

VARIANCE REVIEW STANDARDS ZONING ORDINANCE SECTION 15.04 (E) (2)

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.

Standards for Non-Use Variances

1. Special or unique conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures or buildings in the same district.
2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary.
3. The special conditions and circumstances do not result from the actions of the applicant.
4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.
5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.
6. The spirit of this ordinance shall be observed, public safety secured and substantial justice done.

RECOMMENDED FORM FOR MOTIONS GRANTING
OR DENYING REQUESTS FOR DIMENSIONAL VARIANCES

MOVE TO GRANT THE VARIANCE REQUESTED:

- I. PRELIMINARY FINDINGS: The variance would:
- A. Not be contrary to public interest; and
 - B. Does not permit the establishment of a prohibited use within a zoning district; and
 - C. Does not cause an adverse effect to properties in the immediate vicinity or zoning district; and
 - D. Relates only to property described in the application for variance.

II. SPECIAL FINDINGS:

- A. The petitioner has any of the following practical difficulties:
- 1. No reasonable use can be made of the property; or
 - 2. Public health, safety and welfare would be negatively affected; or
 - 3. Conforming is unnecessarily burdensome. Variance is not excessive.

AND

- B. These practical difficulties result from the following unusual characteristics of the property:
- 1. (size – e.g.)
 - 2. (location – e.g.)
 - 3. (configuration – e.g.)

ALTERNATIVE TO A AND B

- C. The following significant natural features or resources would be destroyed:
- 1.
 - 2.
 - 3.

*This is a two stage motion. The first stage is to make all the findings under I. If you cannot make all the findings under I, you must deny the variance and state why

If all the preliminary findings are met under I, then you must make special findings under II. This requires that the petitioner demonstrate A(1) or A(2) or A(3) and B. If the purpose of the variance is to preserve natural features, only C applies under II. Therefore to grant a variance you need:

I (A) (B) (C) (D) + II (A) (B)

Or

I (A) (B) (C) (D) + II (C)

MOVE TO DENY VARIANCE REQUESTED

I. PRELIMINARY FINDINGS

- A. It would be contrary to public interest; or
- B. It would permit the establishment of a prohibited use as the principal use within a zoning district; or
- C. It causes an adverse effect to properties in the immediate vicinity; or
- D. Relates to property not described in the application for the variance.

(If any of the above, you must state the facts for the finding.)

OR

II. SPECIAL FINDINGS

- A. The petitioner has not demonstrated any practical difficulty; or
- B. The petitioner's problem or practical difficulties do not result from any unusual characteristics of the property because:
 - 1. They are the result of the proposed use and not the property – e.g.
 - 2. They are economic alone – e.g.
 - 3.

OR

- C. No significant natural features or resources are negatively affected.

BOARD OF ZONING APPEALS

The Board of Zoning Appeals is a group of seven of your neighbors or peers appointed by City Council to pass judgment on requests for variances and other matters that are brought before them. A variance is a relaxation of the literal provisions of the Zoning Ordinance. Petitioners must indicate a hardship or practical difficulty running with the land that would warrant the granting of the variance.

PROCEDURE

The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chairman will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

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

At the conclusion of public comments the Chairman will close the Public Hearing. Once the Public Hearing is closed, no other public comment will be taken unless in response to a specific question by a member of the Board. The Board will then make a motion to approve, deny, or table (delay action) the request. In order for the request to pass a minimum of four votes for approval are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.



ZONING BOARD OF APPEALS
MEETING AGENDA
REGULAR MEETING

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

David Lambert, Chair, and Allen Kneale, Vice Chair
Michael Bartnik, Glenn Clark, Kenneth Courtney
William Fisher, Thomas Strat

August 16, 2011

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – July 19, 2011
3. POSTPONED ITEMS
 - A. VARIANCE REQUEST, JEFF GLASER, OUR CREDIT UNION, 6693 ROCHESTER – A variance from the requirement that a 6 foot high obscuring wall be provided to the residentially zoned properties north of the subject location.

SECTION: 39.10.01
 - B. 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
 - C. VARIANCE REQUEST, AIDA AND SARMAH HERMIZ, 6763 DONALDSON ROAD – In order to construct a 2965 square foot garage addition to the existing house, a 1685 square foot variance to the requirement that the area of an attached accessory building (garage) shall not exceed 75 percent of the ground floor footprint of the living area of the dwelling. 75 percent of the ground floor footprint of the living area is 1952 square feet.

SECTION: 7.03 (B) (b)

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.

4. HEARING OF CASES

- A. **VARIANCE REQUEST, ANGELINA AND BESNIK GOJKA, 2420 W. SQUARE LAKE ROAD** – In order to allow 10 adult foster care residents, a 27 square foot variance to the requirement that the land parcel be at least 40,000 square feet in area. Adult foster care small group homes are required to have at least 4,000 square feet of lot area per adult, excluding employees and/or caregivers. The subject property measures 39,973 square feet.

SECTION: 6.02 (B) (2)

5. COMMUNICATIONS

6. PUBLIC COMMENT

7. MISCELLANEOUS BUSINESS

Draft Rules of Procedure

City Attorney comments on variance standards

8. 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.

The Zoning Board of Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on July 19, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Kenneth Courtney
Thomas Strat
Allen Kneale
William Fisher
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney

Absent:

Glenn Clark

2. APPROVAL OF MINUTES –

May 17, 2011 Study Session and Regular Meeting

Moved by Bartnik
Seconded by Courtney

RESOLVED, To approve the May 17, 2011 Study Session and Regular Meeting minutes with corrections as presented tonight.

Yes: All present (6)
Absent: Clark

MOTION PASSED

June 21, 2011 Regular Meeting

Moved by Lambert
Seconded by Fisher

RESOLVED, To approve the June 21, 2011 and Regular Meeting minutes with corrections as presented tonight.

Yes: All present (6)
Absent: Clark

MOTION PASSED

3. POSTPONED ITEM

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

Motion to postpone to August 16, 2011 regular meeting.

Moved by Courtney
Seconded by Lambert

RESOLVED, That the City of Troy Zoning Board of Appeals postpones the request to the August 16, 2011, regular meeting.

Yes: Courtney, Fisher, Kneale, Lambert, Bartnik
No: None
Abstain: Strat
Absent: Clark

MOTION PASSED

4. HEARING OF CASES

VARIANCE REQUEST, AIDA AND SARMAD HERMIZ, 6763 DONALDSON ROAD – In order to construct a 2965 square foot garage addition to the existing house, a 1685 square foot variance to the requirement that the area of an attached accessory building (garage) shall not exceed 75 percent of the ground floor footprint of the living area of the dwelling. 75 percent of the ground floor footprint of the living area is 1952 square feet.

SECTION: 7.03 (B) (b)

Chair Lambert opened the Public Hearing.

John Havrilla, 6737 Donaldson spoke in favor of the request.

Chair Lambert closed the Public Hearing.

Motion to postpone the request to the August 16, 2011 regular meeting.

Moved by Courtney
Seconded by Neale

RESOLVED, That the City of Troy Zoning Board of Appeals postpones the variance request to the August 16, 2011 regular meeting.

Yes: All Present (6)

Absent: Clark

MOTION PASSED

5. COMMUNICATIONS

Mr. Evans advised the Board of improvements to the ZBA's website and the City's efforts towards providing public online video downloads of Zoning Board meetings.

6. PUBLIC COMMENT – No one was present to speak.

7. MISCELLANEOUS BUSINESS - none

8. ADJOURNMENT

The Zoning Board of Appeals meeting ADJOURNED at 8:15 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

3. POSTPONED ITEMS

- A. VARIANCE REQUEST, JEFF GLASER, OUR CREDIT UNION, 6693 ROCHESTER – A variance from the requirement that a 6 foot high obscuring wall be provided to the residentially zoned properties north of the subject location.

SECTION: 39.10.01



W SOUTH BLVD

NORWAY

EDGEWATER

VENUS

AMBERWOOD

NORTON

SANDALWOOD

ROCHESTER

HARTWIG

E LOVELL

ALAMEDA



6693

BRUNSWICK

CADMUS



6693

SANDALWOOD

ROCHESTER

E LOVELL

ALAMEDA

ALAMEDA

ALAMEDA

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6649

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EDGEWATER

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SANDALWOOD

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(R-1C)

(O-1) 6693

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ROCHESTER

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(B-1)
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6649 "A"

(R-1D)

(B-3) 6700

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ALAMEDA

(PUD-1)

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1016
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1024
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ALAMEDA

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1040
1044
1048
1052
1088
1092

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: evanspm@troymi.gov
http://www.troymi.gov/CodeEnforcement/#



FILE NUMBER
LOCATION
REGULAR MEETING FEE (\$150.00)
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: 6693 Rochester Road
LOT NO. 88-20-03-226-104 SUBDIVISION
LOCATED ON THE West SIDE OF (ROAD) Rochester Road
BETWEEN Lovell AND Sandalwood Drive
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S):
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 39.10.01
4. REASONS FOR APPEAL: On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: City of Troy Approvals dated January 18, 2008, February 20, 2009 and May 6, 2010

6. APPLICANT INFORMATION:

NAME Jeff Glaser
COMPANY Our Credit Union
ADDRESS 3070 Normandy road
CITY Royal Oak STATE MI ZIP 48073
TELEPHONE 248-549-3838 x232
E-MAIL jglaser@ourcuonline.org

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Same

8. OWNER OF SUBJECT PROPERTY:

NAME Same
COMPANY _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
E-MAIL _____

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, Jeff Glaser (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 [Signature] DATE 1/10/11
PRINT NAME: Jeffrey Glaser - OUR Credit Union

SIGNATURE OF PROPERTY OWNER SAME DATE _____
PRINT NAME: _____

Reasons For Appeal Our Credit Union Rochester Road Branch

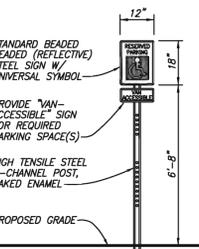
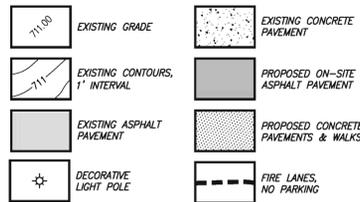
Regarding constructing a 6' high masonry screen wall between O-1 zoning and the adjacent R-1c zoning

To the west of our property is an open city detention pond, not R-1C residential. This pond provides approximately a six lot buffer (based on lots across the street) between our site and any residential. We have also added numerous trees' to enhance the natural state of the area.

To the North of our property is a natural tree/shrub line that provides excellent screening from any residential areas.

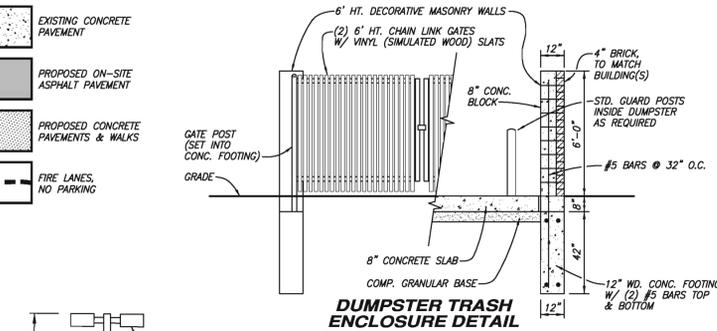
Constructing a screen wall in either of these areas would not provide any additional buffer and would dramatically disrupt the natural beauty of the area. In addition, it would actually cut into the green belt areas that we provided in our landscaping plan.

LEGEND



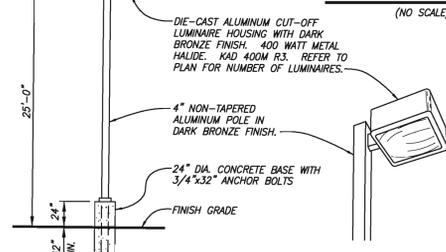
BARRIER-FREE SIGNAGE DETAIL

(NO SCALE)



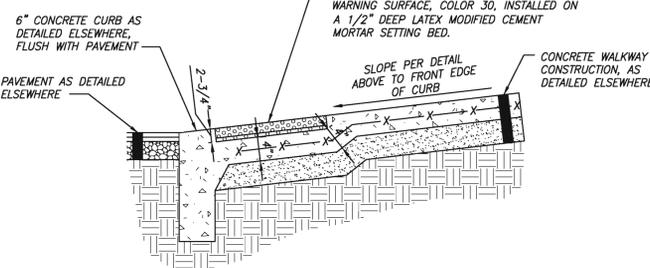
DUMPSTER TRASH ENCLOSURE DETAIL

(NO SCALE)



PARKING LOT LUMINAIRE DETAIL

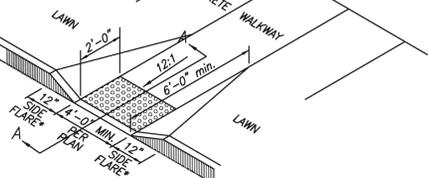
(NO SCALE)



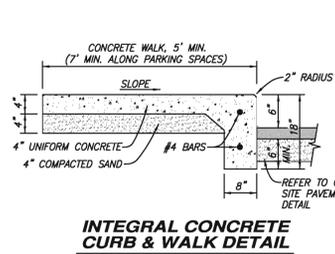
TYPICAL RAMP SECTION A-A

NOTES:

1. TEXTURE SHALL BE PROVIDED FOR A MINIMUM LENGTH OF 2 FEET, 6" FROM THE BACK OF CURB. THE WIDTH OF THE TEXTURE SHALL BE THAT OF THE ENTIRE RAMP AND SIDE FLARES, IF USED.
2. PURSUANT TO THE 1/1/04 STANDARDS SET BY THE AMERICANS WITH DISABILITY ACT, RAMP TEXTURING SHALL DIFFER FROM THE SURFACE COLOR BY AT LEAST 70%.

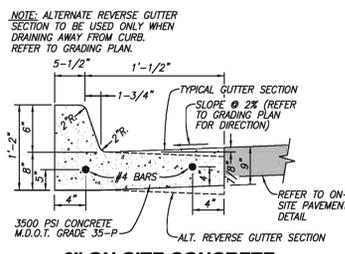


ADA COMPLIANT CURB RAMP



INTEGRAL CONCRETE CURB & WALK DETAIL

(NO SCALE)



6" ON-SITE CONCRETE CURB & GUTTER DETAIL

(NO SCALE)

SCALE: 1"=30'



NORTH

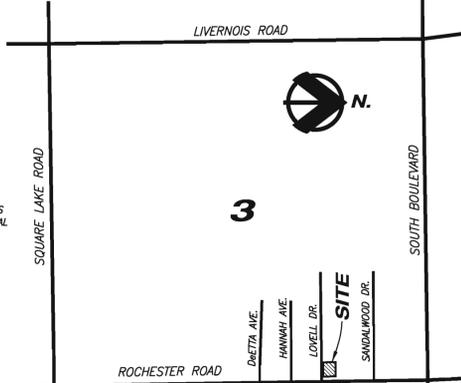
SITE CRITERIA

- PARCEL SUMMARY:**
 - PARCEL IDENTIFICATION #: 88-20-03-226-104
 - EXISTING ADDRESS: 6693 ROCHESTER ROAD
 - EXISTING ZONING: 0-1 (LOW RISE OFFICE DISTRICT)
 - ADJACENT ZONINGS: R-1-T, R-1-B, R-1-C, B-1
 - AREA OF SITE: 0.994 ACRES
 - PROPOSED USE: CREDIT UNION W/ DRIVE THRU
- BUILDING SUMMARY:**

BUILDING AREA:	GROSS TOTAL: 3,070 S.F.	TOTAL USABLE: 3,070 S.F.
----------------	-------------------------	--------------------------
- PARKING SUMMARY:**
 - SPACES REQUIRED: ONE (1) SPACE PER 200 S.F. OF USABLE AREA: 3,070 S.F./200 = 16 SPACES
 - ONE (1) SPACE PER WINDOW/PEDESTAL FOR DRIVE THRU PLUS FOUR ADDITIONAL STACKING SPACES
 - TOTAL SPACES PROVIDED: 21 SPACES (INCLUDES ONE (1) BARRIER-FREE VAN ACCESSIBLE SPACE)
 - THREE (3) WINDOWS AND AN ATM = 4 SPACES PLUS 16 STACKING SPACES
- SETBACK SUMMARY:**

BUILDING:	REQUIRED:	PROVIDED:
FRONT (TO ROCHESTER ROAD R.O.W.):	30'	80.00'
FRONT (TO LOVELL DRIVE R.O.W.):	30'	63.61'
REAR (TO WEST PROP. LINE):	20'	58.31'
SIDE (TO R-1-T ZONING TO NORTH):	20'	56.38'
- PARKING:**

BUILDING:	REQUIRED:	PROVIDED:
FRONT (TO ROCHESTER ROAD R.O.W.):	10'	10'
FRONT (TO LOVELL DRIVE R.O.W.):	10'	10'
REAR (TO WEST PROP. LINE):	0'	2'
SIDE (TO R-1-T ZONING TO NORTH):	0'	5' MIN.
- UTILITY SUMMARY:**
 - WATER MAIN: CONNECT TO MUNICIPAL WATER MAIN.
 - SANITARY SEWER: CONNECT TO MUNICIPAL SEWER.
 - STORM SEWER & STORM WATER DETENTION: ON-SITE ENCLOSED STORM SEWER PIPE WITH FULL DISCHARGE TO CITY DETENTION POND TO WEST. CITY'S POND INCLUDES THIS SITE IN ITS DRAINAGE DISTRICT. SWIRL CHAMBER TO BE PROVIDED ON SITE FOR SEDIMENT REMOVAL PRIOR TO DISCHARGE.
 - ALTERNATIVE IS TO PROVIDE ON-SITE PARKING LOT DETENTION WITH RESTRICTED OUTLET TO THE EXISTING STORM SEWER ALONG LOVELL OR ROCHESTER ROAD.
- SIGNAGE SUMMARY:**
 - FUTURE SIGN LOCATION IS INDICATED ON THE PLAN.
 - SIGNS ARE NOT PART OF THIS SUBMITTAL. SIGNAGE APPLICATIONS SHALL BE SUBMITTED AT A LATER DATE.



LOCATION MAP

SCALE: 4" = 1 MILE

PROPERTY DESCRIPTION

PART OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHEAST FRACTIONAL 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE NORTH 01 DEGREES 46 MINUTES 00 SECONDS WEST (RECORDED AS NORTH 01 DEGREES 21 MINUTES 08 SECONDS WEST), ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET AND SOUTH 88 DEGREES 38 MINUTES 24 SECONDS WEST 80.00 FEET TO THE POINT OF BEGINNING BEING AT THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOVELL AVENUE; THENCE NORTH 01 DEGREES 46 MINUTES 00 SECONDS WEST 195.90 FEET; THENCE NORTH 88 DEGREES 38 MINUTES 24 SECONDS EAST (RECORDED AS NORTH 89 DEGREES 03 MINUTES 37 SECONDS EAST 221.00 FEET TO THE WEST LINE OF ROCHESTER ROAD; THENCE SOUTH 01 DEGREES 46 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE, 195.90 FEET TO THE POINT OF BEGINNING, CONTAINING 0.994 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR OTHERWISE.

CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

NOTES

1. PERMIT REQUIRED FROM THE CITY OF TROY FOR ALL WORK PERFORMED WITHIN LOVELL DRIVE AND ROCHESTER ROAD RIGHT-OF-WAYS.
2. AIR-CONDITIONING UNITS SHALL BE LOCATED ON THE GROUND ADJACENT TO THE BUILDING. THERE SHALL BE NO ROOF-MOUNTED MECHANICAL EQUIPMENT.
3. "NO PARKING-FIRE LANE" SIGNS SHALL BE INSTALLED AS DIRECTED BY THE CITY AS REQUIRED.
4. A SOIL EROSION PERMIT IS REQUIRED FROM THE CITY OF TROY.
5. 100-YEAR FLOOD PLAIN CONTOUR IS AS PER SANDALWOOD CONDOS PLANS. BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
6. ZBA APPROVED A (1) ONE YEAR WAIVER OF THE REQUIREMENT FOR SCREEN WALLS ALONG NORTH AND WEST PROPERTY LINES ON JANUARY 19, 2010.

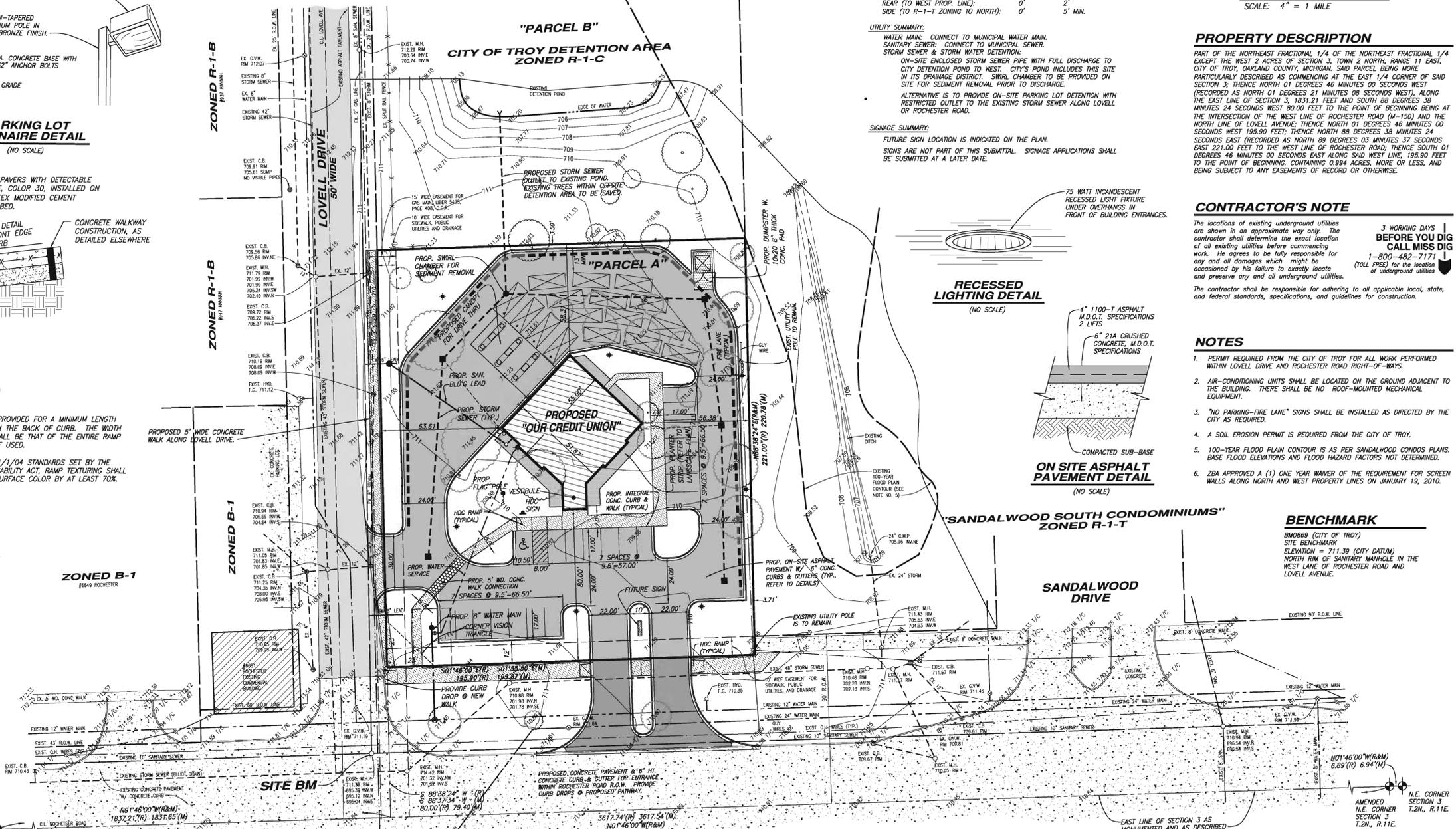
BENCHMARK

BM0869 (CITY OF TROY)
SITE BENCHMARK
ELEVATION = 711.39 (CITY DATUM)
NORTH RIM OF SANITARY MANHOLE IN THE WEST LANE OF ROCHESTER ROAD AND LOVELL AVENUE.

CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.



ROCHESTER ROAD WIDTH VARIES

APEX
ENGINEERING & LAND PLANNING CONSULTANTS
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS
560 WHIMMS LANE
ROCHESTER, MICHIGAN 48306
PHONE: 586-876-3947
EMAIL: apexengr@gmail.com

OUR CREDIT UNION, BRANCH OFFICE BUILDING

PROJECT: CARY PERELLI COMPANY
222 EAST MERRILL SUITE 101
BIRMINGHAM, MI 35203-1717
JOB NO: 09-040
DATE: 10-11-09
DRAWN BY: S.T.
CHECKED BY: W.E.M.4

4-30-10 REVISED PER PLANNING COMMISSION
1-14-10 REVISED PER GREEN WALK WATER
10-05-09 REVISED PER CITY COMMENTS

SITE PLAN
SHEET **2** OF 4
MUNICIPAL REVIEW NUMBERS: TROY SP-



6693 Rochester Road - West Property Line



6693 Rocheser Road - North Property Line



6693 Rochester Road - Main Entrance

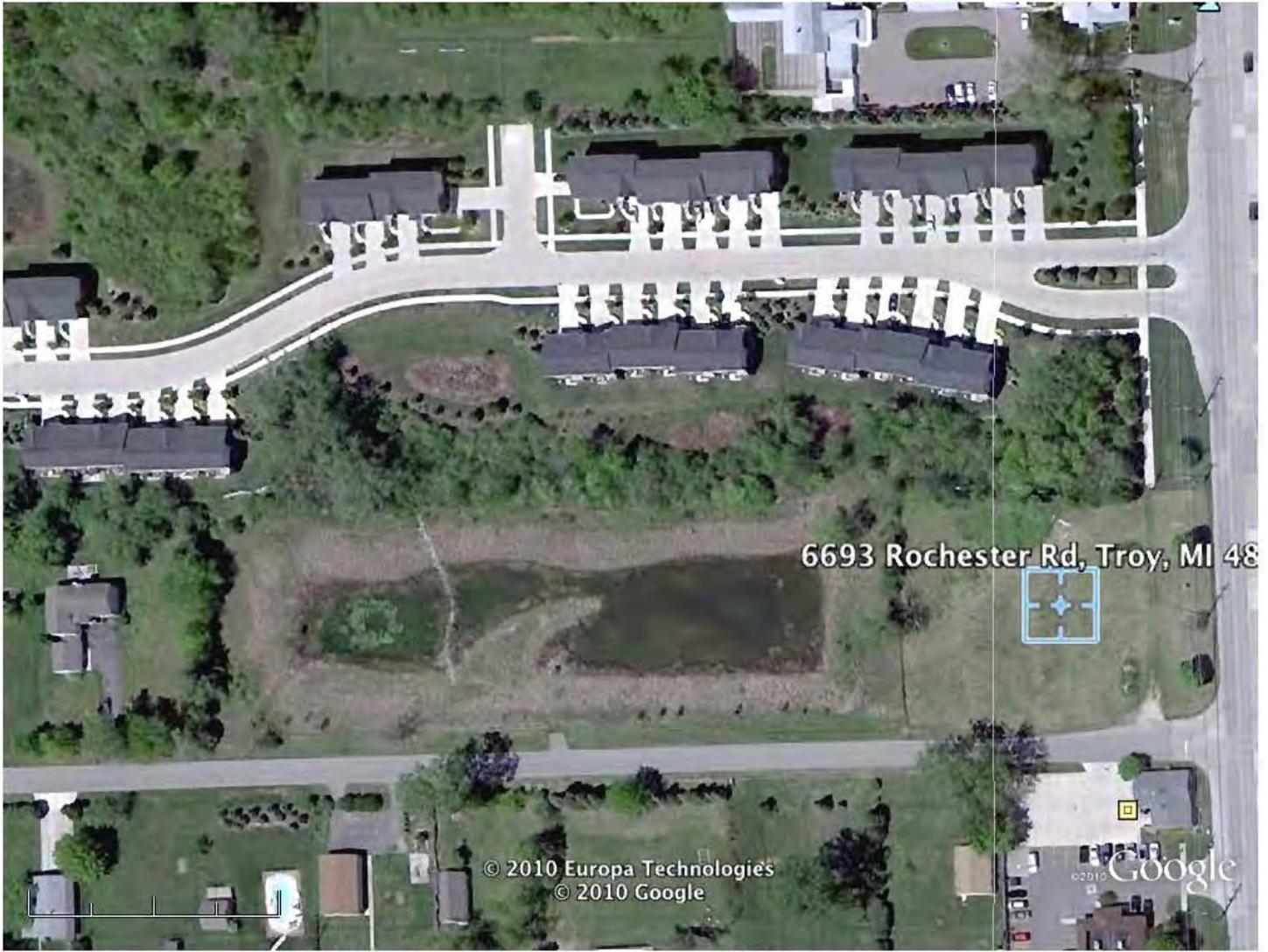


OUR CU-North Lot Line



OUR CU-North Lot Line

10.08.2010



6693 Rochester Rd, Troy, MI 48

© 2010 Europa Technologies
© 2010 Google

© 2010 Google



OUR CU - West Lot Line

record that grant approval of all the existing detached accessory buildings on this property. He indicated if the applicant is successful this evening, it would validate all the structures on site.

Mr. Bartnik asked that the record reflect he visited the subject property today and spoke with the petitioner, at which time the property owner stated the buildings were present as of 2001. Mr. Bartnik said the structures appear to be long standing structures and the property can support the structures. He sees no problem with the existing state of affairs and is in favor of granting the petition.

Mr. Kneale suggested to view aerial photography to see what structures existed.

Mr. Evans displayed 1990 and 2002 aerial photographs. It was difficult to determine from the aerial photography which structures existed at that time.

Mr. Strat said he likes the existing environment and is in favor of the request. He addressed legislation of every parcel in the City.

Resolution # BZA 2011-02-012

Moved by Courtney

Seconded by Clark

MOVED, To approve this variance, as written.

Preliminary Findings:

- That the property is large enough to support all the buildings.
- The variance does not have an adverse effect to surrounding properties.
- That the variance is not contrary to public interest.

Yes: All present (7)

MOTION CARRIED

**C. VARIANCE REQUEST, JEFF GLASER, OUR CREDIT UNION, 6693 ROCHESTER
– A variance from the requirement that a 6 foot high obscuring wall be provided to the residentially zoned properties north and west of the subject location.**

SECTION: 39.10.01

Mr. Evans addressed the location, surrounding zoning, history of the property and the applicant's request for a permanent variance.

Chair Lambert referenced an email communication from a neighbor residing at 947 Hannah, requesting pine trees to obscure vehicular headlights of bank customers during evening hours.

It was noted that 947 Hannah is south of the credit union. Mr. Evans stated there is no requirement to provide a screen wall to the south because of the street separation between the properties.

Mr. Kneale acknowledged a past business relationship with the applicant. He said he has not seen the applicant for years and is comfortable hearing and acting on the agenda item.

The Board members agreed there was no reason for Mr. Kneale to recuse himself.

Jeff Glaser from Our Credit Union, 6693 Rochester Road, Troy, was present. Mr. Glaser briefly addressed the working relationship with the Planning Commission and the Board of Zoning Appeals with respect to providing a landscaped buffer for residential. Mr. Glaser said they want to be a good neighbor. He addressed various lighting of the building and premises, hours of operation, existing landscape and vegetation. He believes building a wall to the north and west would take away from the beauty of the area. Mr. Glaser addressed the existing vegetation with the changes of seasons.

Mr. Glaser addressed the communication from the resident at 947 Hannah. He indicated that he personally has driven around the drive-through area during evening hours and does not see how headlights could possibly reach residents on Hannah. Mr. Glaser indicated the resident on Hannah approached the construction supervisor during the construction phase with similar concerns. The credit union offered to plant trees on his property and/or along the lot line. Mr. Glaser said he assumed everything was resolved but the resident did not respond to that offer.

Doug Clark, project developer, from The Case Group, 28175 Haggerty, Novi, was present. Mr. Clark addressed the buffer to the west in relation to the building angle and drive-through. He noted the buffer is over six lots wide and vegetation is not yet at full maturity. Mr. Clark addressed the various stages of vegetation with the seasons.

Mr. Glaser stated the credit union has been in operation since December 6, 2010.

Mr. Courtney suggested consideration of a permanent variance would be more appropriate after the credit union has been in operation for three years.

Mr. Forsyth requested a time to research the Zoning Ordinance with respect to the number of years of operation.

PUBLIC HEARING OPENED

Marc Himelstein of 754 Sandalwood Drive, Troy, was present to represent the Sandalwood Condominium Association. Mr. Himelstein asked for consideration to construct a six-foot wall as a buffer to the north for at least three years while the business develops. He addressed concerns of Sandalwood homeowners with

respect to noise and safety. Mr. Himelstein said the homeowners have no objections to waiving the wall to the west.

Mr. Courtney informed Mr. Himelstein that the Board would not require the applicant to put up a wall on the pretense of taking it down three years later. He asked if the noise might be coming from Rochester Road instead, and indicated a wall is not a good deterrent for noise.

Mr. Himelstein said the noise complaints are from those residents living in the front of the building, and they fully understand that a wall is not a perfect solution but at least it would provide another barrier for safety.

There was discussion on:

- Location of condominium units in relation to credit union.
- Detention pond in relation to credit union and condominiums.
- Discussion/communication between condominium association and credit union.
- Safety of children; near Rochester Road, detention pond, credit union parking lot.

PUBLIC HEARING CLOSED

Mr. Forsyth said it is at the Board's discretion to waive the wall. He cited Section 39.10.04 uses the word "may"; the wall could be permanent or more of a temporary nature as proposed by Mr. Courtney.

Mr. Courtney said the section refers to "after a three year period", and in this instance the variance has been granted for three years even though the variance was granted under different ownership.

Resolution # BZA 2011-02-

Moved by Courtney

Seconded by Kneale

MOVED, To grant the variance for one year, to allow more time to determine whether a wall should be constructed.

Preliminary Findings:

- The conditions remain the same.
- Allow sufficient time for residents to the north to determine whether a wall is necessary or not.

Discussion on the motion on the floor.

Mr. Bartnik expressed concern for residents to the north. He said the building looks completely different from when it was originally reviewed.

Mr. Courtney agreed the building is different from what was originally reviewed.

Mr. Clark said he agrees with a one year renewal. He addressed the concerns of the residents to the north, 24-hour ATM window, vehicular headlights and litter. Mr. Clark suggested in the future that the condominium association forward a formal resolution to the Board stating their concerns.

Mr. Evans suggested postponing the item to a date certain as an alternative solution to granting a variance for one year.

A short discussion followed.

Mr. Courtney said he would like to withdraw the west wall from the Resolution on the floor. His intent is to offer a following Resolution to grant a permanent variance for the required wall on the west.

Resolution # BZA 2011-02-

Moved by Courtney

Seconded by Kneale

MOVED, To grant a variance for one year for the required wall to the north.

Discussion on the motion on the floor.

Mr. Glaser addressed potential for litter on the property. He said the credit union produces as little paper as possible for security and cost reasons. Mr. Glaser addressed the wall to the north in relation to the elevation of the condominium units, noise, safety and traffic.

Chair Lambert asked if the applicant would prefer to postpone the item to allow time to address the condominium association concerns.

Mr. Glaser said he is amenable to the wishes of the Board. He said he is not sure anything short of a wall would be satisfactory to the residents.

Mr. Himelstein offered an invitation to the applicant to attend their annual board meeting held in the summer.

There was a brief discussion on granting a six month variance or postponing the item for six months.

Resolution # BZA 2011-02-013

Moved by Courtney

Seconded by Kneale

MOVED, To postpone action on the required wall to the north to the August 16, 2011 Regular meeting.

Discussion on the motion on the floor.

Mr. Evans announced with a postponement that notification to the public is not required.

Chair Lambert stated the motion to postpone takes precedence over the other motions on the floor.

Vote on the motion on the floor.

Yes: All present (7)

MOTION CARRIED

Resolution # BZA 2011-02-014

Moved by Courtney

Seconded by Fisher

MOVED, To grant a permanent variance on the west wall.

Yes: All present (7)

MOTION CARRIED

Mr. Kneale asked if it is appropriate to address the communication received from the neighbor to the south.

Mr. Forsyth said it would not be proper to address the communication, the reason being that the variance before the Board this evening dealt strictly with the north and west sides of the property.

5. **COMMUNICATIONS**

Mr. Evans announced that a Public Hearing is scheduled on the March 8, 2011 Planning Commission Regular meeting for the newly drafted Zoning Ordinance.

6. **PUBLIC COMMENT**

There was no one present who wished to speak.

7. **MISCELLANEOUS BUSINESS**

Chair Lambert welcomed Mr. Strat to the Board.

Mr. Bartnik encouraged members to take an active interest in the newly drafted Zoning Ordinance.

8. **ADJOURNMENT**

The Board of Zoning Appeals meeting adjourned at 9:57 p.m.

Respectfully submitted,

David Lambert, Chair

From: Eaamici@aol.com
To: [Planning](#)
Subject: VARIANCE OF 6 FT. WALL AT 6693 ROCHESTER
Date: Wednesday, February 09, 2011 9:27:41 AM

IN CONSIDERING YOUR VARIANCE OF THE 6 FT. WALL. IT WOULD BE NICE TO RECONSIDER SOME PINE TREES ETC. TO OBSCURE THE GLARE OF HEADLIGHTS IN MY FAMILY ROOM WHEN VEHICLES ARE USING THE DRIVE IN WINDOWS AND THE ATM MACHINE IN THE EVENING. IN YOUR APPROVED PLANNING I DONT THINK YOU CONSIDERED THAT ISSUE VERY WELL. PINE TREES WERE PUT ALONG THE RETENTION POND.

SO FAR ALL YOUR VARIANCES FROM RESIDENTIAL TO COMMERCIAL HAVE BEEN A DETREMENT TO OUR HOME VALUE.

ERNEST AMICI
947 HANNAH

From: [Paul M Evans](#)
To: [Kathy Czarnecki](#)
Subject: FW: Public Comment - August 19, 2011 Agenda - Our Credit Union variance request
Date: Tuesday, July 19, 2011 11:22:37 AM

Kathy:

This is for 6693 Rochester.

They are supposed to be on the August ZBA agenda. Could you please place this message in the appropriate folder for inclusion in the August agenda packet? Thanks.

From: Tricia Llewellyn [mailto:tnllewellyn@yahoo.com]
Sent: Tuesday, July 19, 2011 11:09 AM
To: Paul M Evans
Cc: cynthia.agar@yahoo.com; sandalwoodsouth@gmail.com
Subject: Public Comment - August 19, 2011 Agenda - Our Credit Union variance request

Board of Zoning Appeals Members,

Herein is my request for the Board of Zoning Appeals to deny the waiver request of Our Credit Union to build the required wall barrier between their Rochester Road property and the residential community of Sandalwood South. I am the proud owner of 867 Sandalwood Drive and I appeal to the Board's inherent desire to keep Troy as a city that is not only business friendly, but a city where people want to live and raise their families.

I am a single professional woman, who made a significant personal financial investment in my Troy home, prior to the housing market crash. As you are aware, since the economic recession, housing values have significantly diminished. Despite my own personal financial situation, I maintain the mortgage and tax payments on my Troy home not only because not only to have roof over my head, but also because I love Troy, my neighbors and community. Although our community of Sandalwood South is nestled between Our Own Credit Union and Rexpointe Kennels, we maintain an enjoyable residential atmosphere. Without the mandated 6 ft wall barrier between Sandalwood South and Our Credit Union properties, the life of the busy commercial property will overflow into our small community and negatively affect our quality of life as Troy residents.

As the governing body with the authority and leadership to uphold the standard of living for Troy residents, I implore you to **deny** the waiver requested by Our Own Credit Union. Please feel free to contact me if you should have questions or concerns to share at tnllewellyn@yahoo.com.

Respectfully and Sincerely,

Tricia Llewellyn

Proud Troy Resident

ITEM #6 – con't.

Motion by Kovacs
Supported by Clark

MOVED, to amend the original motion to grant Lary Llewellyn, 475 Lovell, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one year.

- Petitioner has met the criteria listed as “B” and “C”.
- Overwhelming number of neighbors have indicated approval of this request.

Mr. Clark stated that he agrees that this vehicle is very well hidden and that this is a reasonable request.

Mr. Kovacs said that based on liberal interpretation it is unreasonable to expect the petitioner to add on to his garage.

Mr. Kempen stated that it is aesthetically pleasing and the truck is well hidden, but is concerned about setting a precedent.

Vote on motion to approve as amended.

Yeas: 6 – Clark, Courtney, Ullmann, Kempen, Kovacs, Lambert
Nays: 1 – Bartnik

MOTION TO GRANT APPROVAL FOR A PERIOD OF ONE-YEAR CARRIED

ITEM #7 – VARIANCE REQUESTED. FRANCO MANCINI, 6693 ROCHESTER ROAD, for relief of the Ordinance to construct a new one-story credit union building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac stated that the petitioner is requesting relief of the Ordinance to construct a new one-story credit union building. The property to the north of this site is in zoned R-1T (One-Family Attached Residential). The property to the west of this site is in zoned R-1C (One-Family Residential). Section 39.10.01 requires a 6' high masonry screen wall between an O-1 (Office Building) zoned development and adjacent residential zoned property. The site plan submitted does not show any screening walls. The board had previously granted approval for relief of the screen walls on this site based upon a different plan to construct an office building on this site.

Mr. Kovacs asked about the history of this request.

Mr. Stimac explained that in 2008 a variance was granted to allow for the development of this parcel and was given a one-year time frame. This was intended to be enough

ITEM #7 – con't.

time to allow for the construction of the building and to see if there were any complaints generated by this construction. In 2009 the petitioner asked for an extension of that time frame as he was unable to develop the site in the time frame allowed. At that time the Board granted approval for one more year.

Mr. Stimac went on to say that there is a retention pond adjacent to west side of the site however; there is not a lot of foliage on the retention pond site.

Mr. Bill Mosher was present and stated that they are planning to add more foliage and will provide as much screening as possible to the surrounding residential sites. Mr. Mosher also stated that they are planning to add foliage that will screen this site year round.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no objections on file.

Motion by Kovacs
Supported by Lambert

MOVED, to grant Franco Mancini, 6693 Rochester Road, relief of the Ordinance to construct a new one-story credit union building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01 for a period of one-year.

- One year time frame will allow for the construction of the building.
- One year time frame will allow the neighbors to determine whether or not a screen-wall would be necessary.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUESTED. BOSTICK ROCHESTER ROAD

DEVELOPMENT, 1400 ROCHESTER, for relief of the Ordinance to construct an addition to an existing industrial building resulting in; a 40'-2' front yard setback where 50' is required; lot coverage of 41.8% where 40% maximum is allowed, 17,863 square feet of countable landscape where 45,184 square feet are required; and 196 parking spaces where enough land is required for 455 parking spaces.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to an existing industrial building. A portion of the proposed addition is within 40'-2" of the front property line along Rochester, where Section 30.20.09 requires a minimum front yard setback of 50' in the M-1 (Light Industrial) Zoning District; Section

ITEM #6 – RENEWAL REQUESTED. FRANCO MANCINI, 6693 ROCHESTER, for renewal of relief granted to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

MOVED, to grant Franco Mancini, 6693 Rochester, a one-year renewal of relief to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

- One-year time frame will give the Board the opportunity to determine if a screen wall would be more effective.
- One-year time frame will give the Board the opportunity to see the final construction of the building.
- One-year time frame will give residents in the area the chance to determine if the natural vegetation will provide enough screening.

ITEM #7 – RENEWAL REQUESTED. TROY AMERICAN HOUSE, 2300 GRAND HAVEN, for renewal of relief of the 4'-6" high masonry wall required along the north and east side of the off-street parking area where it is adjacent to residentially zoned land.

MOVED, to grant Troy American House, 2300 Grand Haven, a three-year renewal of relief of the 4'-6" high masonry wall required along the north and east side of the off-street parking area where it is adjacent to residentially zoned land.

- Conditions remain the same.
- There are no complaints or objections on file.

Motion by Courtney
Supported by Ullman

MOVED, to excuse Mr. Kovacs from voting on **Item** #4 as there may be the appearance of a conflict of interest due to the fact that Mr. Kovacs is employed by the petitioner.

Yeas: 5 – Kovacs, Ullman, Bartnik, Courtney, Kempen
Absent: 2 – Clark, Lambert

MOTION TO EXCUSE MR. KOVACS CARRIED

Mr. Kovacs left the podium.

Motion by Bartnik
Supported by Kempen

MOVED, to have Mr. Courtney act as Chairman for the presentation of Item #4.

Yeas: 4 – Ullmann, Bartnik, Courtney, Kempen
Absent: 2 – Clark, Lambert

ITEM #2 – con't.

MOTION TO APPROVE RENEWAL REQUESTS CARRIED

ITEM #3 – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921

DEQUINDRE, for relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this Board to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This item last appeared before this Board at the meeting of January 2005 and was granted a three-year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre, a three-year renewal of relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall as required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. FRANCO MANCINI, 6693 ROCHESTER ROAD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new one-story building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01. This item last appeared before this Board at the meeting of January 16, 2007 and was granted approval for one year. This building has not been constructed at this time therefore an approval for one additional year is suggested.

MOVED, to grant Franco Mancini, 6693 Rochester Road a one-year renewal of relief to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

- One-year time frame will give the Board the opportunity to determine if a screen wall would be more effective.
- One-year time frame will give the Board the opportunity to see the final construction of the building.
- One-year time frame will give residents in the area the chance to determine if the natural vegetation will provide enough screening.

