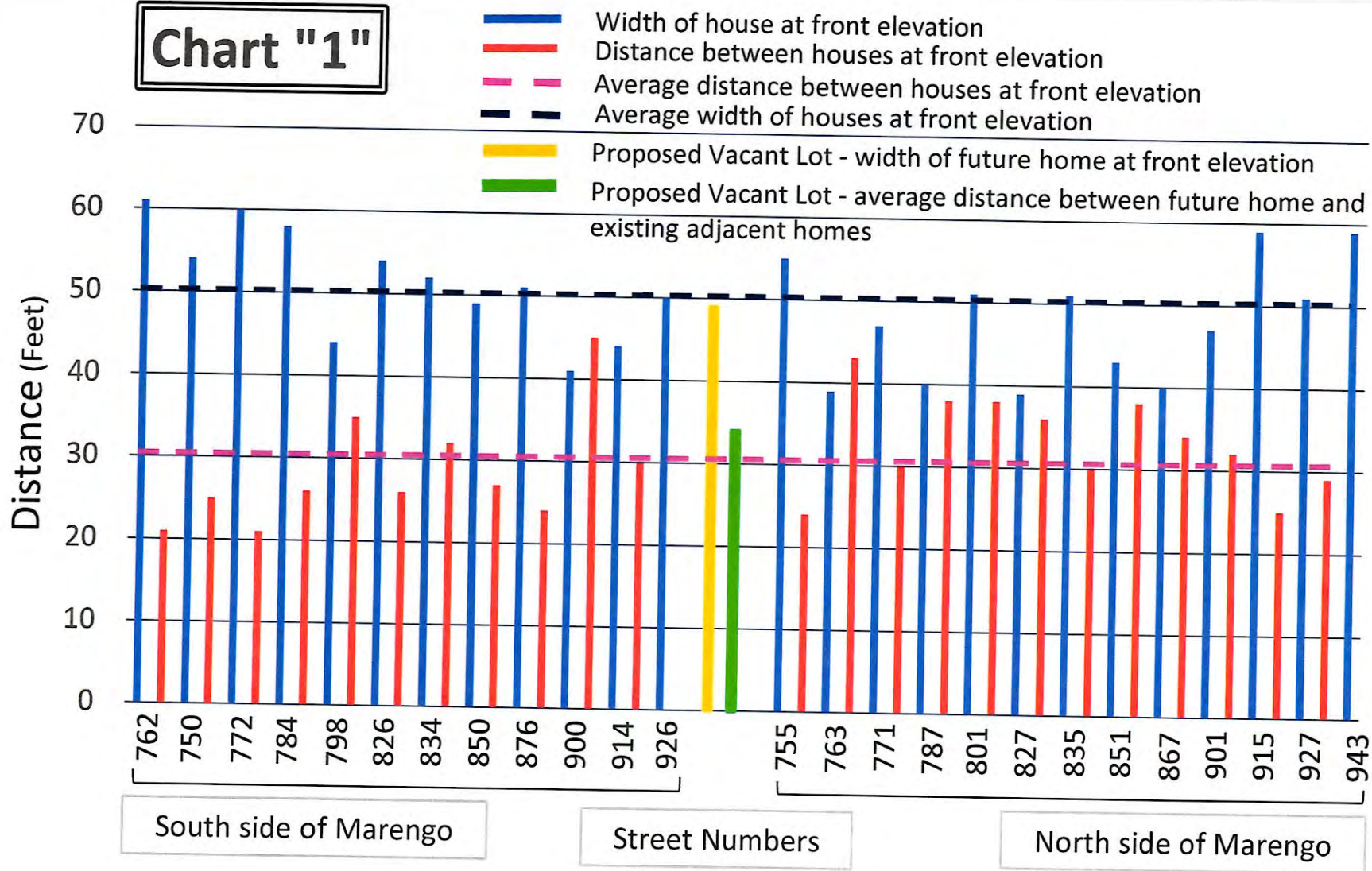
City of Troy  
Assessing Department  
500 W Big Beaver  
Troy, MI 48084-5285  
(248) 524-3311



