3. POSTPONED ITEM

A. **VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS** – In order to split the subject parcel into 3 separate parcels, a 15 foot variance to the required 100 foot lot width requirement for 2 of the proposed parcels.

SECTION: 30.10.02

W LONG LAKE
E LONG LAKE
BERWYCK
LIVERNOIS
DORSHIRE
BELHAVEN
PARTRIDGE
ELGIN
BRAEMAR
WILTON
ABERDEEN
GLENSHIRE
4820
4845
4781
4885
4860
4890
4883
4901
4973
4975
4977
4979
5015
5011
5029
5112
5053
5055
5061
5058
102
30
25
125
139
63
82
405

18
4885
48
26
4860
DORSHIRE
BRAEMAR
4845
WILTON
4820
LIVERNOIS
41
ABERDEEN
4781
47
53
47
61
75
59

18
4885
48
26
4860
BRAEMAR
4845
DORSHIRE
WILTON
4820
LIVERNOIS
41
ABERDEEN
4781
47
53
47
61
75
59

CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
FAX: 248-524-3382
E-MAIL: [illegible]
http://www.troymi.gov/Planning

FILE NUMBER 4820 Livernois
LOCATION
REGULAR MEETING FEE ($150.00) pd
VARIANCE RENEWAL ($35.00)
SPECIAL MEETING ($650.00)

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST **TWENTY-SEVEN (27) DAYS BEFORE** THE MEETING DATE.

A COMPLETE APPLICATION THAT MEETS ZONING ORDINANCE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BOARD OF ZONING APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 4820 Livernois Troy MI 48098

LOT NO. 4820 SUBDIVISION Delzaire

LOCATED ON THE East SIDE OF (ROAD) Livernois Rd

BETWEEN Glenshaire Dr AND Belhaven dr

ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*

2. PROPERTY TAX IDENTIFICATION NUMBER(S): ~~20-15-103-040~~ 20-15-102-010

3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL R1-B

4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action.*

5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? *If yes, provide dates and particulars:* NO

6. APPLICANT INFORMATION:

NAME Minal Gada and Ashish Manek

COMPANY

ADDRESS 4820 livernois

CITY Troy STATE MI ZIP 48098

TELEPHONE 248-566-1326, Cell: 614-946-4749

E-MAIL ashishmanek@yahoo.com

7. RELATIONSHIP OF APPLICANT TO THE OWNER OF THE SUBJECT PROPERTY:

8. OWNER OF SUBJECT PROPERTY:

NAME Minal Gada and Ashish Manek

COMPANY

ADDRESS 4820 livernois

CITY Troy STATE MI ZIP 48098

TELEPHONE 248-566-1326, Cell: 614-946-4749

E-MAIL ashishmanek@yahoo.com

The undersigned hereby declare(s) 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, Minal Gada & Ashish Manek (PROPERTY OWNER) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT DATE 02/07/2011

PRINT NAME: Minal Gada and Ashish Manek

SIGNATURE OF PROPERTY OWNER DATE 02/07/2011

PRINT NAME: Minal Gada and Ashish Manek

To,
Board of Zoning Appeal,
City of Troy
Michigan.

Date: February 4th 2011

Sub: Application of Variance for Split lots B & C for current Property Location 4820 Livernois

Dear Sir/ Madam,

I, Ashish Manek and my wife Minal Gada (Current Owners) of property @ 4820 Livernois Rd, Troy, MI 48098. We are proud residents of city of troy for last 6 years and 4 years at current resident. We would like to apply to split the lot as per drawings submitted in this application.

Currently there is one house (Our residence)on this lot. This is a unique lot. Keeping the location of this house in mind, we could develop 3 lots. We don't intend to demolish or move current house.

All 3 lots meet the city of troy acreage requirement, However 2 of this lots don't meet the frontage lot requirement. Hence we are asking for variance. All this lots are unique compare to other surrounding lots as they have more depth. Please find attached document that support the following.

1) Average Acreage in surrounding subdivision
2) Average depth and width in surrounding subdivision.

As our proposed lots meets acreage requirement and as per our survey this three lots would not cause any kind of adverse effect to properties in immediate vicinity or in the zoning district. Infact they would give more revenue to city of troy in taxes.

We plan to build unique energy efficient house on this lots that meets requirement of City of Troy and State of Michigan.

We request you to approve our application.

Thank you for your cooperation.

