

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.

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
Bruce Bloomingdale and Orestis Kaltsounis (Alternates)

March 20, 2012

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – February 21, 2012
3. APPROVAL OF AGENDA
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
 - B. VARIANCE REQUEST, JIM BARDY OF CONTINENTAL SERVICES, 700 STEPHENSON HIGHWAY – A variance to place/construct the following improvements in the front yard: a trash container, a loading area, and a maneuvering lane. The Zoning Ordinance does not allow these items in the front yard.

SECTIONS: 4.18 (D) (2) and 13.03 (B) (3)
5. COMMUNICATIONS
6. MISCELLANEOUS BUSINESS – 1) Board discussion regarding Alternates, 2) City Attorney discussion regarding Open Meetings Act.
7. PUBLIC COMMENT
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.

Chair Lambert called the Zoning Board of Appeals meeting to order at 7:30 p.m. on February 21, 2012, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

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

Also Present:

Bruce Bloomingdale (Alternate)
Orestis Kaltsounis (Alternate)
Paul Evans, Zoning and Compliance Specialist
Allan Motzny, Assistant City Attorney

2. APPROVAL OF MINUTES – January 17, 2012

Moved by Clark
Seconded by Courtney

RESOLVED, to approve the January 17, 2012 meeting minutes as amended.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes.

4. HEARING OF CASES

A. VARIANCE REQUEST, ST. NICHOLAS GREEK ORTHODOX CHURCH, OPA!FEST, 760 W. WATTLES – In order to conduct an outdoor special event (Opa!Fest), a variance from the four (4) consecutive day maximum event duration, including setup and takedown, for any one event. The proposed event is to last for three (3) days, plus four (4) days devoted to setup and takedown. Because this is an annual event, applicant requests a multi-year variance.

Moved by Kneale
Seconded by Strat

RESOLVED to grant the variance as requested for a 3 year period.

Moved by Bartnik
Seconded by Kneale

RESOLVED to amend the motion to grant the variance for a 1 year period.

Yes: Fisher, Kneale, Bartnik, Clark
No: Courtney Lambert, Strat

MOTION APPROVED

Moved by Kneale
Seconded by Strat

RESOLVED to grant the variance for a 1 year period.

Yes: All

MOTION APPROVED

5. COMMUNICATIONS – Chair Lambert acknowledged Board Members’ receipt of training provided by Oakland County.

6. PUBLIC COMMENT – There was no public comment.

7. MISCELLANEOUS BUSINESS – The Board discussed the role of the newly appointed Alternates. Items discussed included training, attendance policy, and processes for calling in absences. It was agreed that City Staff or the City Attorney would provide information on how other communities address the matter and any preferences. Once the Board decides on process, their Rules of Procedure should be amended.

Mr. Evans advised the Board that the City Attorney’s Office would provide information about the Open Meetings Act at the Board’s March meeting. He asked that if Board members desired additional information about any other relative subject, that they advise Staff.

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:48 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

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



(EP)

(R-1A)

(R-1B)

(R-1B)

6580

6530

6550

1698

1699

1713

1727

1731

1735

1715

1714

1706

1692

1690

1699

1687

1671

6557

6550

PARK VIEW

TANGLEWOOD

6515

6506

6499

6490

1974

1958

1942

1926

1910

1894

1878

1862

ASPEN

BUCKTHORN

PINOAK

WHITE BIRCH

FOREST PARK

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

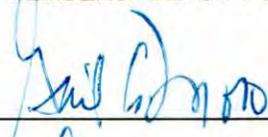
TELEPHONE 248-413-7741

E-MAIL gmoro@comcast.net

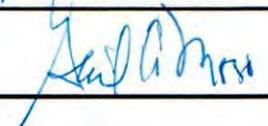
The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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.

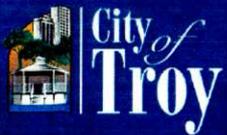
Mr. Rohl was present and stated that the property has been sold and the new owners will not be changing the operation of the greenhouse in any way.

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 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