# 944 Marengo Drive



# Chart "1"





**Table 1**  
Analysis of Properties on Marengo Dr.

**Houses on the South Side of the Street**

Street Number	Lot Width (Feet)		Width of house at front elevation (Feet)	Distance between houses at front elevation (Feet)
750	110		61	21
762	80		54	25
772	80		60	21
784	80		58	26
798	80		44	35
826	80		54	26
834	80		52	32
850	80		49	27
876	80		51	24
900	80		41	45
914	80		44	30
926	80		50	

**Houses on the North Side of the Street**

755	110		55	24
763	80		39	43
771	80		47	30
787	80		40	38
801	80		51	38
827	80		39	36
835	80		51	30
851	80		43	38
867	80		40	34
901	80		47	32
915	80		59	25
927	80		51	29
943	143		59	

<b>Average</b>			50	31
<b>Median</b>			51	30
<b>Lowest</b>			39	21
<b>Highest</b>			60	45



# Exhibit "A"

# "TROY LITTLE FARMS SUBDIVISION"

OF PART S. 1/2 OF E. 1/2 OF N.E. 1/4 OF SEC. 3, T. 2 N., R. 11 E.

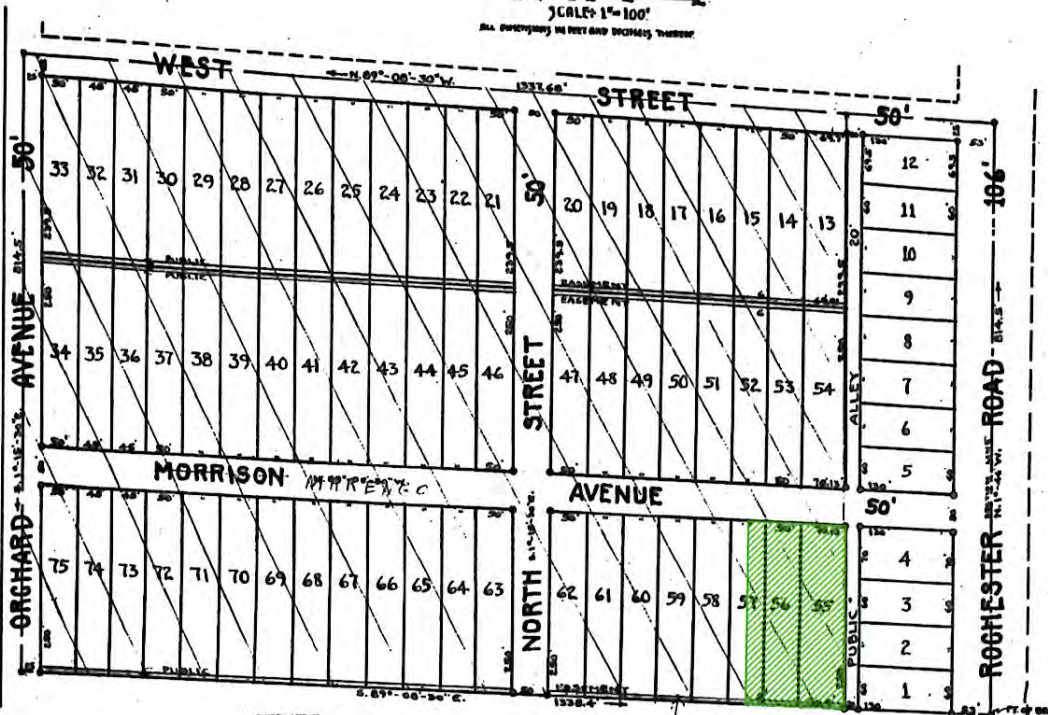
TROY TWP.

OAKLAND COUNTY

# MICHIGAN

SCALE: 1"=100'

ALL FIGURES IN FEET AND DECIMALS, THUS:



## DEDICATION

**KNOX ALLYED BY INTEREST**—PRESIDENT That we Joseph G. Morrison and Florence D. Morrison, his wife, and L. E. Levensander and Isabelle A. Levensander, his wife, as proprietors, and the Rochester Savings Bank, a Michigan corporation by *J. F. Taylor - President and Treasurer*, as mortgagor, have caused the land embraced in the annexed plat to be surveyed, laid off and plotted, and shown as "Tracy Lake State Subdivision of Part E, 1/2 of E. 1/2 of E. M. E., 7th & 8th T. 2 N. W. R. 6 E., Twp. 62 North, Range 121 West, 1st Meridian." The streets and alleys are shown on said plat as hereby dedicated to the use of the public.

