



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>May 16, 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 – April 18, 2023
4. APPROVAL OF AGENDA
5. HEARING OF CASES:
  - A. 942 BROOKLAWN, RICHARD E. RASSEL for WWRP P.C.- A variance request to allow a proposed home addition to be setback 30 feet 3 inches from the rear property line. The Zoning Ordinance requires the addition be setback 35 feet from the rear property line.  
  
ZONING ORDINANCE SECTION: 4.06 C, R-1E Zoning District
  - B. 944 MARENGO, OLLIE APHIADEAN- Determine whether or not Agenda Item 5C is properly before the ZBA.  
  
ZONING ORDINANCE SECTION: 15.05 A 6
  - C. 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 – Election of Officers
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.



## 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.
- 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**

## **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**

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

## 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.

On April 18, 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  
David Eisenbacher  
Jeffrey Forster  
Tyler Fox  
Aaron Green

Also Present:

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

2. PROCEDURE- read by Vice Chair Eisenbacher.

3. APPROVAL OF MINUTES –

Moved by Fox  
Seconded by Green

RESOLVED, to approve the February 21, 2023 draft minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA –

Moved by Eisenbacher  
Seconded by Fox

RESOLVED, to bifurcate item 5B as follows: 5B) determine whether or not this request is properly before the ZBA, 5C) if affirmative, decide on the request.

Yes: All

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.

Moved by Eisenbacher  
Seconded by Fox

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- B. 944 MARENGO, OLLIE APHIADEAN- Determine whether or not request 5C is property before the ZBA.

Moved by Green  
Seconded by Fox

RESOLVED, to postpone items 5B & 5C to the regularly scheduled May 16, 2023 Zoning Board of Appeals meeting.

Yes: All

MOTION PASSED

6. COMMUNICATIONS – Member Fox provided Planning Commission report.
7. MISCELLANEOUS BUSINESS – None
8. PUBLIC COMMENT – None
9. ADJOURNMENT –The Zoning Board of Appeals meeting ADJOURNED at 7:40 p.m.

Respectfully submitted,

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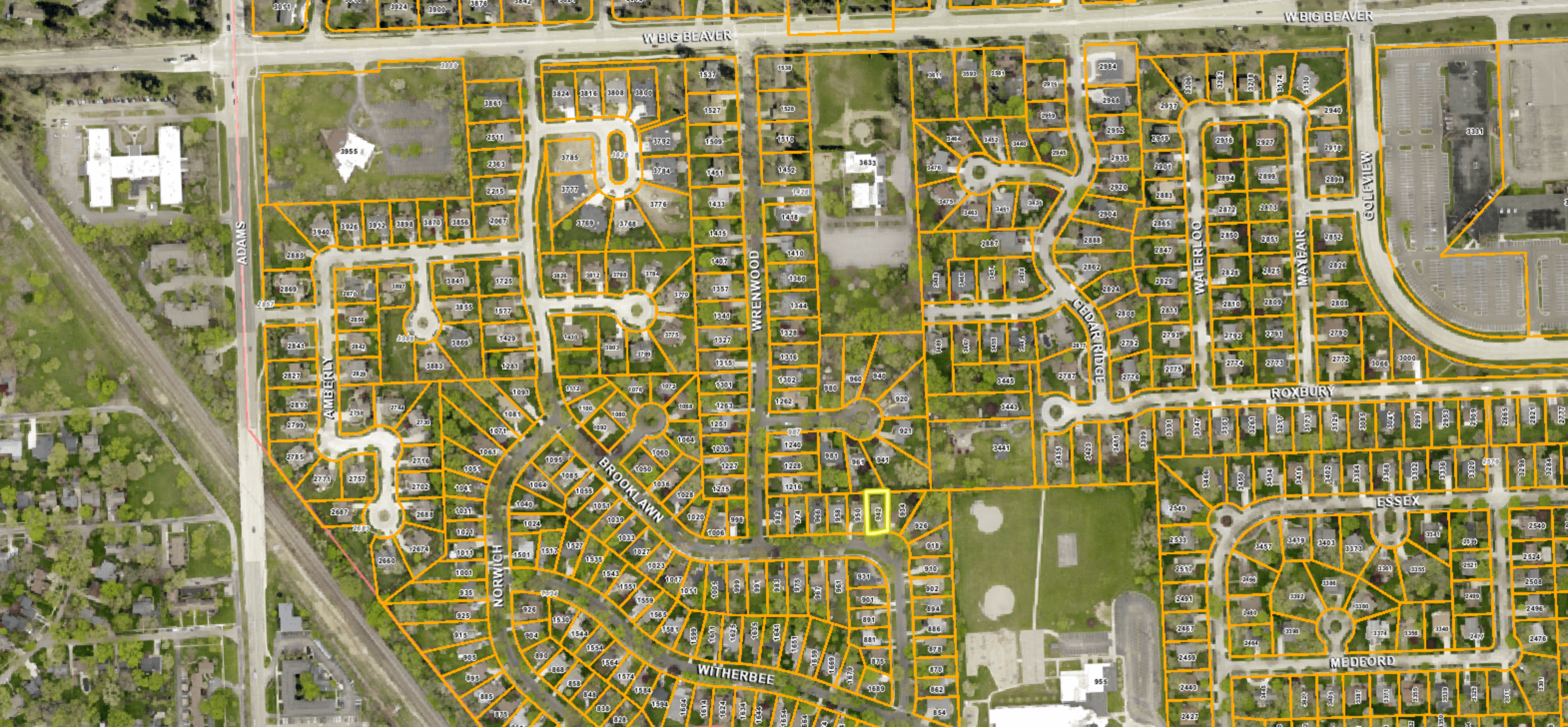
Michael Bossenbroek, Chairperson

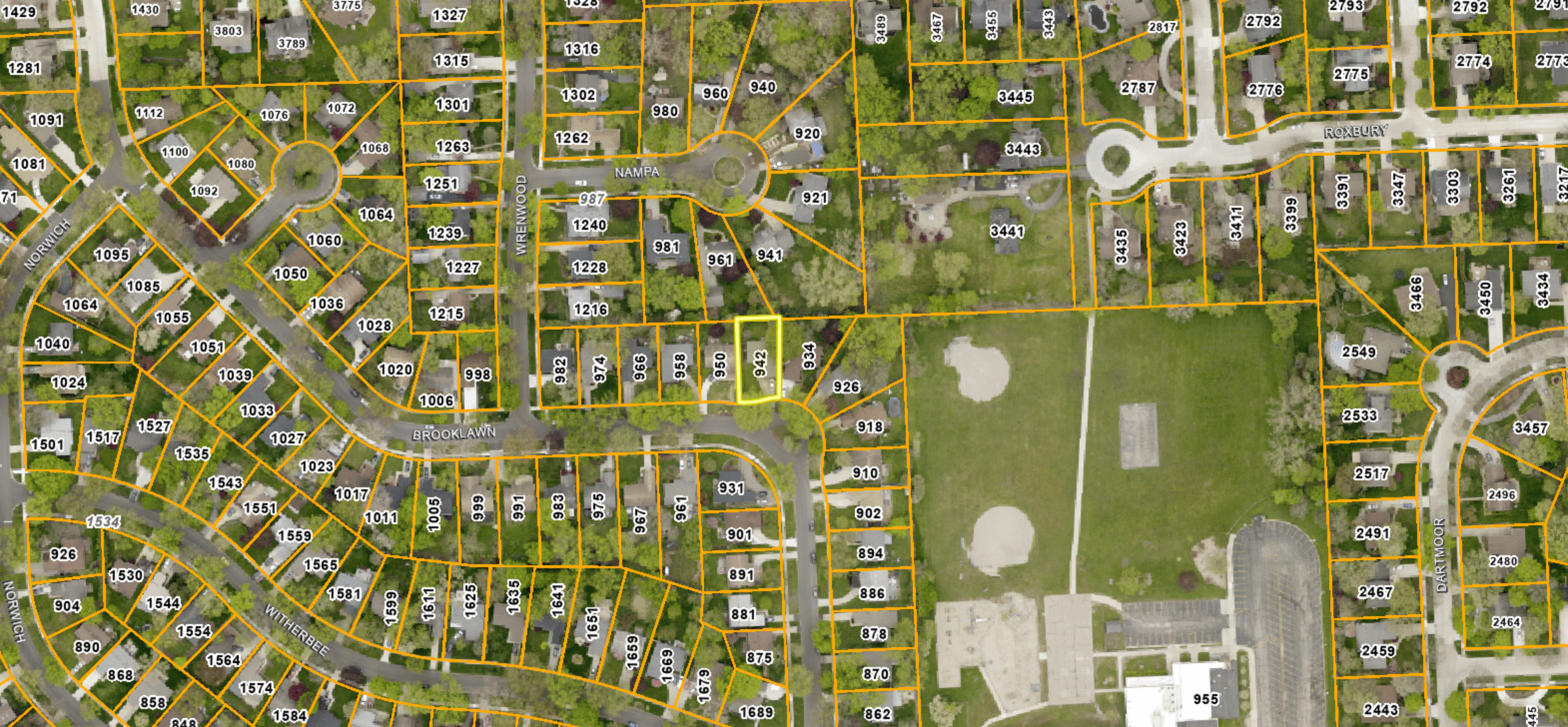
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Paul Evans, Zoning and Compliance Specialist

- A. 942 BROOKLAWN, RICHARD E. RASSEL for WWRP P.C.- A variance request to allow a proposed home addition to be setback 30 feet 3 inches feet from the rear property line. The Zoning Ordinance requires the addition be setback 35 feet from the rear property line.

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









**1216**

**974**

**966**

**958**

**950**

**942**

**934**

**926**

**918**

BROOKLAWN



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: \_\_\_\_\_
2. PROPERTY TAX IDENTIFICATION NUMBER(S): \_\_\_\_\_
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: \_\_\_\_\_
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: \_\_\_\_\_
5. APPLICANT:  
NAME \_\_\_\_\_  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_  
AFFILIATION TO THE PROPERTY 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 \_\_\_\_\_

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, \_\_\_\_\_ (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 \_\_\_\_\_

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

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

## Zoning Board of Appeals Application

6. PROPERTY OWNER:

NAME James and Sheila LoPrete

COMPANY N/A

ADDRESS 942 Brooklawn

CITY Troy STATE Mi ZIP 48084

TELEPHONE 248-642-0333

E-MAIL rer@wwrplaw.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, Richard E. Rassel (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE [Signature] DATE April 6, 2023

PRINT NAME: Richard E. Rassel

PROPERTY OWNER SIGNATURE [Signature] DATE April 6, 2023

PRINT NAME: James LoPrete

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

### PRACTICAL DIFFICULTY

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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.



## 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



Williams Williams Rattner & Plunkett, P.C.  
Attorneys and Counselors

380 North Old Woodward Avenue  
Suite 300  
Birmingham, Michigan 48009

Tel: (248) 642-0333  
Fax: (248) 642-0856

[www.wwrplaw.com](http://www.wwrplaw.com)

Richard E. Rassel  
[rer@wwrplaw.com](mailto:rer@wwrplaw.com)

April 6, 2023

***By Email and Hand Delivery***

City of Troy Zoning Board of Appeals  
Planning Department  
500 West Big Beaver  
Troy, Michigan 48084  
[planning@troymi.gov](mailto:planning@troymi.gov)

Re: 942 Brooklawn ("Property")-James S. and Sheila R. Loprete ("Petitioners")

Dear Members of the Zoning Board of Appeals:

Please accept the following as a statement of practical difficulty on behalf of Petitioners in support of their request for a modest dimensional, non-use variance from the following section of the Troy Zoning Ordinance ("Zoning Ordinance").

Article 4 R1E rear yard set-back (35') restriction.

\* \* \*

**Background**

James and Sheila LoPrete are longtime Troy homeowners. James, in particular, has owned the Property for approximately 30 years. James and Sheila have been exemplary neighbors and have kept the Property in outstanding condition. As James and Sheila have grown older, they wish to add modestly to their current single floor home to provide a minimalist 130' additional three (3) season living area off the master bedroom into the rear yard so that they can stay longer in their home as they age and fully enjoy the rear yard of the Property in seasonal months.

This variance request imposes only approximately 5 ½' into the required rear yard of 35' in the R1E District.

The LoPrete's have advised their neighbors of the variance request here and the neighbors are in favor of the ZBA granting the request.