Yours sincerely

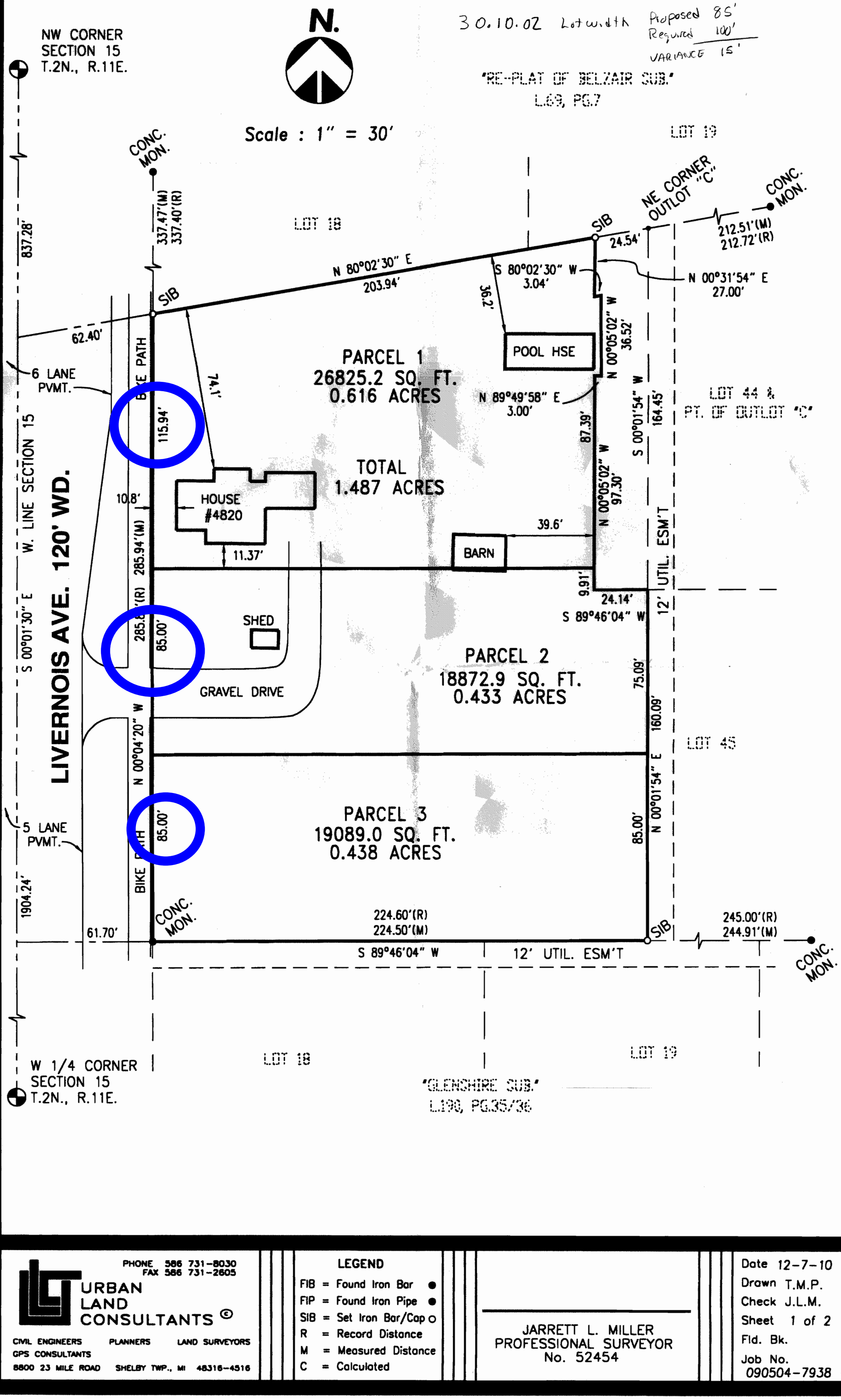
Minal Gada and Ashish Manek

H:\SURV\2009\090504\PRO-SPLIT-A.DWG

PROPOSED SPLITS A

Barn?

30.10.02 Lot width Proposed 85' Required 100' VARIANCE 15'



URBAN LAND CONSULTANTS ©
PHONE 586 731-8030
FAX 586 731-2605
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516

LEGEND

FIB = Found Iron Bar ●
FIP = Found Iron Pipe ●
SIB = Set Iron Bar/Cap ○
R = Record Distance
M = Measured Distance
C = Calculated

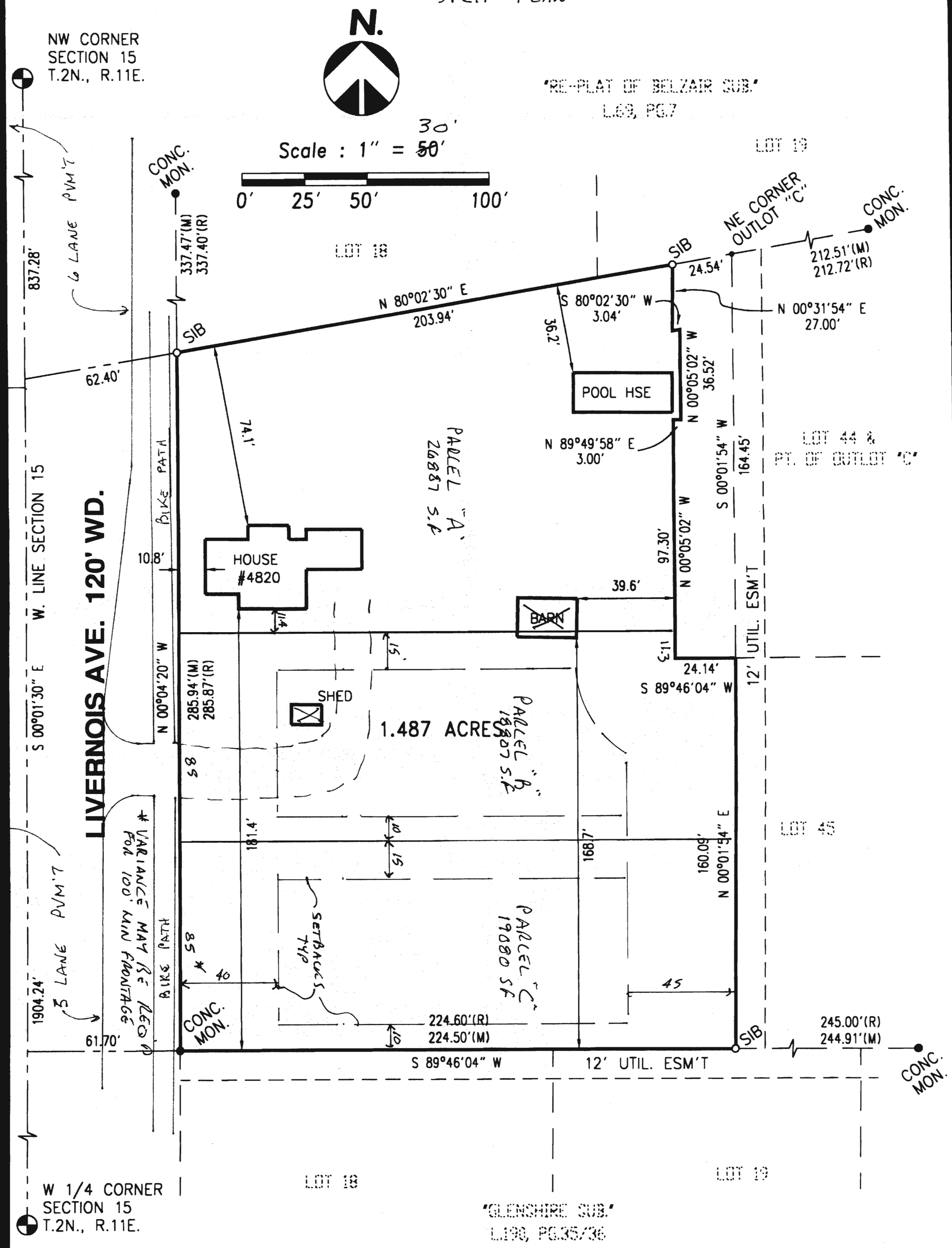
JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 12-7-10
Drawn T.M.P.
Check J.L.M.
Sheet 1 of 2
Fld. Bk.
Job No. 090504-7938

H:\SURV\2009\090504\LOTSURVEY.DWG

CERTIFICATE OF SURVEY

SPLIT PLAN



Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above platted and/or described on May 21, 2009 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.