Signed and Sealed in Presence of:  
*Mabel W. Balfour*  
*Mary Brumfield*  
*Helen Garrison*  
*Elin Stenman*

Joseph S. Morrison (U. S.)  
 Harvey S. Morrison (U. S.)  
 Lewis S. Morrison (U. S.)  
 William S. Morrison (U. S.)

Rochester Savings Bank  
.....  
.....  
.....

President  
Cashier

STATE OF MICHIGAN  
County of Oakland 83

On this 21st

On this 9th day of February, 1928 before me a notary public in and for said county personally came the above named Joseph S. Morrison and Florence D. Morrison, his wife, and J. J. Lovangaker and Belle A. Lovangaker, his wife, known to me to be the persons who executed the above declaration and so acknowledged the same to be their free act and deed.

My commission expires Oct. 30-1926.

STATE OF MICHIGAN 23

County of Oakland 9  
1321

County of Oakland  
On this 13th day of February, 1926 before me a notary public, in and for said County of Oakland, California, personally appeared James E. DeLo, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires February 15, 1928

SECRETARY PUBLIC; "OASIS" COMPANY; "NATIONAL"

Q. 25-1926

© 2000 The Board of Certified Auditors

Approved by the Board of County of .....  
 of Oakland County, Michigan, this.....

Day of Sept. 12 1927 Brewer

Edmund Turner

Red Bank

### Oakland County Treasurer's Certificate

Repealed by Section 122, Act 200, Laws of 1991

This is to Certify, that there are no Tax Liens or Titles held by the State or any Individual against, and that all Taxes on lands described in the annexed instrument bearing Date

No. 445-98

the records in this office, except as aforesaid.

A. H. Loebe

DESCRIPTION

The land embraced in the annexed plat of "Grey Little Ferns subdivision" of Part of S. 1/2 of E. 1/2 of N. E. 1/4 of Sec. 3, T. 2 N., R. 11 E., Gray Twp., Oakland County, Michigan is described as follows: Beginning at a point on the east line of sec. 3, T. 2 N., R. 11 E., Oakland County, Michigan, said point being 168 ft. 3 in. 16" 30" E. from the S. E. corner of the N. E. 1/4 of said sec. 3; thence 3 1/2" 16" 48" E. to S. 99° 08' 30" N., 1330.4 ft.; thence 3 1/2" 16" 30" E. 614.5 ft.; thence S. 99° 08' 30" N., 1330.4 ft. to the point of beginning.

**TOWNSHIP APPROVAL**

This plat was approved by the Township Board of Troy Township, Oakland County, Michigan  
at a meeting held, *Feb. 21, 1925*

Gamer M. Miller

**SURVEYOR'S CERTIFICATE**

I hereby certify that the plot herein delineated is a correct one and that permanent lot dimensions of not less than one inch in diameter and one inch in length are in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points varied thus (a) as thereon shown at all angles in the boundaries of the land plotted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plot as shown on said plat.

.....  
Registered Civil Engineer



# Exhibit "B"

AUG 1955

COPY

37 11 1

## "CLARK ESTATES"

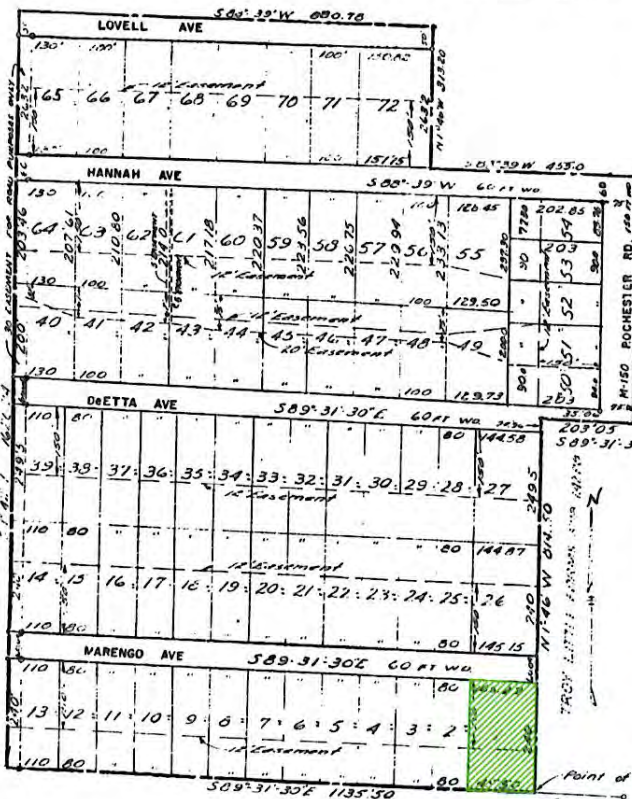
Part of NE 1/4 Sec 3, T.2N.R.11E.  
Troy Twp, Oakland Co., Mich.