ITEM #5 – VARIANCE REQUESTED. VARIANCE REQUEST. FRANCO MANCINI, 6693 ROCHESTER ROAD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new one-story office building. The property to the north of this site is in zoned R-1T (One-Family Attached Residential). The property to the west of this site is in zoned R-1C (One-Family Residential). Section 39.10.01 requires a 6' high masonry screen wall between an O-1 (Office Building) zoned development and residential zoned property. The site plan submitted does not show a screening wall.

Mr. Franco Mancini was present and stated that this parcel was surrounded by heavy vegetation and a lot of natural resources. There is a detention pond to the west of the site and the property to the north has a natural wetland buffer between this site and the condo complex. There is also a lot of natural wild life that is on the site. Mr. Mancini would like to utilize the natural features rather than put up a screen wall as he feels it would have a negative effect on the wetlands.

Mr. Maxwell asked when construction would begin. Mr. Mancini said that he would like to begin by late summer.

Mr. Maxwell opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Courtney asked if the petitioner had thought of putting a berm in on the north side of the property. Mr. Mancini stated that the parking lot would be approximately 20' from the property line to keep the natural vegetation and put in a 5' sidewalk. A berm would require that the natural features be destroyed. The natural vegetation is very thick and Mr. Mancini feels it would be sufficient to work as a buffer. Mr. Courtney asked if there was room for a berm and Mr. Mancini said that he did not believe there was.

Mr. Kovacs said that he did not believe you could grant a temporary variance on this and although traffic on Lovell may want to look at the pond, they may not want to look at a Medical Office building. Mr. Mancini said that they have designed the building to look as close to a residential home as possible.

Mr. Kovacs said that he would still like to give people enough time to decide if they would like to have a screening wall.

Mr. Stimac explained the difference between granting a temporary or permanent variance and said that basically Mr. Mancini's request was for a variance to eliminate the required screening wall. Mr. Stimac also explained that the building is approximately 20' from the north property line, and because of the location of doors on

ITEM #5 – con't.

the north side of the building a sidewalk would be required. A 4'-6" high berm would be almost impossible to install in the remaining space.

Along the east property line the parking lot is right up to the edge and if there were a recurring waiver of a berm, the petitioner would lose required parking if he were ever required to install the berm. The petitioner is asking the Board to waive the requirement of a screen wall. If it was decided at a later time that a screen wall would be required, the Board could have him put one up without adversely affecting the development.

Motion by Kovacs
Supported by Gies

MOVED, to grant Franco Mancini, 6693 Rochester Road (proposed address), relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01 for a period of one-year.

- One-year time frame will give the Board the opportunity to determine if a screen wall would be more effective.
- One-year time frame will give the Board the opportunity to see the final construction of the building.
- One-year time frame will give residents in the area the chance to determine if the natural vegetation will provide enough screening.

Yeas: 6 – Kovacs, Maxwell, Wright, Courtney, Fejes, Gies

MOTION TO GRANT VARIANCE FOR ONE-YEAR CARRIED

The Board of Zoning Appeals meeting adjourned at 7:42 P.M.

Mark Maxwell, Vice-Chairman

Pamela Pasternak, Recording Secretary

3. POSTPONED ITEMS

- B. 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



48

26

4860

4885

BRAEMAR

DORSHIRE

41

4820

4845

WILTON

ABERDEEN

LIVERNOIS

47

4781

53

47

61

75

10

59



48

26

4860

4885

BRAEMAR

DONSHIRE

4820

4845

WILTON

41

LIVRNOIS

4781

47

53

47

61

75

59

10

CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48064
PHONE: 248-524-3364
FAX: 248-524-3382
E-MAIL:
http://www.troymi.gov/Planning



FILE NUMBER 4820 Livernois
LOCATION
REGULAR MEETING FEE (\$150.00) pd
VARIANCE RENEWAL (\$35.00)
SPECIAL MEETING (\$850.00)

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 48063
LOT NO. 1820 SUBDIVISION Delzair
LOCATED ON THE East SIDE OF (ROAD) Livernois Rd
BETWEEN Glenshale Dr AND Delhaven Dr
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2 PROPERTY TAX IDENTIFICATION NUMBER(S): 26-13103-040 20-15-102-010
3 ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL R1-B
4 REASONS FOR APPEAL:
5 HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes (provide details) and

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

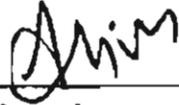
TELEPHONE 248-566-1326, Cell: 614-946-4749

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

PROPOSED SPLITS A

Bern?

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

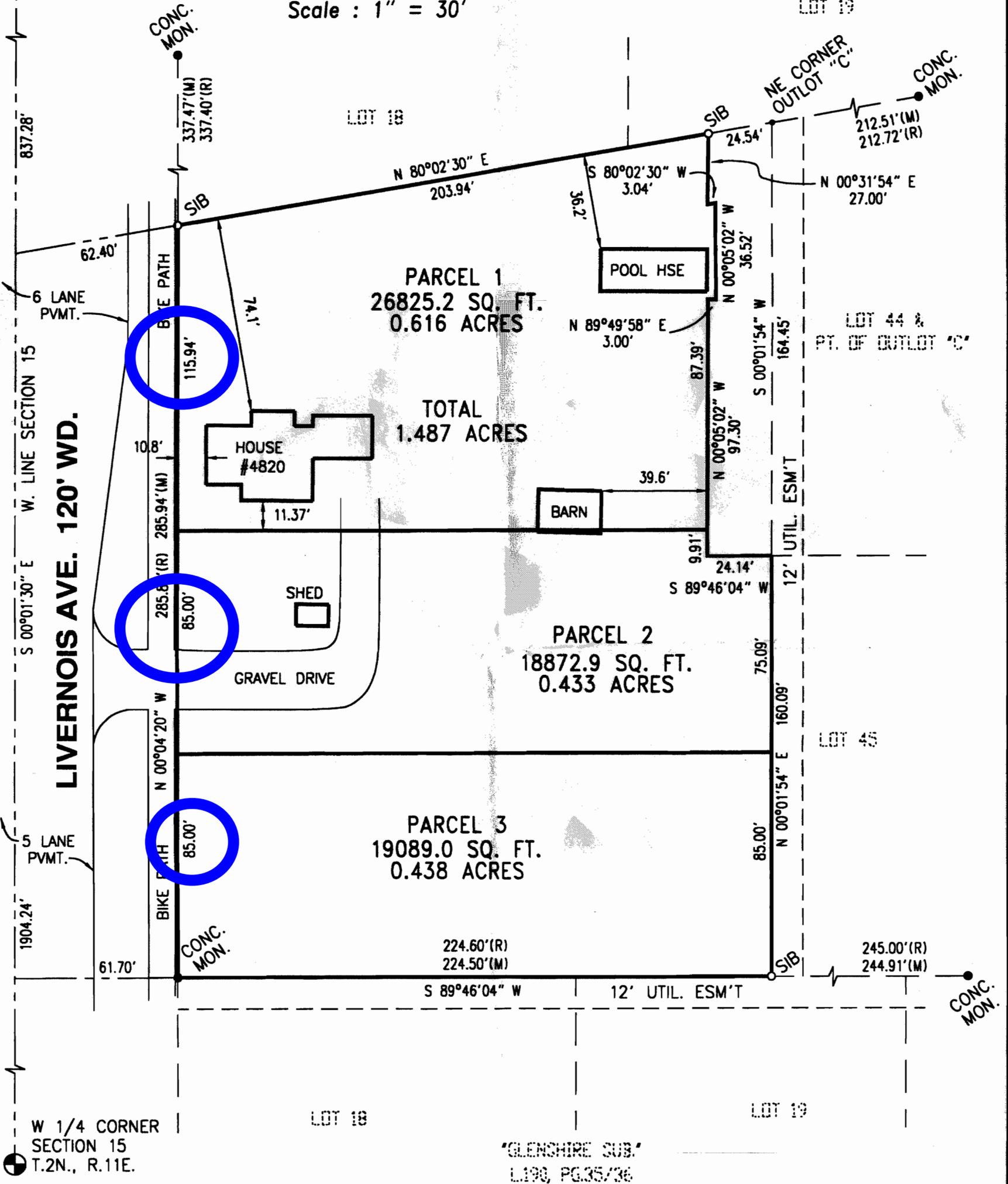
NW CORNER
SECTION 15
T.2N., R.11E.



'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7

Scale : 1" = 30'

LOT 19



**URBAN
LAND
CONSULTANTS** ©

CIVIL ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516

PHONE 586 731-8030
FAX 586 731-2605

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

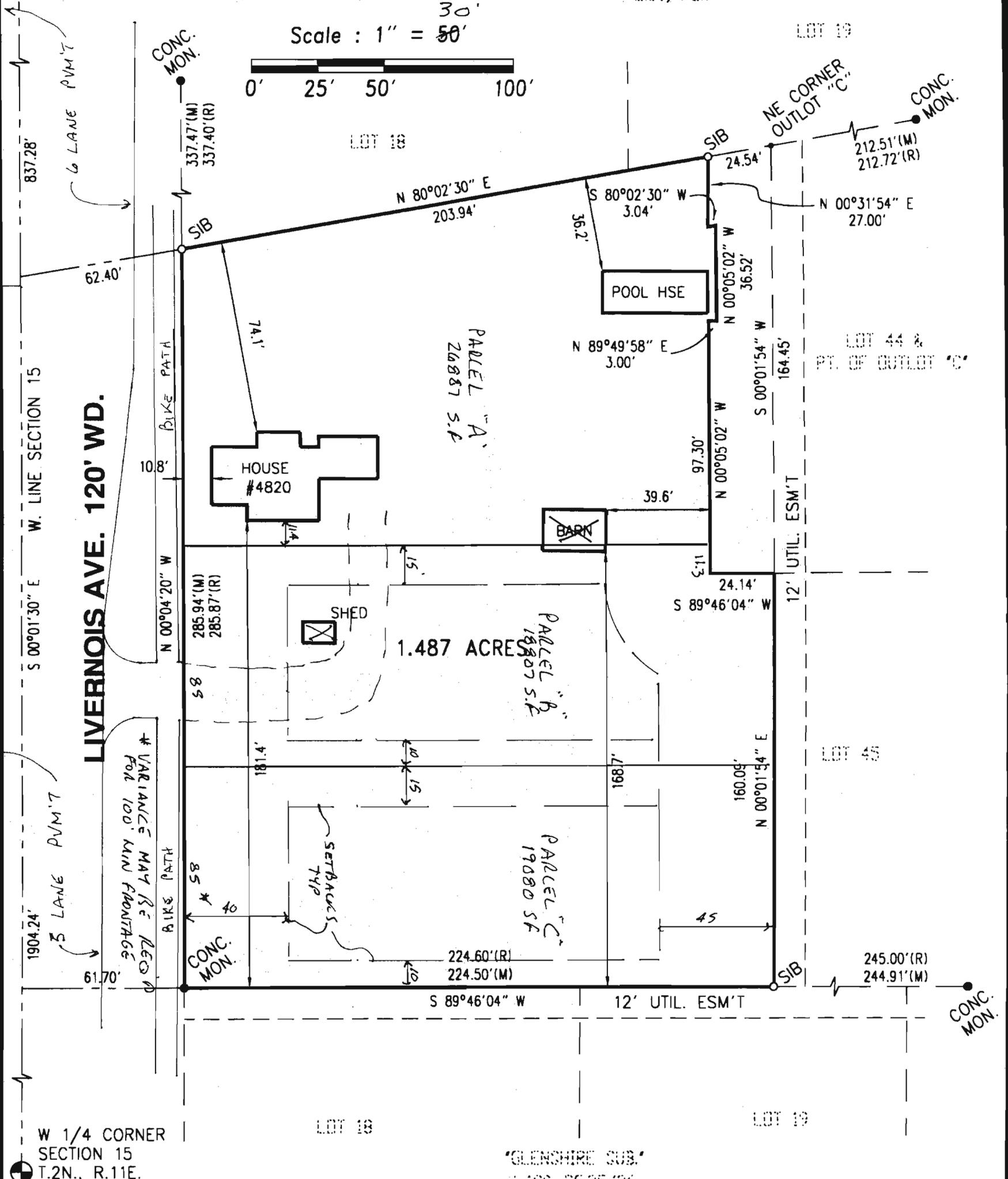
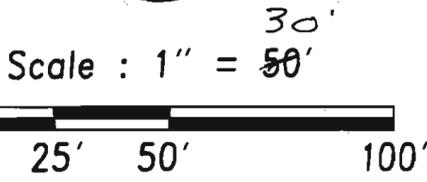
CERTIFICATE OF SURVEY

SPLIT PLAN



NW CORNER
SECTION 15
T.2N., R.11E.

'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7



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

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CONSULTANTS** ©

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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 05-27-09
Drawn J.L.M.
Check J.L.M.
Sheet 1 of 2
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4820 Livernois and Near by property Facts

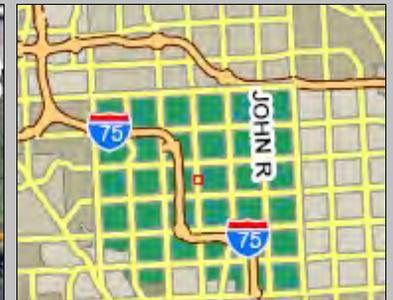
Lot Identification	City Acreage/ Frontage Requirement	Acreage	Actual Frontage	Depth	Subdivision	Construction Year	Address
26	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
48	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
70	15000/100	13500	90	150	Opposite Subdivision	1990's	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





Notes

800 ft from 4820 livernois new construction compared to neighbourhood

Created: 02/10/2011



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 Mandla
 Signature: _____
 Address: 4860 Livensons Rd
 City State Zip: Troy, MI, 48098
 Phone (home): 248-566-1326
 Phone (work): 616-966-4749
 (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.

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

 Signature

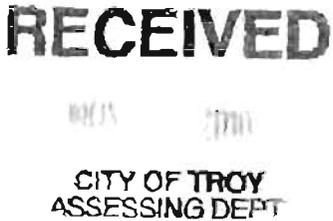
 Title

 Date

- () 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: Kimberly H. ...

 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: 76 GLENSHIRE	Parcel Frontage: 104
Address: 61 GLENSHIRE	Parcel Frontage: 125
Address: 65 ABERDEEN	Parcel Frontage: 68
Address: 4901 LIVERNOIS	Parcel Frontage: 100
Address: 4890 DORSHIRE	Parcel Frontage: 130
Address: 18 BELHAVEN	Parcel Frontage: 171
Address: 4885 DORSHIRE	Parcel Frontage: 120
Address: 70 BELHAVEN	Parcel Frontage: 120
Address: 4883 LIVERNOIS	Parcel Frontage: 100
Address: 26 BRAEMAR	Parcel Frontage: 115
Address: 110 WILTON	Parcel Frontage: 138

Address: 47 ABERDEEN	Parcel Frontage: 97
Address: 4860 LIVERNOIS	Parcel Frontage: 137
Address: 48 BRAEMAR	Parcel Frontage: 90
Address: 41 ABERDEEN	Parcel Frontage: 115
Address: 53 ABERDEEN	Parcel Frontage: 100
Address: 4820 LIVERNOIS	Parcel Frontage: 286
Address: 4781 DORSHIRE	Parcel Frontage: 160
Address: 103 GLENSHIRE	Parcel Frontage: 118
Address: 115 WILTON	Parcel Frontage: 197
Address: 4845 DORSHIRE	Parcel Frontage: 196
Address: 75 GLENSHIRE	Parcel Frontage: 125
Address: 47 GLENSHIRE	Parcel Frontage: 150
Address: 59 ABERDEEN	Parcel Frontage: 57
Address: 64 GLENSHIRE	Parcel Frontage: 118
Address: 90 GLENSHIRE	Parcel Frontage: 104
Address: 50 GLENSHIRE	Parcel Frontage: 165

Summary Parcel Frontage

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



Parcel Variance Report



Address: 61 GLENSHIRE	Parcel Frontage: 125
Address: 18 BELHAVEN	Parcel Frontage: 171
Address: 4885 DORSHIRE	Parcel Frontage: 120
Address: 70 BELHAVEN	Parcel Frontage: 120
Address: 4860 LIVERNOIS	Parcel Frontage: 137
Address: 4820 LIVERNOIS	Parcel Frontage: 286
Address: 4781 DORSHIRE	Parcel Frontage: 160
Address: 4845 DORSHIRE	Parcel Frontage: 196
Address: 75 GLENSHIRE	Parcel Frontage: 125
Address: 47 GLENSHIRE	Parcel Frontage: 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

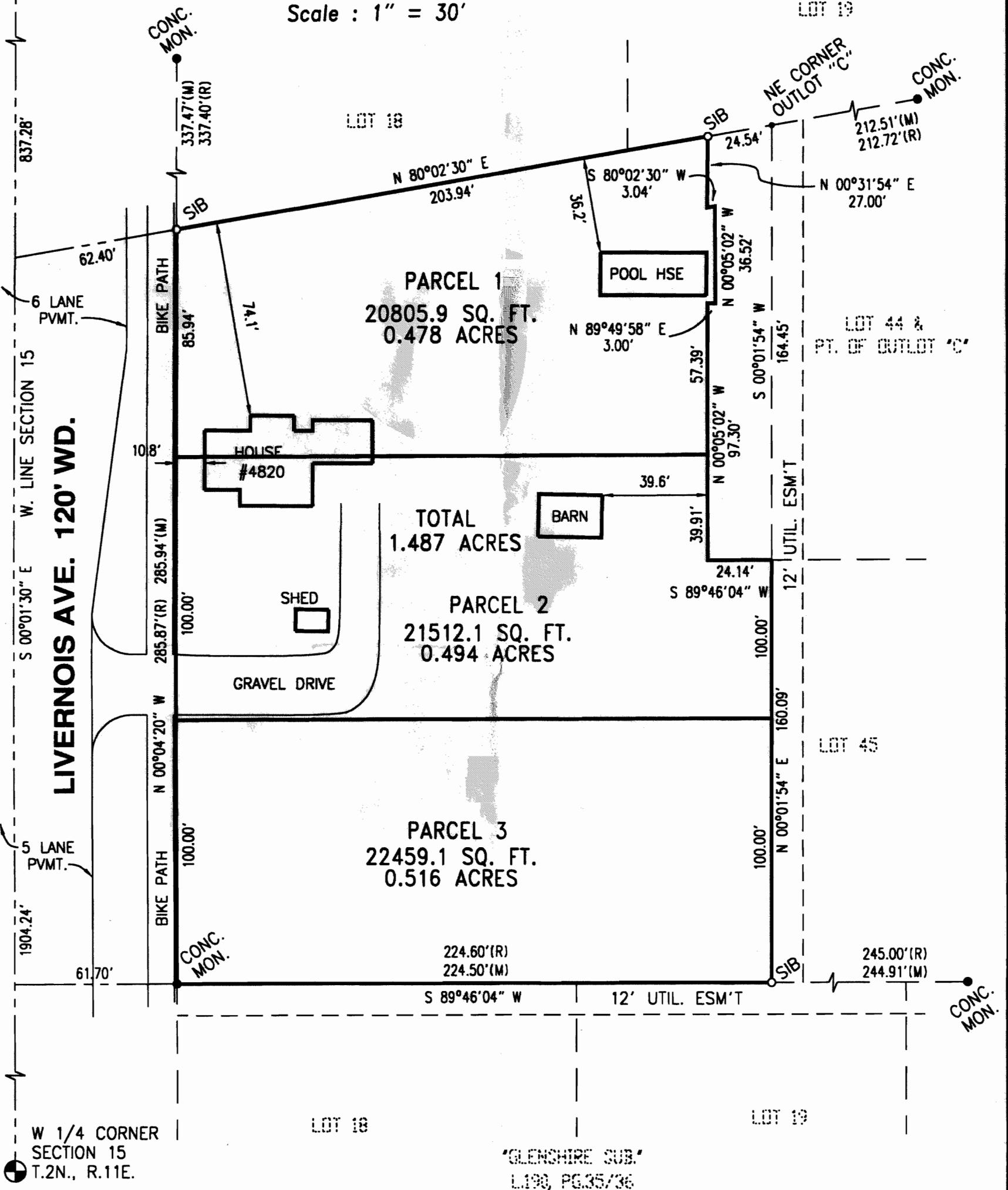
PROPOSED SPLITS B

NW CORNER
SECTION 15
T.2N., R.11E.



'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7

Scale : 1" = 30'



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

- 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
 Fid. Bk.
 Job No.
 090504-7938

CERTIFICATE OF SURVEY

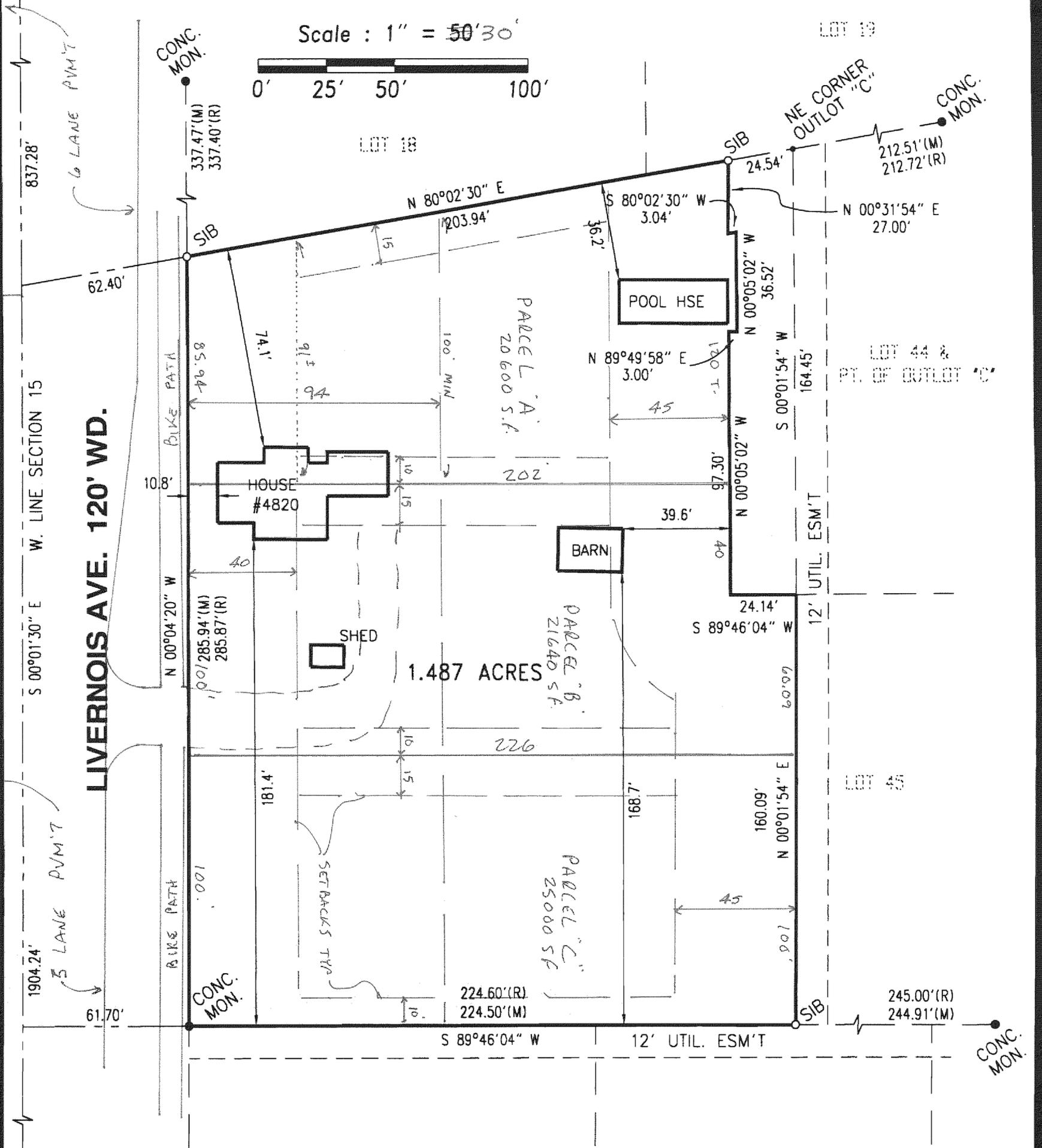
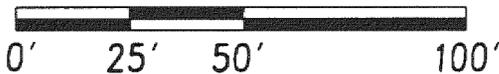
PROPOSED SPLITS

NW CORNER
SECTION 15
T.2N., R.11E.