PHONE 586 731-8030
FAX 586 731-2605

URBAN LAND CONSULTANTS ©

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JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 05-27-09
Drawn J.L.M.
Check J.L.M.
Sheet 1 of 2
Fld. Bk.
Job No. 090504-7938

4820 Livernois and Near by property Facts

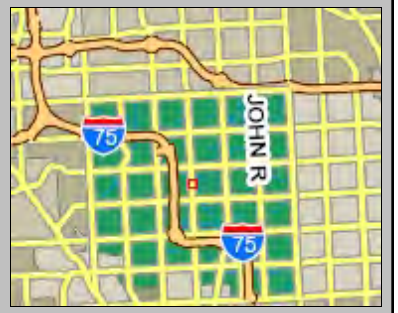
Lot Identification	City Acreage/ Frontage Requirement	Acreage	Actual Frontage	Depth	Subdivision	Construction Year	Address
26	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
48	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
70	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
92	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
114	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
139	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
117	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
95	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
73	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
41	15000/100	16100	115	140	Opposite Subdivision	1990's	Aberdeen Dr
47 Opposite to lot	15000/100	13580	97	140	Opposite Subdivision	1990's	Aberdeen Dr
47 Next to house	15000/100	19932	132	151	Same Subdivision	1980's	Aberdeen Dr
53	15000/100	7910	56.5	140	Opposite Subdivision	1990's	Aberdeen Dr
59	15000/100	7410	57	130	Opposite Subdivision	1990's	Aberdeen Dr
72	15000/100	15400	110	140	Opposite Subdivision	1990's	Aberdeen Dr
94	15000/100	13500	90	150	Opposite Subdivision	1990's	Aberdeen Dr
116	15000/100	13500	90	150	Opposite Subdivision	1990's	Aberdeen Dr
138	15000/100	13500	90	150	Opposite Subdivision	1990's	Aberdeen Dr
65	15000/100	10200	68	150	Opposite Subdivision	1990's	Aberdeen Dr
71	15000/100	8850	59	150	Opposite Subdivision	1990's	Aberdeen Dr
4781	15000/100	29600	160	185	Same Subdivision	1980's	Dorshire Dr
61	15000/100	16500	125	132	Same Subdivision	1980's	Glenshire Dr
75	15000/100	15708	119	132	Same Subdivision	1980's	Glenshire Dr
174	15000/100	13440	64	210	Same Subdivision	1980's	Glenshire Dr
187	15000/100	10132	68	149	Same Subdivision	1980's	Glenshire Dr
173	15000/100		70	132	Same Subdivision	1990's	Glenshire Dr
186	15000/100		56.05	210	Same Subdivision	1990's	Glenshire Dr
72	15000/100	17000	56.01	135.14	200 meters from Property	2004	Whitney Ct
56	15000/100	17000	56.01	158	200 meters from Property	2004	Whitney Ct
40	15000/100	16000	79	149	200 meters from Property	2004	Whitney Ct
Average	**15000**	**15111.56**	**83.72**	**136.37**	**Averages**		
Proposed Lot A / Parcel 1	15000	23648.88	115.96	203.94	Unique lot		
Proposed Lot B / Parcel 2	15000	19082.5	85	224.5	Variance Required		
Proposed Lot C / Parcel 3	15000	18807.01	85	221.26	Variance Required		

Plot A

Plot B

Plot C

City of Troy



Notes

800 ft from 4820 livernois new construction compared to neighbourhood

Created: 02/10/2011

216 0 108 216 Feet

City of Troy Geographical Information Systems - Department of Information Technology

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

CITY of TROY
ASSESSING DEPARTMENT
APPLICATION FOR DESCRIPTION CHANGE

Owner's name: Minal Gada & Ashish Mandle
Signature:
Address: 4810 Livernois Rd
City State Zip Troy, MI, 48098
Phone (home) 248-566-1326
Phone (work) 614-946-4749.
(each owner must be listed & sign form, use additional sheets if needed)

Date: 11/11/2010
Parcel Number(s)
20-15-10.2-010

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

APPROVAL by Assessing Department:

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

Signature

Title Date

RECEIVED
NOV 2010
CITY OF TROY
ASSESSING DEPT.

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
( ) 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 Deputy Assessor Date 11/11/10

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

The next 3 exhibits are City-provided.

The intent of this information is to give the Board a numerical idea of lot layout in the area. The exhibits show the *lot frontage* for selected lots.

The first example comprises of properties within 300 feet of the subject property.

The second example comprises properties within a random “block”

The third example comprises of all properties within the platted subdivision, excluding one lot that does not have a house (appears to be a detention pond)

At the end of each exhibit are calculations showing the average lot frontage and one standard deviation.

Keep in mind:

The information is for *lot frontage*, which is different than *lot width*. Lot frontage is the width of the front lot line. Lot frontage is not regulated by the Zoning Ordinance. Lot width is measured at the front setback line. In this district that is 40 feet back from the front lot line.

By using the map, you can estimate which lots might have a wider or narrower lot width than the frontage.

By calculating a standard deviation, you can further examine (statistically) whether the average frontage skewed by a small number of lots that are either very wide or narrow.

Applying one standard deviation to either side of the average frontage tells us where about 68% of the lots within the sample fall.

From Wikipedia:

“The Standard deviation is a widely used measurement of variability or diversity used in statistics and probability theory. It shows how much variation or "dispersion" there is from the "average" (mean, or expected/budgeted value). A low standard deviation indicates that the data points tend to be very close to the mean, whereas high standard deviation indicates that the data are spread out over a large range of values.”

For further explanation here is another good source
http://www.robertniles.com/stats/stdev.shtml