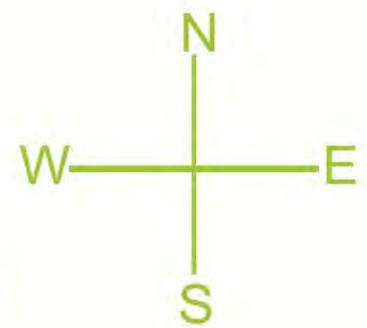
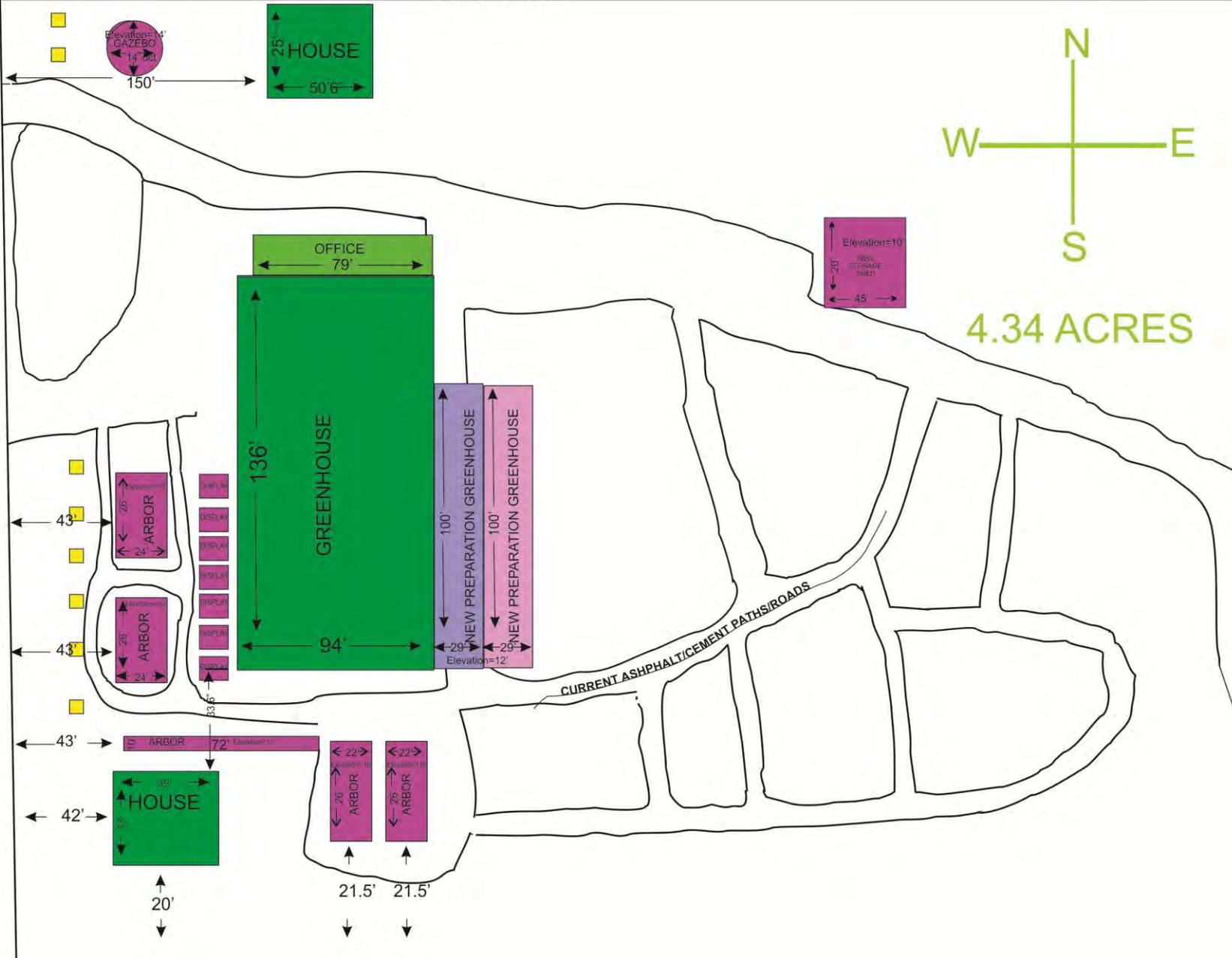
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 2/3/2012

