



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.



500 West Big Beaver
Troy, MI 48084
troymi.gov

248.524.3364
planning@troymi.gov

ZONING BOARD OF APPEALS MEETING AGENDA

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

August 20, 2024

7:00 P.M.

COUNCIL CHAMBERS

1. ROLL CALL
2. PROCEDURE
3. APPROVAL OF MINUTES – July 16, 2024
4. APPROVAL OF AGENDA
5. HEARING OF CASES:
 - A. 55 FLORENCE, KEVIN HAMILTON for KHTM BUILD LLC. - A variance request to allow a new home to be setback 38 feet from the front property line, where the Zoning Ordinance requires a setback of 40 feet. The subject home is currently under construction.

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 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 July 16, 2024 at 7:02 p.m., Chair Bossenbroek called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Michael Bossenbroek
Tommy Desmond
David Eisenbacher
Aaron Green
Tyler Fox
Mahendra Kenkre
James McCauley

Also Present:

Paul Evans, Zoning and Compliance Specialist
Julie Quinlan Dufrane, Assistant City Attorney
Barbara Chambers, ZBA Alternate

2. PROCEDURE- read by Vice Chair Desmond

3. APPROVAL OF MINUTES –

Moved by Fox
Second by Green

RESOLVED, to approve the June 18, 2024 draft minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – no changes.

5. HEARING OF CASES:

- A. 233 NOTTINGHAM, JASON MCFALL FOR WAYNE CRAFT INC. - A variance request to allow a proposed home addition to be constructed 38.34 feet from the rear property line, where the Zoning Ordinance requires the addition to be setback 45 feet from the rear property line.

Moved by Eisenbacher
Second by Desmond

RESOLVED, to grant the request as printed in the agenda.

Moved by Green
Second by Eisenbacher

RESOLVED, to amend the motion to allow a proposed rear yard setback of 41.34 feet.

All: Yes

MOTION PASSED

Moved by Eisenbacher

Second by Desmond

RESOLVED, to grant the variance as amended by the prior motion.

All: Yes

MOTION PASSED

B. 219 WEBB, RYAN and MICHELLE MURPHY - A variance request to allow a proposed home addition 1) be set back 25.26 feet from the front property line, where the Zoning Ordinance requires a setback of 40 feet from the front property line and 2) be set back 5.55 feet from the side property line, where the Zoning Ordinance requires a setback of 10 feet from the side property line.

Moved by Fox

Second by Green

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

6. COMMUNICATIONS – None.
7. MISCELLANEOUS BUSINESS – Mr. Evans advised the Board that there was one case for the August agenda
8. PUBLIC COMMENT – None
9. ADJOURNMENT –The Zoning Board of Appeals meeting ADJOURNED at 7:34 p.m.