Parcel Variance Report

Address:	Parcel Frontage:
76 GLENSHIRE	104

Address:	Parcel Frontage:
61 GLENSHIRE	125

Address:	Parcel Frontage:
65 ABERDEEN	68

Address:	Parcel Frontage:
4901 LIVERNOIS	100

Address:	Parcel Frontage:
4890 DORSHIRE	130

Address:	Parcel Frontage:
18 BELHAVEN	171

Address:	Parcel Frontage:
4885 DORSHIRE	120

Address:	Parcel Frontage:
70 BELHAVEN	120

Address:	Parcel Frontage:
4883 LIVERNOIS	100

Address:	Parcel Frontage:
26 BRAEMAR	115

Address:	Parcel Frontage:
110 WILTON	138

Address:	Parcel Frontage:
47 ABERDEEN	97

Address:	Parcel Frontage:
4860 LIVERNOIS	137

Address:	Parcel Frontage:
48 BRAEMAR	90

Address:	Parcel Frontage:
41 ABERDEEN	115

Address:	Parcel Frontage:
53 ABERDEEN	100

Address:	Parcel Frontage:
4820 LIVERNOIS	286

Address:	Parcel Frontage:
4781 DORSHIRE	160

Address:	Parcel Frontage:
103 GLENSHIRE	118

Address:	Parcel Frontage:
115 WILTON	197

Address:	Parcel Frontage:
4845 DORSHIRE	196

Address:	Parcel Frontage:
75 GLENSHIRE	125

Address:	Parcel Frontage:
47 GLENSHIRE	150

Address:	Parcel Frontage:
59 ABERDEEN	57

Address:	Parcel Frontage:
64 GLENSHIRE	118

Address:	Parcel Frontage:
90 GLENSHIRE	104

Address:	Parcel Frontage:
50 GLENSHIRE	165

Summary Parcel Frontage

Number of Parcels Selected	27
Avg (Mean)	130
Standard Deviation (STDEV)	46

Parcel Variance Report

Address:	Parcel Frontage:
61 GLENSHIRE	125

Address:	Parcel Frontage:
18 BELHAVEN	171

Address:	Parcel Frontage:
4885 DORSHIRE	120

Address:	Parcel Frontage:
70 BELHAVEN	120

Address:	Parcel Frontage:
4860 LIVERNOIS	137

Address:	Parcel Frontage:
4820 LIVERNOIS	286

Address:	Parcel Frontage:
4781 DORSHIRE	160

Address:	Parcel Frontage:
4845 DORSHIRE	196

Address:	Parcel Frontage:
75 GLENSHIRE	125

Address:	Parcel Frontage:
47 GLENSHIRE	150

Summary Parcel Frontage

Number of Parcels Selected	10
Avg (Mean)	159
Standard Deviation (STDEV)	51

Parcel Variance Report

Address:	Parcel Frontage:
451 BELDALE	148

Address:	Parcel Frontage:
375 BELHAVEN	132

Address:	Parcel Frontage:
481 BELDALE	320

Address:	Parcel Frontage:
520 BELDALE	115

Address:	Parcel Frontage:
476 BELDALE	130

Address:	Parcel Frontage:
410 BELDALE	130

Address:	Parcel Frontage:
314 BELDALE	148

Address:	Parcel Frontage:
344 BELDALE	148

Address:	Parcel Frontage:
376 BELHAVEN	136

Address:	Parcel Frontage:
255 WILTON	125

Address:	Parcel Frontage:
185 WILTON	135

Address:	Parcel Frontage:
229 WILTON	130

Address:	Parcel Frontage:
203 WILTON	130

Address:	Parcel Frontage:
285 WILTON	150

Address:	Parcel Frontage:
280 WILTON	276

Address:	Parcel Frontage:
307 WILTON	136

Address:	Parcel Frontage:
110 WILTON	138

Address:	Parcel Frontage:
170 WILTON	155

Address:	Parcel Frontage:
140 WILTON	144

Address:	Parcel Frontage:
230 WILTON	158

Address:	Parcel Frontage:
157 WILTON	135

Address:	Parcel Frontage:
4820 LIVERNOIS	286

Address:	Parcel Frontage:
200 WILTON	158

Address:	Parcel Frontage:
4781 DORSHIRE	160

Address:	Parcel Frontage:
386 BELHAVEN	136

Address:	Parcel Frontage:
498 BELDALE	124

Address:	Parcel Frontage:
115 WILTON	197

Address:	Parcel Frontage:
4845 DORSHIRE	196

Address:	Parcel Frontage:
432 BELDALE	130

Address:	Parcel Frontage:
454 BELDALE	130

Address:	Parcel Frontage:
338 WILTON	161

Address:	Parcel Frontage:
396 BELHAVEN	135

Address:	Parcel Frontage:
310 WILTON	161

Summary Parcel Frontage

Number of Parcels Selected	33
Avg (Mean)	157
Standard Deviation (STDEV)	48

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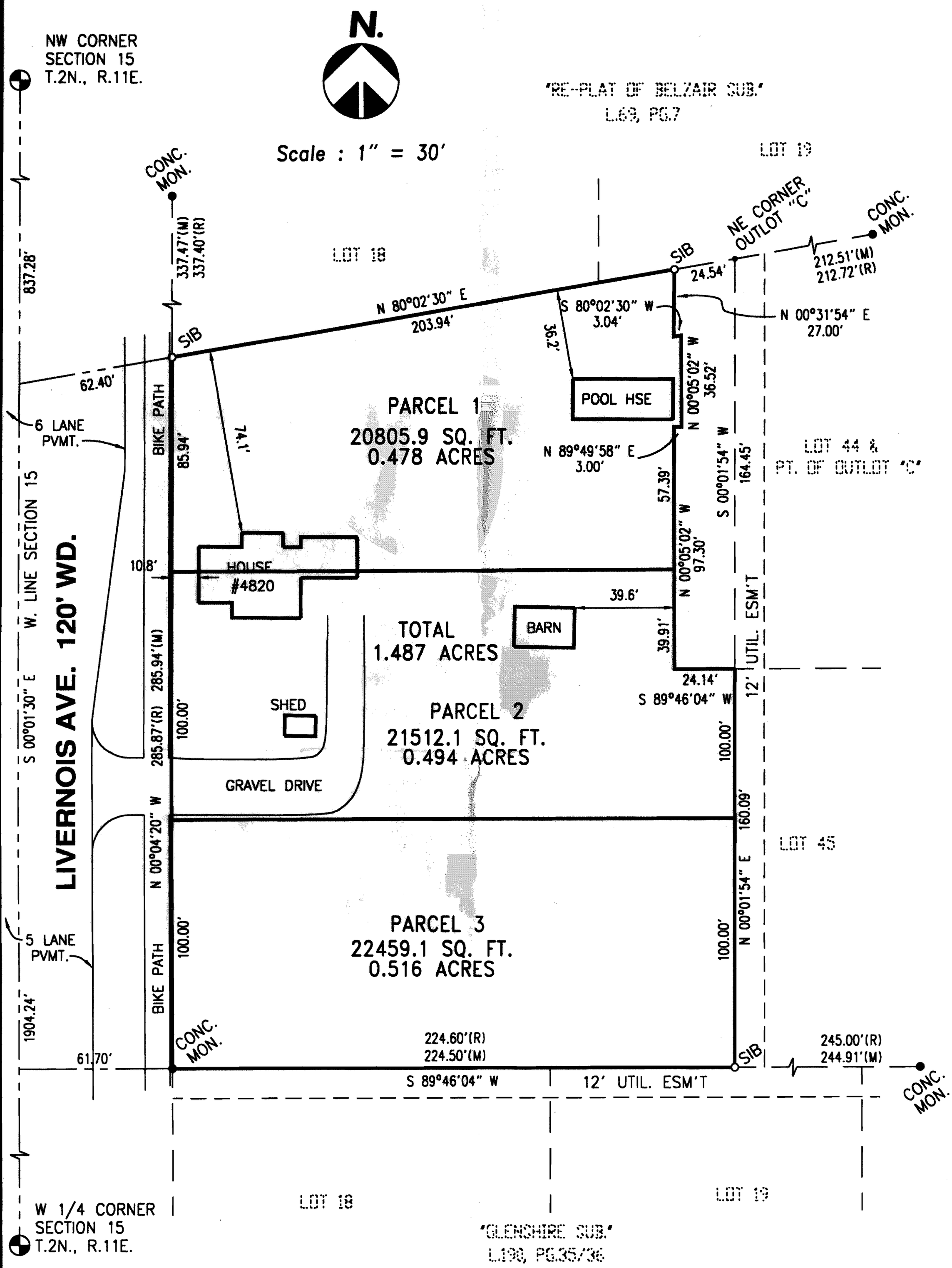
PROPOSED SPLITS B



