

4. HEARING OF CASES

- A. VARIANCE REQUEST, GAIL MORO, MAEDERS WEST GARDEN CENTER LLC, GPRZ Real Estate LLC, 6530-6550-6566 COOLIDGE HIGHWAY – A variance in order to expand the existing nonconforming use.

SECTION: 14.03



W SOUTH BLVD

GRENADIER

DUCHESS CT

PIPPIN CT

JOHNATHON

RUSSET

MCINTOSH

COOLIDGE HWY

MOUNTAIN

PINOAK

APPLE

WHITE BIRCH

BUCKTHORN

ELM PARK

ELM CT

ELM

MOUNTAIN CT

LOCUST

POPLAR

FOREST PARK

REDBUD

CRABAPPLE

TAMARACK

TAMARACK CT

PARK VIEW

RED OAK

SHAGBARK

TANGLEWOOD



6580

1707

1699

168

COOLIDGE HWY

6550

6530

1942

1926

1910

1894

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: 6530-50-66 Coolidge Highway, Troy, MI 48098
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-05-151-039
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: _____
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 appeals from current owner
6. APPLICANT INFORMATION:
NAME Gail Moro
COMPANY Maeders West Garden Center, LLC
ADDRESS 6550 Coolidge Highway
CITY Troy STATE MI ZIP 48098
TELEPHONE 248-413-7741
E-MAIL gmoro@comcast.net

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

8. OWNER OF SUBJECT PROPERTY:

NAME Gail Moro

COMPANY Maeders West Garden Center LLC

ADDRESS 6550 Coolidge Highway

CITY Troy STATE MI ZIP 48098

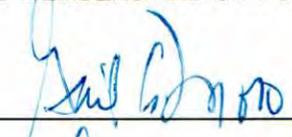
TELEPHONE 248-413-7741

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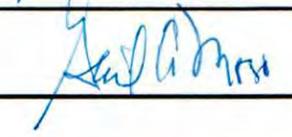
The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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, Gail Moro (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 2/21/12

PRINT NAME: Gail Moro

SIGNATURE OF PROPERTY OWNER  DATE 2/21/12

PRINT NAME: Gail Moro

Appeals Application – Response to Question #4.

The reason for this appeal is to request an interpretation on how the property can be used and to seek approval to change/expand a legal nonconforming use.

Since 1975, the previous owner ran a landscaping/greenhouse/garden center/nursery/florist business and sold seasonal items (inside and outside the greenhouse) and services relating to their business. The previous owner constructed concrete and asphalt pathways, arbors, pergolas, display stands in front, on the side and in the back of the greenhouse that displayed their beautiful trees, shrubs, flowers and garden items for sale (see “Attachment #1 Aerial of Property Prior to Purchase” – note: pathways and arbors/pergolas). Because landscaping was a part of the previous owner’s business, on the property they had skid loaders, large trucks and other large vehicles (see “Attachment #2 – Truck, Skid Loader & Detached Greenhouse”). When I signed the purchase agreement for this property, a detached greenhouse (approximately 28’ x 96’) was on the property (see also “Attachment #2 – Truck, Skid Loader & Detached Greenhouse”). However, prior to the sale being finalized (in approximately December 2011), the tenant on the property removed approximately one-half of the detached greenhouse. We took possession of the property on January 6, 2012 and determined the remaining one-half part of the detached greenhouse was unsafe and we’re currently in the process of taking it down (most of it has been removed).

Prior to purchasing the property, I inquired if I could conduct business the same way as the seller and I was told I could conduct my business the same way. After I purchased the property, I learned of the February 14, 1975 zoning board interpretation of how the property can be used (see “Attachment #3 – 1975 Zoning Board Interpretation”).

This property is unique/unusual due to the fact that it is in a flood hazard area, limiting what can be done with the property (see “Attachment #4 – Flood Hazard Area”). The 1975 interpretation of how the property can be used is 35 years old and the business that has been conducted on the property since the 1975 interpretation was different from what was outlined in that interpretation. Because I don’t have unlimited monetary resources and for my (mom and pop) business to be viable in today’s economy and because I don’t want to construct something that would be inconsistent with what is acceptable to the city, I’m filing this appeal requesting an interpretation on how the property can be used and to seek approval to change/expand the property.

I’d like for the business to operate similar to how the previous owner’s operated their business as stated below in paragraph #1. In paragraphs #2 - #5, I’ve outlined the changes/expansion that I’d like to make to the property (see “Attachment #5 – Site Plan and Attachment #6 - Site Plan over Aerial Photo) and I’m attaching a copy of 1975 site plan for reference (see “Attachment #7 – 1975 Site Plan”):

1. I would like to operate the business as a greenhouse/garden center/nursery/florist/landscape business and the items for sale would be items associated with those businesses. For example, the items for sale inside and out: potted flowers and plants (in different kinds of pots and flats), and cut and potted flowers to retail and wholesale customers, garden tools, benches, statues and ornaments/art, nursery stock, garden services, bagged mulch and soil, fall harvest fruits and vegetables and holiday plants, planters, wreaths, trees and decorations.