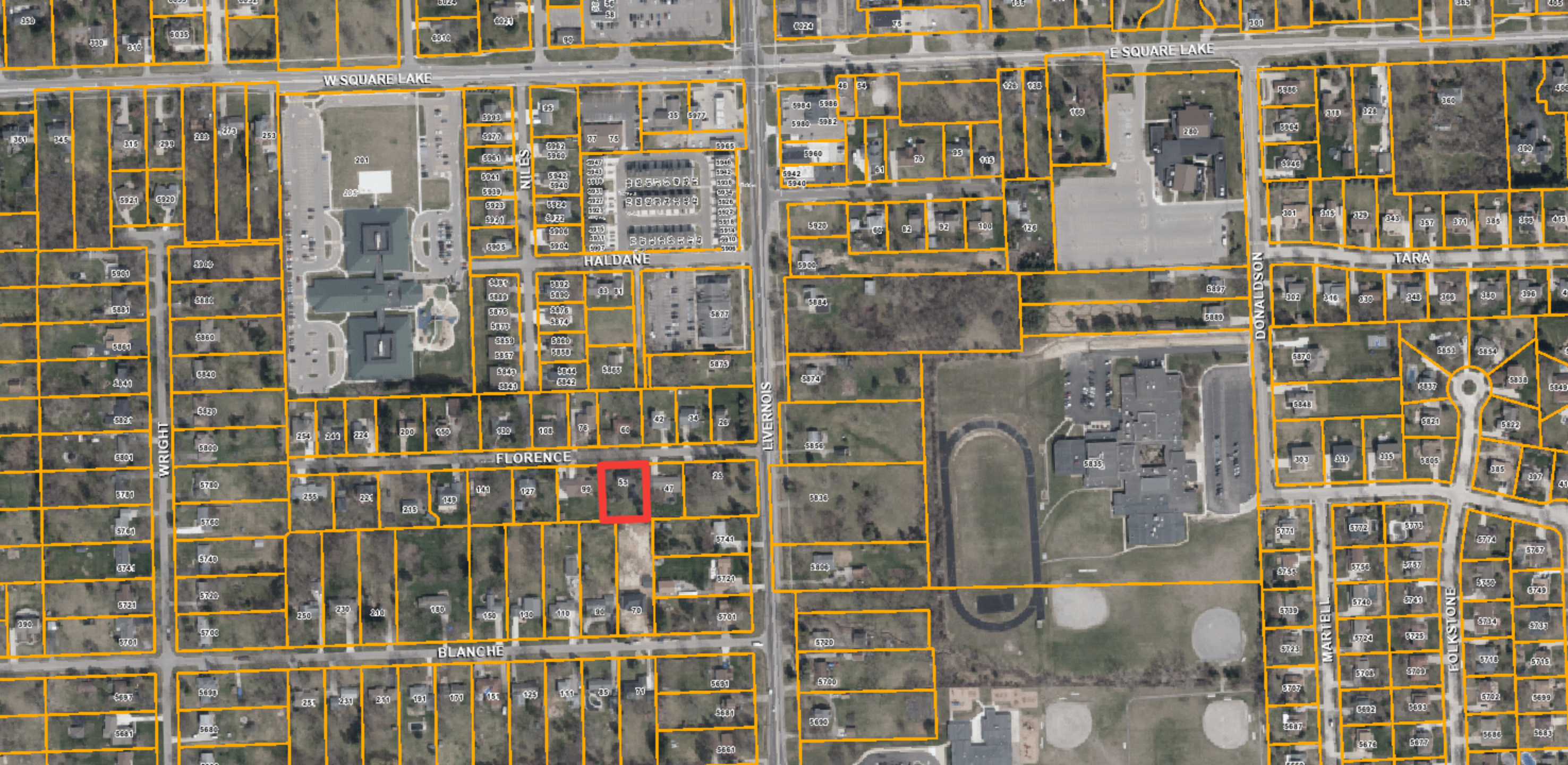
Respectfully submitted,

Michael Bossenbroek, Chair

Paul Evans, Zoning & Compliance Specialist

- A. 55 FLORENCE, KEVIN HAMILTON for KHTM BUILD LLC. - A variance request to allow a new home to be setback 38 feet from the front property line, where the Zoning Ordinance requires a setback of 40 feet. The subject home is currently under construction.