'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7

Scale : 1" = 50'30"



W 1/4 CORNER
SECTION 15
T.2N., R.11E.

'GLENSHIRE SUB.'
L.198, PG.35/36

CRITERIA:
ZONING R-LB(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.

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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.



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 representatives, 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 height, 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.

2-11/15

1975

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 remain 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, BREEZERWAYS AND STABLES.

X (a) No garage shall have a floor area of less than 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 practicable oil storage tanks shall be placed inside garage or dwelling, but where impracticable 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.

X (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 covenants 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 consent 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 covenants 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

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. Bernard
Norman R. Bernard

Richard J. Belz
Richard J. Belz

Harriet K. Bernard
Harriet K. Bernard

Dorothy L. Haven
Dorothy L. Haven

State of Michigan
County of Oakland ss.

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. Bernard
Harriet K. Bernard

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 ex officio 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 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 officer 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 his/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 in director 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

3. POSTPONED ITEMS

- C. VARIANCE REQUEST, AIDA AND SARMAH HERMIZ, 6763 DONALDSON ROAD – In order to construct a 2965 square foot garage addition to the existing house, a 1685 square foot variance to the requirement that the area of an attached accessory building (garage) shall not exceed 75 percent of the ground floor footprint of the living area of the dwelling. 75 percent of the ground floor footprint of the living area is 1952 square feet.

SECTION: 7.03 (B) (b)





(R-1B)

6763

27 45 63 81 99

26 44 62 80 98 116

6730

6704

6692

65 83 99 115 131 147 163 179 195 211 227

6678

6658

6638

6600

66 90 106 130 154 178 202 226 246

61 83 105 129 153 177 201 225 245

LESDALE

6825

6806

6800

6774

6750

6730

277 295 313 323 345 361

276

275

296 316 336 356

285 295 317 355

6793

6771

6745

6729

6821

FIELDSTONE

DONALDSON

LIVERNOIS

E LOVELL

WILDWOOD LANE

5



6763

DONALDSON

67

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/#>



REGULAR MEETING FEE \$150.00
SPECIAL MEETING FEE \$650.00

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 27 DAYS BEFORE THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY. 6763 DONALDSON RD.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-03-101-008
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL. CHAPTER 39 SECTION 7.03
4. REASONS FOR APPEAL *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
6. APPLICANT INFORMATION
NAME AIDA & SARMAD HERMIZ
COMPANY _____
ADDRESS 6763 DONALDSON RD.
CITY TROY STATE MI ZIP 48085
TELEPHONE (248) 828-3404
E-MAIL aidahermiz@gmail.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: OWNER

8. OWNER OF SUBJECT PROPERTY:
NAME AIDA & SARMAD HERMIZ
COMPANY _____
ADDRESS 6763 DONALDSON RD.
CITY TROY STATE MI ZIP 48085
TELEPHONE (248) 828-3404
E-MAIL aidahermiz@gmail.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, AIDA & SARMAD HERMIZ (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 *Aida & Sarmad Hermiz* DATE 6/17/2011

PRINT NAME: AIDA HERMIZ & SARMAD HERMIZ

SIGNATURE OF PROPERTY OWNER *Aida & Sarmad Hermiz* DATE 6/17/2011

PRINT NAME: AIDA HERMIZ & SARMAD HERMIZ

City of Troy
 20000 Troy Road
 Troy, MI 48063

City of Troy



20000

Sarmad & Aifa Hermiz
 6763 Donaldson
 Troy, MI 48065

June 13, 2011

Re: 6763 Donaldson Permit # PD2011-0477

Mr. & Mrs. Hermiz

We are in receipt of your building permit application for a accessory structural garage addition to the side of your home at the address listed above.

The plans submitted to this office do not meet the requirements set forth in the City of Troy Zoning ordinance for the following reasons:

- Chapter 39 section 7.03 (b) Accessory Buildings in Residential Districts requires that the area of attached accessory buildings shall not exceed seventy-five (75) percent of the ground floor footprint of the living area of the dwelling.
- The plans submitted show the square footage of the existing garage along with the addition would total approximately 2,665 square feet in excess of 75%. The existing ground floor living area is 2,669 square feet.

Please submit revised plans showing compliance with the referenced code sections. Therefore your application may not be further processed until this issue is corrected on your plans.

If you should have any questions feel free to contact me

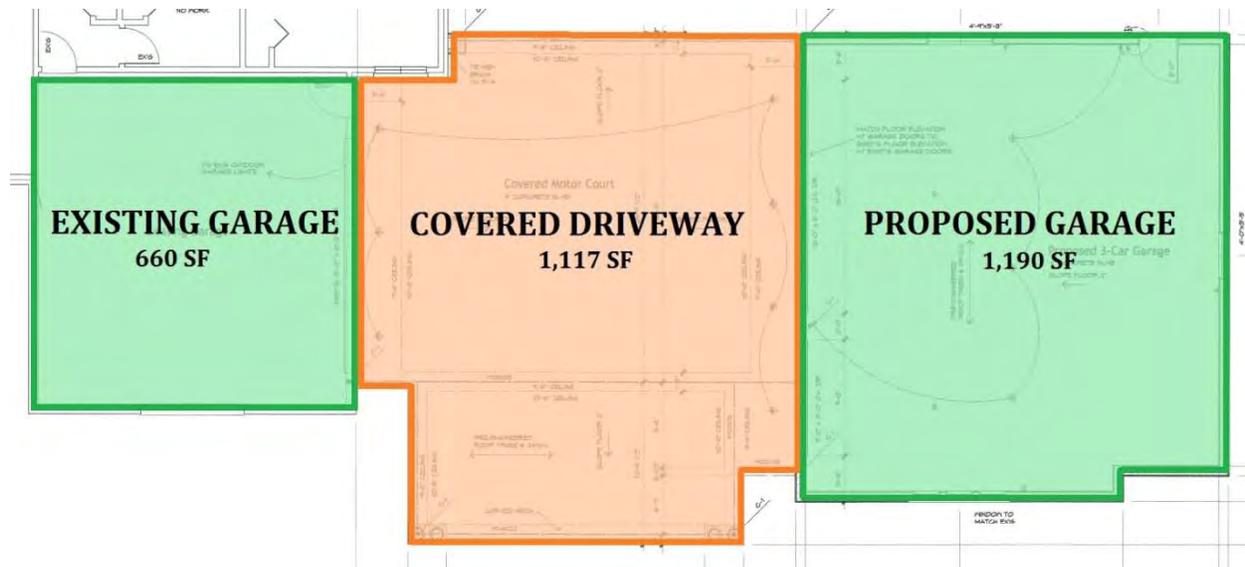
Sincerely,

Steve Birns,
 SAFEbuilt
 Building Official
 248-575-3348

Greetings,

Our request for a permit to add a new garage to our home was denied by the City of Troy Building Department. The code requires the garage area not exceed 75% of the first floor living space.

We are requesting relief from counting the square footage of the covered driveway (between the old and the proposed garage) in the calculation of total garage area.



Existing Garage Size	660 square feet
Proposed Second Garage Size	1,190 square feet
Total Enclosed Garage Area	1,850 square feet
Covered Driveway Area	1,117 square feet

The combined area of both garages is 1,850 square feet, which is 69% of the first floor area, well within the 75% maximum. The proposal was rejected because the City added the square footage of the covered driveway to the total garage area.

Our understanding of the intent of this code is to prohibit oversized pole barns and storage sheds. This addition adds architectural features to the home and is not out-of-place. The driveway, which is open in the front and rear, will not present an obstruction to the neighbor's view from across the street.

Additionally, our lot is five acres and the width is 167 feet. The front setback of the house from the street is 90 feet, with this setback the new garage will be quite far

7/19/2011

from the street, Also the location of the house is mostly on the south side of the lot. With the proposed addition, the house will be more centered on the lot. With the size of the lot and the location of the proposed addition, they will not diminish neighboring property values. We believe and hope you will agree, that the overall look of the house will add value to the neighborhood.

Attached is the denial letter we received from the building department. We hope you will grant our request and thank you kindly.

Sincerely,

Aida & Sarmad Hermiz

6763 Donaldson Rd.

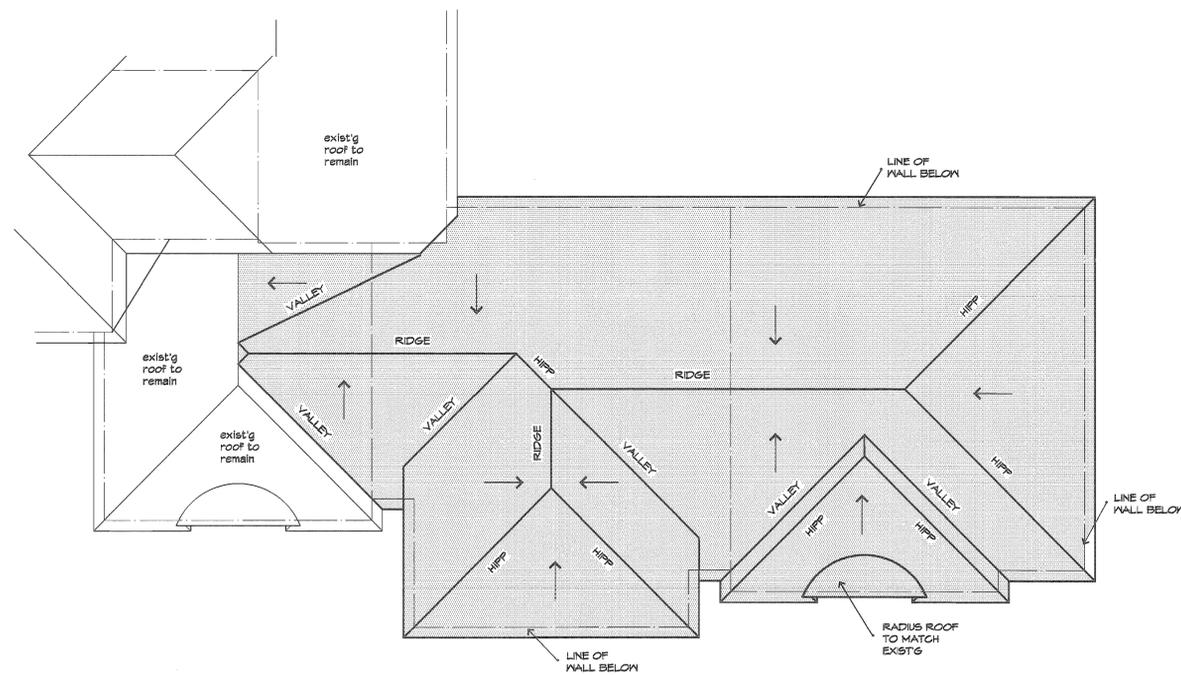
Troy, MI 48085

(248) 828-3404

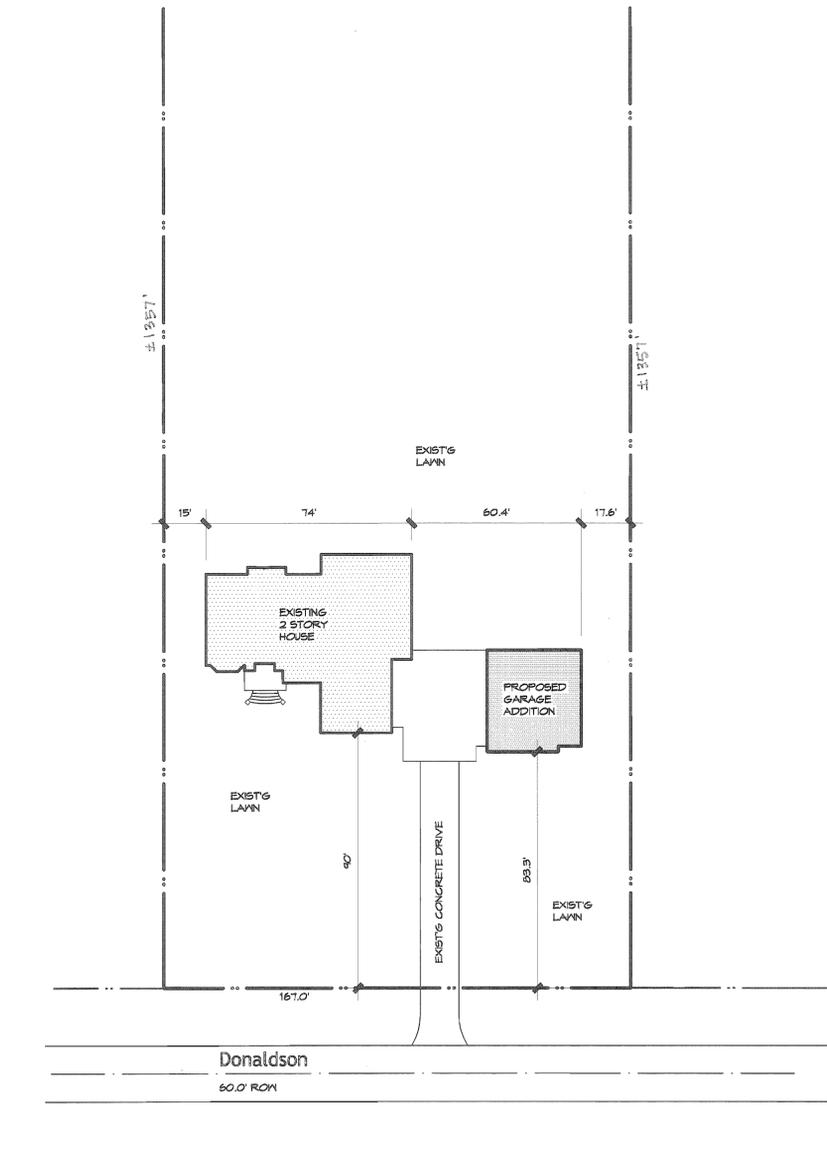


Proposed Garage Addition For: Sarmad & Aida Hermiz

6763 Donaldson
City of Troy - Oakland County - Michigan



Roof Plan
Scale: 1/8" = 1'-0"



Site Plan
Scale: 1/4" = 1'-0"

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West & South Elevations	6
Building Section	7
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586.752.5010 Phone • 586.201.1602 Cell

Proposed Addition for:
The Hermiz Family

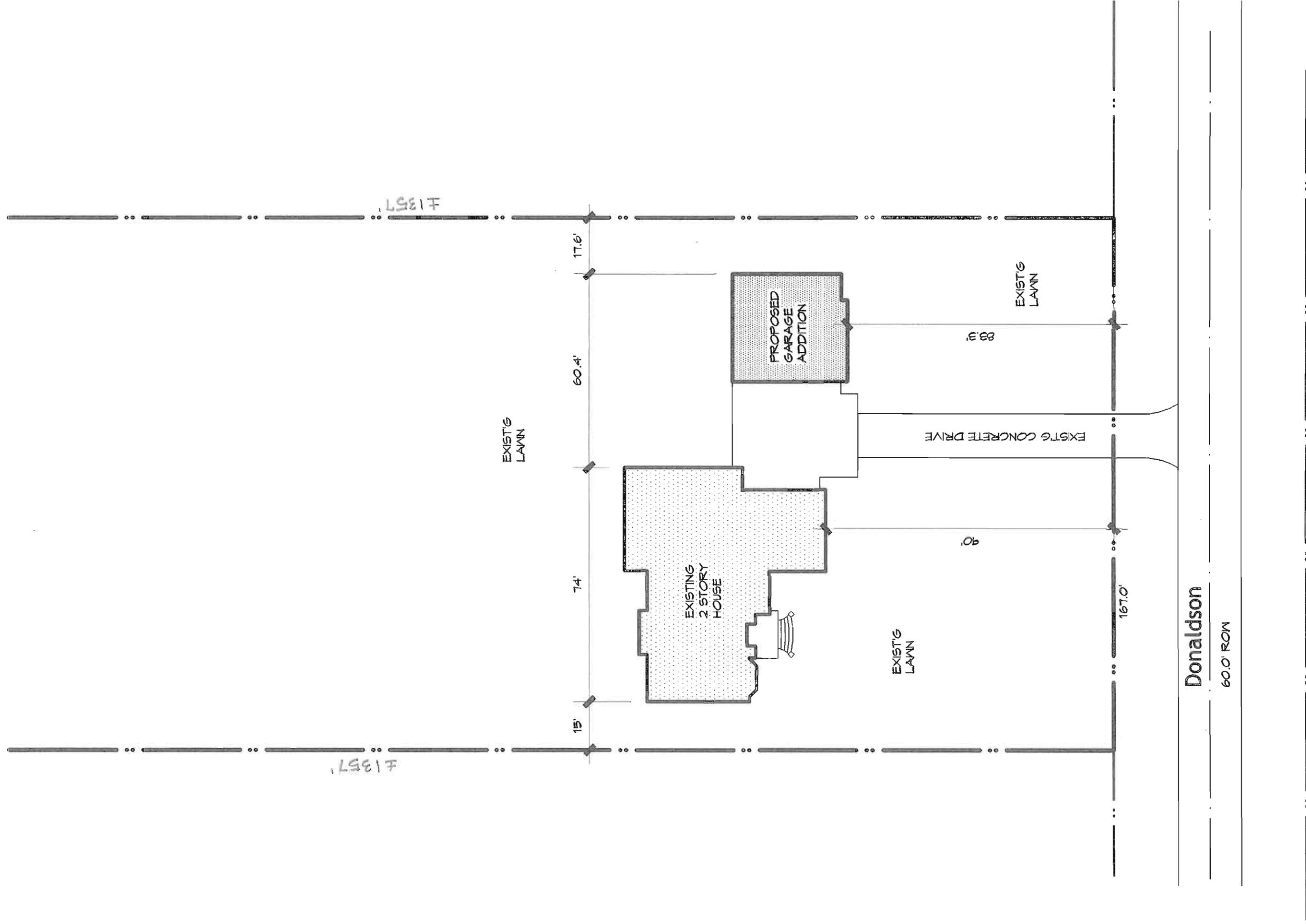
Location: Troy, Michigan
Michigan 2009 Use Type: Residential
Michigan 2009 Construction Type: 5-B
Consultant:

Issued:

Revisions:

Sheet Contents:
Site Plan
Roof Plan

Project Number: 11866
Drawn by: REB / MAK
Date: 01JUN11
Sheet Number:



Site Plan

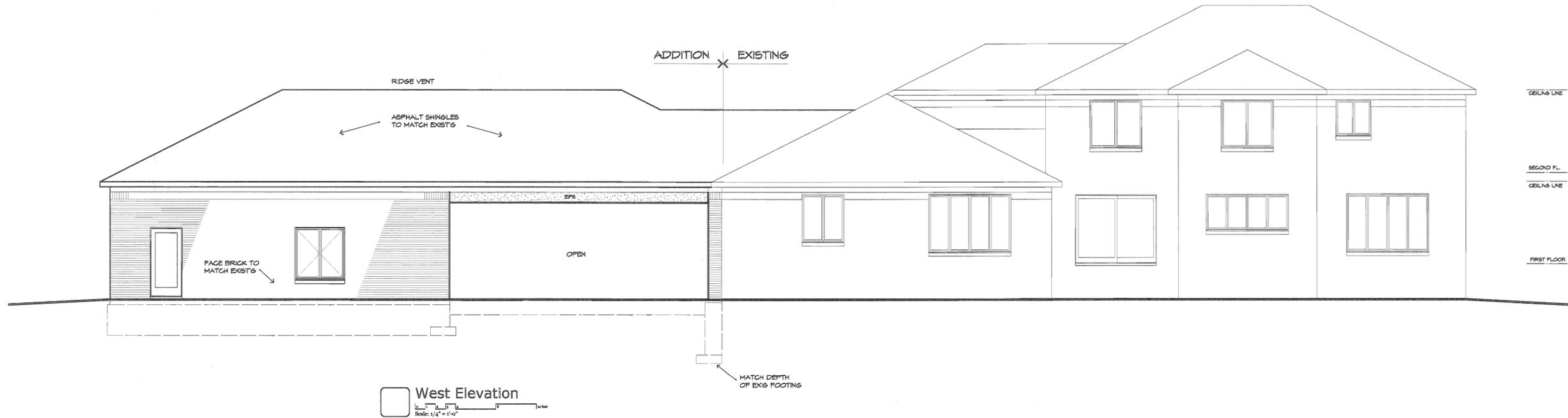
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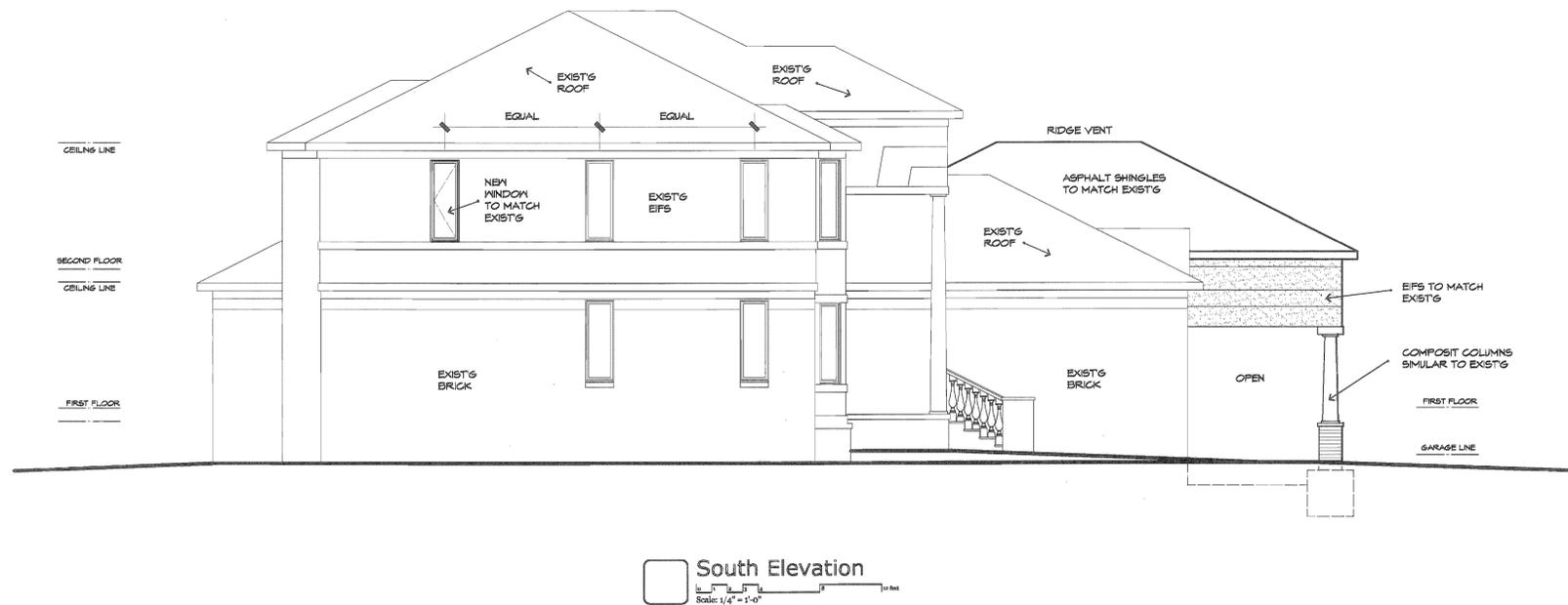
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West Elevation
 Scale: 1/4" = 1'-0"