2. To display flowers outside the greenhouse in the front, on the side and back of the greenhouse, the previous owners had arbors/ pergolas and display stands as depicted in "Attachment #8 – Previous Owner's Arbors/Pergolas". I'd like to have arbors/ pergolas and display stands similar to what the previous owner had, but I'd like to make the arbor/ pergolas cedar in color so that it's consistent with the existing front entrance of the greenhouse. The arbors/ pergolas would be placed: (a) (two arbors) in front of the greenhouse (south side) with display stands, that would look similar to the photo labeled "Attachment #9 – Arbor/Pergola" (the size of each of the arbor/ pergola 24' x 26' with an elevation of 10'); (b) one arbor on the front south side of the greenhouse, that would look similar to the photo labeled "Attachment #10 – Side Arbor/Pergola (the size of the arbor/ pergola 72' x 10' with an elevation of 10') – that arbor would lead to (c) two arbors on the south side of the greenhouse, that would be similar looking to the arbor/ pergola in attachment #9 (the size of each of the arbor/ pergola 22' x 26' with an elevation of 10').

3. As stated previous, in the back of the greenhouse, there was a detached greenhouse, but prior to the tenant vacating the property, he removed approximately one-half of the detached greenhouse and when we took possession of the property on January 6, 2012, we determined the remaining one-half part of the detached greenhouse was unsafe and we're currently in the process of taking it down. In the place of that greenhouse, we'd eliminate the 10' area behind the greenhouse and construct two new smaller greenhouses (see "Attachment 11 – Examples of New Greenhouses"). The size of each of the proposed greenhouse – 29' x 100' with an elevation of 12'.

4. Because my primary business will be a greenhouse/nursery, one piece of equipment I've determined I'll need is a skid loader. I've proposed a storage building to the back of the property to house this piece of equipment (see "Attachment 12 – Examples of New Storage Shed"). The size of the proposed shed – 45' x 20' with a 10' elevation.

5. The previous owner displayed a large assortment of Hosta plants on the front north side of the property – I'm proposing a gazebo (14' Octagon with elevation 14') in that area, to just make the property warm and inviting (see "Attachment 13 – Example of New Gazebo"). The size of the proposed gazebo – 14' Octagon with a 14' elevation.

To conclude, my goal is to simply make pretty gardens around the property and sell garden related items, while maintaining the building and the other structures on the property. I'm praying the board will approve my changes/expansion and interpretation of how the property will be used, so my business will have a chance to be viable in today's economy. Also, I hope the board will take into consideration the limitations on the property due to the flood hazard. If the board approves my changes, please realize that it will take me a while to incorporate some of the changes, because of budget constraints. Most important, I would ask the board to please recognize that April through July is when a greenhouse makes its main source of income, so to receive a ruling before April on the interpretation of how the property can be used and on the arbors/ pergolas is vital to my businesses survival.

Thank you,
Gail Moro

Attachment #1 – Aerial of property prior to purchase. Note arbors/ pergolas, display stands, pathways, etc.



Attachment #2 – Photo of one of the previous owner’s trucks and skid loader that was on the property. The photo also depicts the detached greenhouse.



February 18, 1975
ZBA

Attachment #3, 1975 Zoning Board Interpretation

ITEM #6. Interpretation Requested, George Rohl, 6530-50-66 Coolidge, to verify the fact that the existing retail and wholesale nursery use has a legal nonconforming status.

Inspector VandenBussche explained that the petitioner is requesting an interpretation to verify the fact that the existing retail and wholesale use on his site has a legal nonconforming status. This item was tabled at our last regular meeting for one month for further study.

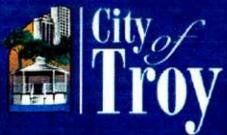
Mr. Rohl was present and stated that the property has been sold and the new owners will not be changing the operation of the greenhouse in any way.

Motion by Huck
Support by Lashmet

MOVED, that testimony having been taken and exhibits having been presented regarding the existence of a nonconforming use at 6530-50-66 Coolidge Road, Troy, Michigan, and the petitioner having requested a determination of such nonconforming use and the extent and nature of such nonconforming use, it is determined that a nonconforming use does exist at the above address, which nonconforming use is expressly limited and restricted in the following manner:

1. Limited to sale of potted plants and cut and potted flowers to retail and wholesale customers from inside of existing greenhouse building only.
2. No storage or display or sale of any products is permitted outside of the greenhouse buildings.
3. No signs are permitted indicating that any products are for sale at retail on the site, a small sign will be permitted indicating the name of the business on the site and the fact that the business deals in cut and potted flowers and plants.
4. No landscape type materials are to be grown or "heeled in" in mulch, woodchips or other materials on the site.
5. No additional permanent or temporary greenhouses or other structures are permitted on the site which would tend to expand or increase the nonconforming buildings and use in any way.
6. No vehicle or truck in excess of 3/4 ton capacity shall be stored outside of a building on any portion of this site.
7. The temporary greenhouse on the site is not a nonconforming use and is subject to annual renewal request and is subject to having the renewal denied by the Board at any renewal hearing.
8. The attached sketch submitted by the petitioner ^{gone} is submitted as a representation by petitioner of the approximate location of existing buildings and vehicular parking areas and the parking area will not be expanded or increased in any way. Barriers of a permanent substantial material will be erected to prohibit parking on grassy areas.