Note: Monuments on West Side of Road Platted as: 1/2" Diameter Line.

Scale 1" = 150'

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

Walter J. Lehner & Sons  
Civil Engineering & Surveying  
Mt. Clemens, Michigan



### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we Llewellyn Clark and Hannah Clark, his wife, as proprietors have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Clark Estates" part of Northeast 1/4 Sec. 3, T. 2N., R. 11E. Troy Township, Oakland Co., Michigan and that the streets as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in Presence of:

Walter J. Lehner & Sons  
Civil Engineering & Surveying  
Mt. Clemens, Michigan

Llewellyn Clark  
Hannah Clark

STATE OF MICHIGAN,  
COUNTY OF OAKLAND ss.

On this day of 1955, before me, A Notary Public in and for said county, personally came the above named Llewellyn Clark and Hannah Clark, 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.

Notary Public, in and for the County of Oakland, Michigan.

My Commission expires

### CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Troy at a meeting held July 13, 1955

Clifford Townsend  
Township Clerk

### DESCRIPTION

The land embraced in the annexed plat of "Clark Estates" part of N.E. 1/4 Sec. 3, T. 2N., R. 11E. Troy Twp., Oakland Co., Michigan is described as follows:

Commencing at a point 161.0 feet N. 1°46'W. and 203.0 feet N. 89° 31' 30"W. of the East Quarter Post of said Section 3 and thence extending N. 1° 46'W. 814.50 feet; thence S. 89° 31' 30"E. 203.05 feet; thence N. 1° 46'W. 540.91 feet; thence S. 88° 39'W. 455.0 feet; thence N. 1° 46'W. 113.2 feet; thence S. 88° 39'W. 880.78 feet; thence S. 1° 42' E. 1626.24 feet; thence S. 89° 31' 30"E. 1135.50 feet to a point of beginning.

### SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, encased in a concrete cylinder at least 4 inches in diameter and 48 inches in depth have been placed at points marked thus (O) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of the lines of streets and at the intersections of the lines of streets with the boundaries of the plat as shown on said plat.

Walter J. Lehner & Sons  
Registered Land Surveyor,  
No. 5779

1. I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, encased in a concrete cylinder at least 4 inches in diameter and 48 inches in depth have been placed at points marked thus (O) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of the lines of streets and at the intersections of the lines of streets with the boundaries of the plat as shown on said plat.

### CERTIFICATE AS TO STATE TRUNK LINE OR FEDERAL AID ROADS

We hereby certify that said plat appears to include land located on a state trunk line or federal aid road.