The Troy "practical difficulty" standards for the granting of non-use variances are addressed below:

**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.**

The Property consists of a very thin lot, in a thin lot designed subdivision, which is believed to pre-date present zoning restrictions (the Property is only approximately 62' at its widest point), which significantly narrows the building area available, and forces any original building or additions mainly into the required front or rear yard. For 30 years, the Property's improvements have been in present condition, but without the requested modest 130' three season add on in the rear yard (only approximately 5 1/2' of rear yard variance) the LoPrete's may have to relocate to another home and/or inequitably miss the out on the benefits of their substantial, fenced, screened and private back yard. The Loprete's neighbors have all been consulted and consent to the relief sought here.

**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.**

See above. Common to the subdivision.

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

See Above. Common to the subdivision.

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

See Above. Common to the subdivision.

**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.**

See above. The Loprete's neighbors have been consulted and consent to the relief sought here.

**Conclusion**

Respectfully, the LoPrete's have established a practical difficulty associated with strict compliance with the Zoning Ordinance.

We request the modest variance request be granted.

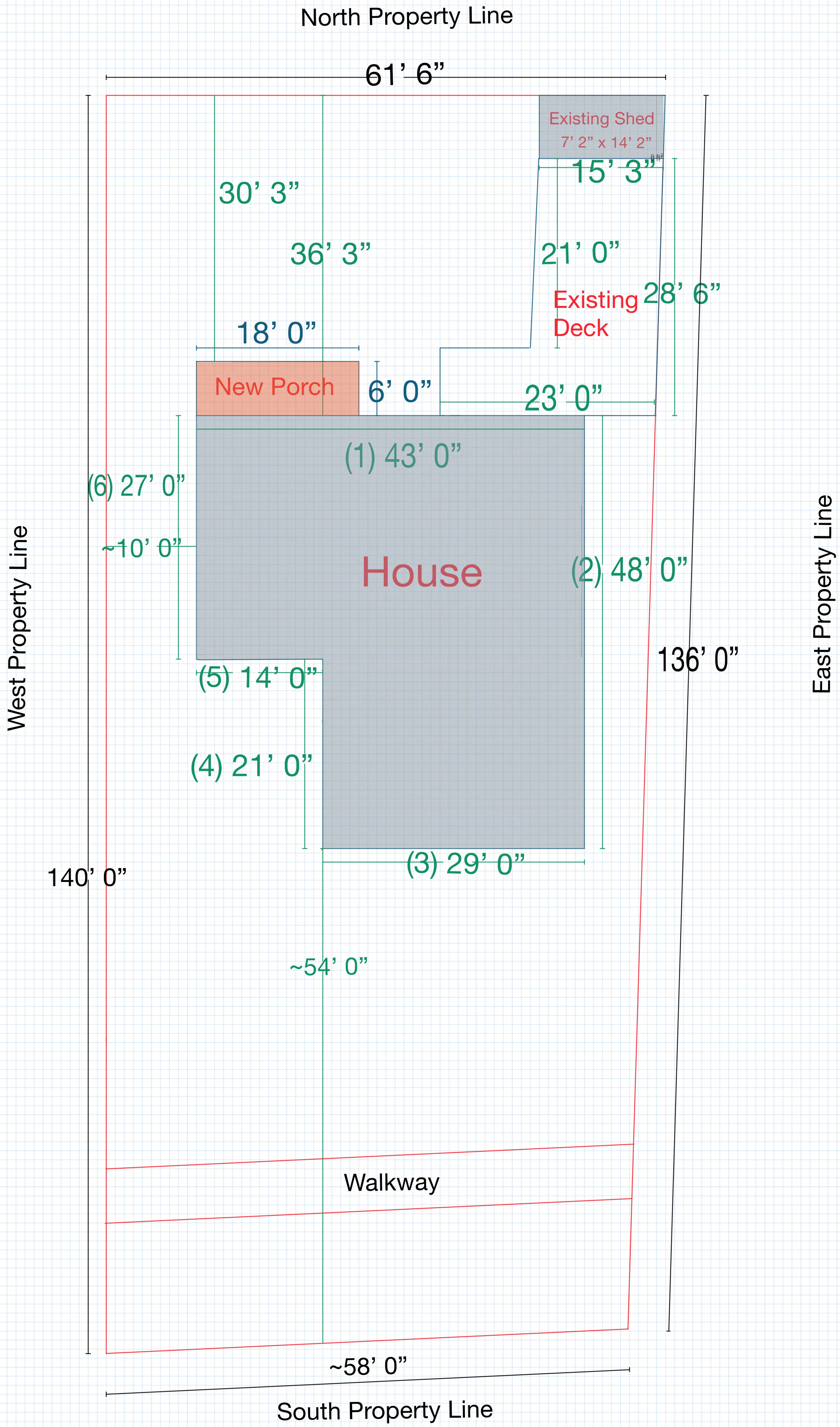
If you have any further questions or comments about the above, please do not hesitate to call or email me.

Thank you.

Very truly yours,  
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

/s/ Richard E. Rassel  
Richard E. Rassel

Cc: Mr. James and Sheila Loprete





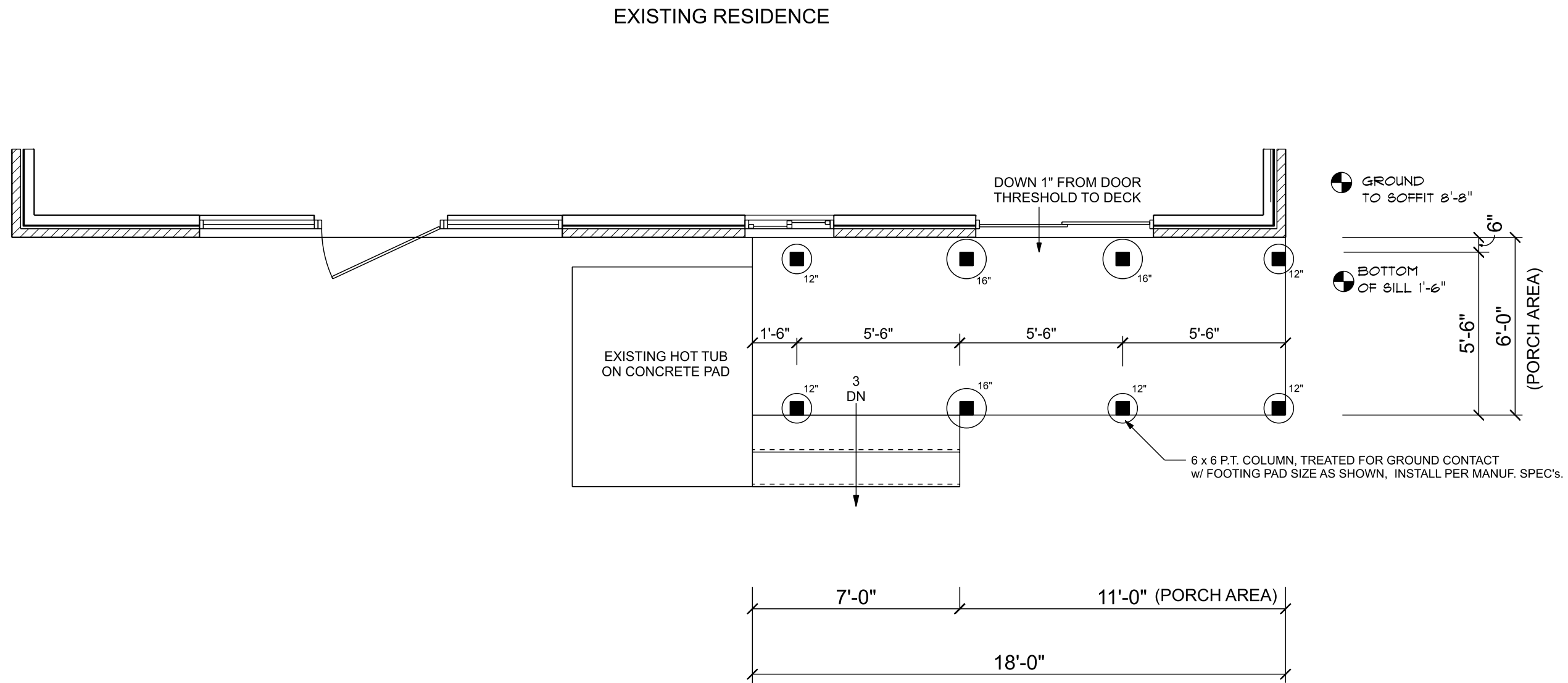
Reik Outdoors, LLC.

d.b.a. Archadeck of Southeast Michigan

ALL CONSTRUCTION PLANS ARE PROVIDED AS IS. ARCHADECK FRANCHISING CORPORATION DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING MERCHANTABILITY OR FITNESS OF PURPOSE. ARCHADECK FRANCHISING CORPORATION IS NOT LIABLE FOR INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR INDIRECT DAMAGES OF ANY KIND, INCLUDING, BUT NOT LIMITED TO, LOSS OF ANTICIPATED PROFITS, BUSINESS OPPORTUNITY OR OTHER ECONOMIC LOSS ARISING OUT OF THE USE OF SERVICES OR ANY CONSTRUCTION PLANS RECEIVED FROM ARCHADECK FRANCHISING CORPORATION, EVEN IF ARCHADECK FRANCHISING CORPORATION HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. IT IS THE BUILDER'S RESPONSIBILITY TO ENSURE THE ACCURACY, COMPLIANCE WITH APPLICABLE STATUTE(S) OR REGULATION(S), AND FITNESS OF PURPOSE OF ANY PLANS OR CONSTRUCTION INFORMATION RECEIVED FROM ARCHADECK FRANCHISING CORPORATION PRIOR TO THE USE THEREOF.

ARCHADECK FRANCHISING CORPORATION IS NOT ENGAGED IN RENDERING PROFESSIONAL SERVICES OR ADVICE. USE OF ANY CONSTRUCTION INFORMATION PROVIDED BY ARCHADECK FRANCHISING CORPORATION IS SUBJECT TO THE ADDITIONAL DISCLAIMERS AND CAVEATS THAT MAY APPEAR THROUGHOUT THE CONSTRUCTION PLANS, CONTRACTS AND OTHER DOCUMENTS PROVIDED TO THE BUILDER AND CUSTOMER.