yeas: All - 6
nays: none
absent: 1



Flood Hazard Area

City of Troy Planning Department



- Legend**
- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
 - Ponds and Basins
 - Streams and Creeks
 - Flood Hazard Area - 2009
 - X (500 Year)
 - A (100 Year)
 - AE (100 Year With Eng)
 - AE (100 Year With Eng Within Floodway)
 - Parcels
 - Aerial Photos - 2010
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

204 0 102 204 Feet

Scale 1: 1,226



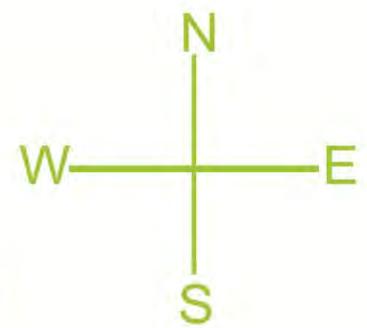
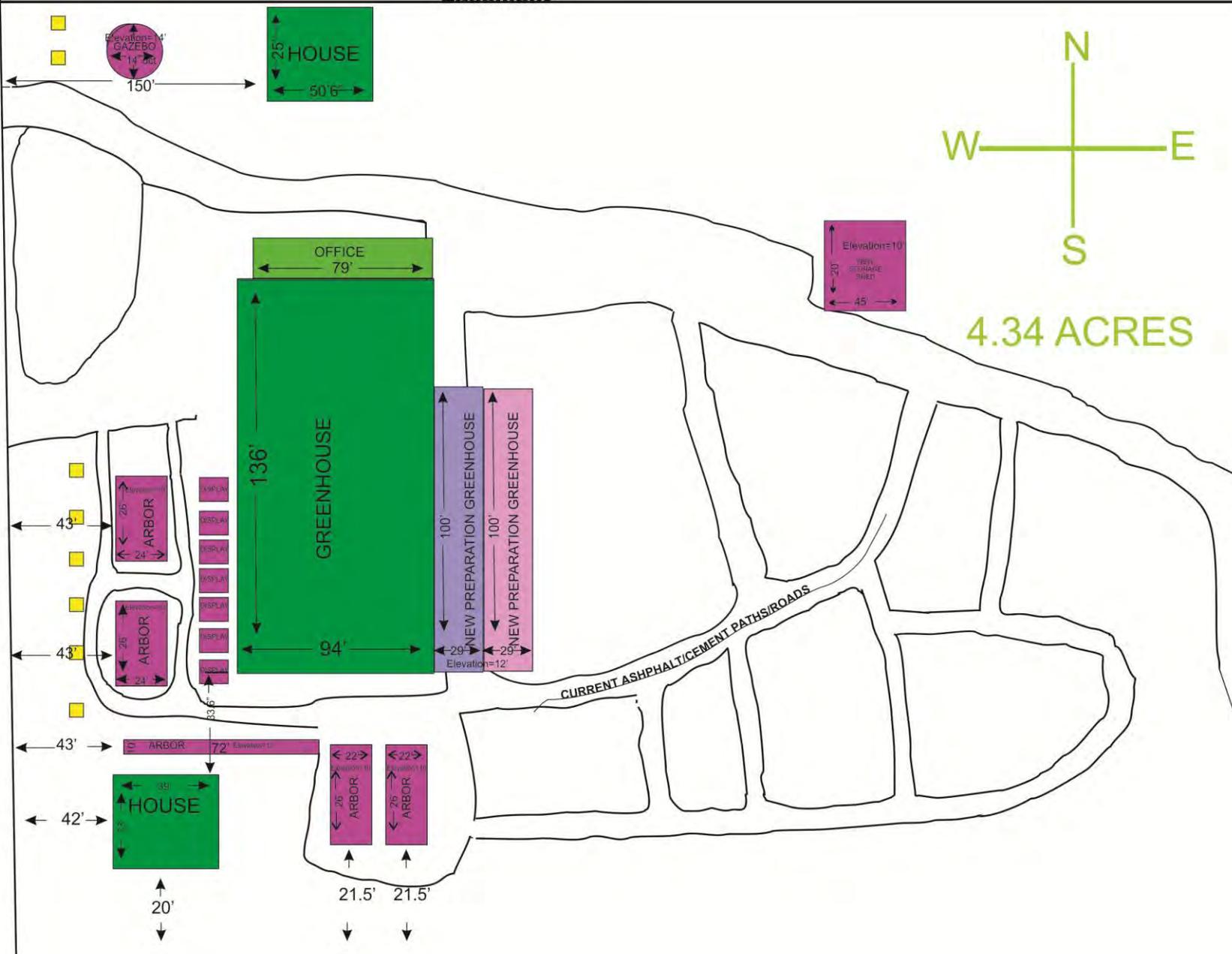
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 2/3/2012