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



W SQUARE LAKE

E SQUARE LAKE

HALDANE

FLORENCE

BLANCHE

NILES

WRIGHT

LIVERNOS

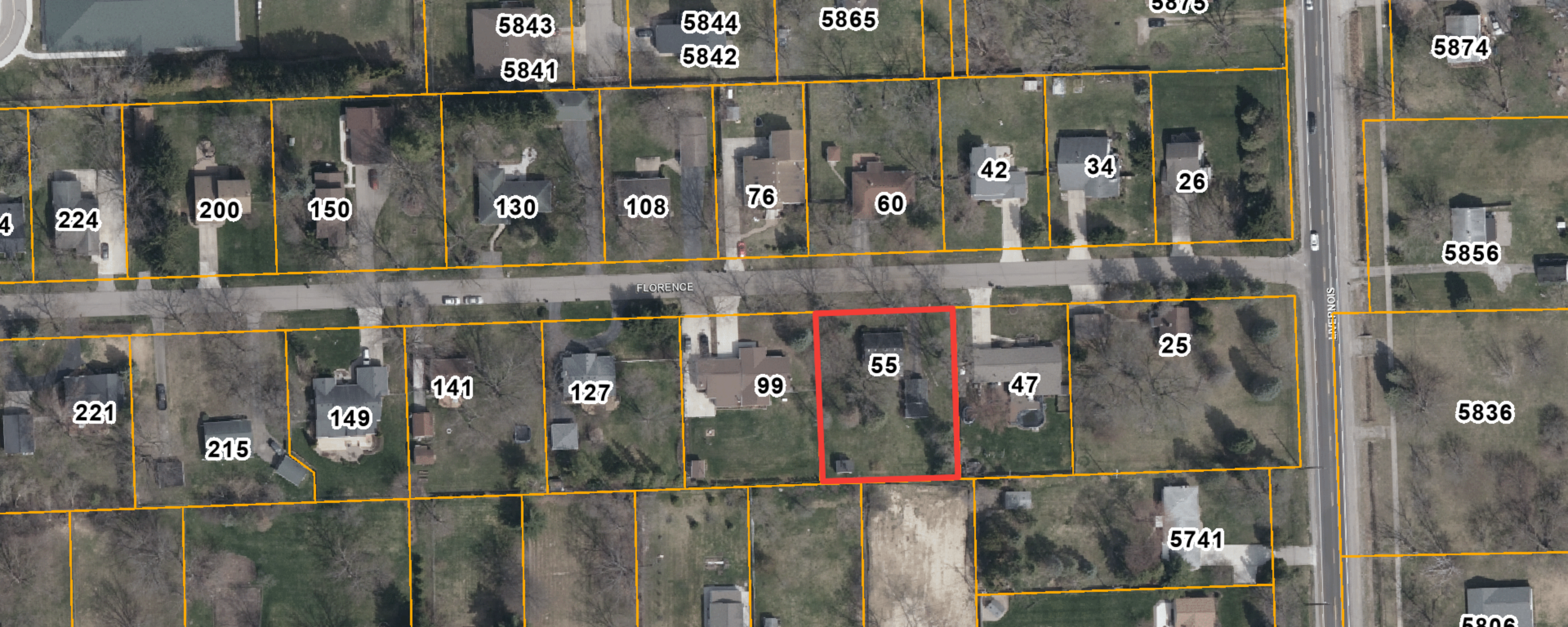
DONALDSON

TARA

MARTELL

FOLKSTONE

55



5843

5844

5865

5875

5874

5841

5842

4

224

200

150

130

108

76

60

42

34

26

5856

FLORENCE

LIVERNOIS

221

215

149

141

127

99

55

47

25

5836

5741

5806



5843
(RT)
5841

5844
5842

5865

5875

200

150

130

108

76

60

42

34

26

FLORENCE

215

149

141

127

99

55

47

25

(R-1B)

(R-1B)

LIVERNOIS

5741



FLORENCE

127

99

55

47

25

5741



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

Zoning Board of Appeals Application

planning@troymi.gov | Fee: \$500.00

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: 55 Florence Dr. 48098
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-09-233-024
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: R-1B
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: N/A
5. APPLICANT:
 - NAME Kevin P. Hamilton
 - COMPANY KHTM Build LLC
 - ADDRESS 99 Florence Dr
 - CITY Troy STATE MI ZIP 48098
 - PHONE 248-321-8032
 - E-MAIL Kevinphamilton@hotmail.com
 - AFFILIATION TO THE PROPERTY OWNER: Business Partner



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

Zoning Board of Appeals Application

6. PROPERTY OWNER:

NAME Timothy Murphy

COMPANY KHTM Build LLC

ADDRESS 99 Florence Dr

CITY Troy STATE MI ZIP 48098

TELEPHONE 248-515-6459

E-MAIL Tmfs58@yahoo.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, Kevin P. Hamilton (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 7/11/2024

PRINT NAME: Kevin P. Hamilton

PROPERTY OWNER SIGNATURE [Signature] DATE 7-11-2024

PRINT NAME: Timothy Thomas Murphy

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.

From: [Planning](#)
To: [Paul M Evans](#)
Subject: FW: 55 Florence
Date: Friday, July 12, 2024 2:41:13 PM
Attachments: [ZBA Application.pdf](#)
[Florence.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)



Jackie Ferencz
Office Manager |
City of Troy Planning Dept
O: 248.524.3364



From: Kevin Hamilton <kevinphamilton@hotmail.com>
Sent: Friday, July 12, 2024 2:37 PM
To: Planning <planning@troymi.gov>
Subject: 55 Florence

You don't often get email from kevinphamilton@hotmail.com. [Learn why this is important](#)