DESIGN LOAD CRITERIA				LoPRETE #191-101112 942 BROOKLAWN DRIVE TROY, MI., 48084				SYMBOL LEGEND					
FOOTING/FOUNDATION LOADS		P.S.F.	CEILING					P.S.F.	T.O.D. TAG		DETAIL TAG		
LIVE LOAD		40	WITH STORAGE (L/240)					20					
DEAD LOAD		10	WITHOUT STORAGE (L/240)					10					
TOTAL DESIGN LOAD		50	WITH STORAGE (L/360)		20	ABBREVIATIONS:		STAIR TAG		SECTION TAG			
DECK LOADS (L/240) (DECK FRAMING)		P.S.F.	WITHOUT STORAGE (L/360)		10			# DN					
FRAMING DESIGN LIVE LOAD		60	DEAD LOAD		10								
FRAMING DESIGN DEAD LOAD		10											
TOTAL FRAMING DESIGN LOAD		70	ROOF LOADS (L/240)		P.S.F.								
FLOOR LOADS (L/360)		P.S.F.	SNOW LOAD		30	#B		GLU.		- GLULAM			
LIVE LOAD (LIVING)		40	DEAD LOAD		10	#BB		H.D.G.		- HOT DIPPED GALVANIZED			
LIVE LOAD (SLEEPING)		30	TOTAL DESIGN LOAD		40	#C		HDR.		- HEADER			
DEAD LOAD		10	PERGOLA LOADS (L/240)		P.S.F.	#CB		INT.		- INTERIOR			
SPA LOADS (L/240)		P.S.F.	LIVE LOAD		10	#DB		IN.		- INCH			
LIVE LOAD		100	DEAD LOAD		5	#DJ		LBS.		- POUNDS			
DEAD LOAD		10	TOTAL DESIGN LOAD		15	#DR		L.L.		- LIVE LOAD			
TOTAL DESIGN LOAD		110				#F		L.V.L.		- LAMINATED VENEER LUMBER			
**ASSUMED SPA LOADING, VERIFY w/ SPA MANUFACTURER**						#G		LWR.		- LOWER			
						#HB		MANUF.		- MANUFACTURER			
						#HBE		MAX.		- MAXIMUM			
						#KB		MIN.		- MINIMUM			
						#QJ		MOD.		- MODIFIED			
						#RB		N.T.S.		- NOT TO SCALE			
						#RP		O.C.		- ON CENTER			
						#TB		OPT.		- OPTIONAL			
						#TJ		O.S.B.		- ORIENTED STRAND BOARD			
						ALT.		P.L.		- POINT LOAD			
						ALUM.		P.L.F.		- POUNDS PER LINEAR FOOT			
						APPROX.		P.S.F.		- POUNDS PER SQUARE FOOT			
						BD.		P.S.I.		- POUNDS PER SQUARE INCH			
						B.O.B.		P.S.L.		- PARALLEL STRAND LUMBER			
						☒		P.T.		- PRESSURE TREATED			
						CJ		P.T.T.		- POUR TO TOP			
						C.M.U.		P.V.C.		- POLY VINYL CHLORIDE			
						CONC.		RBD.		- RIDGE BOARD			
						CONT.		REQD.		- REQUIRED			
						DBL.		R.O.		- ROUGH OPENING			
						DIA.		RSW		- RIDGE SUPPORT WALL			
						DIM.		S.F.		- SQUARE FOOT/FEET			
						D.L.		S.S.		- STAINLESS STEEL			
						DN.		SQ.		- SQUARE			
						DTL.		T&G		- TONGUE & GROOVE			
						ELEC.		T.O.B.		- TOP OF BEAM			
						ELEV.		T.O.C.		- TOP OF CONCRETE			
						EQUIV.		T.O.D.		- TOP OF DECK			
						EXT.		TYP.		- TYPICAL			
						FIN.		U.N.O.		- UNLESS NOTED OTHERWISE			
						FLR.		UPR.		- UPPER			
						FND.		W/		- WITH			
						FT.		W/O		- WITHOUT			
						F.V.							
				DRAWINGS PREPARED BY: ARCHADECK FRANCHISING CORPORATION CONSTRUCTION & DRAFTING DEPARTMENT 2426 OLD BRICK RD GLEN ALLEN, VA 23060 © 2021 ARCHADECK FRANCHISING CORPORATION UNAUTHORIZED DUPLICATION IS A VIOLATION OF ALL APPLICABLE LAWS									
NOTES:													
DESIGN CRITERIA:													
- THIS PROJECT HAS BEEN DESIGNED FOLLOWING THE REGULATIONS OF THE 2018 IRC (INTERNATIONAL RESIDENTIAL CODE).													
- WORK TO MEET LOCAL, STATE AND APPLICABLE RULES AND REGULATIONS.													
- IN-GRADE DESIGN VALUES BASED ON AF&PA.													
- PROVIDE JOIST HANGERS @ ALL FLUSH FRAME CONDITIONS.													
- PRESUMPTIVE SAFE SOIL BEARING CAPACITY IS 2000 PSF.													
- FROST LINE 42".													
- CONNECTIONS TO EXISTING STRUCTURE FLASHED PER LOCAL CODE													
LUMBER:													
- ALL FRAMING LUMBER TO BE #2 S.P. (SOUTHERN PINE) OR BETTER, TREATED FOR EXTERIOR USE, PER LOCAL CODE U.N.O.													
- ALL PSL ENGINEERED TYPE LUMBER TO BE TREATED FOR EXTERIOR USE: P.S.L. STRESS CLASS (2.0E, 2900Fb) P.S.I.													
- ALL GLULAM ENGINEERED TYPE LUMBER TO BE TREATED FOR EXTERIOR USE: GLULAM STRESS CLASS (1.9E, 2600Fb) P.S.I.													
- ALL LVL/MICROLLAM ENGINEERED TYPE LUMBER TO BE INTERIOR USE ONLY: L.V.L. STRESS CLASS (1.8E, 2600Fb) P.S.I.													
CONCRETE:													
- MINIMUM 28 DAY COMPRESSIVE STRENGTH = 3000 PSI.													
SHEET INDEX													
NOTE THAT NOT ALL JOBS REQUIRE ALL SHEETS													
FD-# -FOUNDATION/FOOTINGS				RF-# -ROOF FRAMING									
FF-# -FLOOR FRAMING				EV-# -ELEVATION									
FP-# -FLOOR PLAN				SD-# -SECTION/DETAIL									



SHEET DESCRIPTION

SHEET:

2/10

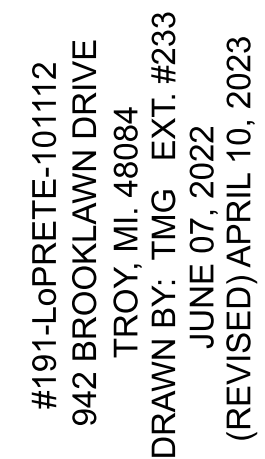
FD-1

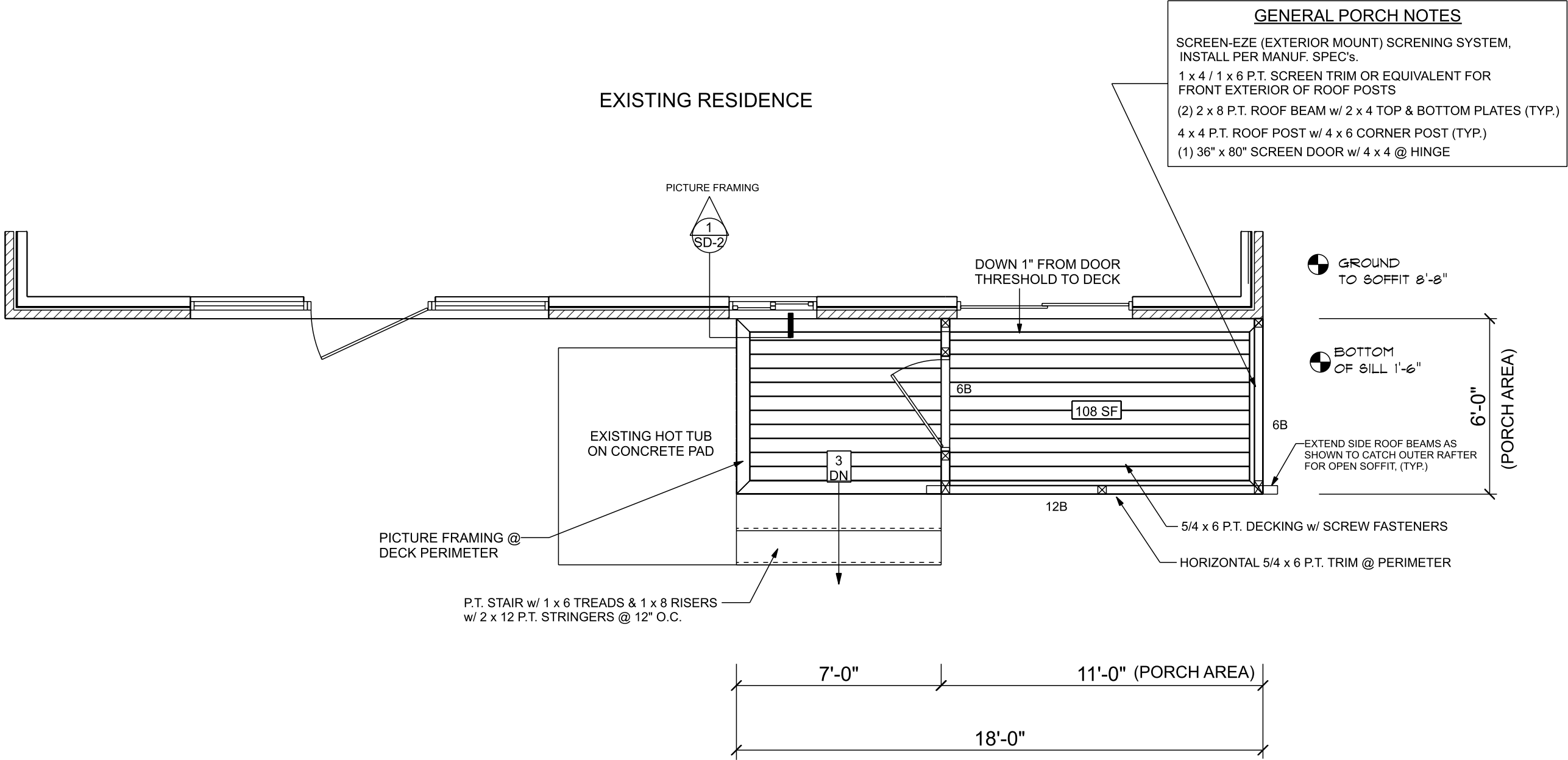
SCALE: 1/4" = 1'-0"

Prepared by:  
Archadeck Franchising Corporation  
2426 OLD BRICK ROAD  
GLEN ALLEN, VA 23060

Construction & Drafting Department  
©2021 Archadeck Franchising Corporation  
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duplication is a violation of  
all applicable laws.

#191-LoPRETE-101112  
942 BROOKLAWN DRIVE  
TROY, MI. 48084  
DRAWN BY: TMG EXT. #233  
JUNE 07, 2022  
(REVISED) APRIL 10, 2023





SHEET DESCRIPTION

SHEET:

4/10

FP-1

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

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(REVISED) APRIL 10, 2023

VERIFY LOW ROOF PITCH  
PER SHINGLE MANUFACTURER'S  
INSTALLATION SPECIFICATIONS

GENERAL PORCH NOTES
0.8:12 SHED ROOF w/ ROOF EXTENSION OFF OF AN EXISTING 3:12 (VERIFY)
2 x 6 RAFTERS @ 16" O.C. (TYP.)
1 x 6 P.T. FASCIA/RAKE BOARD
CATHEDRAL CEILING w/ EXPOSED RAFTERS & BEADBOARD CEILING FINISH
DETERMINE GABLE END FINISH PRIOR TO CONSTRUCTION

EXISTING OVERHANG

6'-0"

6"

11'-0"

6"

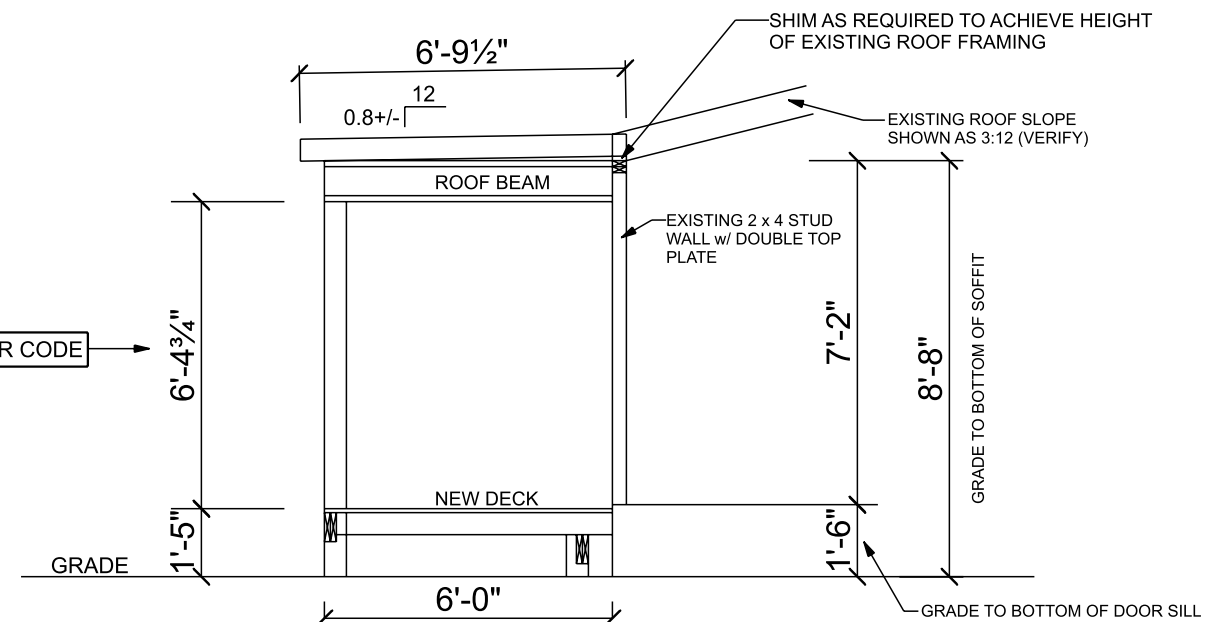
WALL SECTION

1 SD-1

DR

VERIFY LOW ROOF PITCH  
PER SHINGLE MANUFACTURER'S  
INSTALLATION SPECIFICATIONS

MINIMUM 6'-8" PER CODE



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outdoor living  
*of Southeast Michigan*

SHEET:

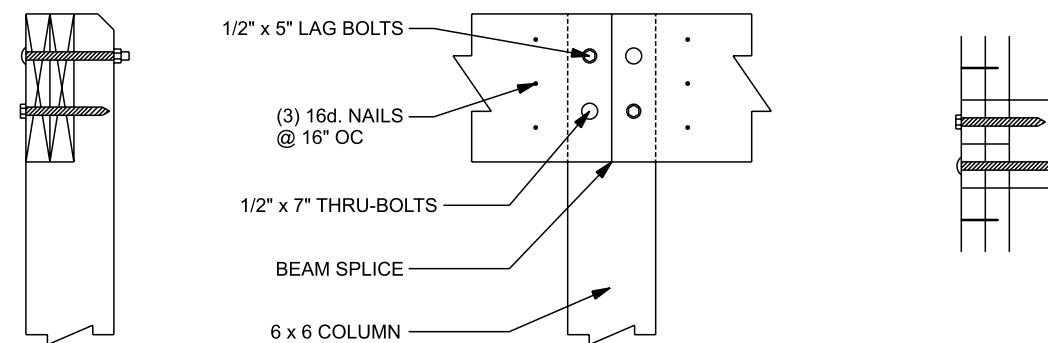
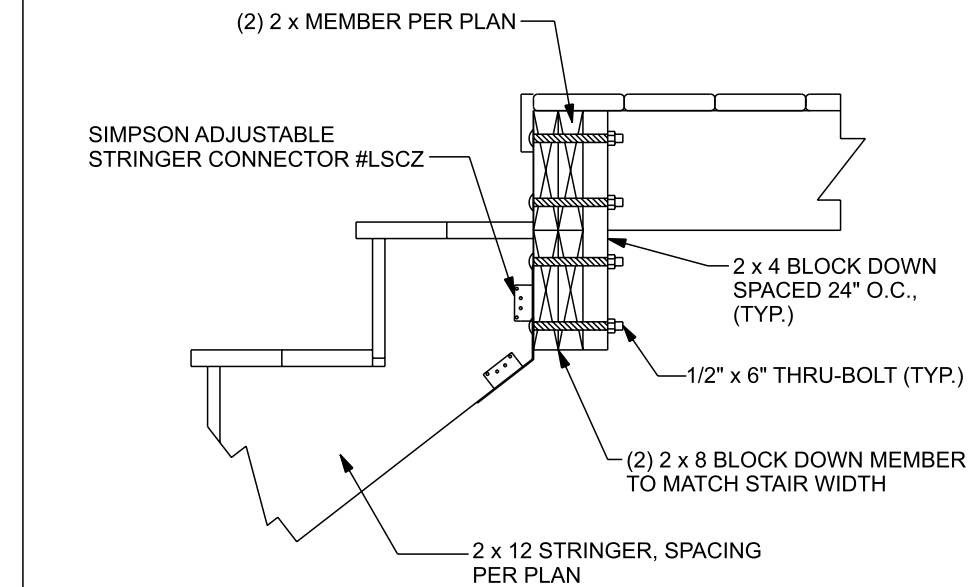
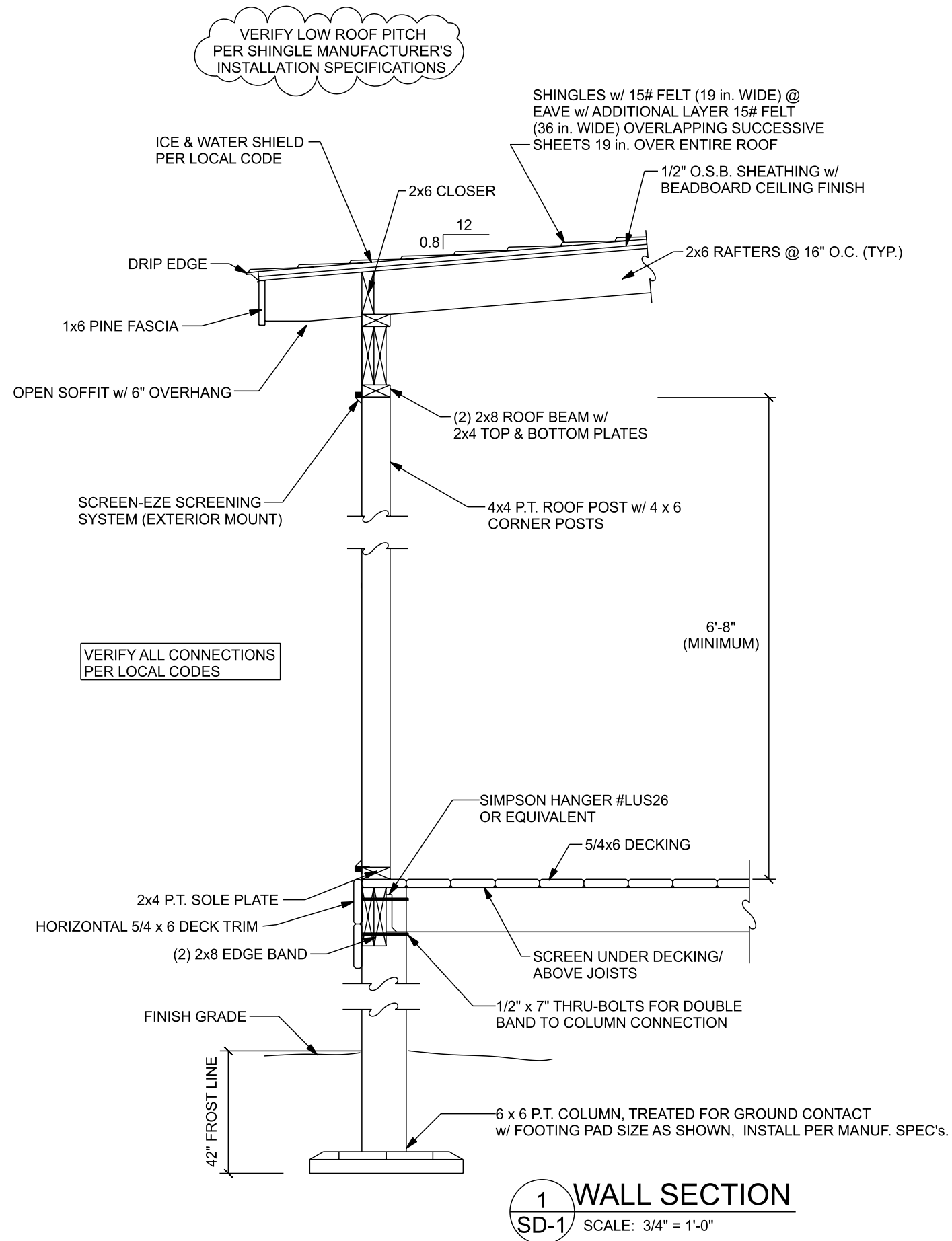
$$5/10$$

RF-1

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(REVISED) APRIL 10, 2023



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outdoor living  
of Southeast Michigan

**SHEET DESCRIPTION**

SHEET:

**6/10**

SD-1  
SCALE: AS NOTED

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JUNE 07, 2022  
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SHEET DESCRIPTION

SHEET:

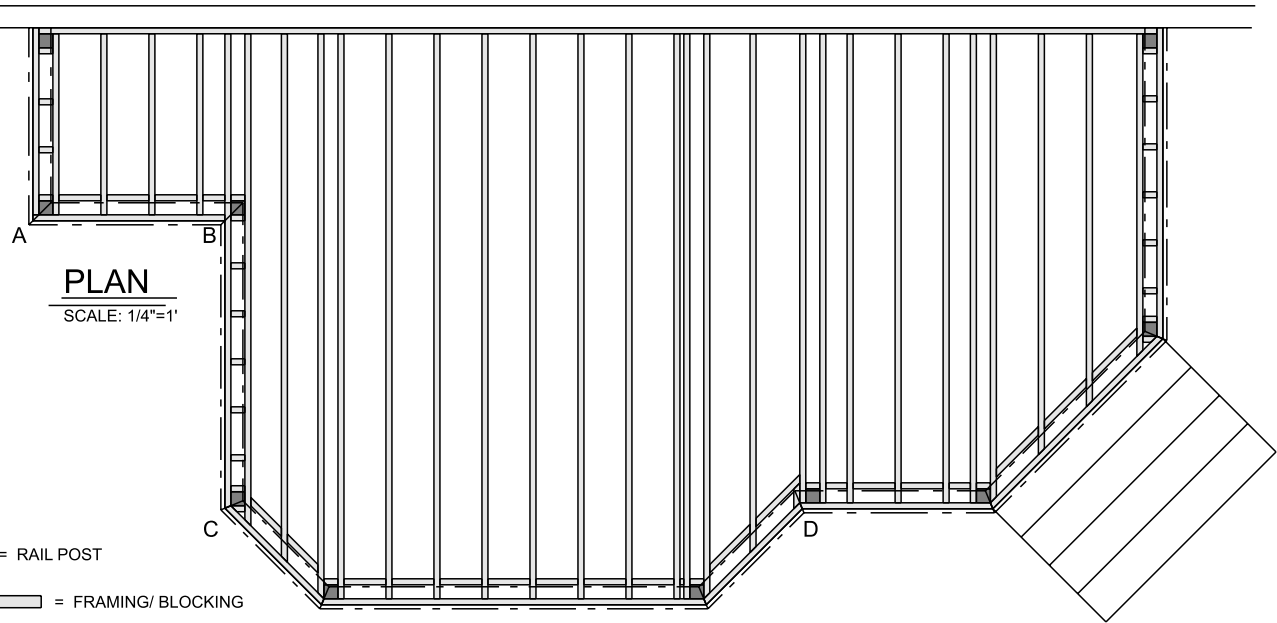
7/10

SD-2  
SCALE: AS NOTED

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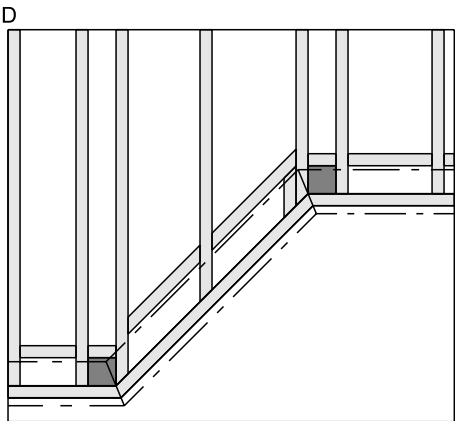
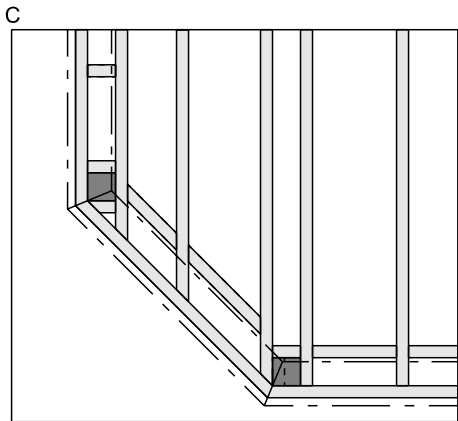
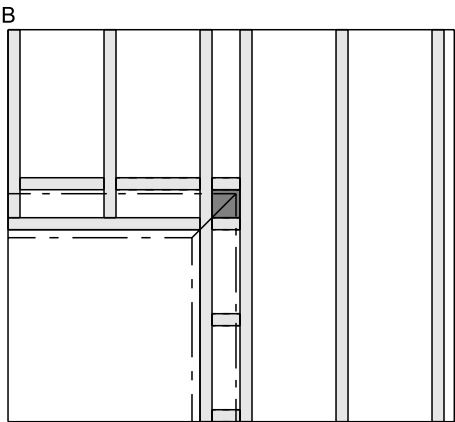
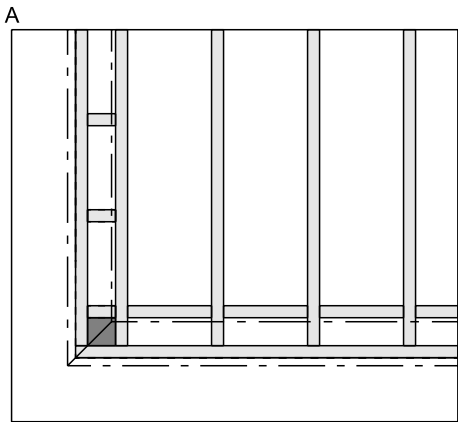
■ = RAIL POST