Attachment #5 – Site Plan

Easement

COOLIDGE HIGHWAY



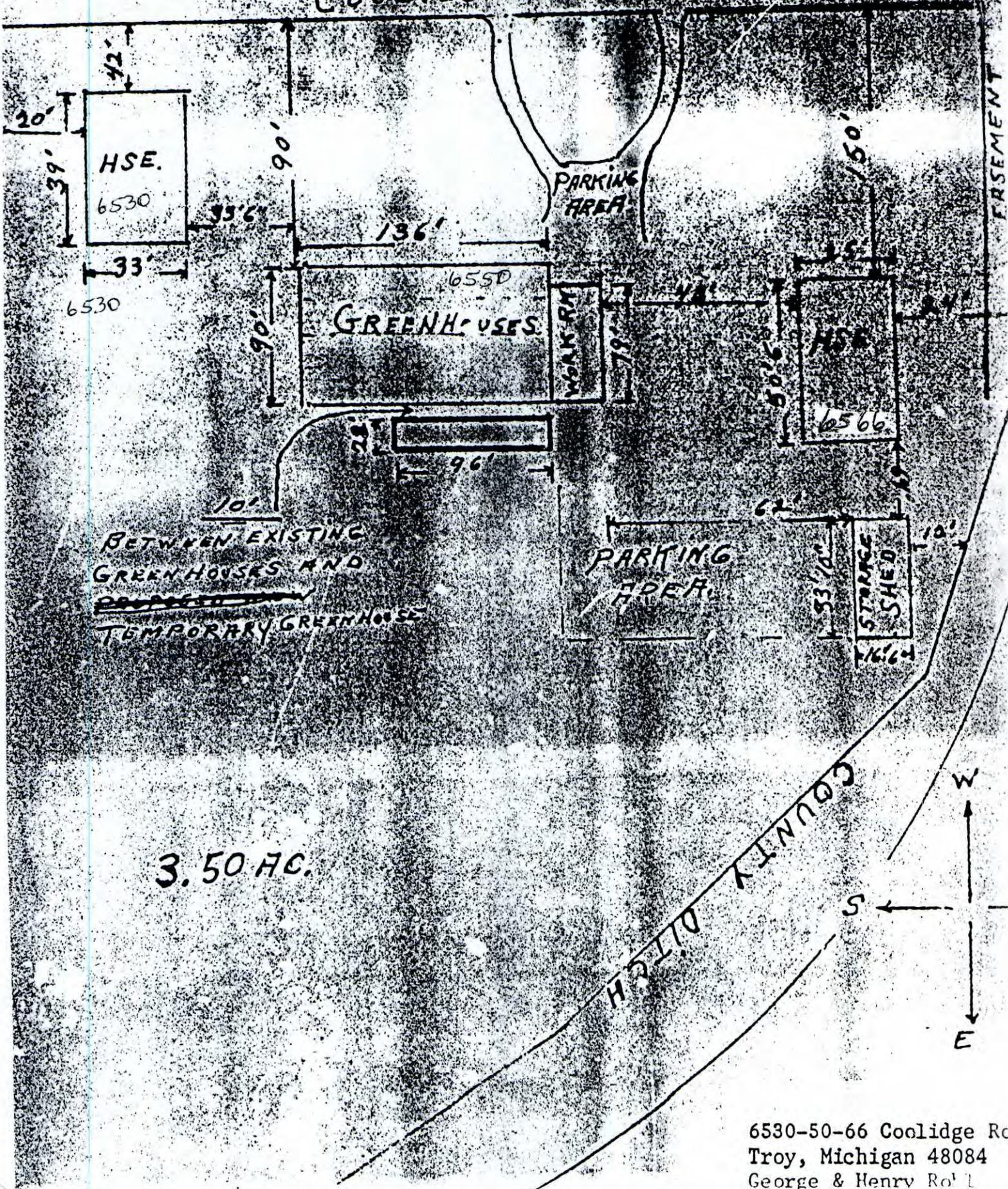
4.34 ACRES

Attachment #6 – Site Plan over Aerial Photo

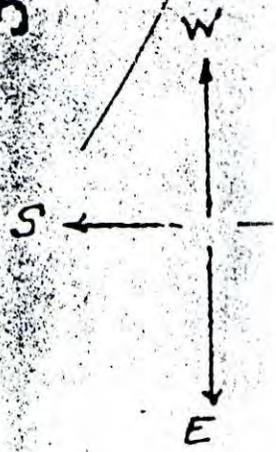


402' 5"