Attachment #5 – Site Plan

Easement

COOLIDGE HIGHWAY

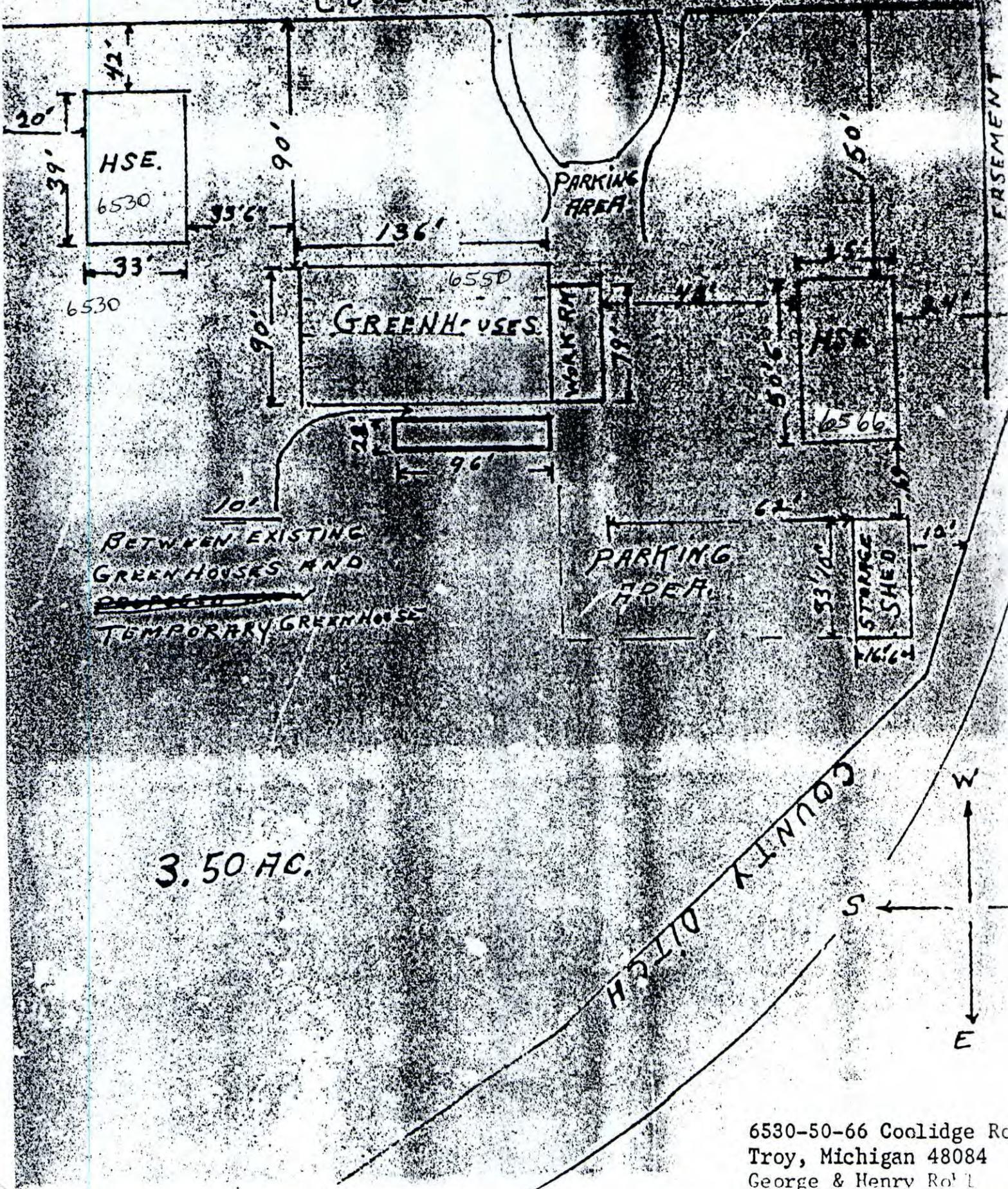


Attachment #6 – Site Plan over Aerial Photo



402' 5"