— = FRAMING/ BLOCKING

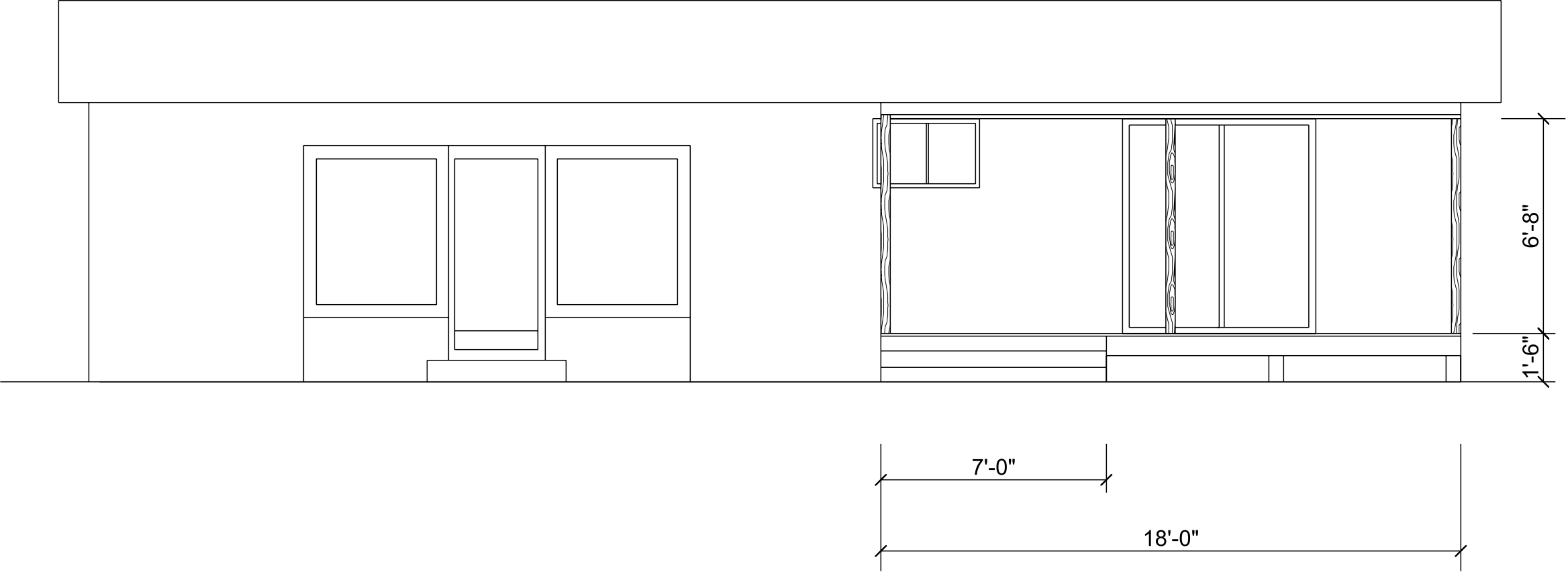
- - - = PICTURE FRAME BOARD

DETAILS

SCALE: 1/2"=1'



1 PICTURE FRAME BLOCKING DETAIL  
SD-2 SCALE: VARIES



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outdoor living  
of Southeast Michigan

SHEET DESCRIPTION

SHEET:

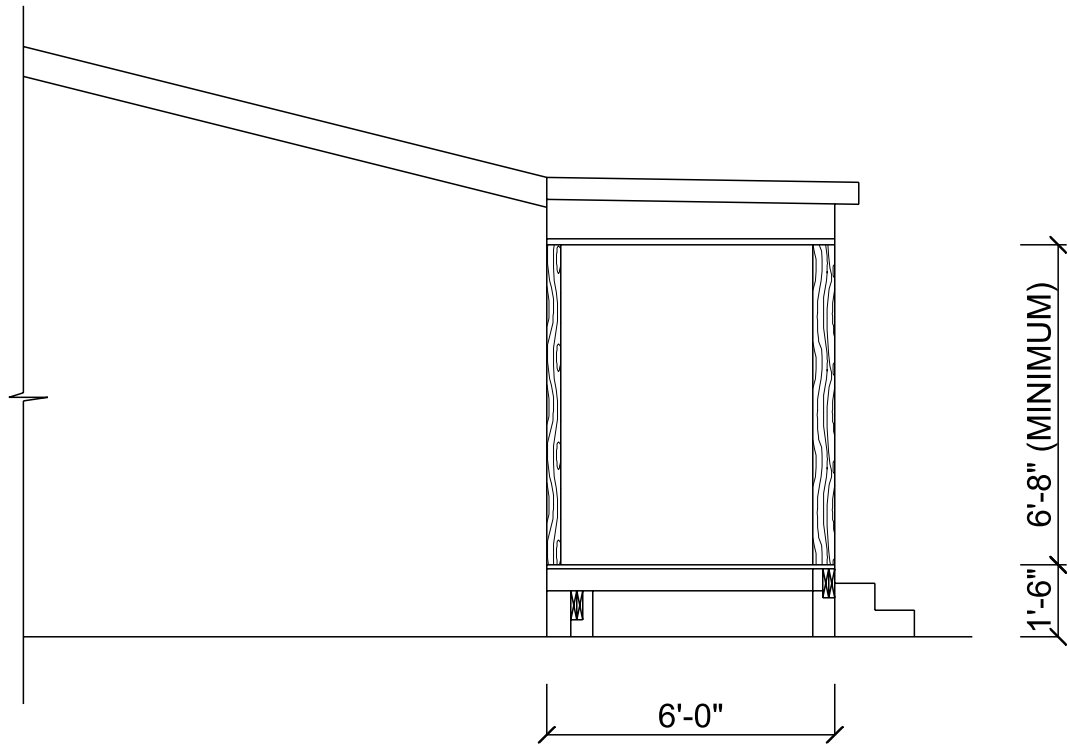
8/10

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

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SHEET DESCRIPTION

SHEET:

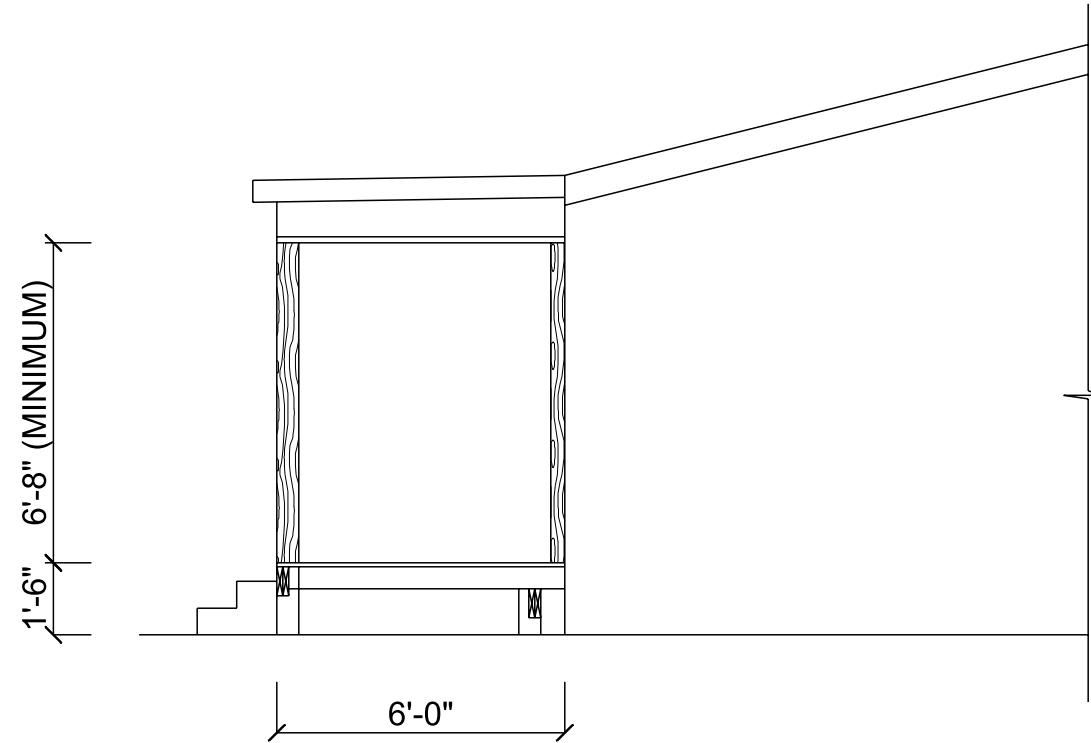
9/10

ELEVATION-2  
SCALE: 1/4" = 1'-0"

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SHEET DESCRIPTION

SHEET:

10/10

ELEVATION-3

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

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DRAWN BY: TMG EXT. #233  
JUNE 07, 2022  
(REVISED) APRIL 10, 2023

B. 944 MARENGO, OLLIE APHIADEAN- Determine whether or not Agenda Item 5C is properly before the ZBA.

ZONING ORDINANCE SECTION: 15.05 A 6



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Date: April 12, 2023

To: Members of the Troy Zoning Board of Appeals

From: Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney

Subject: Variance Request for 944 Marengo

---

At its February 21, 2023 meeting, the Zoning Board of Appeals (ZBA) considered a variance request to divide a parcel located at 944 Marengo into two parcels, each having 72.61 feet in width and frontage. A variance of 54.78 feet (27.39 feet for each parcel) was needed for this proposed lot split, since Section 4.06 C of the zoning ordinance requires 100 feet of width and frontage for each residential lot. At the conclusion of the public hearing, the ZBA denied the variance request.

The applicant subsequently submitted a second variance request for a proposed lot split of this same property at 944 Marengo, and this item is included on the April 18, 2023 ZBA meeting agenda. The applicant is again seeking a lot split, and has asked for the same width and frontage variance of 54.78 feet (22.39 for one parcel and 32.39 feet for the second parcel). Section 4.06 C of the zoning ordinance requires 100 feet of width and frontage.

### **ISSUE:**

Section 15.05 A 6 of the Zoning Ordinance (Chapter 39) provides:

*An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence not previously discovered at the time the variance was denied or changed conditions found by the Zoning Board of Appeals to be valid.*

Because of this unusual situation, the ZBA must first decide whether or not this second variance request for a lot split for the property at 944 Marengo is properly before the ZBA when only two months have passed since the denied variance request.

### **AUTHORITY:**

Under MCL 125.3603, which is Section 603 of the Michigan Zoning Enabling Act (MZEA) the ZBA is authorized to hear and decide questions that arise in the administration of the zoning ordinance. The Michigan Court of Appeals has ruled that a zoning board of appeals has the power to interpret the zoning ordinance which it must administer. *Sinelli v Birmingham Bd of Zoning Appeals*, 160 Mich App 649, 652; 408 NW2d 412 (1987).



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## **PROCEDURE:**

A majority of the members of the Zoning Board of Appeals must concur on a decision related to an interpretation of the zoning ordinance under Section 15.03 B. In interpreting the ordinance, the ZBA is required to take in consideration the intent and the purpose of the ordinance, as required by Section 15.04. The ZBA should also consider any applicable rules of interpretation as set forth in Section 2.01.

Following this, the first question is whether the two variances (February and April) are the same. If the ZBA finds the two requests are different, based on the intent of the zoning ordinance, the ZBA can then proceed to hear and decide whether to grant or deny the variance, applying the five criteria set forth in Section 15.04 E. The ZBA should articulate the specific rationale that distinguishes the lot split variance requests in any resolution.