COOLIDGE HWY



3.50 AC.



6530-50-66 Coolidge Ro
Troy, Michigan 48084
George & Henry Ro'l

Attachment #8 – A photo of some of the previous owner’s arbors/pergolas

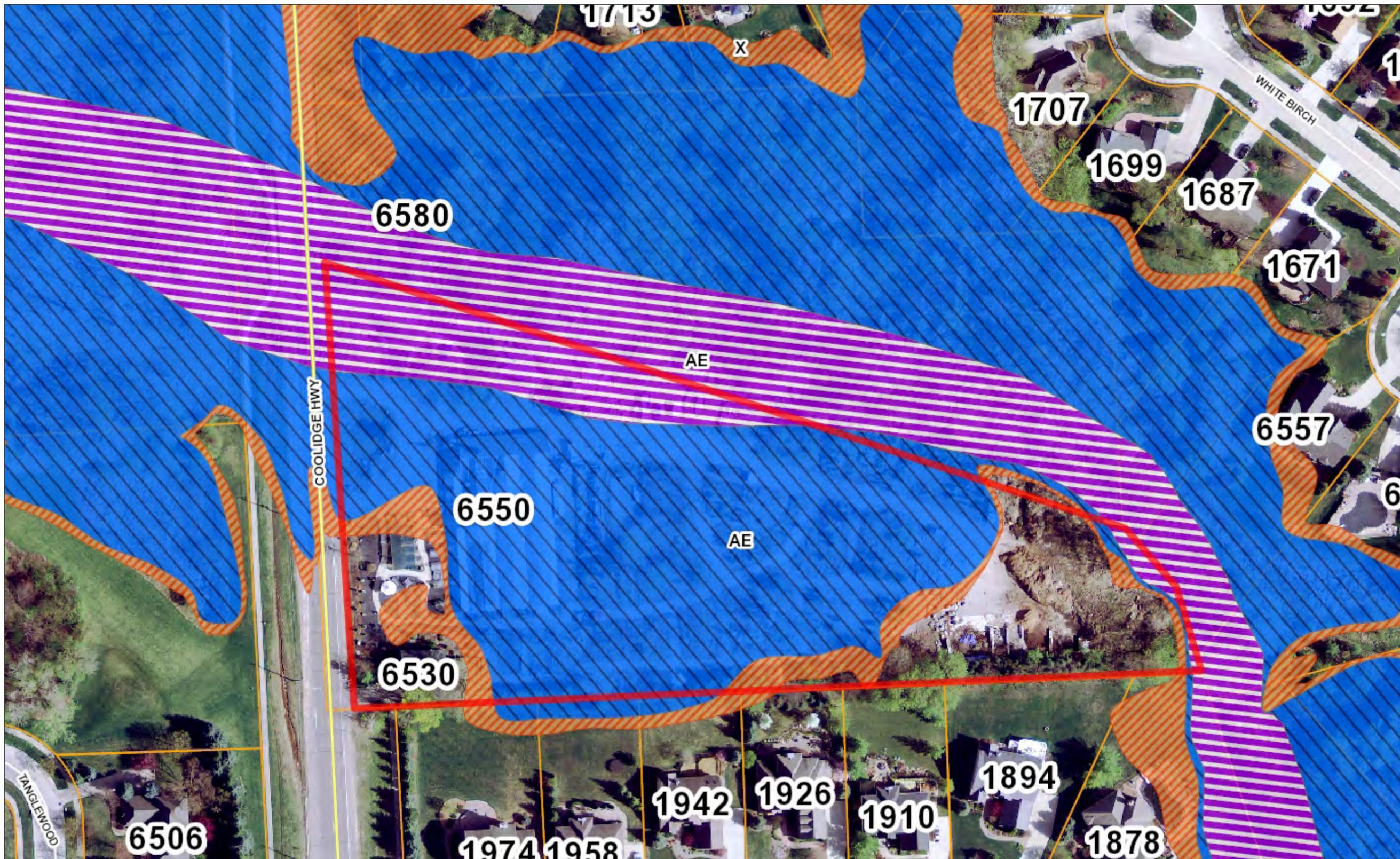


Attachment #9 – Arbor/Pergola



Attachment #10 – Side Arbor/Pergola



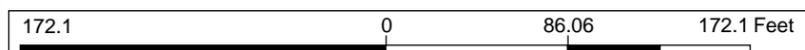


Legend

- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
- Ponds and Basins
- Streams and Creeks
- Flood Hazard Area - 2009
 - X (500 Year)
 - A (100 Year)
 - AE (100 Year With Eng)
 - AE (100 Year With Eng Within Floo)
- Parcels
- Aerial Photos - 2010
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1: 1,033

Notes
Enter Notes



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.

PRIOR ZONING BOARD MINUTES CLARIFYING
ALLOWED NONCONFORMING USES FOLLOW THIS
PAGE

August 21, 1973

ITEM #3. Variance Requested, Ronald & Susan Helin, 6650 Coolidge, for relief to expand a nonconforming use.

Inspector VandenBussche explained that the petitioner is proposing to convert an existing residential structure and expansion of a legal nonconforming greenhouse operation on this site. This item was tabled at our last regular meeting to allow the petitioner to be present as they were unable to attend our last regular meeting due to a personal emergency.

The petitioner was not present.

Motion by McKenna
Support by Boyd

MOVED, that the variance requested at 6650 Coolidge, for relief to expand a nonconforming use, be denied for the following reasons:

1. There was no hardship shown.
2. There has been no indication of interest by the petitioner.

yeas: All - 6
nays: none
absent: 1

ITEM #4. Variance Requested, Shaw D. Hakim, N. side of Maple, 900' W. of Dequindre, for relief of the required number of parking spaces from 362 to 283.

Inspector VandenBussche explained that the petitioner is requesting relief of the required parking spaces for a roller skating rink use. The proposal that was placed before the Board at our last regular meeting was for relief of 130 cars, and the petitioner has since revised their site plan to provide for an additional 51 cars. The revised proposal indicates this additional area will not be paved. Waiver of the paving would have to be granted on a new public hearing notice as the zoning ordinance does require all parking areas to be hardsurfaced. The new proposal will provide for a total of 283 spaces where the ordinance requires 362. The relief required would be for 79 cars. This item was tabled at our last regular meeting for further study.