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LEGEND

FIB = Found Iron Bar ●
FIP = Found Iron Pipe ●
SIB = Set Iron Bar/Cap ○
R = Record Distance
M = Measured Distance
C = Calculated

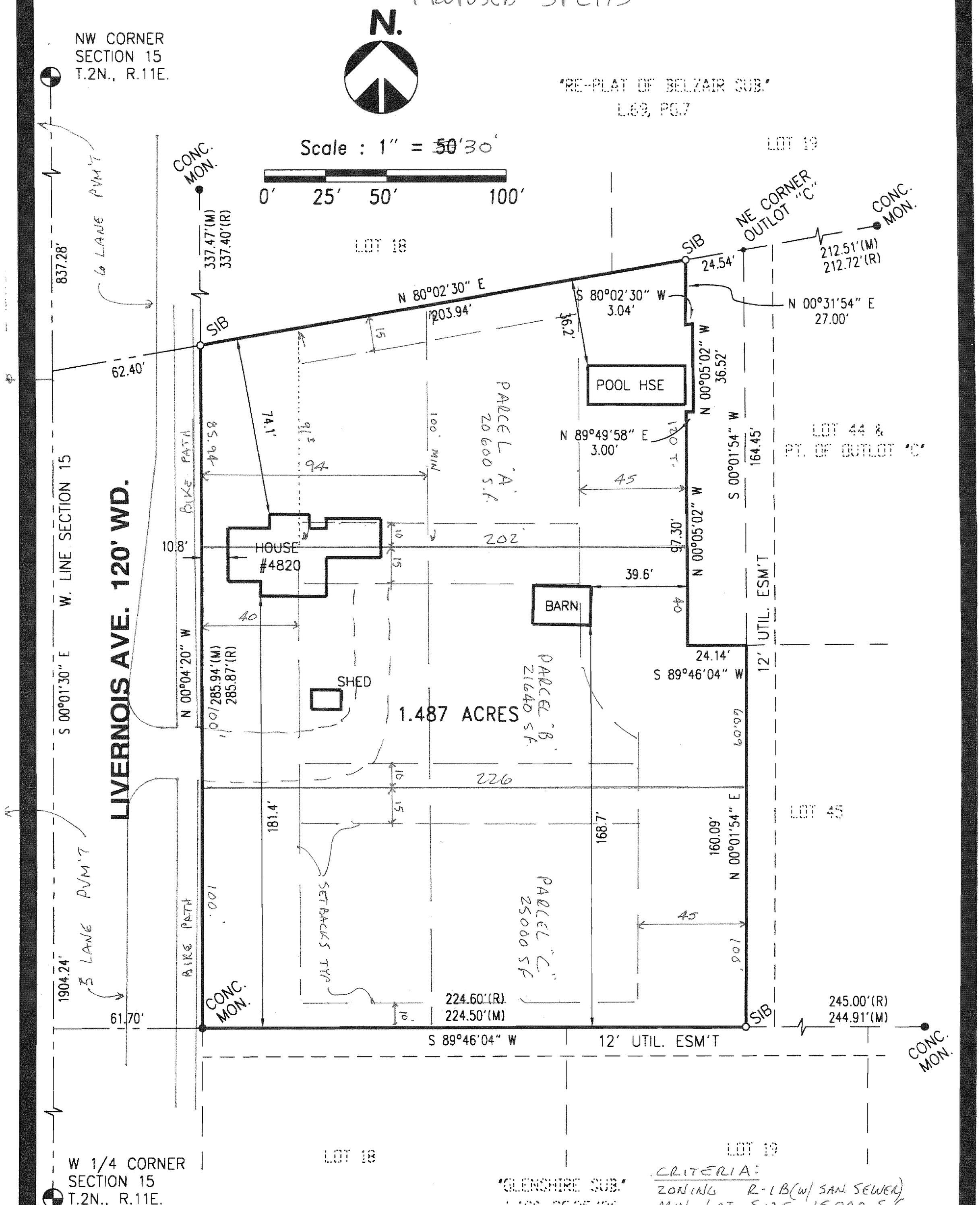
JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 12-7-10
Drawn T.M.P.
Check J.L.M.
Sheet 2 of 2
Fld. Bk.
Job No. 090504-7938

H:\SURV\2009\090504\LOTSURVEY.DWG

CERTIFICATE OF SURVEY

PROPOSED SPLITS



CRITERIA:
ZONING R-1B(w/ SAN. SEWER)
MIN LOT SIZE 15000 S.F.
MIN LOT WIDTH @ SETBACK 100'
MIN SIDE 10' TOTAL 25'
MIN FRONT 40'
MIN. REAR 45'

Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above platted and/or described on May 21, 2009 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.

PHONE 586 731-8030
FAX 586 731-2605
URBAN LAND CONSULTANTS ©
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8800 23 MILE ROAD SHELBY TWP., MI 48316-4516

LEGEND

FIB = Found Iron Bar ●
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SIB = Set Iron Bar/Cap ○
R = Record Distance
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JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 05-27-09
Drawn J.L.M.
Check J.L.M.
Sheet 1 of 2
Fld. Bk.
Job No. 090504-7938

From: Karol Szymula
To: Planning
Subject: April 19th zoning board meeting concerning property @ 4820 Livernois
Date: Monday, April 11, 2011 5:04:36 PM

To Whom it may concern,

The Belzair Property Owners Association would like to share some concerns about the proposed lot division and talk of site condos on this property. I am attaching deed restrictions and by-laws from our association. Mr. Manek and Ms. Gada are active members of our association, but haven't shown us any of their plans.