COOLIDGE HWY



BETWEEN EXISTING GREENHOUSES AND PROPOSED TEMPORARY GREENHOUSE

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

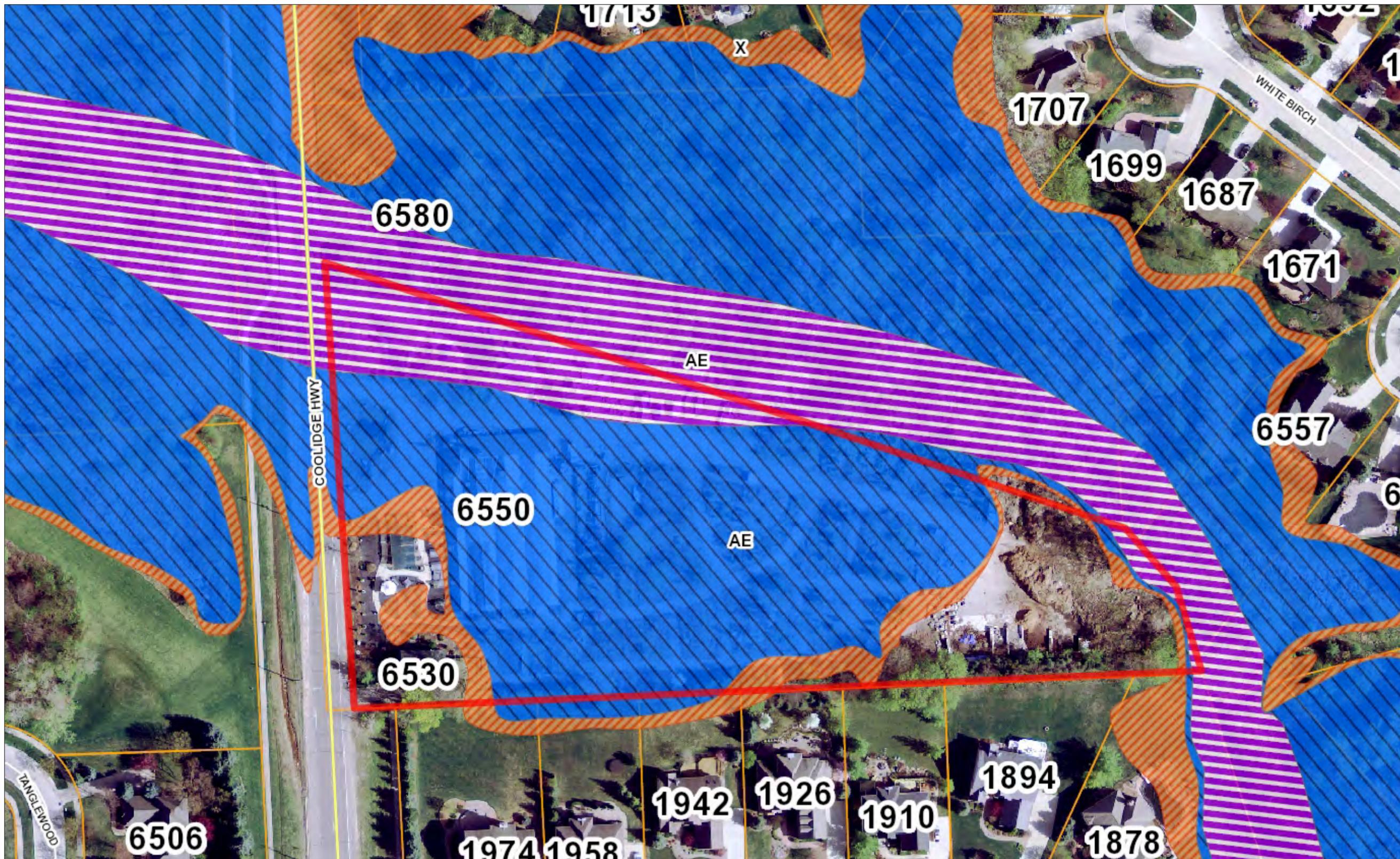


Attachment #9 – Arbor/Pergola



Attachment #10 – Side Arbor/Pergola





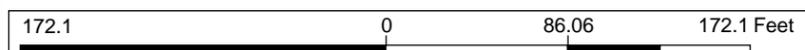
Legend

- 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~~

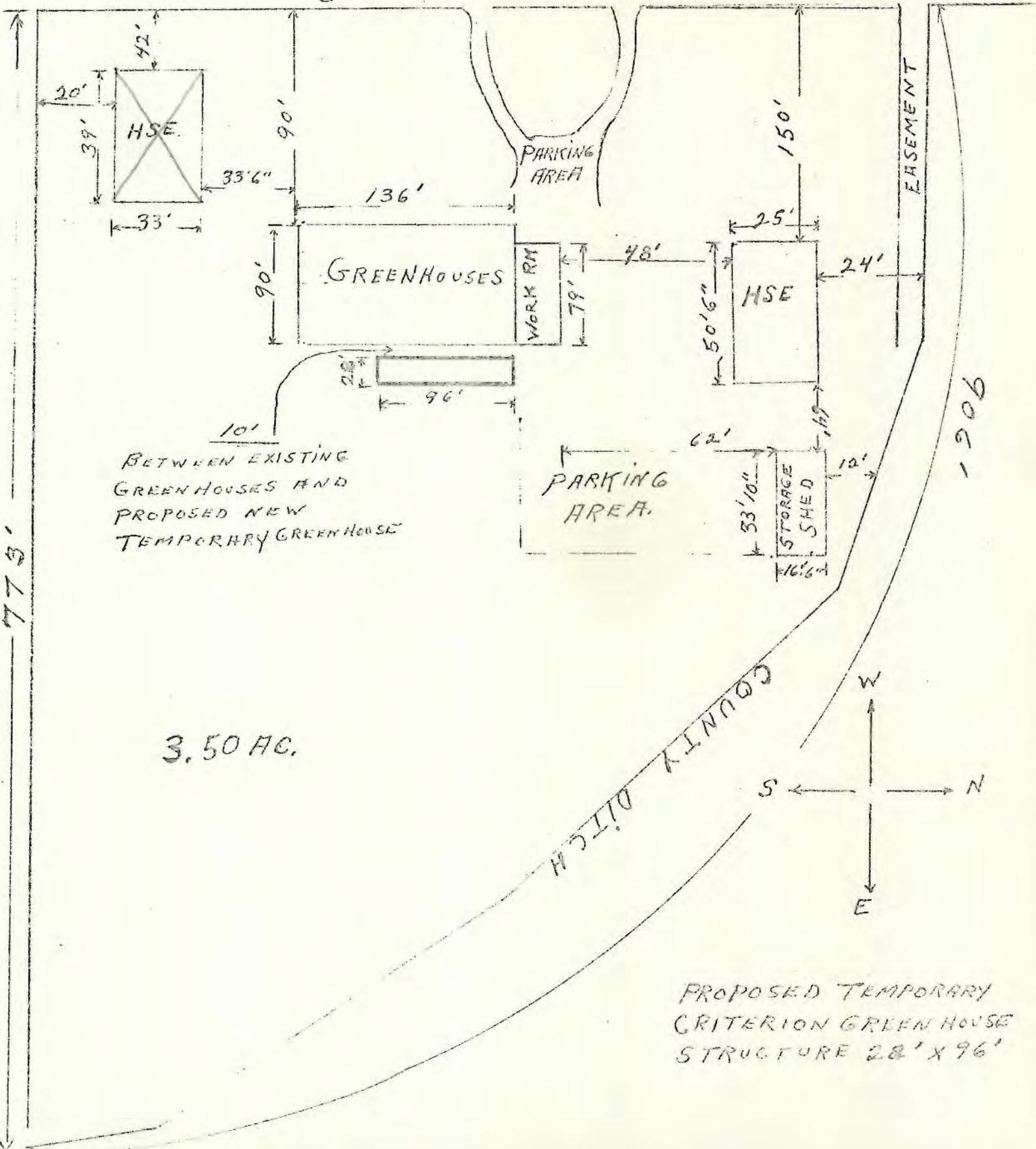
~~MOVED, that the variance requested on the N. side of Maple, 900' W. of Dequindre, for relief of the required number of parking spaces from 362 to 283, be approved for the following reasons:~~

- ~~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~~

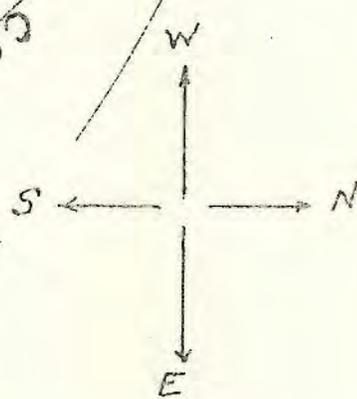
402'.5'

COOLIDGE HWY.



BETWEEN EXISTING GREENHOUSES AND PROPOSED NEW TEMPORARY GREENHOUSE

3.50 AC.



PROPOSED TEMPORARY CRITERION GREENHOUSE STRUCTURE 28' X 96'