Mr. Hakim was present and stated that the additional parking spaces that have been proposed will also be hardsurfaced.

Motion by Lashmet
Support by Oberholtzer

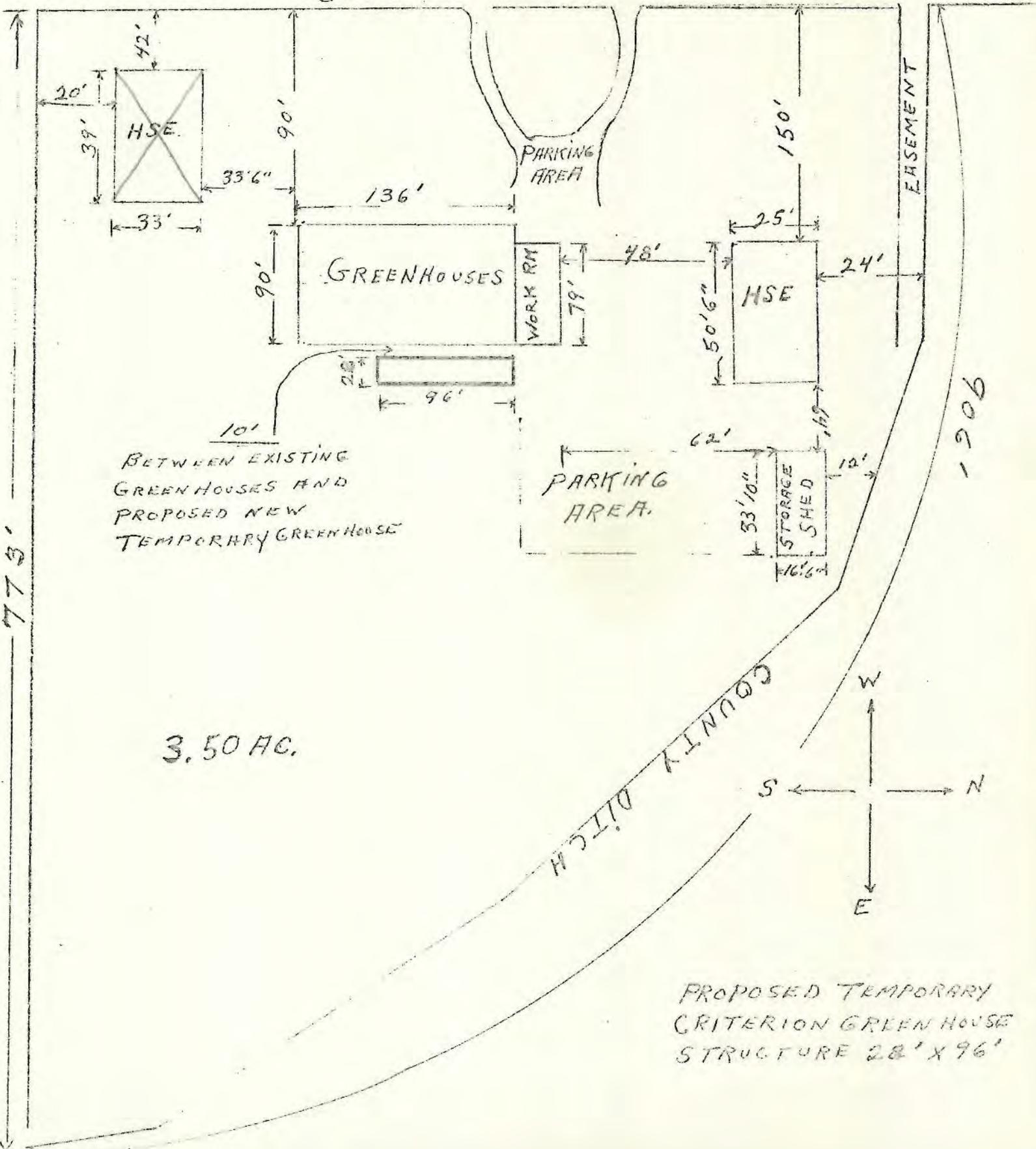
MOVED, that the variance requested on the N. side of Maple, 900' W. of Dequindre, for relief of the required number of parking spaces from 362 to 283, be approved for the following reasons:

1. The City has been analyzing parking requirements for uses of this type as they feel the present requirements are too strict.
2. It will not be detrimental to the area.
3. The petitioner has increased the number of parking spaces to make the particular parcel of land more suitable to the zoning ordinance.
4. The complaints that were made by the surrounding neighbors were aimed at the type of business rather than the parking requirements.

yeas: All - 6
nays: none
absent: 1

402'.5'

COOLIDGE HWY.