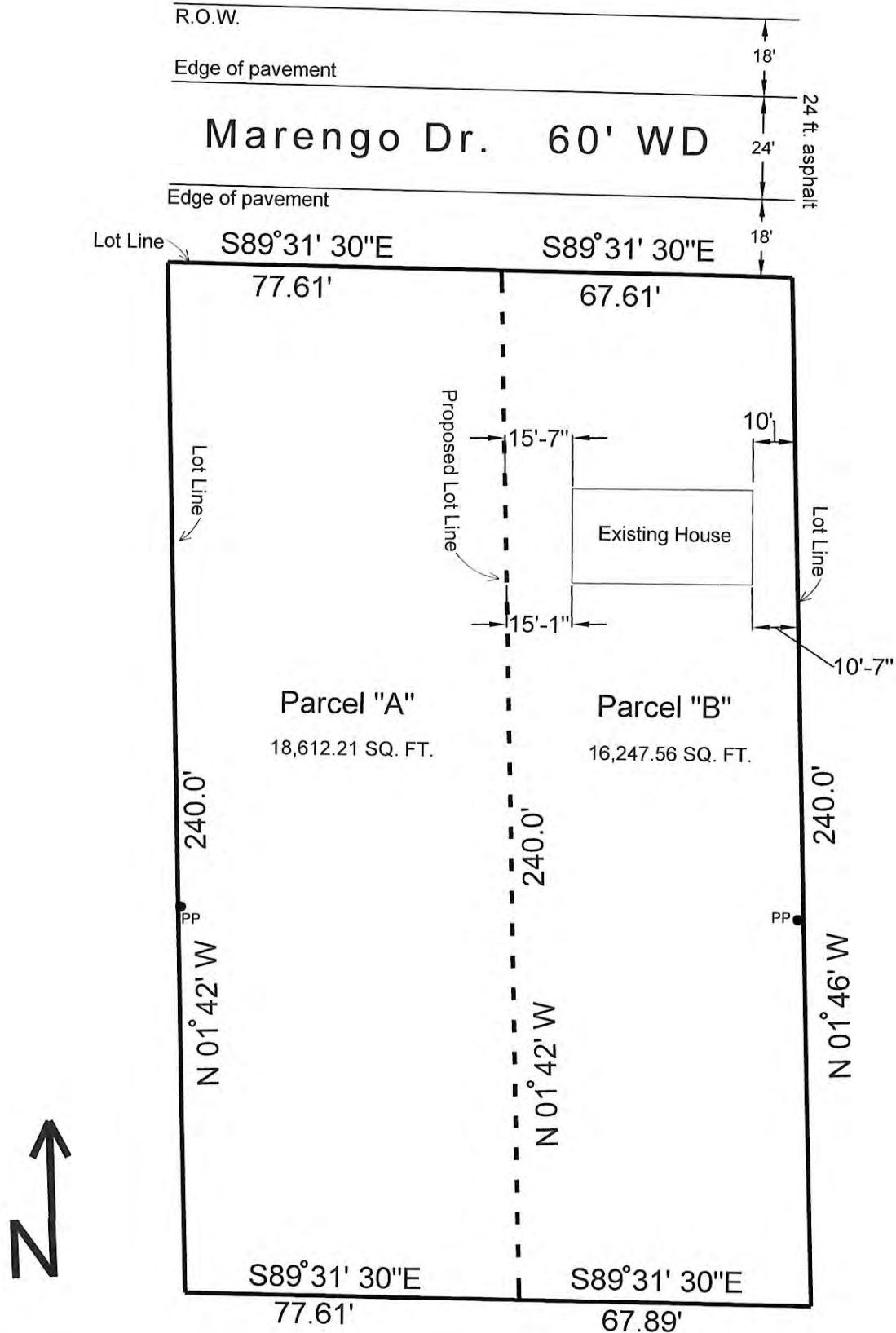
Register of Deeds-Orin McQuaid  
County Board of Auditors.