As president, I spoke with Mr. Evans and showed him our deed restrictions which he hasn't seen before. He has a copy of the complete restrictions. I was shown the proposed division of 85 ft frontage which doesn't comply with the city of Troy or our deed restrictions.

I have also been told his residence is a historic building and must remain so and maintained. The latter is being called into question. It needs a lot of work.

Any questions feel free to call or email me, Karol Szymula, President, Belzair Property Owner's Association, 248-250-0112.

RESTRICTION AGREEMENT

The following covenants, conditions, restrictions, easements, reservations and agreements are hereby imposed on all lots in:

Re-Plat of Belzair Subdivision, a subdivision of part of the Northwest quarter of Section 15, Town 2 North, Range 11 East, Troy Township, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 69 of Plats, on page 7, Oakland County Records.

and shall constitute a general plan of restrictions imposed on all lots in said Subdivision and shall be binding upon the undersigned and upon their heirs, legal representetives, successors and assigns of the undersigned and upon all grantees, their heirs, legal representatives, successors and assigns.

LAND USE AND BUILDING TYPE.

(a) No lots shall be used except for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family private dwelling not to exceed one and one-half stories in heighth, except on lots where the topography would permit a two level house to be constructed, a private garage and only where and to the extent hereinafter provided, a private stable for the keeping of riding horses.

(b) No structure shall be erected, altered, placed or permitted to remain on any building plot containing less than one full lot as presently subdivided, unless additional land is acquired outside the confines of said Subdivision and added to the area of such lot, in which case the total lot area must be not less than 23000 square feet after division and the frontage thereof must be not less than 110 lineal feet.

RECORDED
OAKLAND COUNTY MICHIGAN
REGISTER OF DEEDS RECORDS

ARCHITECTURAL CONTROL. ← No longer in existence

No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography, finish grade elevation and these restrictions. Any fence to be erected must have approval of the architectural control committee. Approval shall be as hereinafter provided.

RESIDENCE STRUCTURES.

(a) No one-story residence structure shall be erected, altered, placed or permitted to remain on any lot unless such structure shall have a square foot area at first floor level of at least 1000 square feet.

(b) No one and one-half store residence structure shall be erected, altered, placed or permitted to reamin on any lot unless such structure shall have a square foot area at first floor level of at least 850 square feet.

(c) "Square foot area" may be computed by including exterior walls, partitions, bay windows if the same reach to the floor. Garages, porches and breezeways shall not be included in computing square foot area.

(d) No old or used structure of any kind may be moved upon any lot. No structure of a temporary character, trailer, tent, shack, garage, barn or other out building shall be constructed or placed prior to the beginning of construction of the main residence structure nor shall it

GARAGES, BREEZEWAYS AND STABLES.

(a) No garage shall have a floor area of less then 400 square feet. If garage is attached to the residence there may be one other service building on the lot not exceeding 600 square feet; if garage is detached then said garage will constitute the service building and may include space for storage other than an automobile.

(b) Where practible oil storage tanks shall be placed inside garage or dwelling, but where impractible to so locate such tanks, so that it is necessary to locate them outside, then proper screening shall be provided to keep such tanks from view.

(c) No private stable shall be erected or maintained on any lot unless approved by the architectural control committee.

(d) No animals or livestock of any kind shall be raised, bred or kept on any lot, except that not more than 2 horses may be kept. Household pets may be kept on any lot provided they are not kept, bred or maintained for any commercial purpose, or provided they do not become a nuisance. Dog kennel for the use of such household pets shall be built integral with the garage. A sealed box or pit shall be provided for all animal refuse.

BUILDING AND GRADE LINES.

(a) The finish grade line shall be such as shall be established by the Architectural Control Committee giving due consideration to the topography of each lot. No structure shall be erected, altered, placed or permitted to remain on any lot

A front building line less than 60 feet from the front lot line may be established upon lots 10 to 18, inclusive, by the Architectural Control Committee after giving due consideration to the depth and topography of the lot and harmony with the building line of the then existing structures. No residence shall be constructed further than 75 feet from the front lot line.

(c) For the purpose of building line restrictions, eaves, steps and open porches extending not more than five feet beyond the main residence structure shall not be considered as part of a building.

NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

EASEMENTS

Easements for installation and maintenance of utility and drainage facilities are reserved as shown on the recorded plat.

ARCHITECTURAL CONTROL COMMITTEE > No longer in existence

(a) The Architectural Control Committee is composed of Maurice W. Haven, Richard J. Belz and Dorothy L. Haven. A majority of the Committee may appoint a designated representative to act for it. In case of death or resignation of any member of the Committee, the remaining members shall have full authority to appoint a successor. Neither the members of the Committee nor its designated representative shall be entitled to compensation for services performed pursuant to this covenant. At any time after five years after the date of recording of this

(b) The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to completion thereof, approval will not be required and the related convenants shall be deemed to have been complied with, provided said plans and specifications on their face are in accordance with these restrictions.

SIGNS

No signs shall be erected or permitted to remain upon any lot in said Subdivision without the consen in writing of the Architectural Control Committee.

GENERAL PROVISIONS.

(a) These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty five (35) years from and after the date of recording of this Agreement, after which date said covenants shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by the owners of record of a majority of the lots in the Subdivision has been recorded changing or modifying said restrictive covenents in whole or in part.

(b) Invalidation of any one of these covenants by judgment or decree shall in no wise effect any of the other provisions hereof which shall remain in full force and effect.

(c) These restrictions are intended to be minimum restrictions and all lots in the Subdivision must be used in full conformity with the zoning ordinances of the Township of Troy, Oakland County, Michigan, or any other applicable zoning ordinances and with the laws of the Township of Troy, County of [illegible] State of Michigan.

IN WITNESS WHEREOF, the owners in fee, of all lots in said Subdivision, Richard J. Belz, a single man, and Dorothy L. Haven, have hereunto set their hands and seals this 13th day of July, A. D. 1953.

In Presence Of:

Norman R. Barnard

Richard J. Belz

Harriet K. Barnard

Dorothy L. Haven

State of Michigan
ss.
County of Oakland

On this 13th day of July, A. D. 1953, before me, a Notary Public in and for said County, personally appeared Richard J. Belz, a single man, and Dorothy L. Haven, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Harriet K. Barnard

Notary Public, Oakland County, Michigan
My commission expires: Dec. 26, 1953.