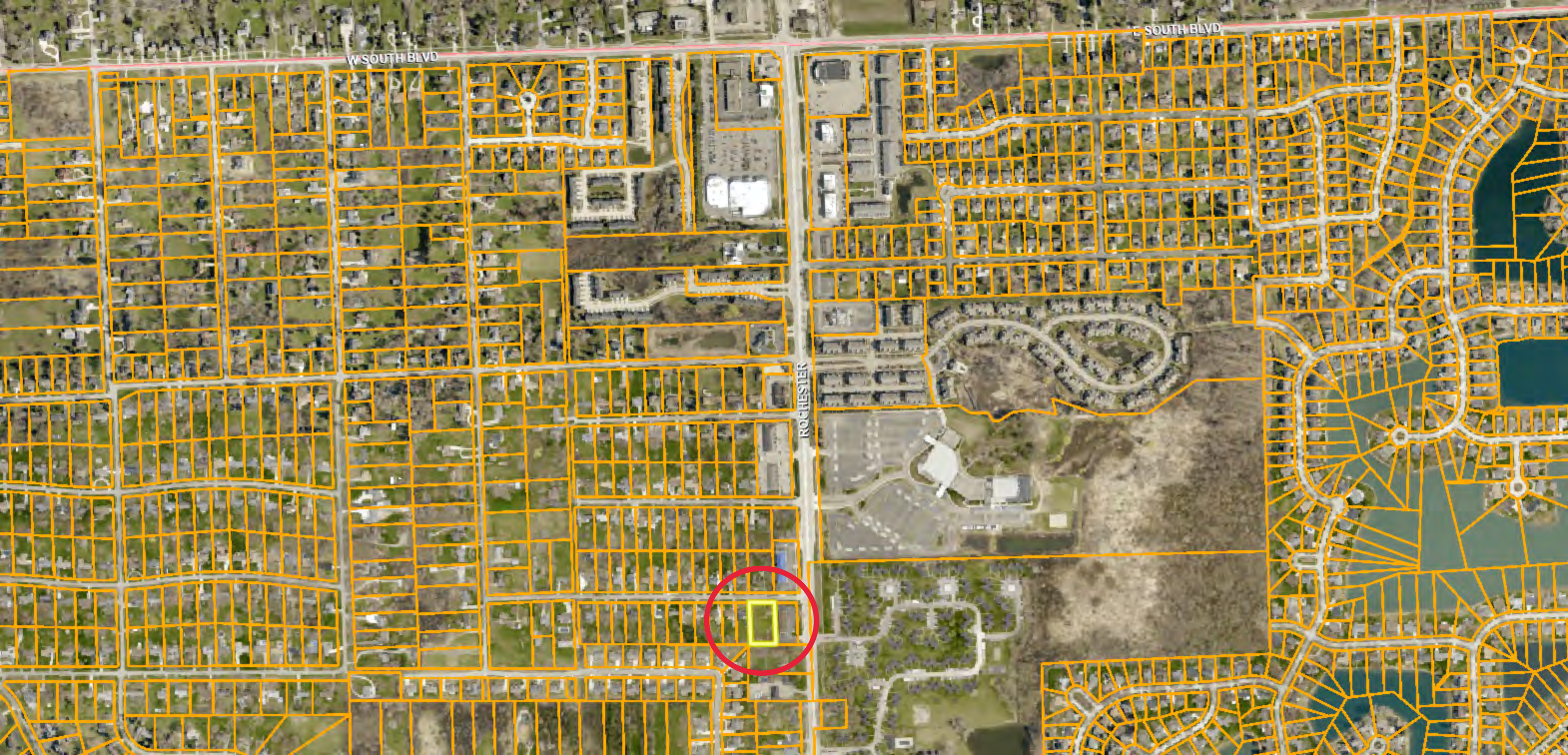
If the ZBA finds the variance request submitted for the April ZBA meeting is the same request as the one submitted for the February meeting, the ZBA should consider whether or not the applicant has “...*submitted new evidence not previously discovered at the time the variance was denied or changed conditions...*” The ZBA should clearly articulate its findings regarding the specific new evidence or changed conditions in a resolution. If the applicant cannot demonstrate new evidence or changed conditions, then the ZBA should pass a resolution declining to hear the matter, based on Section 15.05 A 6 of Troy’s Zoning Ordinance (Chapter 39).

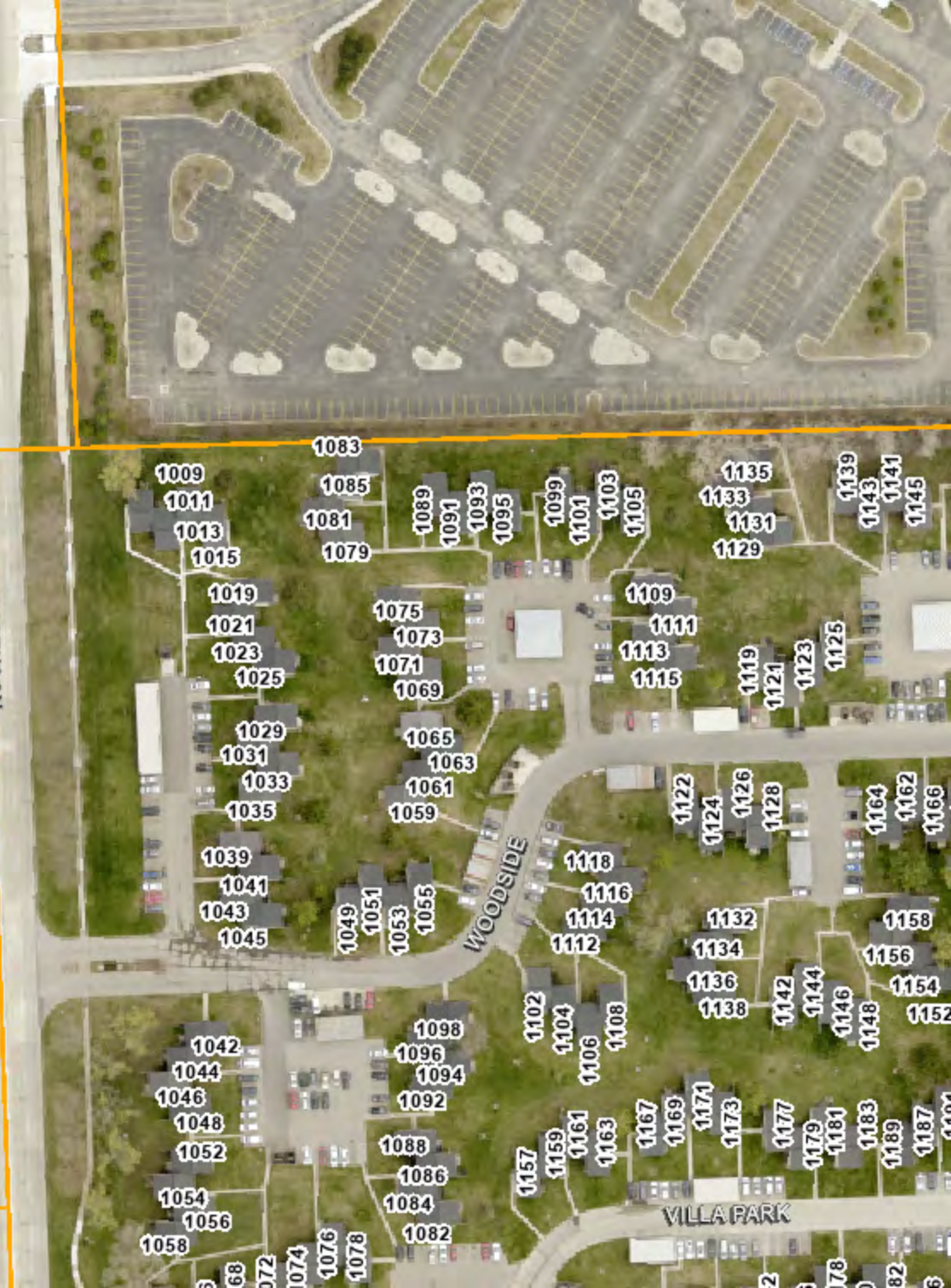
After the ZBA decides whether or not there is new evidence or changed conditions, if the ZBA finds that the applicant has articulated new evidence or changed conditions, the ZBA would then hear and decide the variance based on the five criteria set forth in Section 15.04 E of the zoning ordinance.

We are available to answer any questions that you have about this unique matter.

C. 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

An aerial photograph showing several property lots outlined in orange. A central lot is highlighted with a yellow border. Large white numbers with black outlines are placed on the lots. To the right is a road labeled 'ROCHESTER'.

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 \_\_\_\_\_

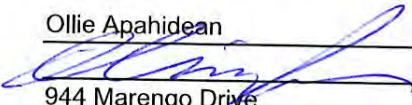
DATE \_\_\_\_\_

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  
(X) 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

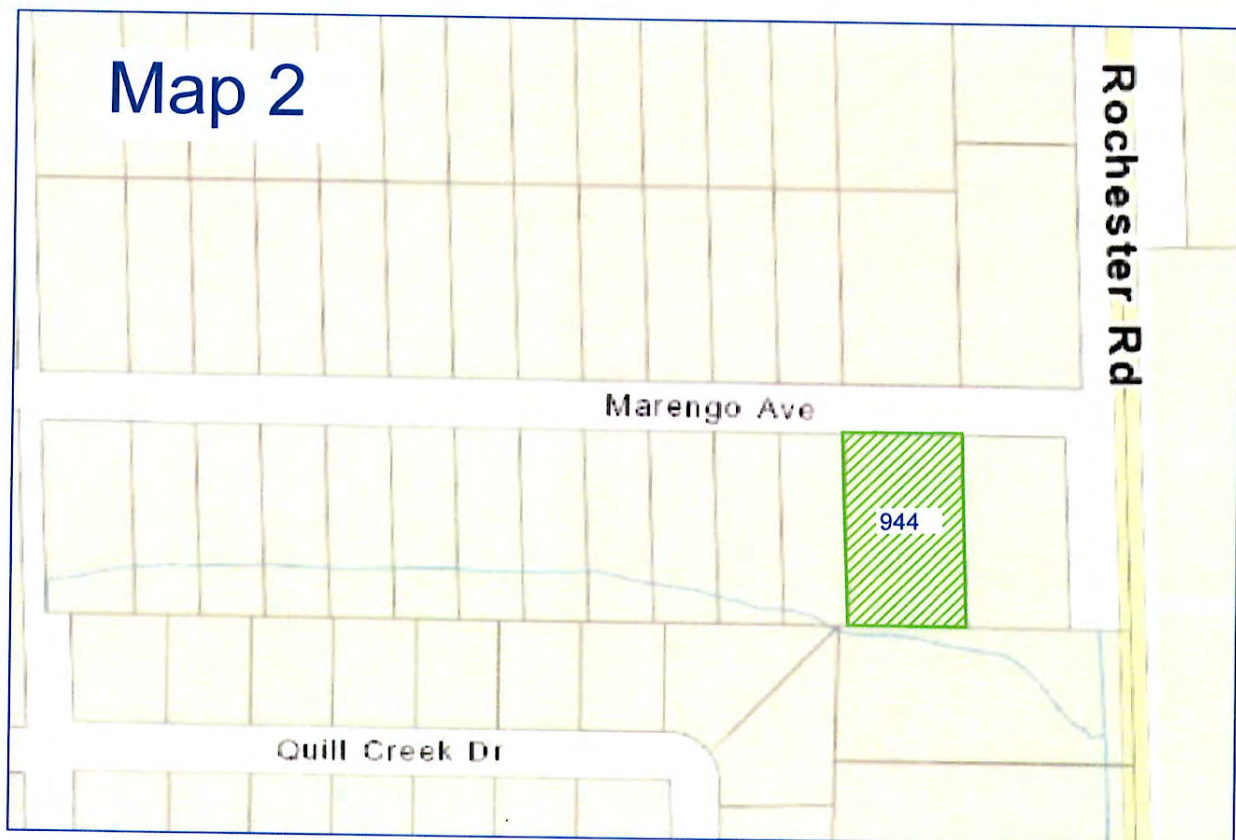
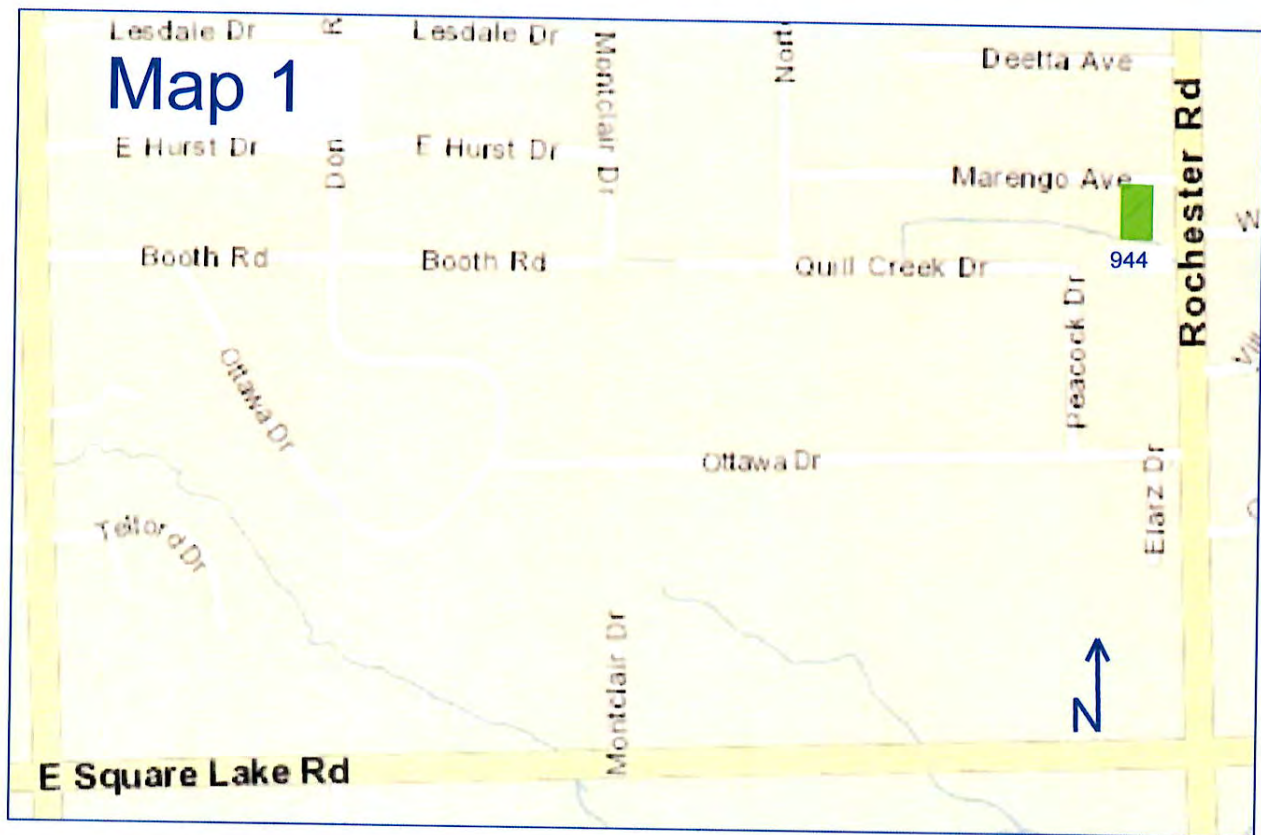
  