By: R. Y. Moore

By: J. C. Austin

APPROVED  
Charles W. Taylor  
Notary Public

# Exhibit "C"



Property Address: 944 Marengo Drive Troy MI 48085

Parcel Identification Number: 88-20-03-279-013

Owner: Ollie Apahidean

Date: 03/08/2023

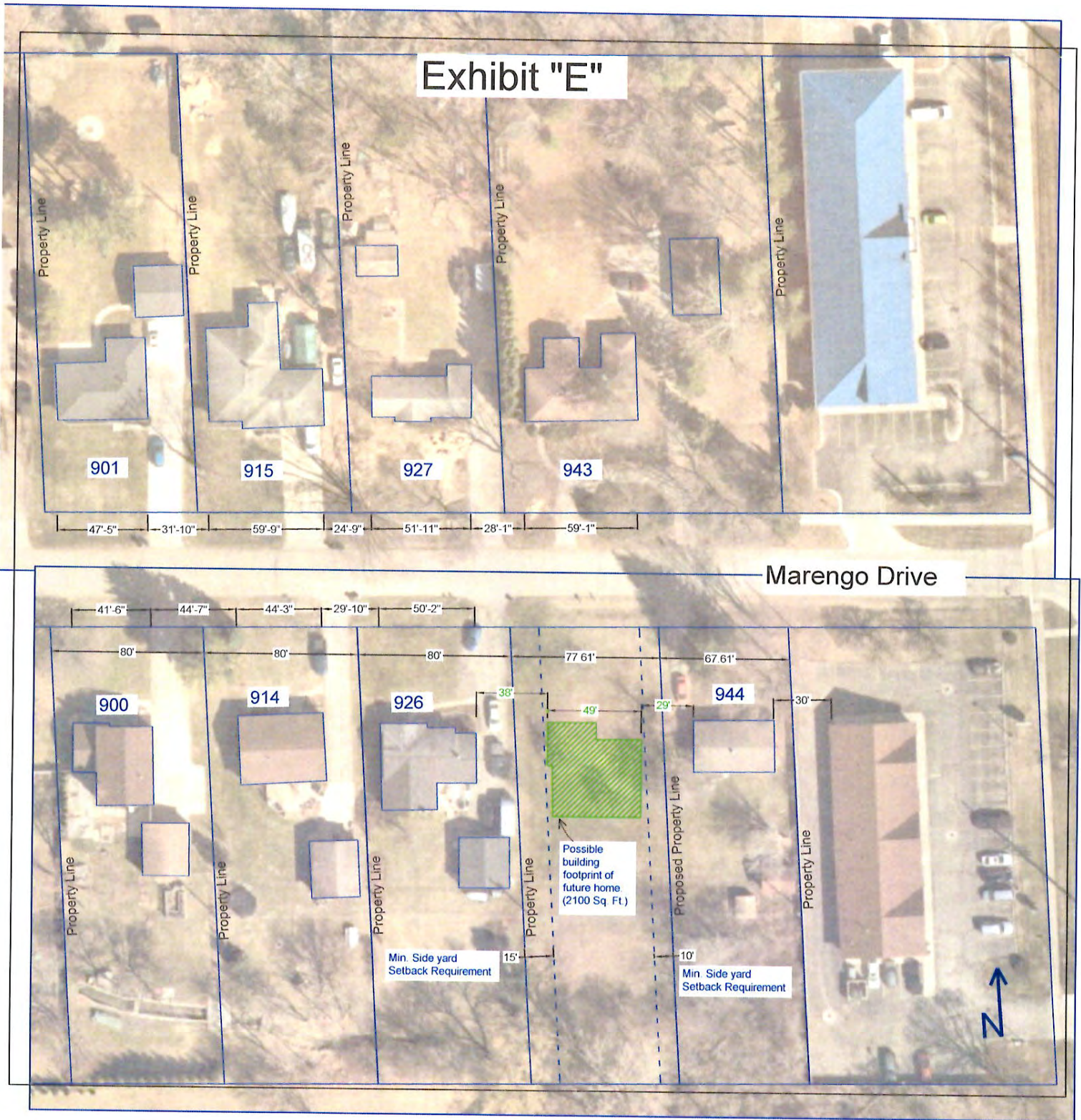


# Exhibit "D"





## Exhibit "E"





Zoning Board of Appeals  
City of Troy Planning Department  
500 W. Big Beaver Rd.  
Troy, MI 48085

**RE: STATEMENT OF PRACTICAL DIFFICULTY**

Dear Zoning Board of Appeals:

Please accept the following Statement of Practical Difficulty in support of petitioner's non-use variance request for the property located at 944 Marengo Drive, Troy, MI 48085; Parcel Identification Number 20-03-279-013 (the "subject property" or the "property").

**Introduction**

The subject property is a single-family home zoned as R-1B. The subject property is located on Lot 1 of the Clark Estates platted subdivision (Exhibit "B "). Petitioner is the owner of the subject property and is proposing a lot split which would create two new parcels. The petitioner's intention is to keep the existing home located on the easterly portion of the property. The petitioner's intention is also to build a new home on Parcel "A" resulting from the split (Exhibit "C"). The proposed home will be similar to the existing newer homes in the neighborhood. The size, style, floor plan and footprint of the proposed home will comply with all requirements of the Building Department and of the Zoning Ordinance.

**History**

The subject property has an interesting history, dating back almost 100 years. The subject property was originally platted on February 21, 1925 as part of the Troy Little Farms Subdivision (see Exhibit "A"). Sixty of the seventy-five lots created in this subdivision had lot widths of 50 feet or less. The subject property, as it exists today, was initially platted as Lot 55,56 and half of 57. Another unique characteristic is the platting of a 20 feet

wide public alley between the subject property and Lots 1,2,3 and 4 with frontage on Rochester Road. If we fast forward almost thirty years, public records indicate that the subject property was re-platted on July 13, 1953 as part of the newly formed subdivision, Clark Estates. Lot 55, 56 and half of lot 57 of the old Troy Little Farms Subdivision were all combined to create Lot 1 as reconfigured in the new Clark Estates subdivision. (see Exhibit "B"). In 1953, Troy was still a township and a zoning ordinance had not been created yet. City of Troy records indicate that on June 24, 1957, Zoning Ordinance No. 23-1 was passed. The house on this property was built prior to the lot being zoned as R-1B under the newly implemented zoning ordinance.