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

After submitting my as-built to the building department I became aware that home was situated two feet into the setback. 55 Florence is in R-1B ordinance with a 40' setback. The front of the garage is currently at 38'. On Florence the older homes, sit lower than the road and all the new construction gets raised up to get positive water flow to the front yards. Knowing this I anticipated needing multiple steps in the garage oppose to the typical one step. I thought the home was 3-5' away from the set back so I didn't think anything of increasing the garage 2' to accommodate a landing with the extra steps and still keeping it so the new homeowners could maneuver around the car to get into the home. My surveyor forgot to move the home back and now I'm trying to get approval to keep the 2' on the garage. I'm afraid that cutting 2' off the garage, taking out the garage floor and footing could compromise the integrity of the home's structure. Shingles, framing concrete is never as strong as when it's first put together. My hope is that this gets passed so my new homeowners are not going to fear that the quality of the home was damaged from the change. A mistake was made and I'm not denying that. I have attached a picture of my street with measurements of all of the homes on the street for reference. I wanted the board to see that 17 of the 23 structures on the

street are all into the set backs. This visual is only to help you visualize the feel of the street, it's older home and new homes all scattered forward and backward so this doesn't look any different than all of the other homes.

Thank you,
Kevin Hamilton
GFA Development
1-248-321-8032
1-248-619-5870

CERTIFICATE OF SURVEY

RESIDENTIAL PLOT PLAN: 55 Florence Ave.

Prepared for: Kevin Hamilton
KHTM Building
Kevinphamilton@hotmail.com

LEGAL DESCRIPTION 88-20-09-233-024

East 123.30 ft. of West 973.20 ft of Lot 15 EXCEPT the North 25.00 ft. thereof, For road Purposes, SUPERVISOR'S PLAT No. 7, City of Troy, Oakland County Michigan.
Plat recorded in Liber 45, Pages 21 and 21 A, Oakland County Records.

BENCH MARK: Elevation 746.066 NAVD 88

BM # 1714 N-RIM SAN MH S-LINE FLORENCE @ W-PROP LINE OF HS # 47

GENERAL NOTES:

1. All construction shall conform with the current standards and specification of the City of Troy.
2. Call MISS DIG (1-800-482-7171) a minimum of 72 hours before start of construction.
3. Obtain all required approvals from governing agencies.
4. Obtain all required permits and pay all required fees.
5. Call Governing Agencies for inspection when required.
6. Residential driveway approach permit may be required for this project.
7. Permit required for any work within the Road Right of Way.
8. Sump pump discharge to be connected to an approved drainage system.
9. The existing utilities indicated on this plan are in accordance with available information. No guarantee is made as to the completeness or accuracy of the information provided. It shall be the contractor's obligation to verify the exact location of all existing utilities which might affect this job.
10. EROSION CONTROL:
 - A. Provide silt fence on perimeter of property or at places designated on this plan prior to start of construction.
 - B. Provide temporary access driveway of crushed limestone prior to start of construction for temporary erosion control.
 - C. Inspection may be required for temporary erosion control.
 - D. Inspect and repair as may become necessary temporary erosion control devices.
 - E. Seed-Sod-Mulch all disturbed areas, all swale areas, all slopes greater than 1 on 5 and public right of way when project is complete for permanent erosion control.
 - F. Remove temporary erosion control devices.

SEE DETAIL OF PROPERTY ON SHEET No. 2

Sheet 1 of 2



AS BUILT 6/5/2024

I HEREBY CERTIFY that I have surveyed and Mapped the property herein described; and that Said survey was performed with a relative error Of closure of no greater than 1 in 5000 and that All requirements of P.A. 132 1970 have been