Signature

  
Title

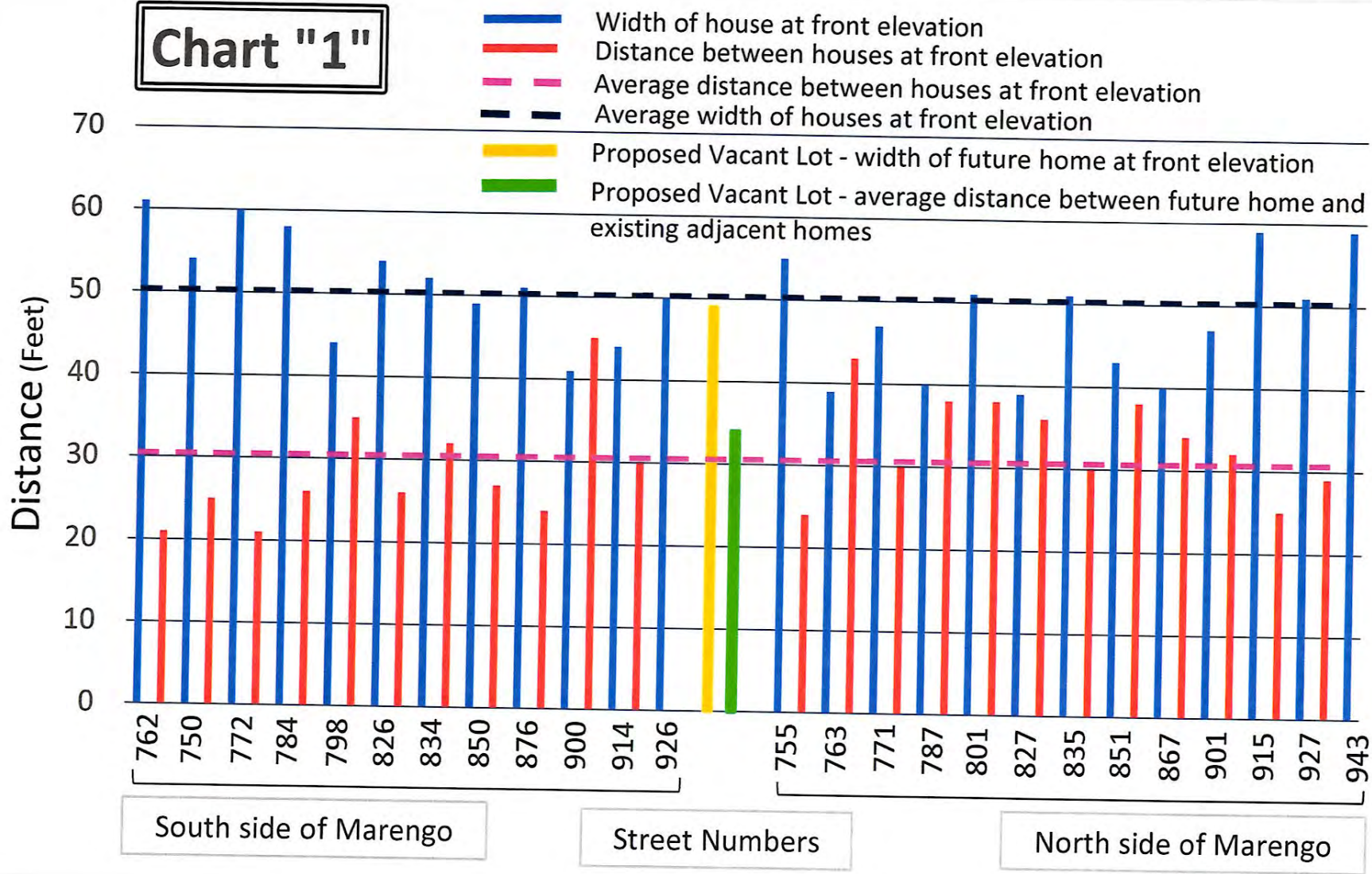
3/10/23  
Date

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"

56 OK  
12/26

Ballou  
Troy Little  
Farm  
Sun  
23  
26  
42  
Blatt  
Fannie Avery Whitefield

## "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.

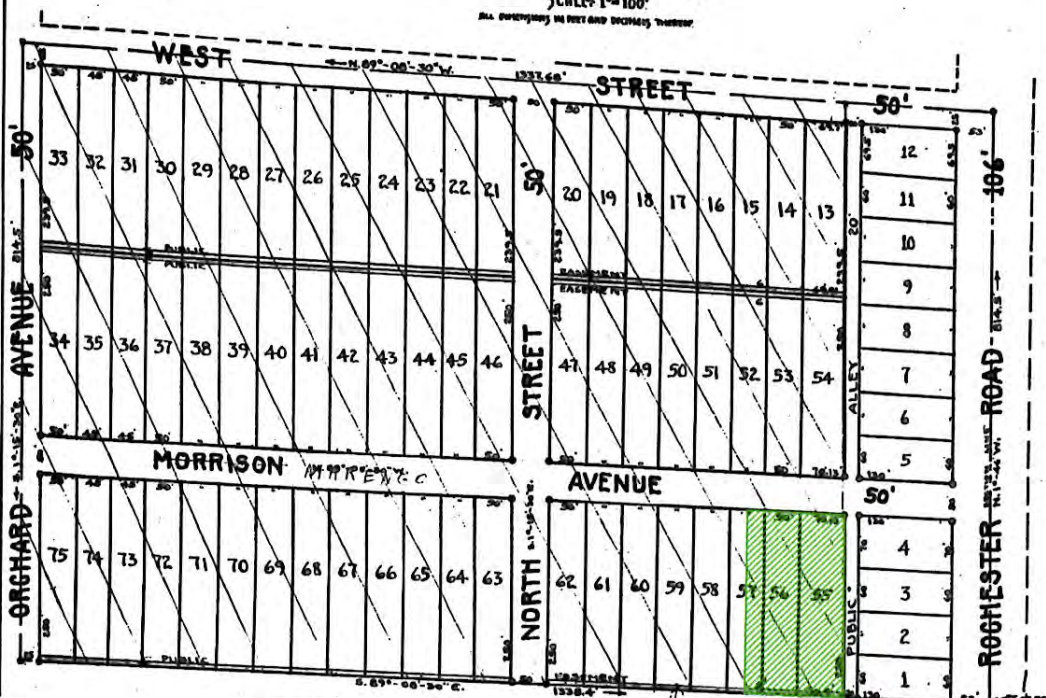
OKLAND COUNTY

MICHIGAN

22333

Jan 22-1926  
J. F. Haines

SCALE 1"=100'



KNOW ALL MEN BY THESE PRESENTS that we Joseph S. Morrison and Florence D. Morrison, his wife, and Dr. J. L. Morrison and Isabelle A. Morrison, his wife, as proprietors, and the Rochester Savings Bank, a Michigan corporation by J. F. Haines, President and J. F. Haines, Cashier, as mortgagees, have caused the land embraced in the annexed plat to be surveyed, laid out and plotted to be known as "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 and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in Presence of  
Michael W. Ballou  
Mary Ann Ballou  
John Ballou  
John Ballou

Joseph S. Morrison (S.)  
Florence D. Morrison (S.)  
J. F. Haines (S.)  
J. F. Haines (S.)  
J. F. Haines (S.)

Rochester Savings Bank  
J. F. Haines President  
J. F. Haines Cashier

CITY OF MICHIGAN  
County of Oakland

On this 12th day of February, 1926 before me as a notary public in and for said county personally appeared the above named Joseph S. Morrison and Florence D. Morrison, his wife, and Dr. J. L. Morrison and Isabelle A. Morrison, his wife, known to me to be the persons who executed the above dedication and as knowledge of the same to be their free act and deed.

My commission expires Oct. 30-1926.

CITY OF MICHIGAN  
County of Oakland

On this 15th day of February, 1926 before me as a notary public in and for said county personally appeared the above named Joseph S. Morrison and Florence D. Morrison, his wife, and Dr. J. L. Morrison and Isabelle A. Morrison, his wife, known to me to be the persons who executed the above dedication and as knowledge of the same to be their free act and deed.

My commission expires February 15-1928

RECORDED IN COURT  
Vol. 17, 1032  
Page 40-41

### DESCRIPTION

The land embraced in the annexed plat of "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 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 163 ft. 3 in. from the S. E. corner of the S. 1/4 of said sec. 3, thence N. 89° 08' - 20" W., 1377.03 ft.; thence S. 1° 18' - 30" E., 514.3 ft.; thence S. 89° 08' - 20" E., 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 Jan. 11-1926

James M. Miller  
Troy Township Clerk

### SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set 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 platted, 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 plat as shown on said plat.

Registered Civil Engineer

Jan 25-1926  
J. F. Haines  
Approved by the Board of County Auditors  
Oakland County, Mich.  
J. F. Haines  
J. F. Haines

Oakland County Treasurer's Certificate  
This is to Certify that there are no Tax Liens or Taxes held by the State or any individual against, and that all Taxes on lands described in the annexed instrument bearing date Jan. 1-1926 have been paid to the County Treasurer of Oakland County, Michigan, and that the same are on file in the records of this office, except as may be otherwise shown.

Jan 22-1926  
J. F. Haines

# Exhibit "B"

AUG 1955

COPY

37 11 1

## "CLARK ESTATES"

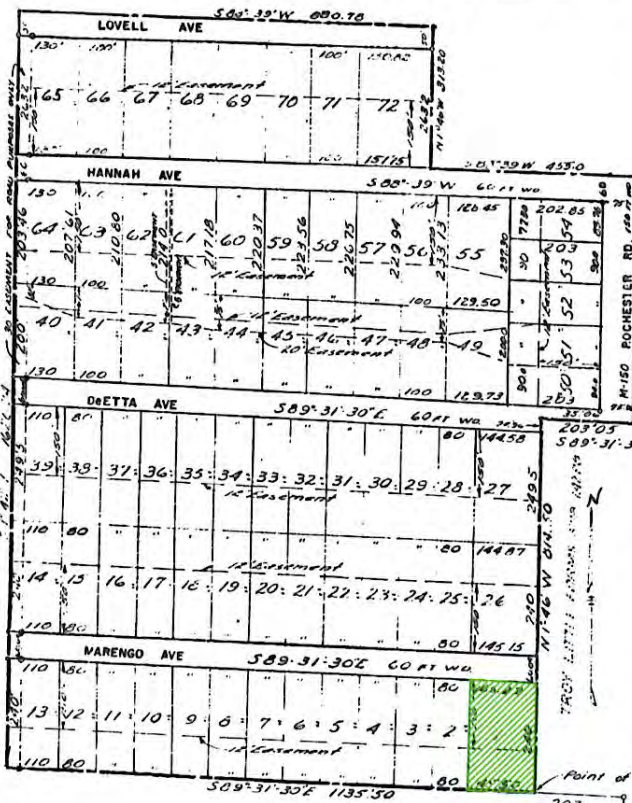
Part of NE 1/4 Sec 3, T.2N.R.11E.  
Troy Twp, Oakland Co., Mich.