South Elevation
 Scale: 1/4" = 1'-0"



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Proposed Addition for:
The Hermiz Family

Location: Troy, Michigan
 Michigan 2009 Use Type: Residential
 Michigan 2009 Construction Type: 5-B
 Consultant:

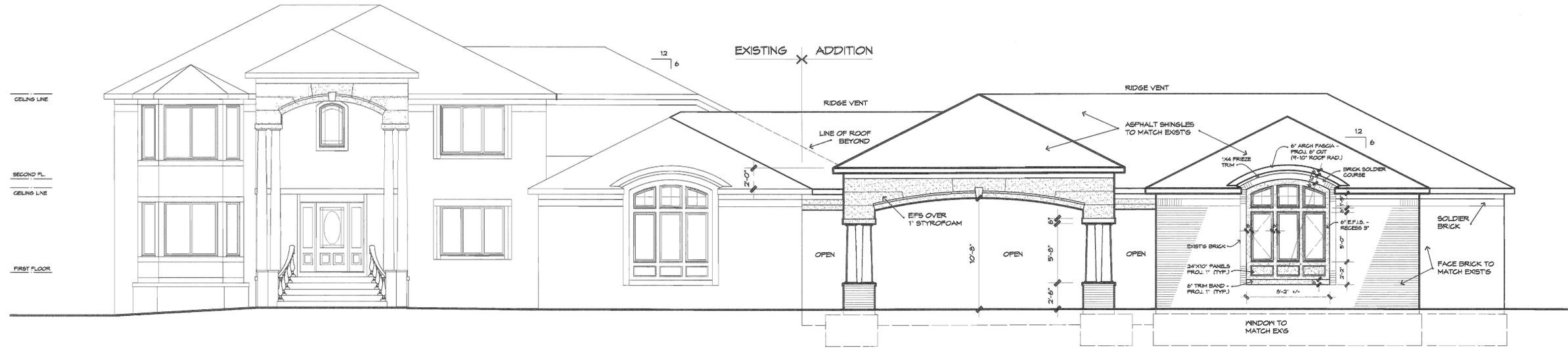
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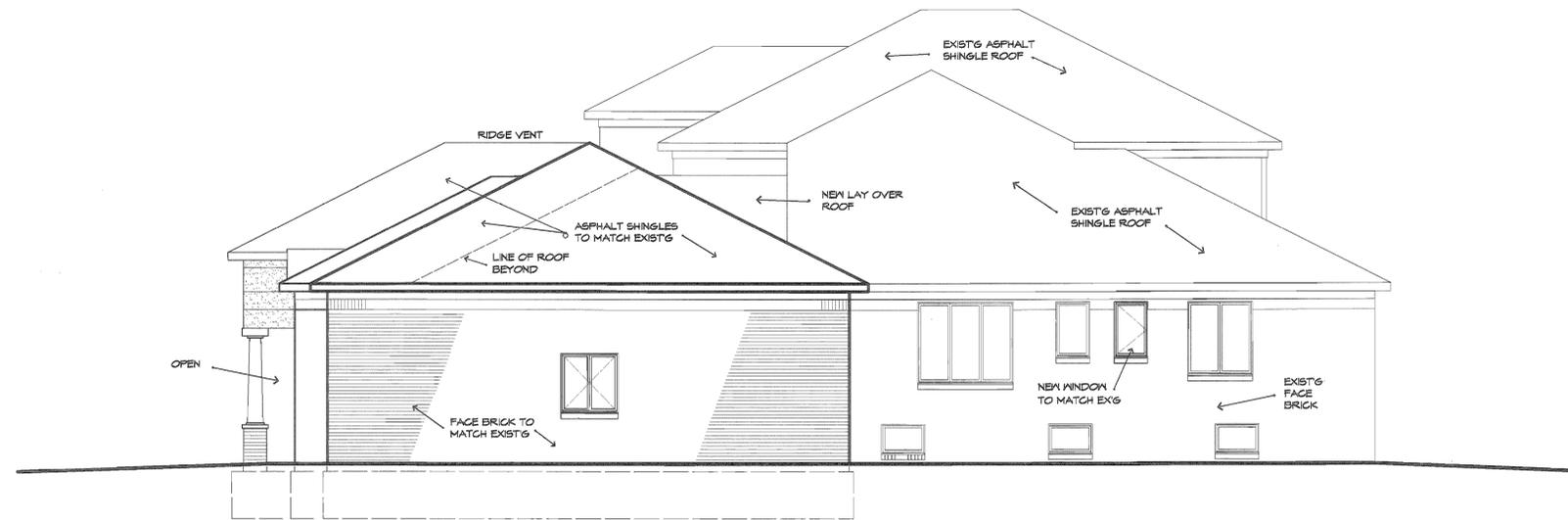
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 West Elevation
 South Elevation

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 Drawn by: REB / MAK
 Date: 01JUN11
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East Elevation
 Scale: 3/16" = 1'-0"



North Elevation
 Scale: 3/16" = 1'-0"



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Proposed Addition for:
The Hermiz Family

Location: Troy, Michigan
 Michigan 2009 Use Type: Residential
 Michigan 2009 Construction Type: 5-B
 Consultant:

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 East Elevation
 North Elevation

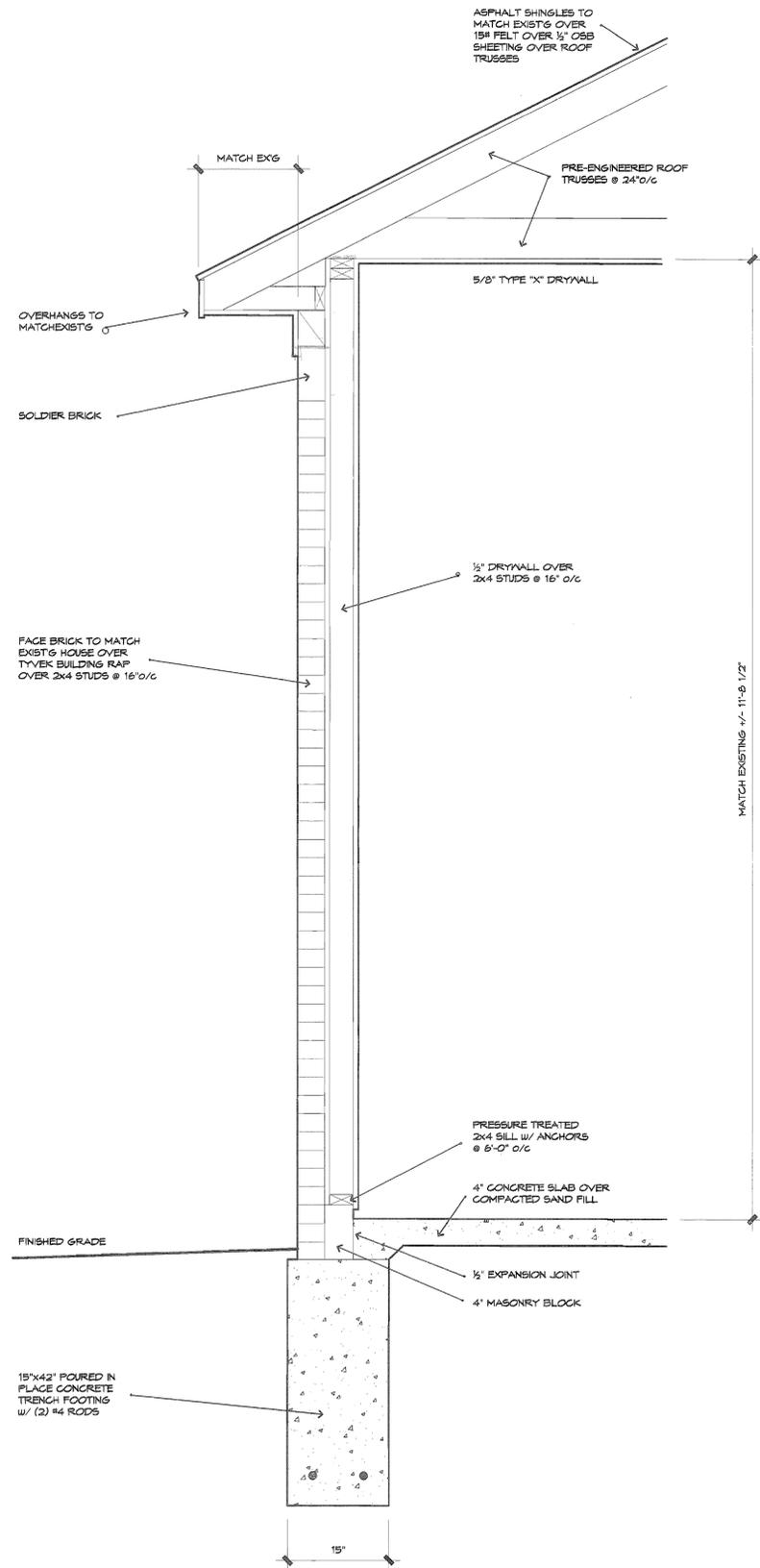
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 Date: 01JUN11
 Sheet Number:

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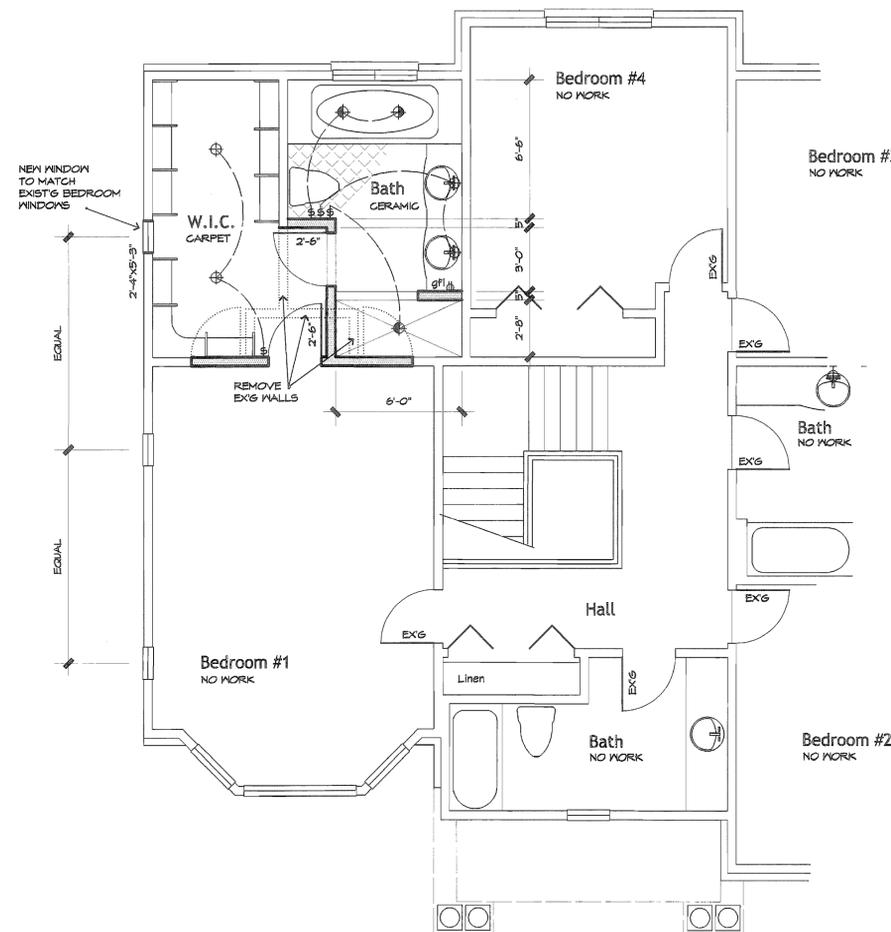
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Wall Section
 Scale: 1/8" = 1'-0"



Second Floor Plan
 Scale: 1/4" = 1'-0"



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Proposed Addition for:
The Hermiz Family
 Location: Troy, Michigan
 Michigan 2009 Use Type: Residential
 Michigan 2009 Construction Type: 5-B
 Consultant:

Issued:

Revisions:

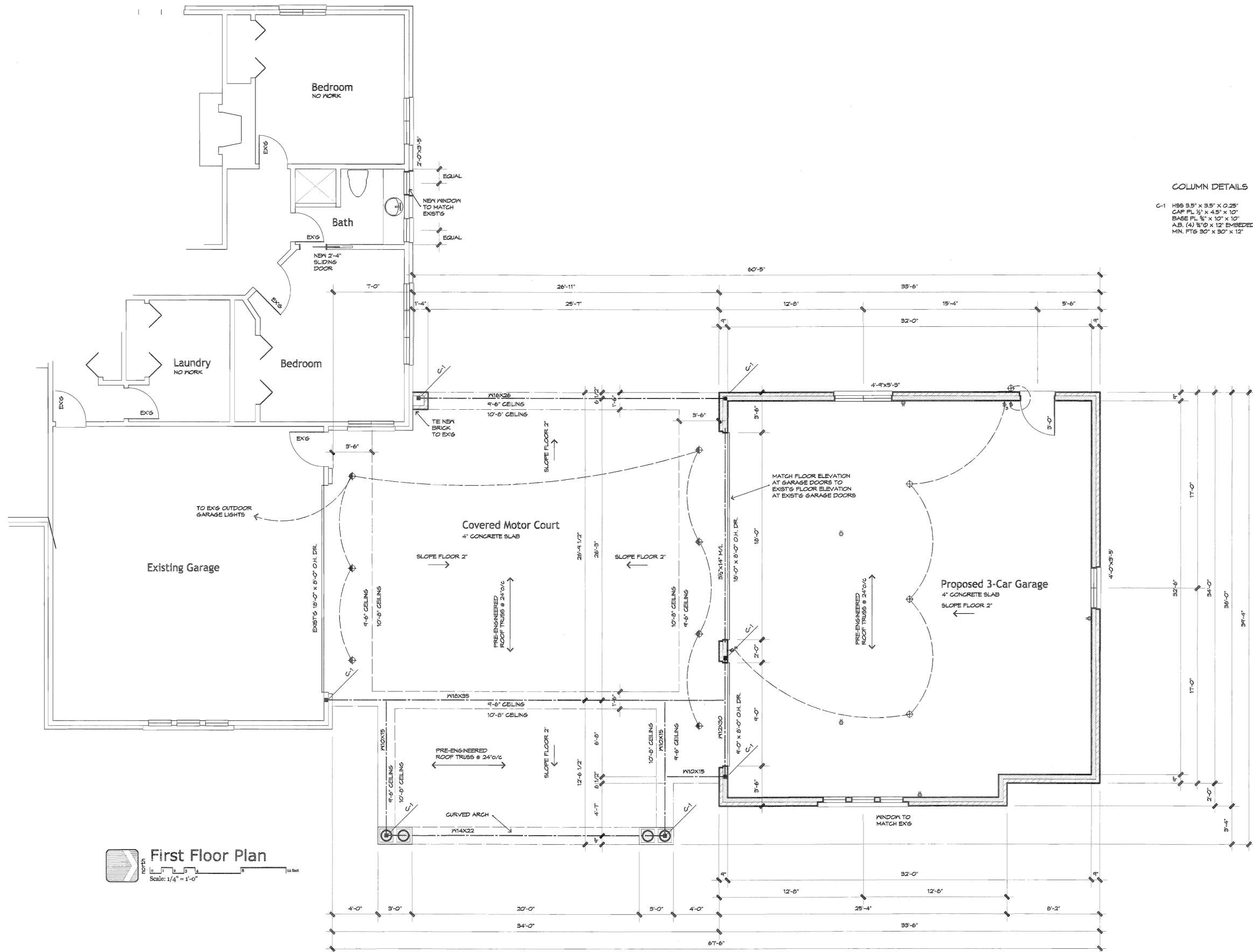
Sheet Contents:
 Second Floor Plan
 Wall Section

Project Number: 11866
 Drawn by: REB / MAK
 Date: 01JUN11
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COLUMN DETAILS

C-1 HSB 3.5" x 3.5" x 0.25"
 CAP PL 1/2" x 4.5" x 10"
 BASE PL 3/4" x 10" x 10"
 A.B. (4) 3/16" x 12" EMBEDDED
 MIN. FTG 30" x 30" x 12"

First Floor Plan
 Scale: 1/4" = 1'-0"



Proposed Addition for:
The Hermiz Family

Location: Troy, Michigan
 Michigan 2009 Use Type: Residential
 Michigan 2009 Construction Type: 5-B
 Consultant:

Issued:

Revisions:

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 Floor Plan

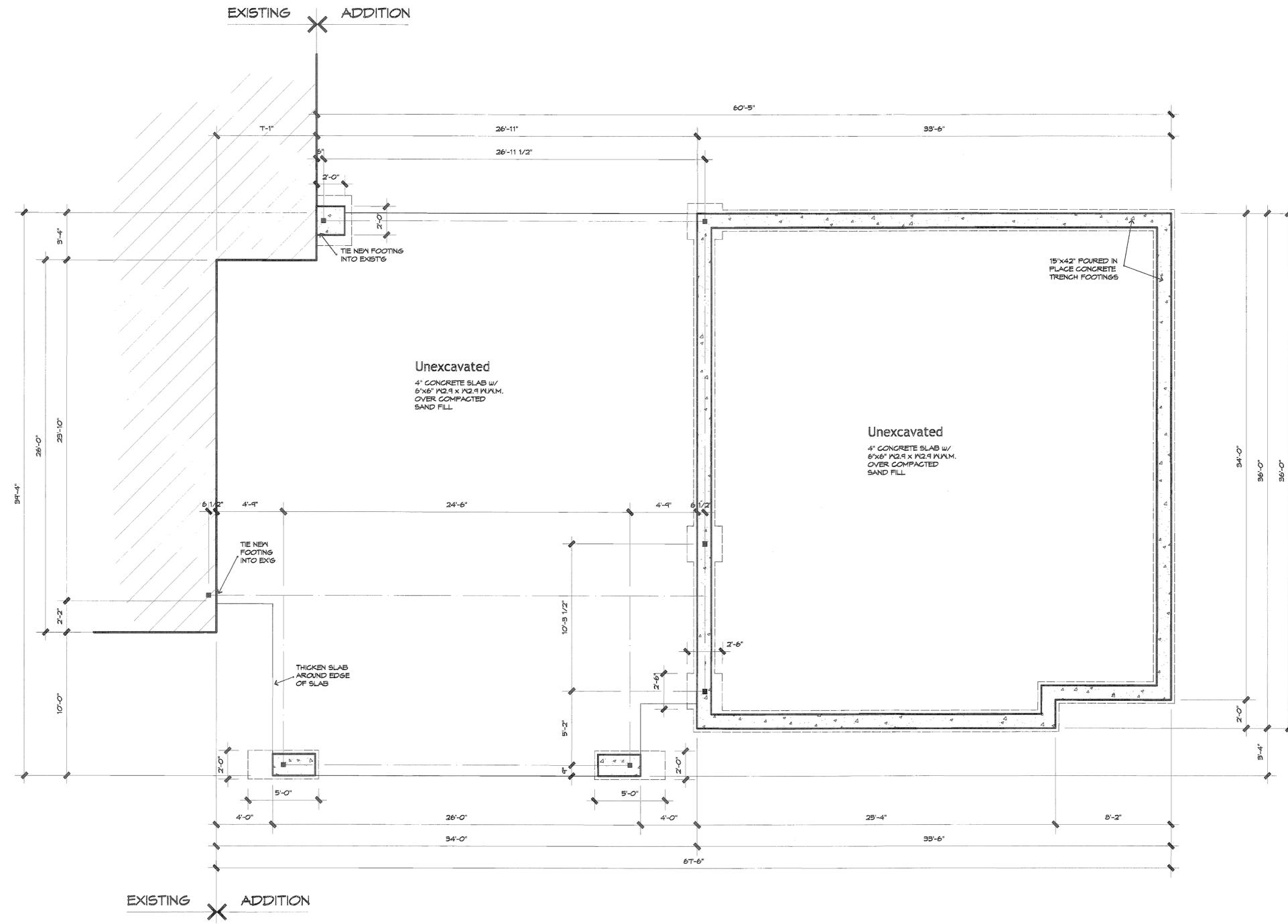
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 Date: 01JUN11
 Sheet Number:

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Foundation Plan
 Scale: 1/4" = 1'-0"

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Proposed Addition for:
The Hermiz Family
 Location: Troy, Michigan
 Michigan 2009 Use Type: Residential
 Michigan 2009 Construction Type: 5-B
 Consultant:

Issued:

Revisions:

Sheet Contents:
 Foundation Plan

Project Number:	11866
Drawn by:	REB / MAK
Date:	01JUN11
Sheet Number:	

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From: NSRtroy@aol.com
To: [Planning](#)
Subject: variance request
Date: Monday, July 11, 2011 10:19:18 AM

City of Troy
Planning Department
500 W. Big Beaver
Troy, MI 48084

Ref: 1685 square foot variance to construct an attached accessory building
Location: 6763 Donaldson

We strongly object to granting this variance. Adding a 2965 square foot garage addition to the existing home is way too much. If this is granted, then how many others will want a monster garage? This will change the look and feel of Donaldson in a negative way.

We urge you to deny this variance request.

Thank You,

Norman & Darlene Russell
6774 Donaldson
Troy, MI 48085
248-879-8747

A signed copy of this e-mail has been mailed.

From: [Rudy Antonelli](#)
To: [Planning](#)
Subject: 6763 Donaldson
Date: Tuesday, July 19, 2011 12:54:41 PM

City of Troy
July 19, 2011
Planing Department
Zoning Appeals
Item: Residence 6763 Donaldson
Att: Mr. Paul Evans

After my telephone conversation with Mr. Evans, I talked to Mr. and Mrs. Hermiz at 6763 Donaldson Rd. about the garage that they are planning to build.