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

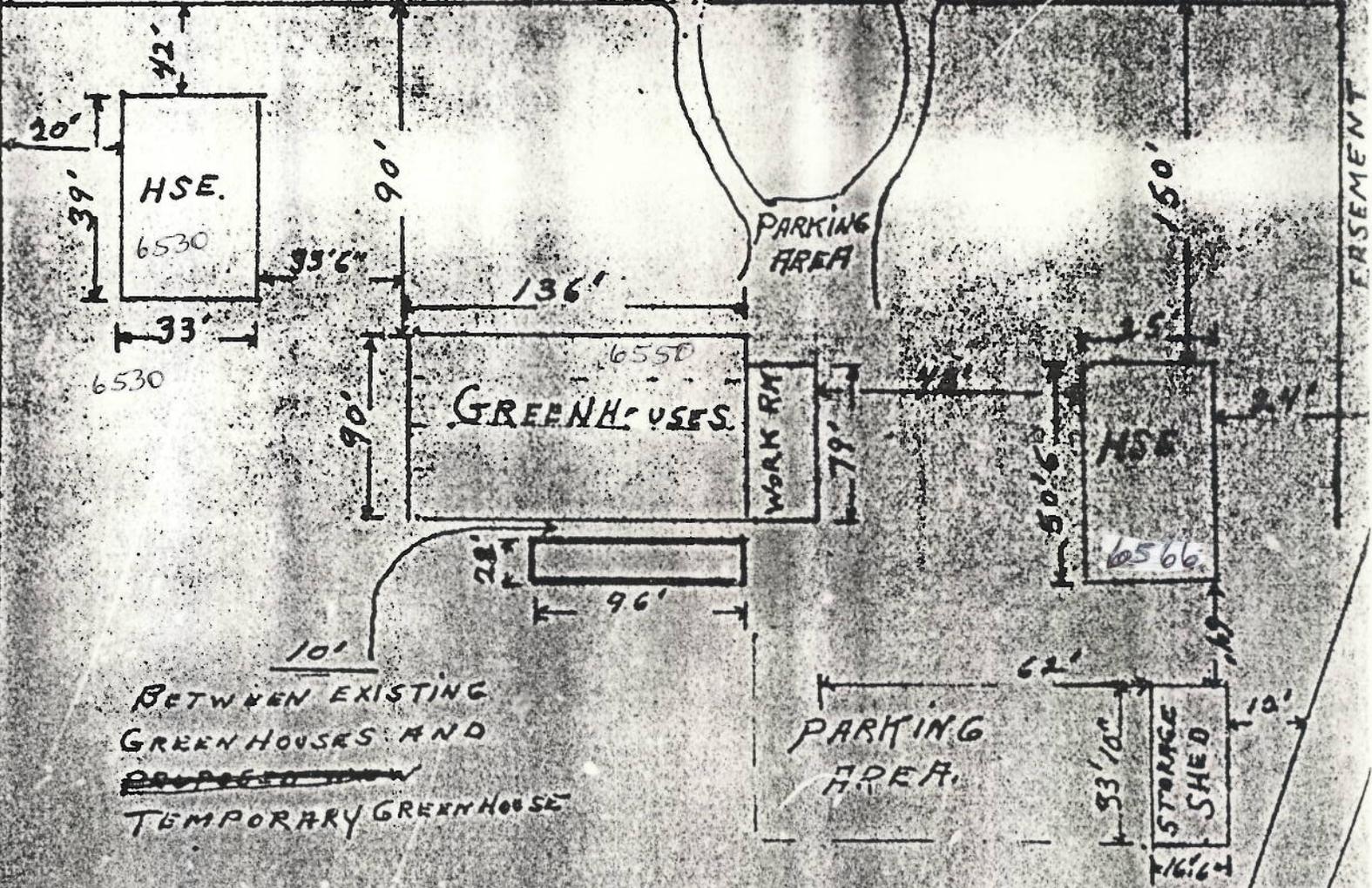
MOVED, that testimony having been taken and exhibits having been presented regarding the existence of a nonconforming use at 6530-50-66 Coolidge Road, Troy, Michigan, and the petitioner having requested a determination of such nonconforming use and the extent and nature of such nonconforming use, it 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

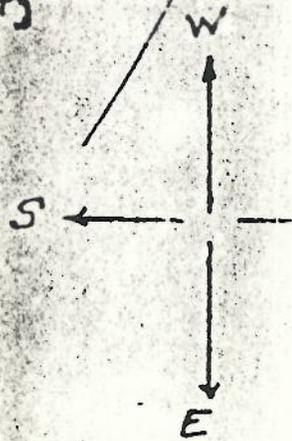
402.5'

COOLIDGE HWY.



BETWEEN EXISTING GREENHOUSES AND ~~PROPOSED~~ TEMPORARY GREENHOUSE

3.50 AC.



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

4. HEARING OF CASES

- B. **VARIANCE REQUEST, JIM BARDY OF CONTINENTAL SERVICES, 700 STEPHENSON HIGHWAY** – A variance to place/construct the following improvements in the front yard: a trash container, a loading area, and a maneuvering lane. The Zoning Ordinance does not allow these items in the front yard.

SECTIONS: 4.18 (D) (2) and 13.03 (B) (3)

(IB)

755

(IB)

711

601

STEPHENSON

(RC)