BETWEEN EXISTING GREENHOUSES AND PROPOSED NEW TEMPORARY GREENHOUSE

PARKING AREA

HSE

GREENHOUSES

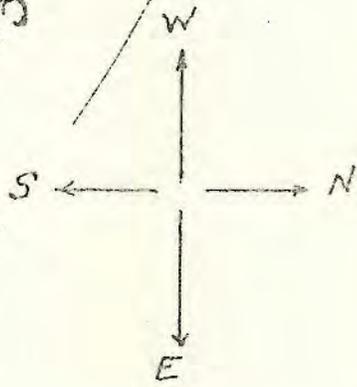
WORK RM

STORAGE SHED

EASEMENT

3.50 AC.

DITCH



PROPOSED TEMPORARY CRITERION GREENHOUSE STRUCTURE 28' X 96'

1906

January 21, 1975

MOVED, that the renewal requested at 3838 Livernois, for relief of a masonry obscuring wall be approved for one year for the following reasons:

1. The conditions remain the same.
2. There were no objections or complaints in the file.

Further, that the renewal requested at 3838 Livernois, for relief to maintain a temporary structure, be denied for the following reasons:

1. The original variance was granted on the grounds that the structure was to be temporary while construction was in progress.
2. No hardship was shown indicating a need to maintain the structure.
3. This board does not have the right to exceed two years in granting a variance for any temporary building or use.

yeas: 6
nays: 1 (Hinch)
absent: 0

PUBLIC HEARINGS

ITEM #6. Interpretation Requested, George Rohl, 6530-50-66 Coolidge, to verify the fact that the existing retail and wholesale nursery use has a legal nonconforming status.

Inspector VandenBussche explained that the petitioner is requesting an interpretation to verify the fact that the existing retail and wholesale nursery use has a legal nonconforming status. The Building Department files indicated that the greenhouse use for raising flowers and the sale of these flowers has been in existence prior to 1940 and this fact would indicate a legal nonconforming status. The property has a temporary greenhouse on it that appears before this board each year for renewal in that it is a temporary structure. This greenhouse is in addition to the existing structures on the site. The petitioner has submitted letters indicating verification that the use has been in existence prior to the zoning ordinance requirements. The reason for this request is because there will be a change of ownership and the prospective owners are requesting a verification of this legal nonconforming use. The zoning ordinance indicates that any change of tenants, ownership, or management would not affect this status providing there is no change of the nature or character of the use.

Mr. Arthur Barkey, representing the petitioners, was present and stated they are only requesting the board to confirm the legal nonconforming status of the site. This is so some type of legal determination can be made that this use was existing prior to the zoning ordinance requirements, and that it may continue as it has in the past and not be questioned at a later date. He also stated that if the new owner decides to change in any way the nature or character of the operation, he would have to reappear before this board.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Ethel Robertson, 6580 Coolidge.

Motion by Lashmet
Support by Hinch

MOVED, that the interpretation requested at 6530-50-66, to verify the fact that the existing retail and wholesale nursery use has a legal nonconforming status, be tabled until the next regular meeting for further study.

yeas: 6
nays: 1 (Giachino)
absent: 0

February 18, 1975

ITEM #5. Renewal Requested, Somerset Properties, 2401-2601 W. Big Beaver, for relief of a masonry obscuring wall.

Inspector VandenBussche explained that the petitioner is requesting renewal for relief of a masonry wall required at their property line abutting the residential zoned district to the east of their complex. The renewal has been granted on a yearly basis since 1971 based on the Plan Commission's determination that this residential zoned land will be rezoned sometime in the future. In 1973 the renewal was granted with the provision that an obscuring wood fence be erected on this property line. In August of 1974 this renewal was tabled because the requirement for the 6' wood fence was not complied with. Subsequently, this item was tabled on two additional meetings as the petitioner had problems installing his fence.

The petitioner was not present.

Motion by Husk
Support by Lashmet

MOVED, that the renewal requested at 2401-2601 W. Big Beaver, for relief of a masonry obscuring wall, be approved for one year for the following reasons:

1. The fence required in the original variance has now been erected.
2. It will not be detrimental to the area.
3. There were no objections on file.

yeas: All - 6
nays: none
absent: 1

ITEM #6. Interpretation Requested, George Rohl, 6530-50-66 Coolidge, to verify the fact that the existing retail and wholesale nursery use has a legal nonconforming status.

Inspector VandenBussche explained that the petitioner is requesting an interpretation to verify the fact that the existing retail and wholesale use on his site has a legal nonconforming status. This item was tabled at our last regular meeting for one month for further study.

Mr. Rohl was present and stated that the property has been sold and the new owners will not be changing the operation of the greenhouse in any way.