By Laws for

"BELZAIR PROPERTY OWNERS' ASSOCIATION"

Article I--**Name and Area**

Section 1:

The name of this association shall be known as the Belzair Property Owners' Association.

Section 2:

The area of jurisdiction embraced by the activities of this association shall be all property within Replat of Belzair Subdivision, Belzair Subdivision Number 1 and Belzair Subdivision Number 2, as recorded in Oakland County, Michigan.

Article II--**Purposes**

Section 1:

The purpose of this association shall be to promote the best interests of the property owners and residents within the area named and in a broad way to foster, further, advocate and protect the best interests of the area as a residential section; to encourage all propositions that may be deemed helpful to the development of the area; to discourage and oppose all propositions that may be detrimental to residents and property owners of the area.

Section 2:

To procure the construction of necessary public improvements and to insure their proper maintenance within said area.

Section 3:

To maintain high standards of community and family progress and development.

Section 4:

To strengthen the bonds of community relationships between all property owners and residents.

Section 5:

To preserve the best interests of property owners in the subdivision, both singly and collectively, by lending support to the enforcement and maintenance of subdivision restrictions.

Section 6:

To preserve the present natural charm of wooded areas and beautiful landscapes in keeping with the ideals of modern suburban residential communities.

Section 7:

To support accredited campaigns for improved services or initiate community drives for said services, such being as schools; public transportation; mail service; public utilities; etc.

Article III--**Membership**

Section 1:

Each property owner and his/her spouse or joint owner within the geographical area of this association shall be entitled to one membership of this association upon payment of the annual dues of said association, together with any special assessments, approved and collected for the year in which membership is applied for.

Section 2:

The annual dues for each property owner, together with his/her spouse, shall be fifty ($50.00) dollars. Dues may be raised only by a majority vote of the membership.

Section 3:

During the month of April of each year, the Secretary shall prepare and mail to all members whose names appear upon the roll of membership, an invoice specifying the dues for the current year and requesting payment thereof within twenty (20) days.

Article IV--**Organization and Officers**

Section 1:

The officers of this association shall consist of the following: President, Vice-President, Secretary and a Treasurer. The officers shall be elected by the members at the first meeting and shall serve for a term of one (1) year and thereafter until their successor or successors are elected. The officers thus elected shall constitute the Executive Committee and the President shall be the Chairperson thereof.

Section 2: PRESIDENT

The President shall be selected by, and from the membership of, the association. He/she shall be the chief executive officer of the association. He/she shall preside over all meetings of the board and of the members. He/she shall have general and active management of the business of the association and shall see that all orders and resolutions of the board are carried into effect. He/she shall be exofficio a member of all standing committees and shall have the general powers and duties of supervision and management usually vested in the office of president of an association.

Section 3: VICE-PRESIDENT

He/she shall perform the duties and exercise the powers of the President during the absence or disability of the President. The Vice-President has voting power.

Section 4: SECRETARY

The Secretary shall attend all meetings of the members and of the board of directors, and shall preserve in books of the association true minutes of proceedings of all such meetings. He/she shall give all notices required by stature, by-law, or resolution. He/she shall perform such other duties as may be delegated to him/her by the Board of Directors, or by the executive committee.

Section 5: TREASURER

The Treasurer shall have custody of all association funds and securities and shall keep in books belonging to the association full and accurate accounts of all receipts and disbursements; he/she shall deposit all money, securities and other valuable effects the name of the association in such depositories as may be designated for that purpose by the Board of Directors. He/she shall disburse the funds of the association as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Directors at the regular meetings of the Board, and whenever requested by them, an account of all his/her transactions as Treasurer and of the financial conditions of the association. If required by the Board, he/she shall deliver to the President of the association, and shall keep in force, a bond in form amount and with a surety or surety or sureties satisfactory to the Board, conditioned for faithful performance of duties of his/her office, and for restoration to the association in case of his/her death, resignation, retirement or removal from office, of all books papers, vouchers, money and property of whatever kind is his/her possession or under his control belonging to the association.

Section 6: VACANCIES

Should a vacancy occur in any of said offices by death, resignation, or otherwise a successor shall be appointed by the Board of Directors to serve the unexpired term of the office so vacated.

Article V--**Meetings**

Section 1: ANNUAL MEETING OF MEMBERS

After the year 1954 (the year of organization) an annual meeting shall be held in September, the time and location of which will be determined by the Executive Committee.

Section 2: NOTICE OF ANNUAL MEETING OF MEMBERS

At least ten (10) days prior to the date fixed by Section 1 of this article for the holding of the annual meeting of members, written notice of the time and place of such meeting shall be delivered either by mail or by handout as hereinafter provided, to each member entitled to vote at such meeting.

Section 3: DELAYED ANNUAL MEETING

If, for any reason, the annual meeting of the members shall not be held on the day hereinbefore designated, such meeting may be called and held as a special meeting, provided however, that the notice of such meeting shall be the same herein required for the annual meeting, namely, not less than a ten (10) day notice.

Section 4: ORDER OF BUSINESS AT ANNUAL MEETING

The order of business at the annual meeting of the members shall be as follows:

a) Roll Call
b) Reading notice and proof of mailing
c) Reading of minutes of last preceding meeting
d) report of President
e) Report of Treasurer
f) Election of Directors
g) Transaction of other business mentioned in the notice
h) Adjournment

Provided that, in the absence of any objection, the presiding office may vary the order of business at discretion.

Section 5: SPECIAL MEETING OF MEMBERS

A special meeting of the members may be called at any time by the President, or by a majority of the Board of Directors, or by petition to the President, signed by fifteen (15) members who are in good standing with dues fully paid. The method by which such meetings may be called is as follows: Upon receipt of a specification in writing setting forth the day and objects of a said special meeting, signed by the President or by a majority of the Board of Directors, the Secretary or an Assistant Secretary shall prepare, sign and mail the notices requisite to such meeting. Such notice may be signed, stamped, typewritten or printed signature of the Secretary or of an Assistant Secretary.

Section 6: NOTICE OF SPECIAL MEETING OF MEMBERS

At least three (3) days prior to the date fixed for the holding of any special meeting of members, written notice of the time, place and purposes of such meeting shall be delivered by mail or by handout, as hereinafter provided, to each member entitled to vote a such meeting. No business not mentioned in the notice shall be transacted at such meeting.