700

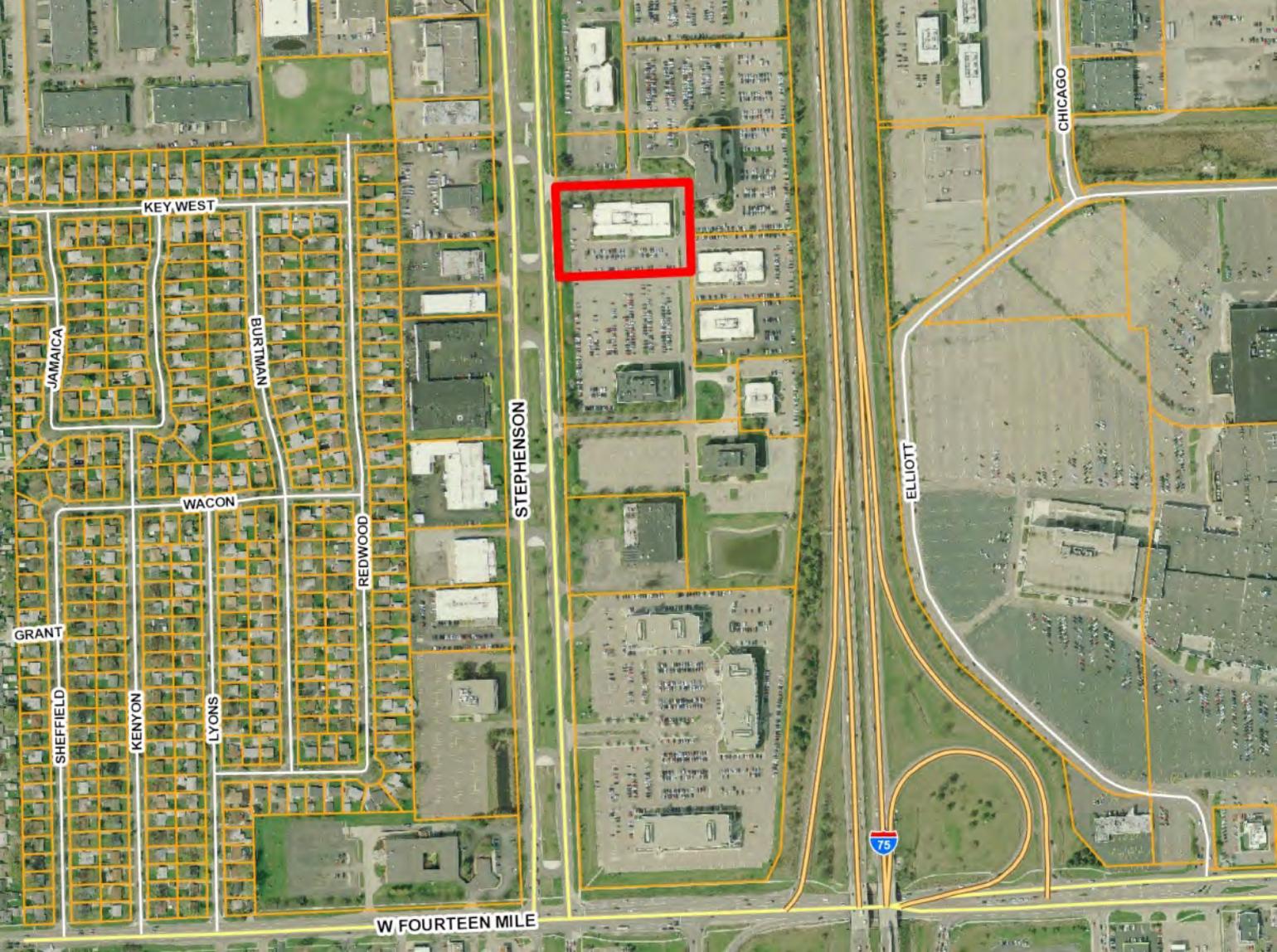
750

650

(OM)

(O)

600



KEY WEST

JAMAICA

BURTMAN

WACOU

REDWOOD

STEPHENSON

CHICAGO

ELLIOTT

75

W FOURTEEN MILE

GRANT

SHEFFIELD

KENYON

LYONS



755

711

601

STEPHENSON

700

750

650

600

75

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: 700 Stephenson Highway, Troy MI 48083
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-35-327-019
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: Section 13.03 & 4.18.D.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: Yes on 1/17/2012. The Zoning Board acted to grant the variance as requested with conditions.
6. APPLICANT INFORMATION:
NAME Jim Bardy
COMPANY Continental Services
ADDRESS 35710 Mound Road
CITY Sterling Heights STATE MI ZIP 48310
TELEPHONE 586-939-3600
E-MAIL j.bardy@continentalserv.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Applicant has the building under contract

8. OWNER OF SUBJECT PROPERTY:

NAME Dan & Steve Kaplan

COMPANY 700 Stephenson LLC

ADDRESS 418 E. Washington Street

CITY Ann Arbor STATE MI ZIP 48104

TELEPHONE 734-662-0068

E-MAIL stevepkaplan@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, Steve Kaplan + Daniel Kaplan (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 2-22-12
PRINT NAME: JAMES BARDY

SIGNATURE OF PROPERTY OWNER [Signature] DATE 2-21-12
PRINT NAME: Steve Kaplan Daniel Kaplan

**WRITTEN EXPLANATION FOR ZONING APPEAL
PROPERTY: 700 STEPHENSON HWY**

February 21 2012



**ZONING BOARD OF APPEALS
CITY OF TROY MICHIGAN**

Through the development of our design, we have shifted our loading South two bays, reduced the width of loading from a two wide loading scenerio to a single loading scenerio.

The new location allows trucks to pull into the front yard and back in easily and quickly. The original design required the truck to back in from in the front of the building. The new location also avoids moving the building transformer and distribution panel within the building (a significant cost savings). It also reduces the time required for trucks to be on the South side of the site (as they will not be required to back in) but more importantly, it creates a wider buffer between the main entry into the complex and the loading area.

The only downside is that the trucks are closer to the front of the building. We will have to landscape that edge very densely and review with the Owners' Association.

We hope the board understands that what we initially presented was our design intention and view this revision as a slight development of the concept based on additional study. We feel this new development is still within the spirit of the initial concept.

Attached is the letter from the initial application explaining the original hardship desire for the variance.

Thanks,

Jim Bardy, President

**WRITTEN EXPLANATION FOR ZONING APPEAL
PROPERTY: 700 STEPHENSON HWY**



January 2012

**ZONING BOARD OF APPEALS
CITY OF TROY MICHIGAN**

We are appealing to the Board for permission to locate a loading area with a screened self-contained waste receptacle along the West front yard of the property. Please refer to the diagram on the following page. The property is located within a office park where both side yards and the rear yard face other buildings within the park. Additionally, the side yard to the North and the rear yard to the East are not wide enough to accommodate loading without blocking traffic.

Loading is feasible to the side yard setback to the South. The South facade of the building, however, is the front facade of the building and is the facade patrons will approach the building along from the lot entrance at the East. The South lot is also in full view of three other buildings located within the office park.