Motion by Husk
Support by Lashmet

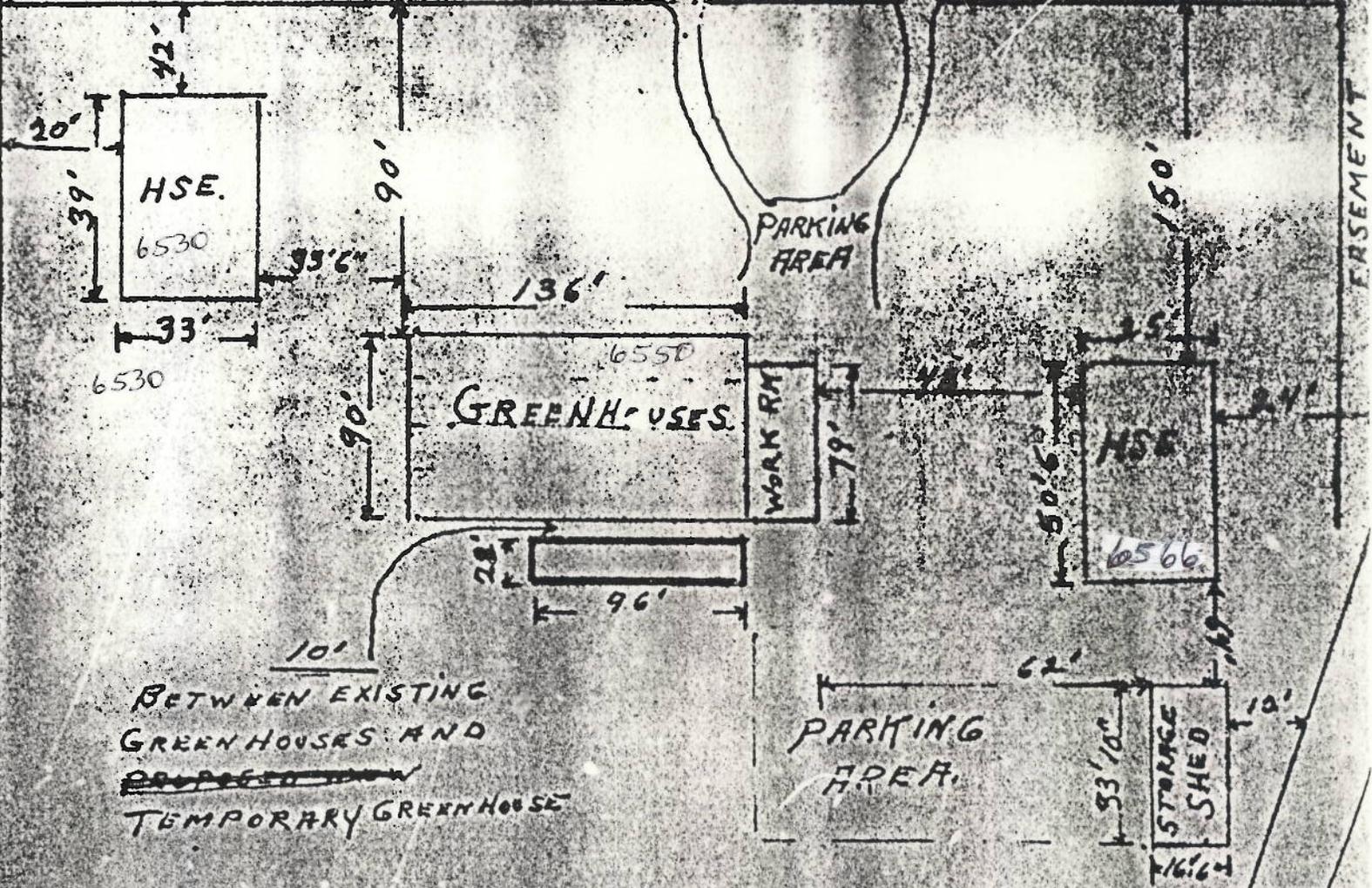
MOVED, that testimony having been taken and exhibits having been presented regarding the existence of a nonconforming use at 6530-50-66 Coolidge Road, Troy, Michigan, and the petitioner having requested a determination of such nonconforming use and the extent and nature of such nonconforming use, it is determined that a nonconforming use does exist at the above address, which nonconforming use is expressly limited and restricted in the following manner:

1. Limited to sale of potted plants and cut and potted flowers to retail and wholesale customers from inside of existing greenhouse building only.
2. No storage or display or sale of any products is permitted outside of the greenhouse buildings.
3. No signs are permitted indicating that any products are for sale at retail on the site, a small sign will be permitted indicating the name of the business on the site and the fact that the business deals in cut and potted flowers and plants.
4. No landscape type materials are to be grown or "heeled in" in mulch, woodchips or other materials on the site.
5. No additional permanent or temporary greenhouses or other structures are permitted on the site which would tend to expand or increase the nonconforming buildings and use in any way.
6. No vehicle or truck in excess of 3/4 ton capacity shall be stored outside of a building on any portion of this site.
7. The temporary greenhouse on the site is not a nonconforming use and is subject to annual renewal request and is subject to having the renewal denied by the Board at any renewal hearing.
8. The attached sketch submitted by the petitioner is submitted as a representation by petitioner of the approximate location of existing buildings and vehicular parking areas and the parking area will not be expanded or increased in any way. Barriers of a permanent substantial material will be erected to prohibit parking on grassy areas.

yeas: All - 6
nays: none
absent: 1

402.5'

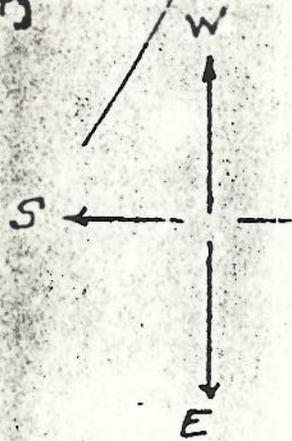
COOLIDGE HWY.



BETWEEN EXISTING GREENHOUSES AND ~~PROPOSED~~ TEMPORARY GREENHOUSE

3.50 AC.

H 5110 DITCH



6530-50-66 Coolidge Road
Troy, Michigan 48084
George & Henry Roll