After understanding that they will build a garage of not more than 1190 sq ft plus a “seethrough” covered driveway area of not more than 1175 sq ft, my wife and I decided to retract from our previous position opposing the project indicated in our previous letter & email to the Planning Department Zoning Board of Appeals.

We now agree to the construction project with the limitations expressed above.

Sincerely,
Rudy and Beatriz Antonelli
6800 Donaldson
Troy, MI 48085

From: [Lynda Chope](#)
To: [Planning](#)
Subject: 6763 Donaldson Public Hearing
Date: Tuesday, July 19, 2011 12:27:11 PM

Hi, I am a neighbor of the Hermiz Family that wish to build a garage and need a variance. I live across the street at 6750 Donaldson. I have viewed the plans and have no problem with the potential new garage.

sincerely,

Linda Chope

6763 DONALDSON

CITY STAFF CALCULATIONS BASED ON 7-19-2011 APPLICATION REVISION

HOUSE SF BASED ON ASSESSING RECORDS	2602 SQ FT X 75%
	1951.5 (1952 ROUNDED)

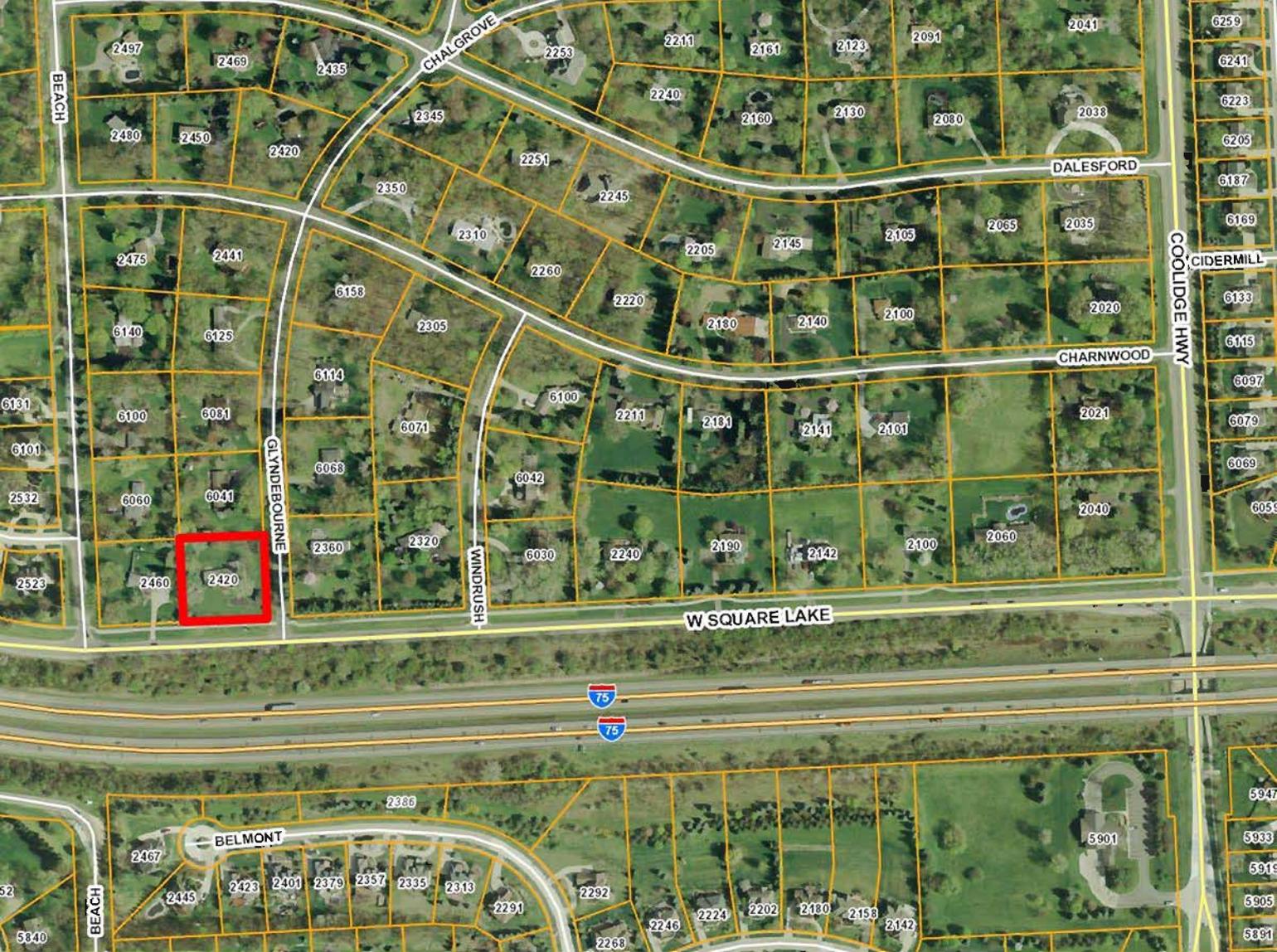
ACCESSORY FLOOR AREA

ATTACHED GARAGE BASED ON ASSESSING REC	671 SQ FT
PROPOSED "COVERED DRIVEWAY	1117 SQ FT
PROPOSED "GARAGE"	1190 SQ FT
TOTAL	2978 SQ FT
ALLOWED	1952 SQ FT
VARIANCE	1026 SQ FT

4. HEARING OF CASES

- A. **VARIANCE REQUEST, ANGELINA AND BESNIK GOJKA, 2420 W. SQUARE LAKE ROAD** – In order to allow 10 adult foster care residents, a 27 square foot variance to the requirement that the land parcel be at least 40,000 square feet in area. Adult foster care small group homes are required to have at least 4,000 square feet of lot area per adult, excluding employees and/or caregivers. The subject property measures 39,973 square feet.

SECTION: 6.02 (B) (2)



CHAL GROVE

BEACH

DALESFORD

COOLIDGE HWY

CIDERMILL

CHARNWOOD

GLYNDEBOURNE

WINDRUSH

W SQUARE LAKE

BELMONT

BEACH



6060

6041

2360

2460

2420

GLYNDEBOURNE

W SQUARE LAKE

BEACH



6060

6041

GLYNDEBOURNE

(R 1A)

2360

2460

2420

BEACH

W SQUARE LAKE

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/#>



REGULAR MEETING FEE **\$150.00**
SPECIAL MEETING FEE **\$650.00**

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 **27 DAYS BEFORE THE MEETING DATE**.

1. ADDRESS OF THE SUBJECT PROPERTY: 2420 W. Square Lake Road
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-06-452-010
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 6.02.B.2
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: None
6. APPLICANT INFORMATION:
NAME Angelina and Besnik Gojka
COMPANY Angel from Albania
ADDRESS 2420 W. Square Lake Road
CITY Troy STATE MI ZIP 48098
TELEPHONE (248) 879-3245
E-MAIL angel_gojka@hotmail.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: same as owner

8. OWNER OF SUBJECT PROPERTY:

NAME same as applicant

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

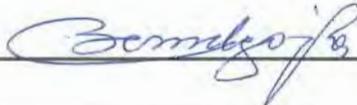
The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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, Besnik Gojka (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 _____

PRINT NAME: _____

SIGNATURE OF PROPERTY OWNER  DATE 7/12/11

PRINT NAME: Besnik Gojka

July 11, 2011

Planning Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Re: Zoning Board of Appeals Request for #2420 Square Lake Road
"Angel from Albania" Adult Foster Care Home
Section 6, City of Troy

Dear City of Troy Planning Department:

Attached to this letter are the following items:

- Two (2) Zoning Board of Appeals Applications.
- Two (2) Certified Boundary Surveys.
- Two (2) Site Plans.
- Two (2) Floor Plans.
- Two (2) copies of photos of the exterior of the home.
- Two (2) copies of the State of Michigan AFC Rule 409.
- Two (2) copies of supporting maps and lot information.
- One (1) CD containing PDF copies of the aforementioned items.
- One (1) check in the amount of \$150.00.

These materials are being submitted for Zoning Board of Appeals review of a variance request to Zoning Ordinance Section 6.02.B.2 in order to allow a tenth (10th) adult foster care resident, further explained as follows.

On June 14, 2011 this site received Special Use Approval from the Planning Commission for an Adult Foster Care Small Group Home contingent upon a maximum number of nine (9) adult foster care residents. This is one person short of the owners' goal of ten (10) residents.

When owners Angelina and Besnik Gojka first explored the idea of expanding their occupancy and improving their facility, the obvious first step was to determine the total number of residents allowed under State of Michigan and City of Troy regulations.

Under the State of Michigan Adult Foster Care ("AFC") Rule 409 (see attached), the number of residents is based on the usable bedroom floor area and is calculated as follows:

July 11, 2011
Planning Department, City of Troy
Re: Special Use Request for #2420 Square Lake Road

<u>Bedroom #</u>	<u>Usable Square Footage</u>	<u>Occupancy</u>
1	105	1
2	90	1
3	147	2
4	140	2
5	227	3
5	147	2
7	163	2
		<i>Total Occupancy: 13 persons</i>

The total number of residents the home can accommodate by State rules is therefore thirteen (13). However, by the State's definition of an Adult Foster Care "Medium Group" Home the maximum allowed would actually be twelve (12).

The City of Troy Zoning Ordinance Section 6.02.B.2 determines the number of residents based on lot area. The owners, not having the benefit of a Survey at the time, used the only information available to them, including the City of Troy Assessing data and map, the Oakland County Property Gateway map, and the subdivision plat of "Charnwood Hills No. 3" (copies of each are attached). All three maps indicate that their property (Lot 113) is 200 feet by 200 feet. Simple math would yield 40,000 square feet. Also note the City Assessing data indicates the lot as being 0.92 of an acre, which equates to 40,075 square feet.

Thus, using the City of Troy's requirement of one (1) resident allowed per 4,000 square feet of land area, 40,000 square feet divided by 4,000, yields ten (10) foster care residents. Based on this knowledge and understanding, the owners proceeded with construction of two (2) additional bedrooms and one (1) additional bathroom in what was formerly the garage area of the home.

Upon application for Special Use Request to change the designation of the home from a Family Home to a Small Group Home, a Boundary Survey was performed as required by standard Planning Commission review procedures. The Survey yielded a lot area slightly lower than expected (39,973 SF). This is a common occurrence for a lot in an aged platted subdivision. The "Charnwood Hills No. 3" subdivision was originally platted and recorded in 1955. Surveying instruments and practices in use today are more precise than those employed in 1955. Thus, the lot measures slightly different than it was originally platted ("recorded" versus "measured").

When calculated based on the surveyed lot area of 39,973 square feet, the allowed number of residents is 9.993. Typical mathematical rounding would yield a value of ten (10) persons. However this shortage of a mere 0.007 of a person resulted in being approved at only nine (9) residents.

July 11, 2011
Planning Department, City of Troy
Re: Special Use Request for #2420 Square Lake Road

Subsequently, the owners explored the option of increasing their lot area by the 27 square feet (0.068%) needed in order to obtain 40,000 square feet. This equates to approximately 1.5 inches of the adjacent property. However, during negotiations with the neighbor it was concluded, for various reasons, that this was not an acceptable solution.

Therefore, the owners are seeking to obtain a variance from Ordinance Section 6.02.B.2 for the fraction of a person, or rather, the 27 square feet of land area that is needed in order to bring the lot area to the 40,000 square feet required to allow a maximum of ten (10) adult foster care residents.

We feel that this variance request is very minor in nature and is a result of simple technicalities that have arisen during the Special Use Approval process. The facility is certainly capable of accommodating ten (10) adult foster care residents, and it already complies within State licensing requirements and falls below the maximum occupancy allowed by the State. All requirements set forth in Zoning Ordinance Section 15.04.E.2 (criteria for "Dimensional and Other Non-Use Variances") have been met. Granting of the variance will not confer any special privileges as this is a unique request and situation. Nor will the variance cause any detriment or harm to the surrounding neighborhood as this facility has been operating as a Family Home for a number of years and is currently approved for a Small Group Home. Its character is that of a single family residence and it will remain as such and in harmony with the rest of the subdivision. One additional adult foster care resident will have absolutely no effect on the neighborhood, public services, or the community as a whole.

Your consideration of this request is greatly appreciated.

Sincerely,



Nathan P. Robinson, P.E.
President
nrobinson@horizoneng.net

cc.: Besnik & Angelina Gojka

attachments

CERTIFICATE OF SURVEY

CERTIFIED TO: BESNIK & ANGELINA GOJKA
2420 W. SQUARE LAKE ROAD
TROY, MI 48098

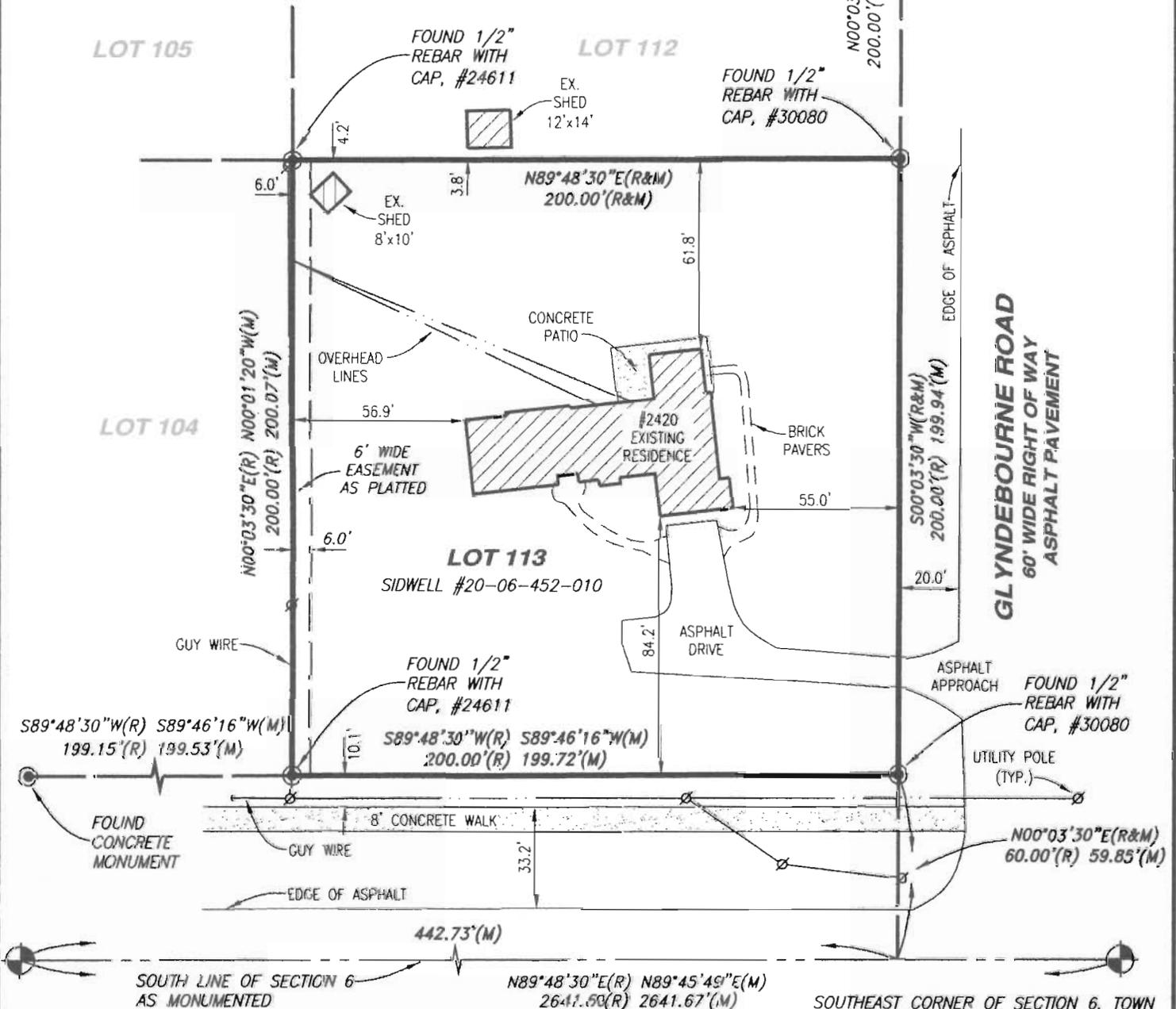
NORTH



SCALE: 1"=50'

PROPERTY DESCRIPTION:

SIDWELL #20-06-452-010
LOT 113, "CHARWOOD HILLS NO.3", A SUBDIVISION OF PART OF THE
SOUTHEAST 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, TROY
TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED
IN LIBER 78 OF PLATS, PAGE 6 OF OAKLAND COUNTY RECORDS.



SOUTH 1/4 CORNER OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND OAKLAND COUNTY REMONUMENTATION CAP, #25854 IN MONUMENT BOX AS RECORDED IN LIBER 17277, PAGE 615 OF OAKLAND COUNTY RECORDS.

SQUARE LAKE ROAD
VARIABLE WIDTH RIGHT OF WAY
ASPHALT PAVEMENT

SOUTHEAST CORNER OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND OAKLAND COUNTY REMONUMENTATION CAP, #25854 IN MONUMENT BOX AS RECORDED IN LIBER 17277, PAGE 623 OF OAKLAND COUNTY RECORDS.

SURVEYOR'S NOTES

1. BASIS OF BEARING
SOUTH 00° 03' 30" WEST ALONG THE EASTERLY LINE OF LOTS 112 AND 113 AS PLATTED AND AS MONUMENTED IN FIELD.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970 AND IS GREATER THAN 1 IN 5000.

Shane P. Azbell
SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

SEAL:



SHANE P. AZBELL
PROFESSIONAL SURVEYOR
NO. 46724

PAGE 1 OF 1

LEGEND:

- = SECTION CORNER
- ⊙ = FOUND MONUMENT (AS NOTED)
- = SET 1/2" REBAR AND CAP, #46724
- R = RECORD
- M = MEASURED
- C = CALCULATED

JOB NO: 11-039
DATE: 3/17/11
REVISED:
DRAWN BY: SA

AFC Administrative Rule

**R 400.14409 Bedroom space; "usable floor space" defined
.15409**

The consultant is to measure and record the bedroom dimensions in the licensing study report at original licensure or addendum to the LSR when changes in room useage occur.

Rule 409. (1) As used in this rule, "usable floor space" means floor space that is under a ceiling which is not less than 6 feet, 6 inches in height, excluding closets and space that is under a portable wardrobe. When determining usable floor space, an alcove or any other part of the room that does not have at least a 7-foot horizontal dimension shall be excluded.

Technical Assistance

The consultant should observe the home for slanted ceilings or other obstructions that could affect the amount of required usable floor space. If ceilings are sloped to less than 6' 6" from the floor, the consultant will need to establish at what point the ceiling meets the height requirement and measure floor space within that perimeter and exclude areas with less than 7 feet of horizontal space.

(2) A single occupancy bedroom shall have not less than 80 square feet of usable floor space.

Technical Assistance

The consultant is to observe and measure single occupancy resident bedrooms to determine compliance with the 80 sq. ft. of usable floor space requirement.

(3) A multi occupancy resident bedroom shall have not less than 65 square feet of usable floor space per bed.

Technical Assistance

The consultant is to observe and measure multi occupancy resident bedrooms to determine compliance with the 65 sq. ft. of usable floor space requirement.

(4) A maximum of 2 beds shall be allowed in any multi-occupancy bedroom, except as provided in subrule (5) of this rule.

Technical Assistance

This rule applies to facilities licensed after 5/24/94..

Administrative Rule and Statutory Cross Reference

R 400.14409 (7)

.15409 (7)

(5) A maximum of 4 beds shall be allowed in any multi-occupancy bedroom for those licensees and homes that were licensed on the effective date of these rules and that have had licenses in continuous effect.

Technical Assistance

The intent of Rule 409(5) is to grandfather those homes licensed on or before May 24, 1994, which have up to 4 beds in a multi occupancy bedroom to continue to use the multi occupancy bedroom for up to the number of beds approved on or before May 24, 1994. Therefore, if a resident moves out of a 3 or 4 bed bedroom, another resident can use that third or fourth bed. Homes cannot increase bed capacity to 3 or more beds in a bedroom not approved for more than 2 beds on or before 5/24/94.

(6) Where there is a change of ownership or a change in licensee for those licensees and homes that were licensed on the effective date of these rules and whose licenses have been in continuous effect, a maximum 4 beds shall be allowed in any multi occupancy bedroom when all of the following conditions have been met:

This rule applies to facilities licensed on or before 5/24/94.

The consultant is to determine whether this subrule applies to this facility. If it does apply, the consultant is to determine that all required documentation is in place for original and renewal licensure.

(a) The resident or his or her designated representative has agreed, in writing, to continue to reside in the multi occupancy room.

(b) The home is in compliance with all applicable state fire safety and environmental health standards.

(c) The multi occupancy bedroom provides not less than 70 square feet (65 square feet for those homes licensed on or before December 31, 1976) of usable floor space per bed. "Usable floor space" means the floor space under a ceiling that is not less than 6 feet 6 inches in height.

(d) The licensee has made provision for individual privacy as required in these rules.

Administrative Rule And Statutory Cross Reference

R400.14303(4)(d), .15303(4)(d)

(7) There shall not be less than a 3-foot clearance between beds in a multi occupancy bedroom.

Technical Assistance

The consultant is to observe the resident bedrooms and room arrangements to determine there is a 3-foot clearance between beds. Where the 3-foot clearance cannot be met, the number of approved beds needs to be reduced or rearranged.