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

E & Post Sec 3  
T2N R11E

### 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.

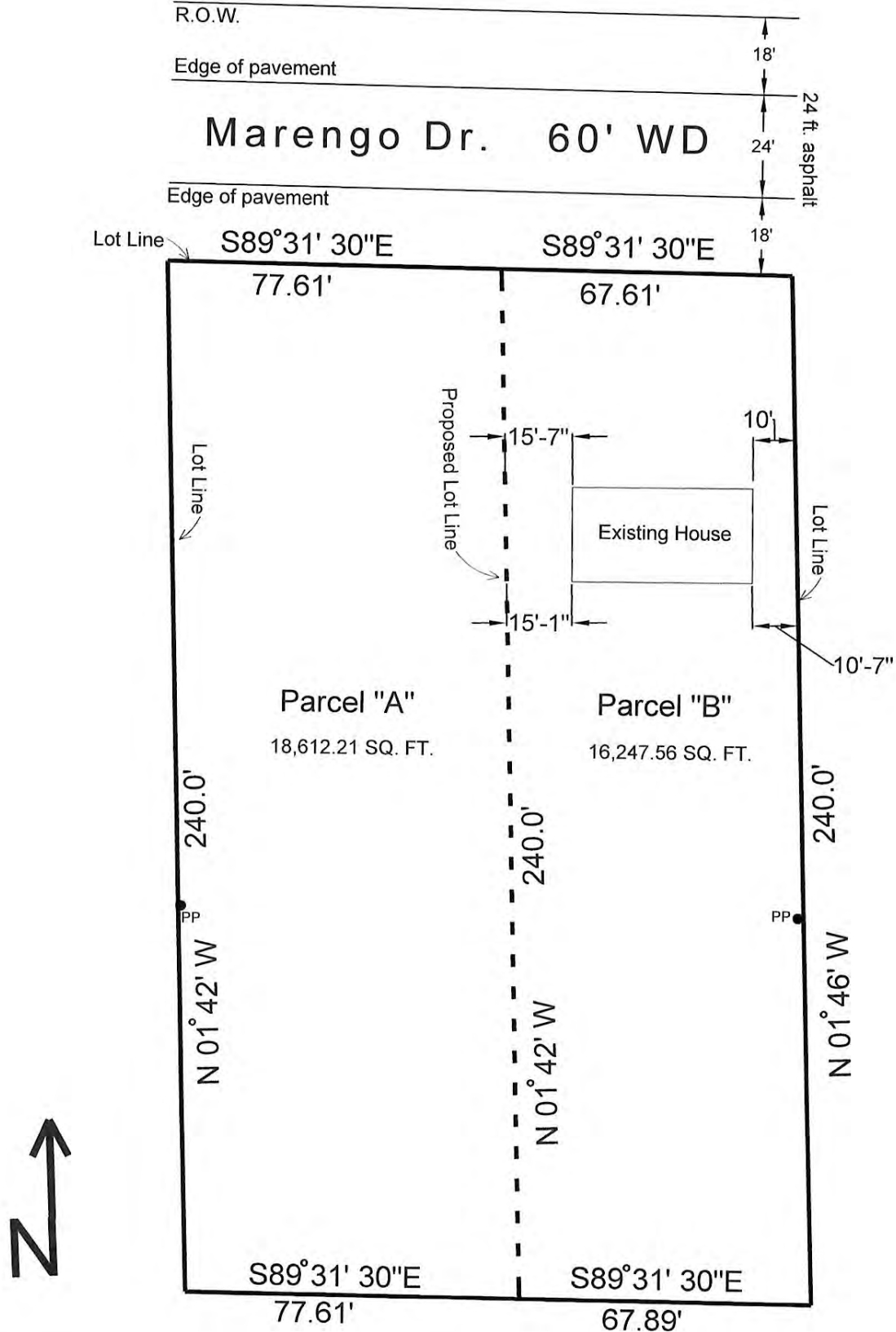
Register of Deeds-Orin McQuaid  
County Board of Auditors.

By: R. Y. Moore

By: J. C. Austin

APPROVED  
Charles W. Taylor  
Notary Public

# Exhibit "C"



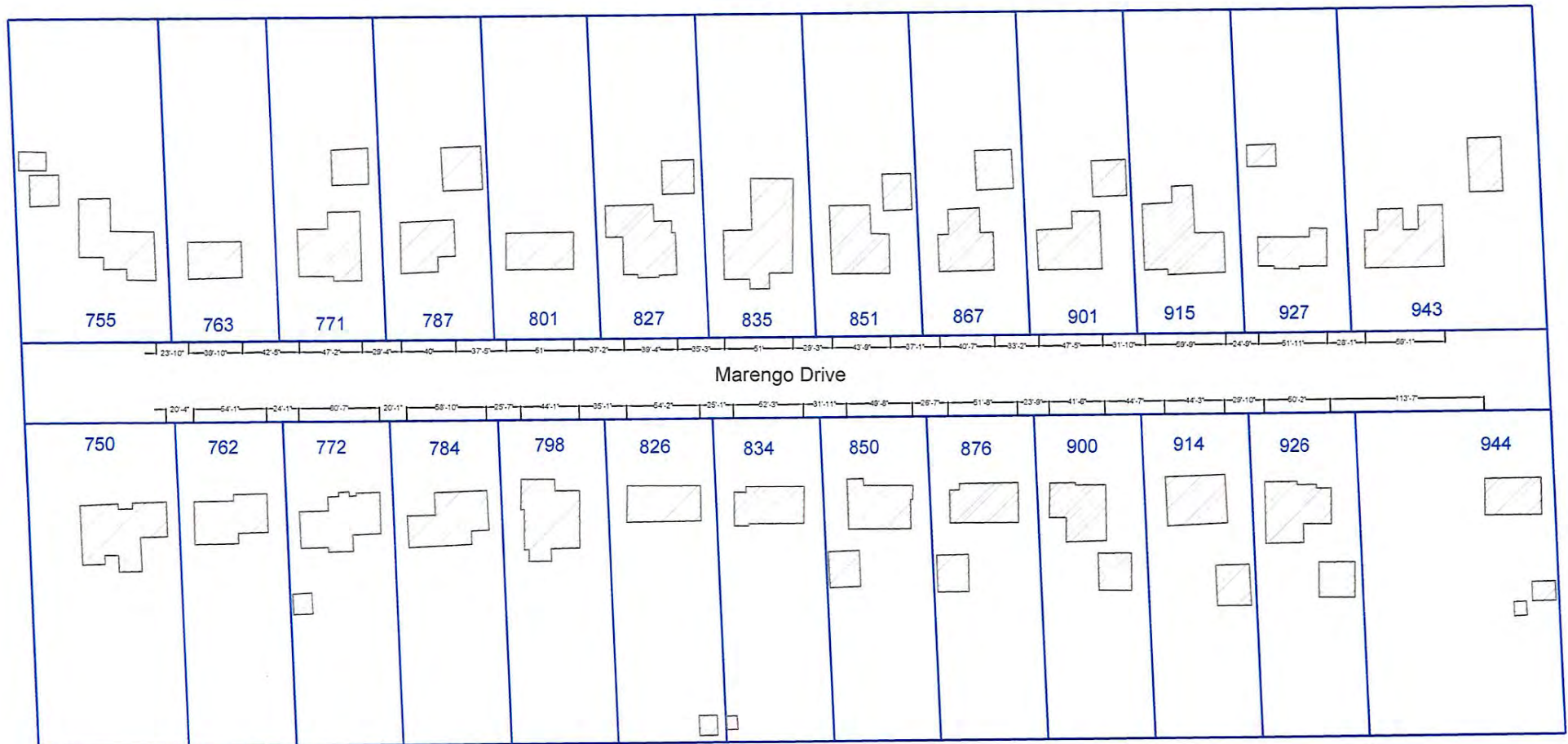
Date: 03/08/2023

Owner: Ollie Apahidean

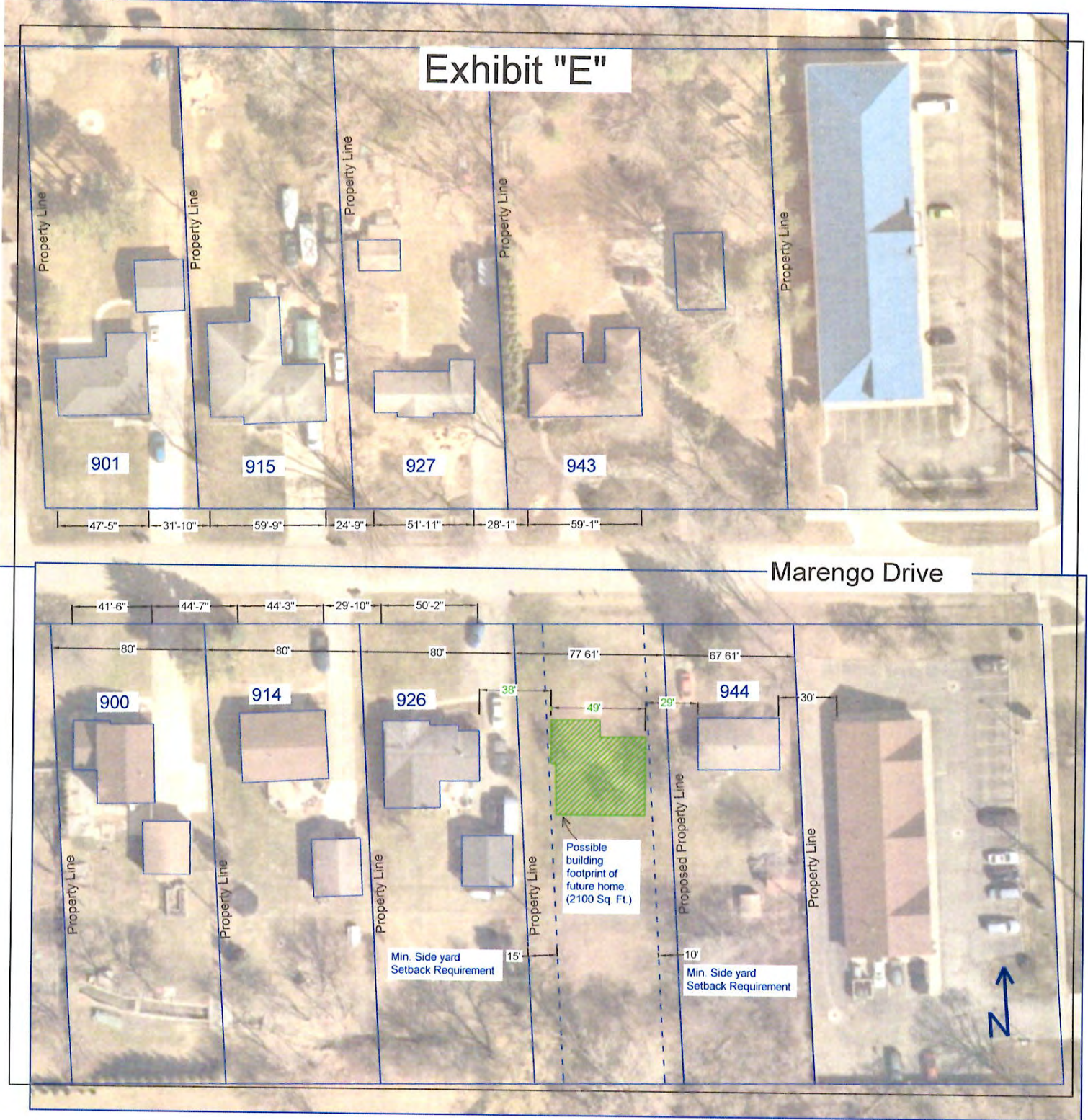
Parcel Identification Number: 88-20-03-279-013

Property Address: 944 Marengo Drive Troy MI 48085

# 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

On April 18, 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  
David Eisenbacher  
Jeffrey Forster  
Tyler Fox  
Aaron Green

Also Present:

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

2. PROCEDURE- read by Vice Chair Eisenbacher.

3. APPROVAL OF MINUTES –

Moved by Fox  
Seconded by Green

RESOLVED, to approve the February 21, 2023 draft minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA –

Moved by Eisenbacher  
Seconded by Fox

RESOLVED, to bifurcate item 5B as follows: 5B) determine whether or not this request is properly before the ZBA, 5C) if affirmative, decide on the request.

Yes: All

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.

Moved by Eisenbacher  
Seconded by Fox

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- B. 944 MARENGO, OLLIE APHIADEAN- Determine whether or not request 5C is property before the ZBA.

Moved by Green  
Seconded by Fox

RESOLVED, to postpone items 5B & 5C to the regularly scheduled May 16, 2023 Zoning Board of Appeals meeting.

Yes: All

MOTION PASSED

6. COMMUNICATIONS – Member Fox provided Planning Commission report.
7. MISCELLANEOUS BUSINESS – None
8. PUBLIC COMMENT – None
9. ADJOURNMENT –The Zoning Board of Appeals meeting ADJOURNED at 7:40 p.m.

Respectfully submitted,

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Michael Bossenbroek, Chairperson

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Paul Evans, Zoning and Compliance Specialist