Section 7: REGULAR MEETINGS OF BOARD

Regular meetings of the Board of Directors shall be held no less frequently than once in every three (3) months at such time and place as the Board of Directors shall from time to time determine. No notice of regular meetings of the Board shall be required.

Section 8: SPECIAL MEETINGS OF BOARD

Special meetings of the Board of Directors may be called by the President at any time by means of written or verbal notice of the time, place and purpose thereof to each Director as the President in his discretion shall deem sufficient, but action taken at any such meeting shall not be invalidated for want of notice if such notice shall be waived as hereinafter provided.

Section 9: NOTICES AND MAILING

All notices required to be given by a provision of these By-Laws shall state the authority pursuant to which they are issued (as, "by order of the President", or "by order of the Board of Directors" as the case may be) and shall bear the written, stamped, typewritten or printed signature of the Secretary or Assistant Secretary. Every notice shall be deemed duly served when the same has been deposited in the United States mail, with postage fully prepaid, plainly addressed to the sendee at this/her last address appearing upon the membership record of this corporation.

Section 10: WAIVER OF NOTICE

Notice of the time, place and purpose of any meeting of the members or of the board of directors, may be waived in writing, either before or after such meeting has been held.

Article VI--**Quorum**

Section 1: QUORUM OF MEMBERS

Presence in person or by proxy of members representing fifteen (15) of the voting rights of this association shall constitute a quorum at meetings of the members.

Section 2: QUORUM OF DIRECTORS

A majority of the directors shall constitute a quorum.

Article VII--**Voting, Elections, and Proxies**

Section 1: PROXIES

No proxy shall be deemed operative unless and until signed by the member and filed with the association In the absence of limitation to the contrary contained in the proxy, the same shall extend to all meetings of the members and shall remain in force until revoked by written notice to the Secretary.

Section 2: INSPECTORS

Whenever any person entitled to vote at a meeting of the members shall request the appointment of inspectors, the chairperson of the meeting shall appoint not more than three (3) inspectors. The inspectors shall receive and count the votes either upon an election or for the decision of any question and shall determine the result. Their certificate of any vote shall be prime facie evidence thereof.

Article VIII--**Board of Directors**

Section 1: NUMBER AND TERM OF DIRECTORS

The business, property and affairs of this association shall be managed by a board of directors consisting of the President, Secretary, Treasurer and four (4) Directors. The Directors shall be elected at the meeting of the members for a term of two (2) years except at the first meeting two (2) shall be elected for a term of one (1) year and thereafter at each annual meeting two (2) shall be elected.

Section 2: VACANCIES

Vacancies in the Board of Directors shall be filled by appointment made by the remaining Directors. Each person so elected to fill a vacancy shall remain indirector until his/her successor has been elected by the members, who may make such election at their next annual meeting or any special meeting duly called for the purpose and held prior thereto.

Section 3: ACTION BY UNANIMOUS WRITTEN CONSENT

If and when the Directors shall severally or collectively consent in writing to any action to be taken by the association, such action shall be as valid association action as though it had been authorized at a meeting of the Board of Directors.

Section 4: POWER TO APPOINT OTHER OFFICERS AND AGENTS

The Board of Directors shall have the power to appoint such other officers and agents as the Board may deem necessary for transaction of the business of the corporation, together with the right to remove such other officers, or agents, whenever in the judgment of the board the business interest of the association will be served thereby.

Article IX--**Amendments**

Section 1: AMENDMENTS

These By-Laws may be amended at any annual meeting of the members by a majority of those in attendance, or at any special meeting upon submission of such amendment to the Board of Directors and subject to their approval.

From: Paul M Evans
To: Kathy Czarnecki
Subject: FW: 4820 Livernois City of Troy ZBA
Date: Thursday, May 12, 2011 8:25:05 AM

Kathy: please include this e-mail in the application file as a .pdf, insert it in the digital meeting agenda packet (last page for the item) and advise when completed.

Thanks!

From: Ashish [mailto:ashishmanek@yahoo.com]
Sent: Thursday, May 12, 2011 12:17 AM
To: Paul M Evans
Subject: Re: 4820 Livernois City of Troy ZBA

Paul,

I look forward to meet with you tomorrow, and yes we would like to postpone our hearing in front of Board of Zone Appeal.

Also I will talk to Karol the president of Belzaire sub division, This is the first time I saw by laws of our subdivision.

Best Regards

Ashish Manek

--- On **Wed, 5/11/11, Paul M Evans <*P.Evans@troymi.gov*>** wrote:

From: Paul M Evans <P.Evans@troymi.gov>
Subject: 4820 Livernois City of Troy ZBA
To: "Ashish" <ashishmanek@yahoo.com>
Date: Wednesday, May 11, 2011, 10:19 AM

Ashish: we are preparing the agenda packet for next weeks ZBA meeting. The packet will be distributed tomorrow. Any information you would like to be included in this packet should be in my office by 8 am tomorrow. 1 electronic copy and two hardcopies. Thanks.

From: Paul M Evans
Sent: Thursday, April 14, 2011 4:11 PM
To: 'Ashish'
Subject: RE: 4820 Livernois City of Troy

You left a phone message for Kathy here. Is the matter addressed? If not please let me know your concern. Thanks.

From: Paul M Evans
Sent: Thursday, April 14, 2011 2:05 PM
To: 'Ashish'
Cc: Kathy Czarnecki
Subject: RE: 4820 Livernois City of Troy

Ashish: we will make your request part of your project file and forward this to the Board for you.

From: Ashish [mailto:ashishmanek@yahoo.com]
Sent: Thursday, April 14, 2011 1:16 PM
To: Paul M Evans
Subject: Re: 4820 Livernois City of Troy

Hi Paul,

Thank you for your email, Sorry I was not able to get back to you early. If I can request to approve for extension till month of may that would be great.

The engineer we are working with has some health issues that he is going through.

Appreciate your help

Best Regards
For Quality Design Services

Ashish Manek
614-946-4749
--- On **Tue, 4/12/11, Paul M Evansur o** <***P.Evans@troymi.gov***> wrote:

From: Paul M Evans <P.Evans@troymi.gov>
Subject: 4820 Livernois City of Troy
To: "Ashish" <ashishmanek@yahoo.com>
Date: Tuesday, April 12, 2011, 9:08 AM

Ashish:

I am finalizing the April Board of Appeals Agenda packet. It will be distributed this Thursday. Any items you desire to be included in this distribution should be to me by noon tomorrow.

Please advise if you anticipate filing additional material by then. If not, staff can start finalizing the packet. Thanks.

Paul Evans

Zoning Compliance Specialist

City of Troy

248 524-3359