Another significant historical fact is the vacation of the public alley, adjacent to the subject property. Public records indicate that in 1987, the full width of 20 feet was vacated to Lots 1,2,3 and 4 of the Troy Little Farms Subdivision Plat. Street and alley vacations, according to the City standards, should be split in half with all adjacent properties. If this would have been done, the subject property would have gained 10 feet in lot frontage.

### **Technical Details**

The basis for the petitioner's variance request relates to the property width requirements under Section 4.06(C) of the Troy Zoning Ordinance. This section requires that the property zoned R-1B have a minimum road frontage width of 100 feet. Based upon the petitioner's intentions as described above, the proposed split of Lot 1 would result in two new lots. Parcel A will have lot frontage of 77.61 feet. The requested lot frontage variance for Parcel A is 22.39 feet. Parcel B will have a lot frontage of 67.61 feet. The requested lot frontage variance for Parcel B is 32.39 feet. The newly created Parcels A and B, otherwise, will comply with all other dimensional requirements of the zoning ordinance. The existing home remaining on Parcel B will comply with all front yard, side yard, and rear yard setback requirements of the Zoning Ordinance.

### **Standard**



The standard of granting a non-use variance is more lenient than for a use variance. "To justify the grant of a non-use variance- there need only be a showing of practical difficulty. It is not necessary to show unnecessary hardship." *Heritage Hill Association, Inc. v Grand Rapids*, 48 Mich. App. 7. 765, 769, 211 N.W.2d 77 (1973). When analyzing practical difficulties in the context of a variance request, Michigan courts consider "whether the denial deprives the owner the use of the property, compliance would be unnecessarily burdensome, or granting a variance would do substantial justice to the owner." *Norman Corp. v. East Tawas*, 263 Mich. App. 194, 203, 687 N.W.2d 861 (2004).

The City of Troy Zoning Ordinance expressly authorizes the Zoning Board of Appeals to grant a dimensional variance in circumstances such as these:

Where a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that the public safety and welfare be secured and substantial justice done.

Troy, Michigan, Zoning Ordinance 15.04(E)(1).

The ordinance provides guidance as to what constitutes "practical difficulties" and sets forth the following standards for the Zoning Board of Appeals to grant a non-use variance.

- a. The exceptional characteristics of the 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.

- b. The characteristics which make compliance with dimensional requirements difficult must be related to the premise for which the variance is sought, not some other location.
- c. The characteristics which make compliance with the dimensional requirements difficult shall not be of a personal nature.
- d. The characteristics which make compliance with the dimensional requirements difficult must not have been 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 the adjacent property or unreasonably increase the congestion in the 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 Troy.

Troy, Michigan, Zoning Ordinance 15.04(E)(2)

### **Analysis of Marengo Drive Properties**

A detailed analysis of the properties on Marengo Drive that are part of Clark Estate Subdivision provides substantial evidence that the proposed variance request will result in two lots, Parcel "A" and Parcel "B" (Exhibit "C") that will match harmoniously with the existing character of the neighborhood.

Exhibit "D" provides an aerial graphic showing the building footprint of all the houses, detached garages and accessory structures located on all the properties on Marengo Drive. This drawing also shows the width of all the houses at their front elevations and the distance between houses at their front elevations.

Table "1" provides the same data from Exhibit "D". The average width of the houses is approximately 50 feet. The average distance between houses is approximately 31 feet.



Chart "1" is a different representation of the data from Table "1".

Exhibit "E" provides several key geometric characteristics of the proposed vacant lot after the split. This drawing shows a possible building footprint located within the limits of the minimum side yard setbacks required by the Zoning ordinance for this lot. It also shows that the maximum building footprint that can be constructed on this lot is approximately 49 feet in width; this is 1 foot less than the average width of all the homes on Marengo. This drawing also shows that the approximate distance between a future home on this lot and the existing home at 926 Marengo is 38 feet; this is 7 feet more than the average side yard distance between all the existing homes on Marengo. Exhibit "E" also shows that the approximate distance between a future home on this lot and the existing home at 944 Marengo is 29 feet; this is within 2 feet of the average side yard distance between all the existing homes on Marengo.