Loading is currently located on the West side of the site. The operation of Continental Services, however, occasionally requires truck too large to fit within the building envelope and will, therefore, need to be parked outside the building while loading occurs. Continental Services anticipates the occasional delivery of a 60' trailer truck, a waste removal truck as well as two of their own 25' trucks. The 60' trailer will make four to six deliveries per week; each delivery taking approximately twenty minutes. The waste removal truck will be on site once or twice a week for approximately twenty minutes and the company trucks will be parked on site making deliveries as necessary.

Between Stephenson Highway and the lot is an existing five foot tall berm which acts as a natural screen to the property. Regardless, we view the entire property as representative of our company's image. All waste will be stored in self-contained, sealed receptacles along the building and the entire property will be maintained in a professional manner.

We understand the City's concern in keeping a clean and pleasant appearance. It is also extremely important to Continental Services to maintain a cleanly appearance as potential clients will be visiting our offices and a clean appearance is extremely critical to our business. We believe the West side of the lot is the least visible and the natural location for loading on this property due to it's omnidirectional frontage. We hope you agree.

Thanks,

Jim Bardy, President

proposed location
of loading area

existing view from
Stephenson



[BACK](#)
[FORWARD](#)

Article 4
District Regulations

D. Supplemental District Standards.

1. Modification to [Setback](#) Requirements. No [building](#) shall be located closer than fifty (50) feet from the boundary of any single-family residential [district](#).
2. The [front yard](#) shall remain as [open space](#), unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or [vehicle](#) access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such [yards](#). All yards abutting upon a public [street](#) or [freeway](#) shall be considered as front yards for setback and open space purposes.
3. Façade Variation. The maximum linear length of an uninterrupted [building](#) façade facing public [streets](#) and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
4. Pedestrian Access / Entrance.
 - a. Primary Entrance. The primary [building](#) entrance shall be clearly identifiable and useable and located facing the right-of-way.
 - b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary [street](#) upon which the building fronts and the [building](#). The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five (5) feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
5. Off-Street Parking Location.
 - a. Parking shall not be located in the [front yard](#).
 - b. No more than fifty (50) percent of the total site's linear feet along the front [building line](#) shall be occupied by parking lot.

[BACK](#)
[FORWARD](#)

Article 13
Site Design Standards

SECTION 13.03 TRASH CONTAINERS

- A. Where Required. The standards set forth in this Section shall apply to all uses that have refuse disposal service by collective trash container. This does not include curbside pickup for single-family residential uses.
- B. Standards.
1. Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with a wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of durable material and construction which is compatible with the architectural materials used in the site development.
 2. Containers shall be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.
 3. Containers and enclosures shall be located in a side or rear yard and screened from public view whenever possible.
 4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 5. Concrete pads and aprons of appropriate size and construction shall be provided.

SECTION 13.04 EQUIPMENT SCREENING

- A. Where Required. The standards set forth in this Section shall apply to all uses for which mechanical equipment is placed upon a roof of any building or on the ground outside of the building. Mechanical equipment includes, but is not limited to: generators, heating, ventilation and air conditioning units.
- B. Screening Requirements. All equipment shall be screened as follows:
1. Rooftop screening.
 - a. Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.
 - b. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.



700 STEPHENSON TROY, MI ZONING APPEAL MARCH '12
ROBBINS EXECUTIVE PARK WEST ASSOCIATION



ZONED: RC RESEARCH CENTER



PROPOSED LANDSCAPING SCREEN

STEPHENSON HWY.

2,770 SF

proposed increase in paved site

4,000 SF

proposed increase in greenscape

1/32"=1'-0"

S. 88 47'00"E 305.00'

ROBBINS EXECUTIVE PARK DRIVE

BRICK SCREEN REPLACED WITH LANDSCAPING SCREEN

EASEMENT

PROPOSED OUTDOOR INGRADE PATIO

SELF CONTAINED WASTE RECEPTACLE WITH BRICK SCREEN

2,200 SF

previous design

PROPOSED ENTRY AND APPROACH

PROPOSED LANDSCAPING

N. 01 13'00"E 305.00'

FRONT YARD SETBACK

800 SF

1	LOBBY/DINING	3,000 SF
2	KITCHEN	9,500 SF
3	RESEARCH	1,000 SF
4	LOADING	1,500 SF
5	WASTE RECEPTACLE	500 SF
6	RESTROOMS	1,000 SF
7	GUEST KITCHEN/DINING	1,300 SF
8	FLEX SPACE - CORPORATE ADMINISTRATION/SEATING	9,600 SF
9	CULINARY OFFICES	3,200 SF

980 SF

PROPOSED LANDSCAPING

570 SF

600 SF

N. 88 47'00"W 447.28'

S. 01 13'00"W 305.00'

PROPOSED LANDSCAPING SCREEN

STEPHENSON HWY.

3,250 SF
proposed increase in paved site

3,690 SF
proposed increase in greenscape



1/32"=1'-0"

N.01-13'00"E 305.00'

FRONT YARD SETBACK

2,150 SF

SELF CONTAINED WASTE RECEPTACLE WITH BRICK SCREEN

TRUCK TRUCK

1,775 SF

530 SF

530 SF

PROPOSED LANDSCAPING

400 SF

PROPOSED ENTRY AND APPROACH

N.88 47'00"W 447.28'

400 SF

1	LOBBY	1,630 SF
2	KITCHEN	12,800 SF
3	RESEARCH	1,000 SF
4	LOADING	860 SF
5	WASTE RECEPTACLE	500 SF
6	RESTROOMS	600 SF
7	GUEST KITCHEN/DINING	1,870 SF
8	FLEX SPACE - CORPORATE ADMINISTRATION/SEATING	4,300 SF
9	CULINARY OFFICES	6,500 SF