Front (South) Elevation



Right Side (East) Elevation



Left Side (West) Elevation



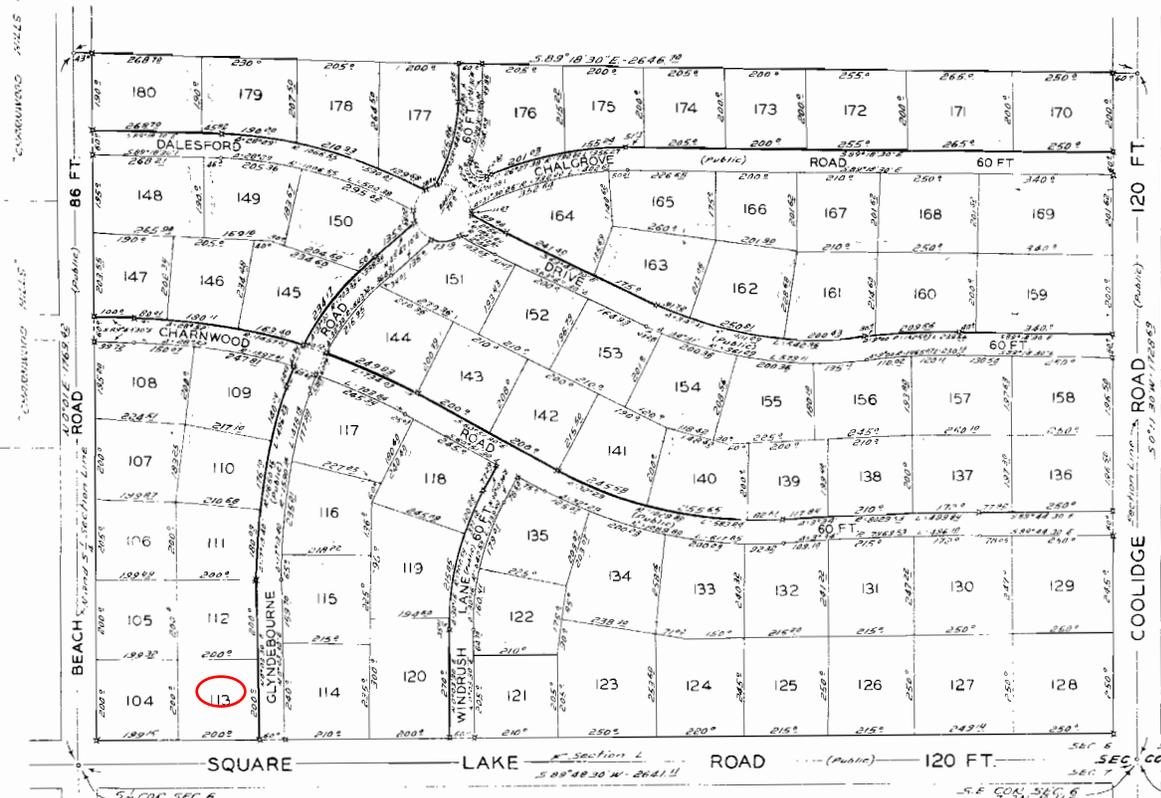
Rear (North) Elevation

May 9, 1955
May 11, 1955
May 9, 1955
Troy Twp. Plat Engineer

"CHARNWOOD HILLS NO. 3"

A SUBDIVISION OF PART OF THE S E 1/4 OF SECTION 6, T2N, R11E.
TROY TWP, OAKLAND CO, MICH.

COPY
Register's Office
Oakland County, Mich.
Filed for Record
May 11, 1955
Page 6



Note: All dimensions are in feet and decimals thereof. All curve distances are measured along the arc.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we Charnwood Hills Inc, a Michigan corporation by Roger H. Blackwood, President, and James Taylor, Vice President-Treasurer, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "CHARNWOOD HILLS No. 3" a subdivision of part of the S.E. 1/4 of Section 6, T2N, R11E Troy Twp, Oakland Co, Mich. and that the roads as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:
Nancy Chilton Witness
Marion E. Landon Witness

CHARNWOOD HILLS INC. by
Roger H. Blackwood Pres.
James Taylor Vice Pres. Treas.

ACKNOWLEDGEMENT STATE OF MICHIGAN COUNTY OF OAKLAND } S.S.

On this 19th day of April A.D. 1955, before me a Notary Public in and for said county appeared Roger H. Blackwood and James Taylor, to me personally known, who being each by me duly sworn did say that they are the President and Vice President-Treasurer respectively of Charnwood Hills Inc, a Michigan corporation, and that the said annexed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of and for the Board of Directors and the said Roger H. Blackwood and James Taylor acknowledged said instrument to be the free act and deed of said corporation.

Nancy Madeline Chilton
Notary Public in and for said Co.
My commission expires
May 8, 1955

CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Troy at a meeting held May 11, 1955.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half (1/2) inch in diameter and thirty-six (36) inches in length, encased in a concrete cylinder at least four (4) inches in diameter and thirty-six (36) inches in depth have been placed at points marked thus X as thereon shown, at all angles in the boundaries of the land platted, at all intersections of roads, and at intersections of roads with boundaries of the plat as shown on said plat.

William J. Hildebrand
Registered Land Surveyor #1015

DESCRIPTION

The land embraced in the annexed plat of "CHARNWOOD HILLS No. 3" a subdivision of part of the S.E. 1/4 of Section 6, T2N, R11E, Troy Twp, Oakland Co, Mich. is described as beginning at the S.E. corner of said section 6, thence S 89° 18' 30" W along section line 264.11 ft. to the S.E. corner of said section 6, thence S 0° 11' 30" E along section line 1769.45 ft. thence S 89° 18' 30" E-264.6 ft. to the east line of said Section 6, thence S 0° 11' 30" W along section line 1728.9 ft. to the point of beginning.

This plat contains (77) lots, numbered 104-180 both inclusive.

Approved by
May 2nd 1955
Lee O. Brooks
Notary Public

Approved by Oakland County Plat Board, pursuant to Act 172 of P.A. of 1929, as amended, this 19th day of May 1955.
REGISTER OF DEEDS
By: [Signature]
COUNTY BOARD OF AUDITORS
By: [Signature]

OAKLAND COUNTY, MICHIGAN
NOTARY PUBLIC
PEARL A. STARK
Notary Public

15-101-0

Layer List

- Aerial Photography
- Parcels Data
 - Parcel Dimensions
 - Parcels *
- Site Location
- Transportation
- Administrative
- Surface Topography
- Base Layers

Show Legend

Selection

Zoom To All Report Clear

Parcels [1]



Toolbox

- Home
- Out
- Full
- Back
- Identify
- Measure
- Print
- Search
- Legend

Scale 1: 1066

Jump to Extent: Troy Civic Center

Parcel Number	88-20-06-452-010
Property Address	2420 W SQUARE LAKE
Property Address Apt	
Property Address Zip	48098-2222
Owner Name 1	GOJKA, BESNIK & ANGELINA
Owner Name 2	
Neighborhood Code	06D
Taxable Value	103040
State Equalized Value (SEV)	103040
Summary Land Value	157500
Property Class	401
School District	Troy
Principal Residence Exemption	100
Last Sale Date	6/29/2006
Last Sale Amount	255000
Owner Street Address	2420 W SQUARE LAKE
Owner City	TROY
Owner State	MI
Owner Zip Code	48098-2222
Taxpayer Street Addr	
Frontage	200
Depth of Parcel	200
Acreage Of Parcel	0.92
Num Res Buildings	1
Summary Res Floor Area	2492
Summary Res Garage Area	0
Summary Res Year Built	1955
Summary Res Style Alph	RANCH
Summary Res Num Bed	4
Summary Res Num Bath	0
Summary Res Num Bath	3
Summary Res Basement Area	0
Num CI Buildings	0
Summary CI Floor Area	0
Summary CI Stories	0
Summary CI Year Built	0
Legal Description	T2N, R11E, SEC 6 CHARNWOOD HILLS NO. 3 LOT 113

Print the Map!

Standard Detailed Hybrid More...



CHARWOOD HILLS NO 3

W-Square-Lake-Rd



CERTIFICATE OF SURVEY

CERTIFIED TO: BESNIK & ANGELINA GOJKA
2420 W. SQUARE LAKE ROAD
TROY, MI 48098

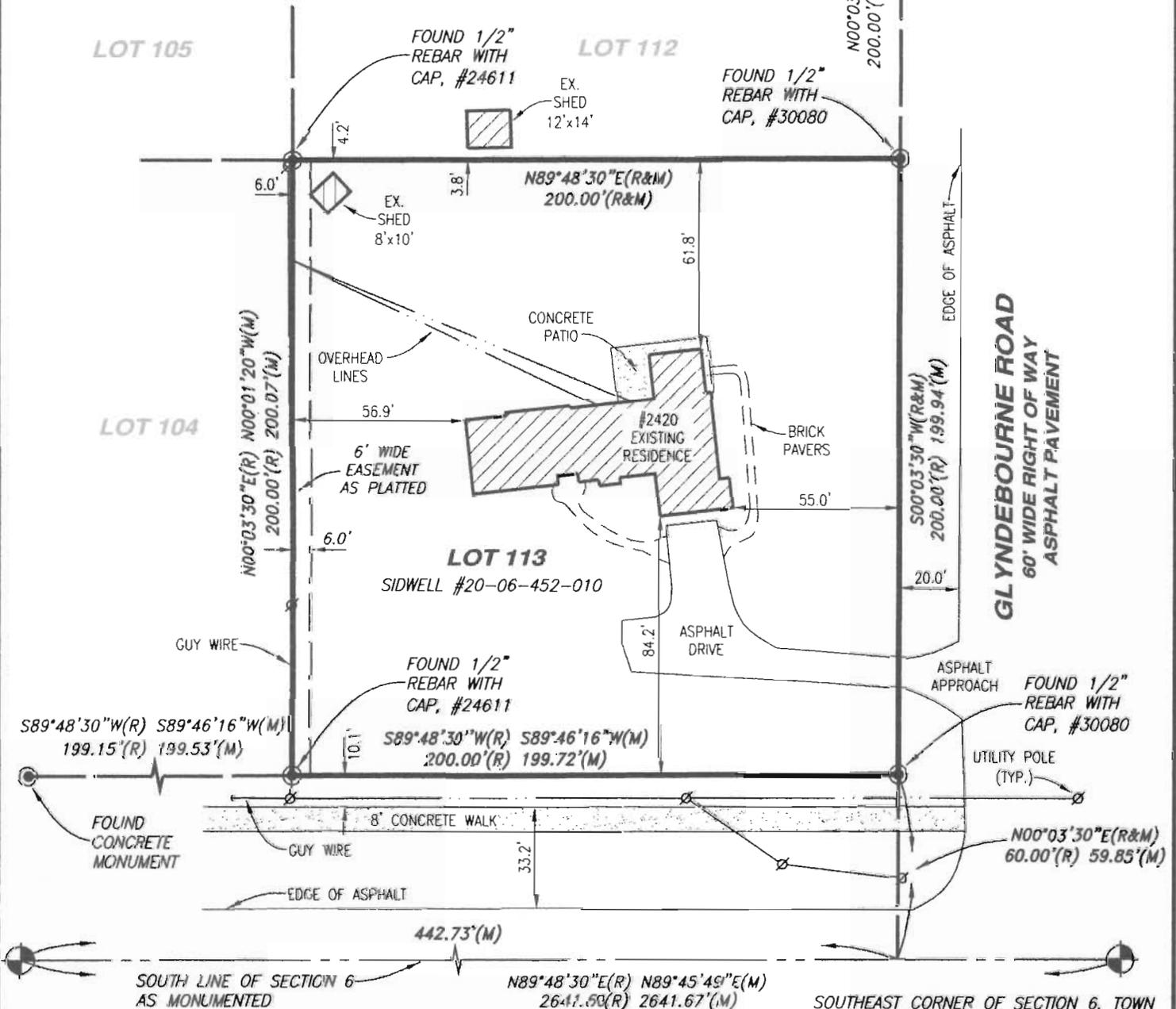
NORTH



SCALE: 1"=50'

PROPERTY DESCRIPTION:

SIDWELL #20-06-452-010
LOT 113, "CHARWOOD HILLS NO.3", A SUBDIVISION OF PART OF THE
SOUTHEAST 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, TROY
TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED
IN LIBER 78 OF PLATS, PAGE 6 OF OAKLAND COUNTY RECORDS.



SOUTH 1/4 CORNER OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND OAKLAND COUNTY REMONUMENTATION CAP, #25854 IN MONUMENT BOX AS RECORDED IN LIBER 17277, PAGE 615 OF OAKLAND COUNTY RECORDS.

SQUARE LAKE ROAD
VARIABLE WIDTH RIGHT OF WAY
ASPHALT PAVEMENT

SOUTHEAST CORNER OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND OAKLAND COUNTY REMONUMENTATION CAP, #25854 IN MONUMENT BOX AS RECORDED IN LIBER 17277, PAGE 623 OF OAKLAND COUNTY RECORDS.

SURVEYOR'S NOTES

1. BASIS OF BEARING
SOUTH 00° 03' 30" WEST ALONG THE EASTERLY LINE OF LOTS 112 AND 113 AS PLATTED AND AS MONUMENTED IN FIELD.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970 AND IS GREATER THAN 1 IN 5000.

Shane P. Azbell
SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

SEAL:



SHANE P. AZBELL
PROFESSIONAL SURVEYOR
NO. 46724

PAGE 1 OF 1

LEGEND:

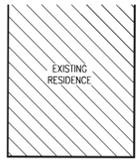
- = SECTION CORNER
- = FOUND MONUMENT (AS NOTED)
- = SET 1/2" REBAR AND CAP, #46724
- R = RECORD
- M = MEASURED
- C = CALCULATED

JOB NO: 11-039
DATE: 3/17/11
REVISED
DRAWN BY: SA

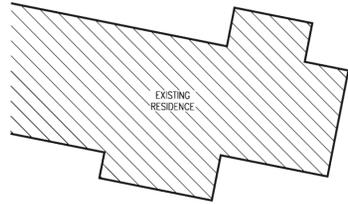


LOT 105
20-06-452-004
#6060 BEACH

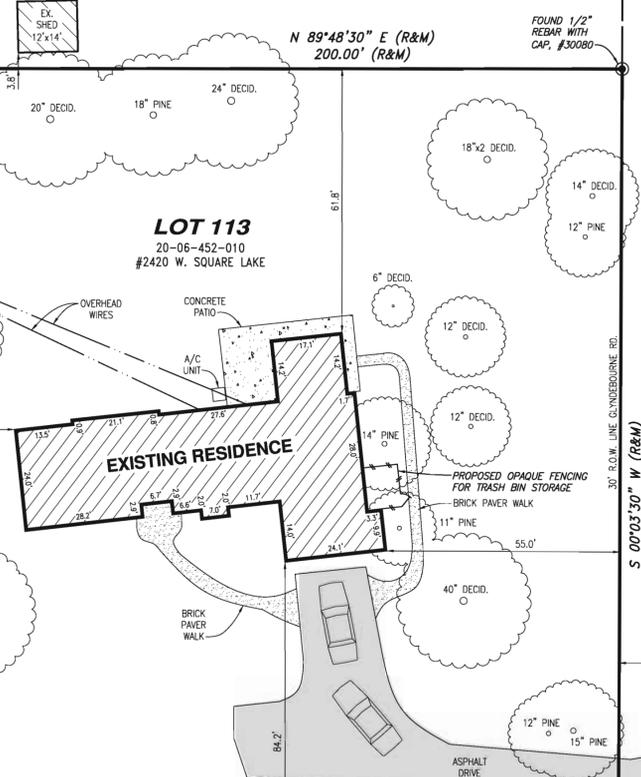
"CHARNWOOD HILLS NO. 3"
LIBER 78, PAGE 6, O.C.R.
ZONED R-1A



LOT 112
20-06-452-009
#6041 GLYNDEBOURNE



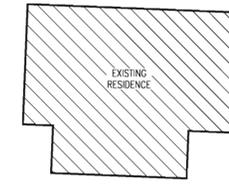
LOT 104
20-06-452-005
#2460 W. SQUARE LAKE



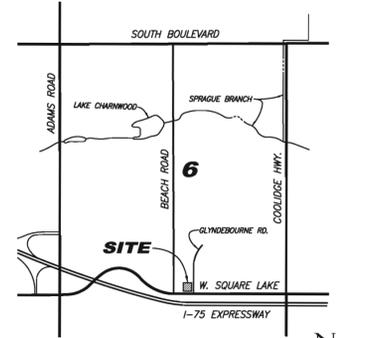
LOT 113
20-06-452-010
#2420 W. SQUARE LAKE

EXISTING RESIDENCE

LOT 115
20-06-453-003
#6068 GLYNDEBOURNE



LOT 114
20-06-453-004
#2360 W. SQUARE LAKE



LOCATION MAP

SCALE: 1"=2000'

PROPERTY DESCRIPTION

SIDWELL #20-06-425-010
LOT 113, "CHARNWOOD HILLS NO. 3", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 78 OF PLATS, PAGE 6 OF OAKLAND COUNTY RECORDS.

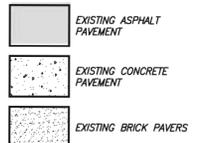
SITE CRITERIA

- PARCEL SUMMARY:**
ADDRESS: 2420 W. SQUARE LAKE ROAD
PARCEL ID NO.: 20-06-452-010
EXISTING ZONING: R-1A, SINGLE FAMILY RESIDENTIAL
ADJACENT ZONINGS: R-1A TO WEST, NORTH, & EAST
R-1A & R-1B TO SOUTH ACROSS I-75
LOT SIZE REQUIRED: 21,780 S.F.
LOT SIZE EXISTING: 39,973 S.F. (0.918 ACRE)
LOT WIDTH REQUIRED: 120'
LOT WIDTH EXISTING: 199.72'
- BUILDING & USE SUMMARY:**
USE EXISTING: ADULT FOSTER CARE - FAMILY HOME
USE PROPOSED: ADULT FOSTER CARE - SMALL GROUP HOME
BUILDING AREA REQUIRED: 1,600 S.F.
BUILDING AREA EXISTING: 2,482 S.F.
BUILDING HEIGHT ALLOWED: 2.5 STORIES, 30'
BUILDING HEIGHT EXISTING: 1 STORY, 9.75'
LOT COVERAGE ALLOWED: 30%
LOT COVERAGE EXISTING: 6.5%
- ALLOWABLE NUMBER OF ADULTS CARED FOR (PER LOT SIZE CALCULATION):**
1 PERSON PER 4,000 S.F. LOT AREA
= 39,973 S.F. / 4,000 = 9.993 = 9 ADULTS
PROPOSED NUMBER OF ADULTS CARED FOR: 10 *
- * NOTE: VARIANCE IS TO BE SOUGHT FROM ZONING BOARD OF APPEALS FOR 10TH ADULT.
- SETBACK SUMMARY:**
BUILDING: REQUIRED: EXISTING:
FRONT (TO W. SQUARE LAKE): 40' 84.2'
FRONT (TO GLYNDEBOURNE): 40' 55.0'
REAR: 45' 61.8'
SIDE: 15' 56.9'
- PARKING SUMMARY:**
SPACES REQUIRED: 1 SPACE PER CAREGIVER
SPACES PROVIDED: (2 CAREGIVERS) x (1 SPACE) = 2

NOTES

- SURVEY IS AS PREPARED AND PROVIDED BY AZTEC LAND SURVEYORS INC., JOB NO. 11-039, DATED MARCH 17, 2011.
- ALL INFORMATION SHOWN ON THIS PLAN IS EXISTING. ALL WORK WITHIN THE STRUCTURE IS COMPLETE. NO ADDITIONAL WORK IN THE INTERIOR, NOR SITE WORK IS PROPOSED AS A PART OF THIS PLAN.

LEGEND



BEACH ROAD
86' WIDE

GLYNDEBOURNE ROAD
60' WIDE

W. SQUARE LAKE ROAD
WIDTH VARIES

INTERSTATE 75 CORRIDOR



PLAN SCALE: 1" = 20'



SOUTH 1/4 CORNER OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND OAKLAND COUNTY REMONUMENTATION CAP. #25854 IN MONUMENT BOX AS RECORDED IN LIBER 17277, PAGE 615 OF OAKLAND COUNTY RECORDS.

SOUTHEAST CORNER OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. FOUND OAKLAND COUNTY REMONUMENTATION CAP. #25854 IN MONUMENT BOX AS RECORDED IN LIBER 17277, PAGE 623 OF OAKLAND COUNTY RECORDS.

REVISIONS:
6/18/11 BASED PER PLANNING COMMISSION
7/1/11 UPDATED FOR ZONING BOARD OF APPEALS REQUEST

CLIENT:
BESSIK & ANCELINA CORNA
2420 W. SQUARE LAKE ROAD
TROY, MI 48068
(248) 979-3540

JOB NO: 11-027
DATE: 4-19-11
DRAWN BY: N.P.R.

SCALE:

HORIZON
ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182156, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:
**"Angel from Albania"
Adult Foster Care Home**
#2420 W. SQUARE LAKE ROAD
PARCEL 20-06-452-010
PART OF THE SE. 1/4 OF SECTION 6, T.2N., R.11E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PLAN:
**SITE PLAN for
SPECIAL USE REQUEST**

SHEET:

1
OF: **1**

MUNICIPAL REVIEW NUMBERS:

NOTE: FACILITY SIZE
THIS ADULT FOSTER CARE FACILITY SHALL PROVIDE ASSISTANCE TO 1-1/2 PEOPLE.

NOTE: HEATING SYSTEM
THIS FACILITY IS HEATED BY A FORCED AIR SYSTEM LOCATED IN THE MECHANICAL CLOSET.

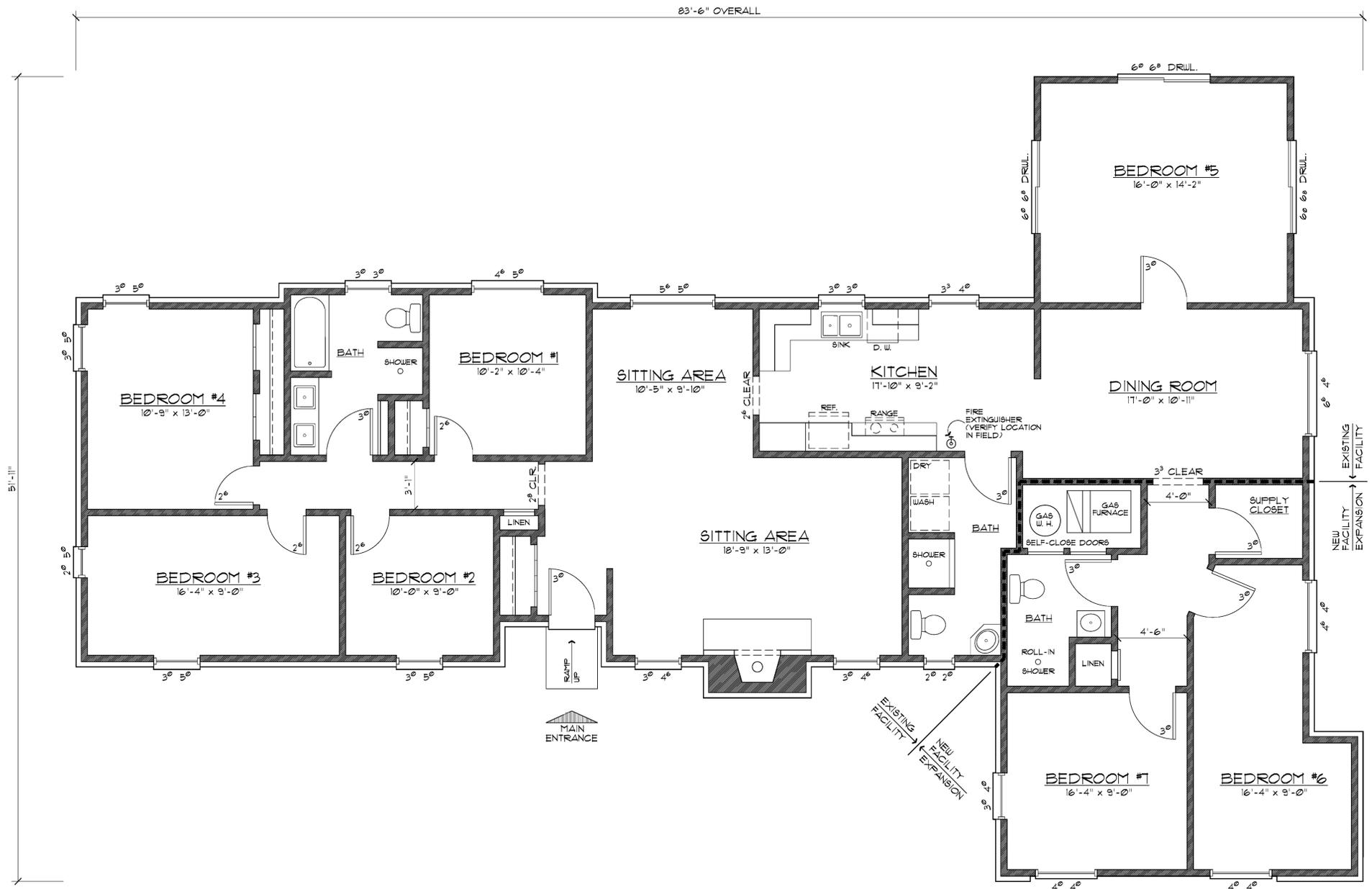
NOTE: DOOR SIZE
ALL DOORS THROUGHOUT FACILITY ARE 6'-8" IN HEIGHT.