All dimensions and measurements for this analysis were obtained from City of Troy GIS maps.

The detailed analysis provided above clearly shows that the two lots resulting from the requested variance, along with existing and/or future building footprints and yard setbacks on Parcel A and Parcel B will match harmoniously and contiguously with the other lots and existing homes on Marengo Drive.

### **Analysis of Practical Difficulties**

Here, all of the facts and conditions required by the zoning ordinance are presented. A literal interpretation of the dimensional requirements would involve practical difficulties for the petitioner resulting from exceptional characteristics of the subject property, namely the lot frontage width of the property. These characteristics relate directly to the property itself and are not of a personal nature. These characteristics were not created by the current or previous property owner. The characteristics were created by platting modifications that occurred more than 75 years ago. The characteristics were created due to the re-platting of

the property in 1953 from its original plat in 1925. This re-platting took multiple, legally buildable lots and combined them into one lot.

The proposed variance will not alter the essential character of the surrounding area or otherwise result in any harmful or negative consequences. The proposed split will not have any negative aesthetic impact on the surrounding area because the lot frontage of the proposed Parcel A will be only 28.7 INCHES less than the 22 of the 26 lots on Marengo Drive with lot frontages of 80 feet. The vacant lot resulting from this split will be only 2.9875% smaller in width and area than the 22 properties on Marengo that are 80 feet wide. The proposed variance will not result in any harmful or negative environmental consequences. Local and State public records indicate that no wetland areas exist on the subject property and the property is not in a floodplain.

The granting of the variance will be in harmony with the general purpose and intent of the ordinance. The proposed variance will not impair the supply of air or light. Any future home built on the resulting vacant lot will comply with all the requirements of the Troy Building Department and State and National Building Codes. The proposed variance will not unreasonably increase traffic congestion. Any future home built on the resulting vacant lot can be expected to have similar vehicular traffic flow and patterns as similar homes on Marengo Drive or other single family properties on similar public roads in the City of Troy. The vacant lot resulting from this variance request would become the second property on the south side of Marengo Drive, just west of Rochester Road; a major thoroughfare in the City of Troy. The close proximity of Parcel A to Rochester Road will provide immediate and direct access for all vehicular traffic resulting from any and all future residents residing at a future home constructed on Parcel A. The proposed variance will not increase the danger of fire or endanger public safety. Any future home built on the resulting vacant lot will comply with all the requirements of the Troy Building Department and State Building Codes, National Building Codes and the International Fire Code. Any future home that can be built on the vacant lot resulting from this variance request will not endanger the public safety in any significantly measurable or tangible way that is different than the existing homes on Marengo Drive. The proposed variance will in no way be injurious to the neighborhood or otherwise detrimental to the general



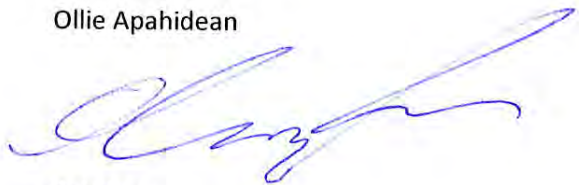
welfare. Any future construction on the vacant lot resulting from this variance request will be required to meet the requirements of the Troy Department of Engineering. An approved site plan will guarantee that storm water management, soil erosion and sedimentation control, the driveway approach and any other site requirements will meet or exceed the City's design requirements. Any future development of Parcel A will only result in significant improvements to this site and not be a detriment to the neighborhood in any way. There are no practical considerations that support a literal enforcement of the width requirement in this instance and granting the petitioner's variance request will serve in the interests of justice.

### **Conclusion**

The petitioner will face practical difficulties if the width requirement is enforced literally, as a result of the exceptional characteristics of the subject property. By granting the requested variance, the spirit of the ordinance will be observed, the surrounding area will not be negatively impacted, and substantial justice will be done. For all these reasons, the petitioner respectfully requests that the Zoning Board of Appeals grant his variance request.

Respectfully,

Ollie Apahidean



Petitioner

Date: 3/10/2023