NORTHRUP SURVEYING
REGISTERED LAND SURVEYOR
PH# 586-932-8886

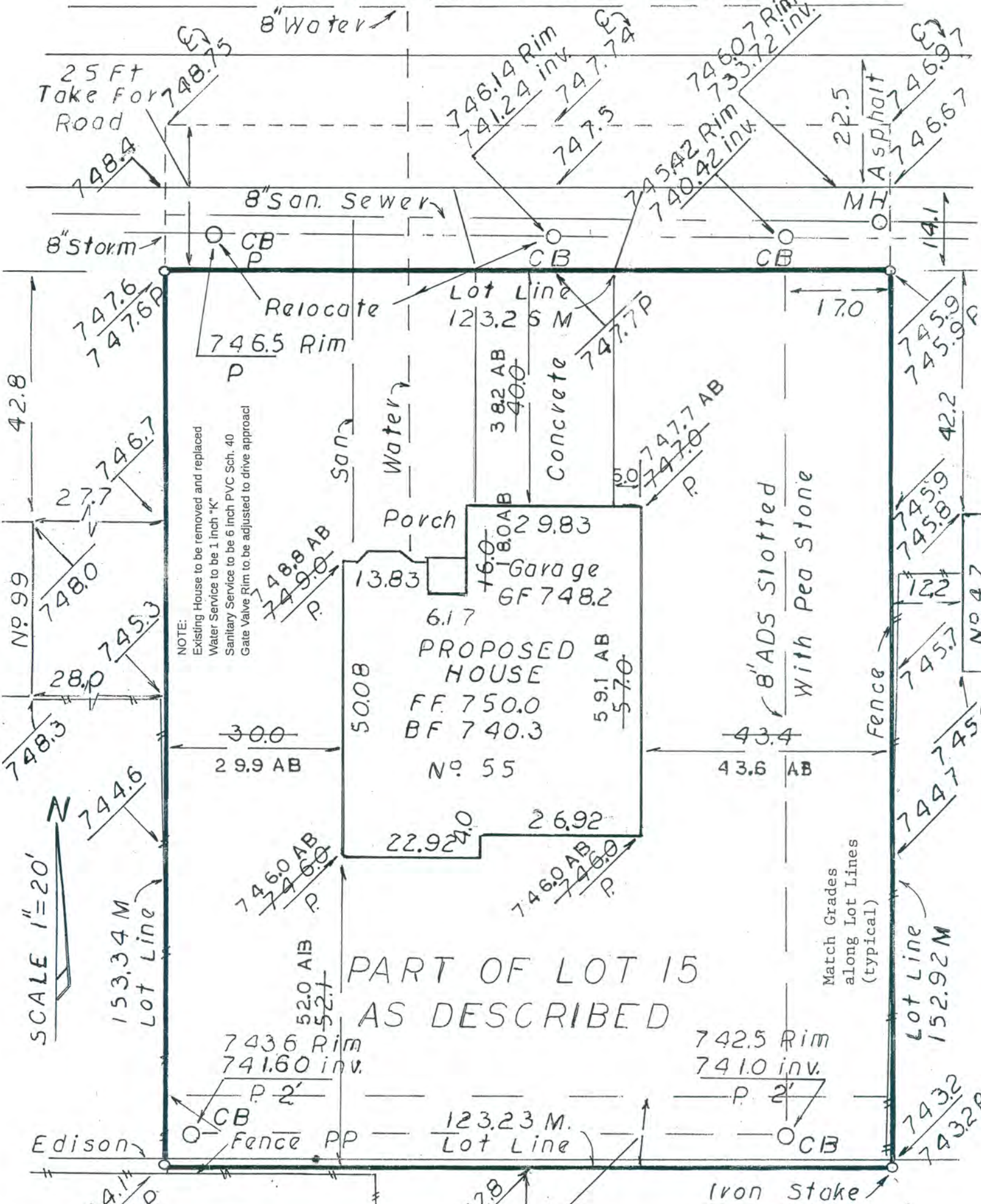
Revised Date: 3/21/2024

House Proposed 2/28/2024

ORDER No 193006 DATE: 2/28/2024 BY:

A handwritten signature in black ink, appearing to read "Thomas M. Northrup".

FLORENCE AVE. 50' WD.



NOTE:
 Existing House to be removed and replaced
 Water Service to be 1 inch "K"
 Sanitary Service to be 6 inch PVC Sch. 40
 Gate Valve Rim to be adjusted to drive approach

PART OF LOT 15 AS DESCRIBED

Existing Elevation
 Proposed Elevation

- Legend
- MH Manhole
 - O.P. Open Porch
 - P Proposed
 - R Record
 - M Measured
 - HP High Point
 - P.P Power Pole
 - C.L Center Line
 - B. Bottom Footing
 - F.F. First Floor
 - T.B.F. Top of Basement Floor



Revised Date: 3/21/2024

AS BUILT 6/5/2024

Sheet 2 of 2

TOM NORTHROP

(586) 932-8886



31'6"

35'6"

40'+

39'6"

31'6"

33'6"

31'6"

38'

42"

15'

11'

FLORENCE DR

FLORENCE DR

FLORENCE DR

42'

20'6"

20'6"

31'

21'

35'6"

34'

35'6"

29'6"

42'

42'

43'

NILES DR

CANHAM DR



Church's
Lumber

Church's
Lumber Yards

Grip-Rite House-Wrap LWE
ICC ESR # 3729, Grade D
MEETS ASTM E 2357

Church's
Lumber Yards

Grip-Rite House-Wrap LWE
ICC ESR # 3729, Grade D
MEETS ASTM E 2357









Real
Estate
One
CALL 210-34
ROBERT WEB