NOTE: DOOR FIRE RATINGS
ALL DOORS THROUGHOUT FACILITY HAVE 20 MINUTE FIRE RATING.

NOTE: INTERIOR FINISHES (WALLS / CEILING)
EXISTING FACILITY: PLASTER
NEW FACILITY EXPANSION: GYPSUM BOARD

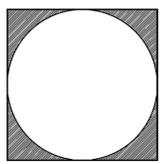
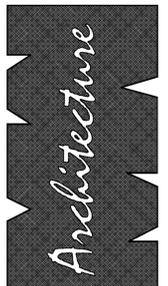
NOTE: TYPE OF CONSTRUCTION
FACILITY TYPE OF CONSTRUCTION: 5A

NOTE: FIRE EXTINGUISHER
THIS FACILITY SHALL HAVE (1) UNDERWRITERS LABORATORIES APPROVED 2A 10BC FIRE EXTINGUISHER (TO BE LOCATED IN FIELD BY INSPECTOR). EXTINGUISHER TO BE EXAMINED AND MAINTAINED AS RECOMMENDED BY MANUFACTURER.



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

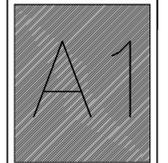
TOTAL SQUARE FOOTAGE: 2,482 SF.



PROJECT:
ANGEL FROM ALBANIA
ADULT FOSTER CARE
FACILITY
TROY, MICHIGAN

CLIENT:
ANGEL FROM ALBANIA
2420 W. SQUARE LAKE RD.
TROY, MI 48098

DATE: 1/13/11
DWG BY: J.H.
JOB NO.: 091611
CHK BY:





A satellite dish is mounted on the roof of the house on the left side.

Several trash bins and containers are lined up against the side of the house, including a blue bin, a black bin, and several white containers.

A rectangular window with a white frame is located on the left side of the house.

A larger rectangular window with a white frame is located in the center of the house.

A sliding glass door with a white frame is located on the right side of the house, flanked by two small black light fixtures.







6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 388) – Proposed Adult Foster Care Home, North Side of Square Lake, East of Beach (2420 W Square Lake), Section 6, Currently Zoned R-1A (One Family Residential) District

PUBLIC HEARING OPENED

David Bardlow, 2460 W. Square Lake, support.
John Weisgerber, 2475 Charnwood, oppose.
Larry English, 6140 Beach Road, oppose.

PUBLIC HEARING CLOSED

Resolution # PC-2011-06-036

Moved by: Edmunds
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Adult Foster Care Small Group Home, located on the north side of Square Lake and east of Beach Road, at 2420 W. Square Lake, Section 6, within the R-1A zoning district, be granted, subject to the following:

1. The maximum number of adult foster care residents shall be 9.
2. Sheet 1 shall be corrected as per the recommendation of the report prepared by CWA.
3. An opaque screen fence or landscaping shall be provided to obscure the trash storage area on the east façade.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

MEMORANDUM

TO: Brent Savidant
FROM: Zachary Branigan
DATE: June 9, 2011
RE: Angel From Albania Foster Care Small Group Home

We are in receipt of a submittal for a special use request for an adult foster care small group home in an existing residential structure that is currently used as an adult foster care family home. The site is located on Square Lake Road, at the northwest corner of the intersection of Square Lake Road and Glyndebourne Road. The facility currently functions with five approved resident bedrooms. The applicant obtained a building permit from the City to construct an additional two bedrooms, which have now been completed, although once the applicant sought a certificate of occupancy it was discovered that the additional bedrooms were to increase capacity of the facility beyond six persons, which triggers a change of classification. The site, currently identified as a “family home,” which permits up to six residents, would become a “small group home,” which permits from seven up to twelve residents. The record copy of the application has been appropriately signed and sealed.

As a result of this unintended miscommunication, the facility is left with a completed additional two rooms but without the necessary permit to use them. In this case, the site is zoned R-1A, Single Family Residential. While a family home is permitted by right in the R-1A District, a small group home is permitted only by special use approval.

On its exterior, the site has not changed, and will not change as a result of this application. The facility is a legally operating family home and would simply add residents. We have reviewed the project with regard to the special use requirements and specific use provisions for small group homes in the Ordinance. Given the limited nature of this request, we have provided comments in a memorandum format and have reported directly on the issues pertaining to the use of the site for a similar facility with an additional two resident bedrooms.

For any use requiring special use approval, the Planning Commission shall approve the application, approve the application with conditions, deny the application or postpone action.

Use Standards

Section 6.02.B lists specific use provisions for Adult Foster Care Small Group Homes. They are as follows:

1. *A site plan, prepared in accordance with Article 8 shall be required to be submitted. A site plan has been submitted. Given the nature of this special use as an existing facility in an existing residential structure, some elements normally required for new construction have been waived by the Zoning Administrator. We are satisfied that the submitted materials are sufficient to review the application.*
2. *The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of four thousand (4,000) square feet per adult, excluding employees and/or caregivers. The facility has only seven rooms, but the site plan indicates (erroneously) that the site area requirement is 2,000 square feet per resident, and that there is sufficient site area to permit 20 residents. It is unclear if this is a State of Michigan requirement, or an erroneous interpretation of City of Troy area requirements. Regardless, we calculate permitted density based on the City of Troy's requirements. Given that the site is less than 40,000 square feet, the applicant's calculation is incorrect (the site is 0.918 acres in area, or 39,988 square feet). Further, the requirement is for 4,000 square feet per resident, double the applicant's assumption. The 39,988 square feet of site area allows this facility to accommodate up to nine adults ($39,988/4,000 = 9.997$). Although the applicant's site plan appears to assume that 12 residents would be allowed, this is not accurate. We suggest that a final approval be conditioned on the facility not having more than 9 residents.*
3. *The property is maintained in a manner that is consistent with the character of the neighborhood. We feel that the facility is largely compliant with this condition, with one small exception. The additional rubbish containers and recycling materials generated by a facility with a greater number of residents and workers exceeds that traditionally realized by most single family homes. On our site visit, we observed a large number of boxes and containers, as well as three large garbage containers places along the east façade, facing the street and neighboring homes. We feel that this condition can be mitigated through the provision of a small section of opaque fencing or landscape screening to obscure the trash storage area.*
4. *One (1) off-street parking space per employee and/or caregiver shall be provided. The site plan indicates that up to two caregivers will be present on site. The existing driveway provides satisfactory parking for two cars. The driveway could, in fact, accommodate additional cars.*
5. *Appropriate licenses with the State of Michigan shall be maintained. It is our understanding from the application that the applicant has State of Michigan licensure for the existing facility and that licensure for the larger number of residents is contingent on approval of the City of Troy's special land use permit. Consequently, this condition is satisfied.*

General Standards of Approval

According to Section 9.03.A, the Planning Commission shall consider the following general standards and any standards established for a specific use when reviewing a special use request.

1. *Compatibility with Adjacent Uses.* *The Special Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a Special Use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses. **The use is proposed within an existing foster care facility and the only change would be slightly higher capacity. To our knowledge, the City has not received any complaints or experienced difficulties with the existing facility. The site is indistinguishable from a large single family home and is a suitable permitted use in the district. Consequently, we believe it will remain harmonious with the character of the area and will not have a detrimental impact.***
2. *Compatibility with the Master Plan.* *The proposed Special Use shall be compatible and in accordance with the goals and objectives of the City of Troy Master Plan and any associated sub-area and corridor plans. **The proposed use does not conflict with the Master Plan. The Master Plan calls for the area to remain single family and this use, while permitted only by special use approval, is a typical use in a single family district.***
3. *Traffic Impact.* *The proposed Special Use shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation and parking design; street and bridge capacity and, traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. **The proposed use may create several additional vehicle trips per day for visiting relatives or friends of the residents, but will not create a noticeable traffic volume increase beyond what is reasonably expected in a single family environment.***
4. *Impact on Public Services.* *The proposed Special Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated without an unreasonable public burden. **The proposed use has no additional impact on public services from any typical use permitted in the R-1A District by right or as a special use.***
5. *Compliance with Zoning Ordinance Standards.* *The proposed Special Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards. **The existing facility meets with Ordinance standards and will continue to comply with Ordinance standards should the request be approved.***

6. *Impact on the Overall Environment. The proposed Special Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses. **The proposed project will not have a detrimental effect on the environment to a degree any higher than any other permitted use.***
7. *Special Use Approval Specific Requirements. The general standards and requirements of this Section are basic to all uses authorized by Special Use Approval. The specific and detailed requirements relating to particular uses and area requirements must be also satisfied for those uses. **Should the Planning Commission condition an approval on a limitation to no more than 9 residents, and the trash area be obscured by a fence or landscaping, the specific use standards for the use are satisfied, as noted above.***

According to Section 9.03.B, the Planning Commission must also consider the following:

1. *The nature and character of the activities, processes, materials, equipment, or conditions of operation; either specifically or typically associated with the use.*
2. *Vehicular circulation and parking areas.*
3. *Outdoor activity, storage and work areas.*
4. *Hours of operation.*
5. *Production of traffic, noise vibration, smoke, fumes odors, dust, glare and light.*

We believe the land use as proposed is of such location and character as to be compatible with the orderly development or use of adjacent land and/or Districts. The vehicular circulation and proposed activities are not detrimental to the area. The site currently houses an existing facility that has operated in a satisfactory manner and has been complementary to the neighborhood.

Recommendation

We support the applicant's request. The site is a successful, viable foster care facility and was permitted by the City to add two additional rooms. The facility will receive State of Michigan approval once a certificate of occupancy is issued by the City of Troy. The facility has not been problematic in the past and the proposal represents only a modest increase in capacity. We recommend the Planning Commission approve the request conditioned on the following:

1. That density calculations on Sheet 1 which erroneously refer to a 2,000 square foot per resident requirement are corrected to read 4,000 square feet, that the maximum number of residents permitted be corrected to read no more than nine residents (per the area calculation), and that the comment stating that the allowable number of adults cared for per Ordinance is 12 be removed from Sheet 1.
2. That an opaque screen fence or landscaping be provided to obscure the trash storage area on the east façade.

Angel From Albania Foster Care
June 9, 2011

Please do not hesitate to contact us with any questions, comments, or concerns.

Sincerely,



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

225-02-1114

ZONING BOARD OF APPEALS
FOR THE CITY OF TROY

RULES OF PROCEDURE

ARTICLE I
ORGANIZATION

1. The Board shall annually, at its regular meeting in the month of May, elect its own Chairperson and Vice-Chairperson to hold office for one year. The Zoning Administrator shall be the Clerk of the Board, provided that the Clerk may appoint other persons to make records of the meetings.
2. The Chairperson shall preside at all meetings of the Board. In the case of the absence of the Chairperson, the Vice-Chairperson shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure.
3. The Clerk or his or her representative shall keep the minutes of the Board's proceedings, shall have custody of all records of the Board, shall sign all communications of the Board, shall supervise all clerical work of the Board and perform such other duties as may be requested by the Board.

ARTICLE II
MEETINGS

1. All meetings held by the Board shall be open to the public.
2. Board meetings shall be held on the third Tuesday of each month at 7:30 P.M. except when such day falls on a legal holiday, in which event the Board shall by majority vote designate an alternate meeting date.
3. A resolution supported by the majority of the members present may temporarily suspend any rule of procedure or change the date and time of regular meetings as set forth in paragraph 2 of this Article.
4. Special meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson. Notice of the Special Meeting shall be given in a manner as required by the Open Meetings Act and the Zoning Administrator or his or her designee shall notify all members of the Zoning Board of Appeals not less than 24 hours in advance of a Special Meeting.
5. Four members of the Board shall constitute a quorum for conducting of its business. The concurring vote of four (4) members shall be necessary to decide upon appeals of administrative decisions, Zoning ordinance or Zoning Map interpretations, dimensional or other non use variances, and other matters upon which the Board is required to pass under the Zoning Ordinance.

6. Use variances shall require an affirmative vote of two thirds of the entire membership of the board (5 members) for approval.
7. In the event that a Board member is absent or is excused from voting on an item due to a perceived conflict of interest, one of the alternate Board members shall be temporarily seated at the call of the Chairperson.
8. Alternate members who serve and who participate in any agenda item shall continue to serve on the Zoning Board of Appeals for that item until a final decision is reached on the same.
9. The order of business at meetings shall be as follows:
 - a. Roll Call.
 - b. Approval of Minutes of Previous Meetings
 - c. Approval of Agenda
 - d. Hearing of Cases
 - e. Public Comment
 - f. Communications
 - g. Miscellaneous Business
 - h. Adjournment

ARTICLE III
VARIANCES & APPEALS

1. All applications to the Zoning Board of Appeals shall be filed with the City. Application forms may be obtained from the Planning Department. A copy of each application shall be served upon the Planning Department, which shall transmit to the Board all information constituting the application.
2. In addition to the information required on the forms, each application shall contain the following information:
 - a. The order being appealed or the section of the zoning ordinance from which a variance is sought.
 - b. The reasons for appeal.
 - c. Plans drawn to approximate scale showing shape and dimensions of lots, existing buildings and buildings to be erected, altered or changed, and any other information with regard to the lot or neighboring lots, and the proposed or existing use, as deemed necessary by the Zoning Administrator.

- d. A clear and accurate description of the proposed use, construction, or work.
 - e. Any other information necessary to clearly explain the nature of the request.
- 3. The applicant may appear on his or her own behalf or may be represented at the hearing by an attorney or authorized agent.
- 4. The Hearing Procedure for Use Variances is governed by Section 15.05 B.3 of the Zoning Ordinance. For all other appeals, the order of procedure of hearings shall be:
 - a. Calling of the Case by the Chairperson
 - b. City Staff introduction of the case.
 - c. Applicant's presentation of the case.
 - d. Open public hearing to interested persons.
 - e. Close public hearing
 - f. Applicant rebuttal or clarification of public comments
 - g. Board deliberation and motion and decision.
- 5. Time limits during public hearings: The Chairperson may establish time limits for presentations to the Board in those cases where it is evident that a particular item is likely to involve public comments from several individuals.
- 6. The Board may require, of the applicant, additional information necessary to fully advise the Board.

ARTICLE IV
DISPOSITION OF BOARD ACTION

- 1. The decision of the Board shall be in writing, and, so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts and findings of the Board. The applicant shall be advised of the Board's decision by mail within a reasonable time after the hearing unless the Board moves for a continuation of the hearing, or unless the Board decides that, in its opinion, immediate notification is necessary.
- 2. The applicant may withdraw the appeal at any time prior to the final action by the Board.

ARTICLE V
MISCELLANEOUS

These rules of procedure are subject to and controlled by the Troy City Code and the Michigan statutes applicable to Zoning Boards of Appeal.

ARTICLE VI AMENDMENTS

These rules of procedure may be amended at any regular meeting upon an affirmative vote of the majority of the entire membership of the Board provided that any amendment or modification is consistent with the applicable Troy City Code and Michigan statutes.

CURRENT RULES OF PROCEDURE

BOARD OF ZONING APPEALS FOR THE CITY OF TROY

RULES OF PROCEDURE

ARTICLE I ORGANIZATION

1. The Board shall annually, at its regular meeting in the month of May, elect its own Chairman and Vice-Chairman to hold office for one year. The Director of Building and Zoning shall be the Clerk of the Board, provided that the Clerk may from time to time appoint other persons to make records of the meetings.
2. The Chairman shall preside at all meetings of the Board. In the case of the absence of the Chairman, the Vice-Chairman shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure.
3. The Clerk or his or her representative shall keep the minutes of the Board's proceedings, shall have custody of all records of the Board, shall sign all ex-officio communications of the board, shall supervise all clerical work of the Board and perform such other duties as may be requested by the Board.

ARTICLE II MEETINGS

1. All hearings held by the Board shall be open to the public.
2. Board meetings shall be held on the third Tuesday of each month at 7:30 P.M. except when such day falls on a legal holiday, in which event the Board shall by majority vote designate an alternate meeting date.
3. A resolution supported by the majority of the members present may temporarily suspend any rule of procedure or change the date and time of regular meetings as set forth in paragraph 2 of this Article.
4. A special meeting may be called by the Chairman or upon request of three members, provided, twenty-four hours notice has been given to each member of the Board.
5. Four members of the Board shall constitute a quorum for conducting of its business. The concurring vote of four (4) members shall be necessary to modify or reverse any order, requirement, decision or determination of the Director of Building and Zoning or his/her representative, or to decide in favor of the applicant on any matter upon which the Board is authorized to render a decision under the Zoning Ordinance: provided that a smaller number constituting a majority of those present may make decisions on renewals that were originally approved by a concurring vote of four members and adjourn any such appeal or the meeting to another date.

6. The order of business at the board meetings shall be as follows:
 1. Roll Call
 2. Approval of Minutes of Previous Meetings
 3. Renewals
 4. Hearing of Cases
 5. Communications
 6. Miscellaneous Business
 7. Adjournment

ARTICLE III RENEWALS

All items on the agenda for a meeting which involve a request for renewal of a decision previously approved by the Board may be approved in one motion provided that:

1. Conditions remain the same as they did when the Board last heard the item.
2. No complaints or objections are filed with regard to the request.

Upon request of a Board member or the petitioner, a request for renewal may be considered as a separate item in which case, the Board will consider the item after approval of the other requests for renewal.

An applicant who was previously granted a waiver or modification of the screen wall requirements of the Zoning Ordinance may request a permanent variance if eligible to do so under the Ordinance. However, such request shall be heard and considered by the Board in accordance with the procedure set forth in these rules for Appeals and Other Cases.

ARTICLE IV APPEALS

1. Any person or entity affected by a decision of the Director of Building and Zoning or his/her representative may make an appeal to the Board of Appeals. The appeal shall be made by the filing with the Director of Building and Zoning an application for hearing before the Board of Zoning Appeals specifying grounds for appeal.
2. All applications to the Board of Zoning Appeals shall be filed in duplicate in writing on forms adopted by the Board. Forms may be secured at the office of the Director of Building and Zoning. A copy of each application shall be served upon the Director of Building and Zoning who shall transmit to the Board all papers constituting the record upon which the action of appeal is taken and shall provide a copy to the representative or building official who made a decision being appealed.
3. In addition to the information required on the forms, each appeal shall contain the following information:
 - a. The order or section of ordinance appealed.
 - b. The reasons for appeal.

- c. Plans drawn to approximate scale showing shape and dimensions of lots, existing buildings and buildings to be erected, altered or changed, and any other information with regard to the lot or neighboring lots, and the proposed or existing use, as deemed necessary by the Director of Building and Zoning.
 - d. A clear and accurate description of the proposed use, construction, or work.
4. The applicant may appear in his or her own behalf or may be represented at the hearing by an attorney or authorized agent.
5. The Board of appeals shall give notice of the hearing to all persons to whom any real property within 300 feet of the premises is in question is assessed and to the occupants of single and two-family dwellings within 300 feet. This notice may be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll.
6. The order of procedure of hearings shall be:
 - a. Presentation of all official records and certification of the case by the Chairman of the Board.
 - b. Director of Building and Zoning presentation of the case.
 - c. Applicant's presentation of the case.
 - d. Open public hearing to interested persons.
 - e. Close public hearing
 - f. Motion on decision.
7. The Board may require, of the applicant, additional information necessary to fully advise the Board. Refusal or failure to comply may be grounds for dismissal of the application by the board.
8. An appeal stays all proceedings in the furtherance of the action appealed from unless the stay would cause imminent peril to life or property.

ARTICLE V DISPOSITION OF APPEAL

1. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in the opinion of the Board of Appeals ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
2. The decision of the Board shall be in writing, and, so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts and findings of the Board. The applicant shall be advised of the Board by mail within a reasonable time after the hearing unless the Board moves for a continuation of the hearing, or unless the Board decides that, in it's opinion, immediate notification is necessary.

3. The decision of the Board is final and cannot be reconsidered unless newly discovered evidence or substantially changed conditions are brought to the attention of the Director of Building and Zoning.
4. The applicant may withdraw the appeal at any time prior to the final action by the Board.
5. Any decision of the Board favorable to the applicant shall not remain valid for a period longer than one (1) year unless a Building Permit is obtained within such period.

ARTICLE VI
MISCELLANEOUS

These rules of procedure are subject to and controlled by the Troy City Code and the Michigan Statutes applicable to Zoning Boards of Appeal.

ARTICLE VII
AMENDMENTS

These rules of procedure may be amended at any regular meeting upon an affirmative vote of the majority of the Board members present, provided that any amendment or modification is consistent with the applicable Troy City Code and Michigan Statutes.

RECOMMENDED FORM FOR MOTIONS GRANTING
OR DENYING REQUESTS FOR VARIANCES

MOVE TO GRANT THE VARIANCE REQUESTED:

PRELIMINARY FINDINGS: The variance would

- A. Not contrary to public interest; and
- B. Does not permit the establishment of a prohibited use within a zoning district; and
- C. Does not cause an adverse effect to properties in the immediate vicinity or zoning district;

AND

SPECIAL FINDINGS

- I. The petitioner has any of the following practical difficulties:

- 1. No reasonable use can be made of the property, or
- 2. Public health, safety and welfare negatively affected, or
- 3. Conforming is unnecessarily burdensome.

These practical difficulties result from the following unusual characteristics of the property:

- 1. (size – e.g.)
- 2. (locations – e.g.)
- 3. (configuration – e.g.)

- II. The following significant natural features or resources would be destroyed:

- 1.
- 2.
- 3.

MOVE TO DENY VARIANCE REQUESTED:

PRELIMINARY FINDINGS

- A. It would be contrary to public interest; or
- B. It would permit the establishment of a prohibited use as the principal use within a zoning district; or
- C. It causes an adverse effect to properties in the immediate vicinity; or
- D. Relates to property not described in the application for the variance

(If any of the above, you must state the reasons for the finding)

OR

SPECIAL FINDINGS

- I. The petitioner has not demonstrated any practical difficulty; or
The petitioner's problems or practical difficulties do not result from any unusual characteristics of the property because:
 - 1.
 - 2.
 - 3.
- II. No significant natural features or resources are negatively affected.