PROPOSED LANDSCAPING

585 SF

570 SF

400 SF

S.88 47'00"E 305.00'

ROBBINS EXECUTIVE PARK DRIVE

BRICK SCREEN REPLACED WITH LANDSCAPING SCREEN

EASEMENT

PROPOSED OUTDOOR INGRADE PATIO

S.01-13'00"W 305.00'

ROBBINS EXECUTIVE PARK DRIVE

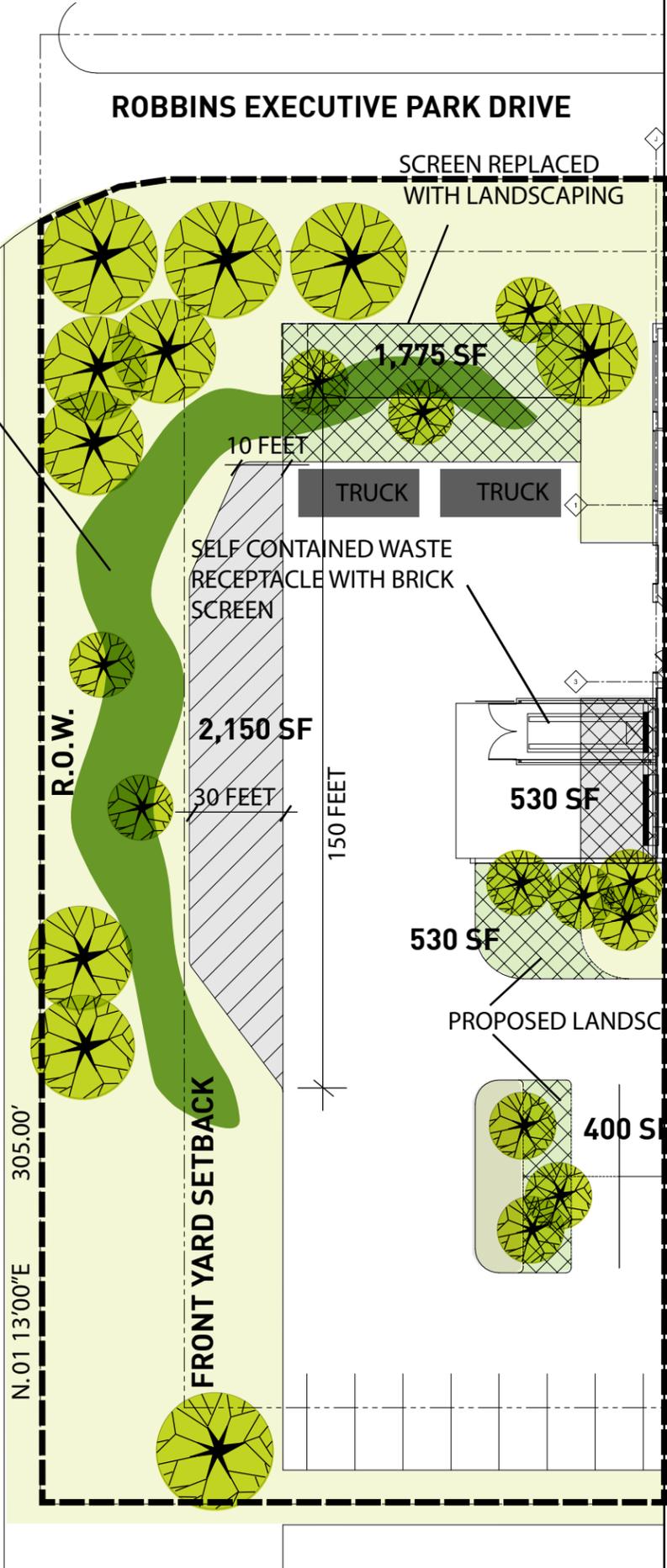
SCREEN REPLACED WITH LANDSCAPING

PROPOSED LANDSCAPING SCREEN

STEPHENSON HWY.

2,680 SF
proposed increase in paved site

2,705 SF
proposed increase in greenscape



TOTAL AREA OF FRONT YARD: WITHIN R.O.W. (NOT INCLUDING ROBBINS EXEC DRIVE): 35,210 SQFT.

EXISTING HARDSCAPE: 16,800 SQFT.

ADDITIONAL HARDSCAPE: 2,680 SQFT.

HARDSCAPE CONVERTED TO GREENSCAPE: 2,705 SQFT.

PROPOSED TOTAL HARDSCAPE IN FRONT YARD: 16,775 SQFT.

WASTE RECEPTACLE BRICK SCREEN (LWH): 28'X12'X8'

CONTINENTAL DELIVERY TRUCKS

TRUCK LENGTH: 25'

TOTAL TIME ON SITE: TWO TRUCKS STORED ON SITE



SUPPLY TRUCKS

TRAILER AND CAB LENGTH: 45' (60' SHOWN)

TOTAL TIME ON SITE: 1 TO 3 HOURS PER WEEK

4-6 DELIVERIES PER WEEK | 20 MINUTES PER DELIVERY





EXITING SOUTH ENTRY



ENTRY AT SOUTH TO BE RENOVATED

Chair Lambert called the Zoning Board of Appeals meeting to order at 7:30 p.m. on January 17, 2012, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Kenneth Courtney
William Fisher
Allen Kneale (arrived at 7:36 pm)
David Lambert
Thomas Strat
Glenn Clark

Absent

Michael Bartnik

Also Present:

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

2. APPROVAL OF MINUTES – November 15, 2011

Moved by Courtney
Seconded by Fisher

RESOLVED, to approve the November 15, 2011 meeting minutes.

Yes: All present
Absent: Bartnik, Kneale

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

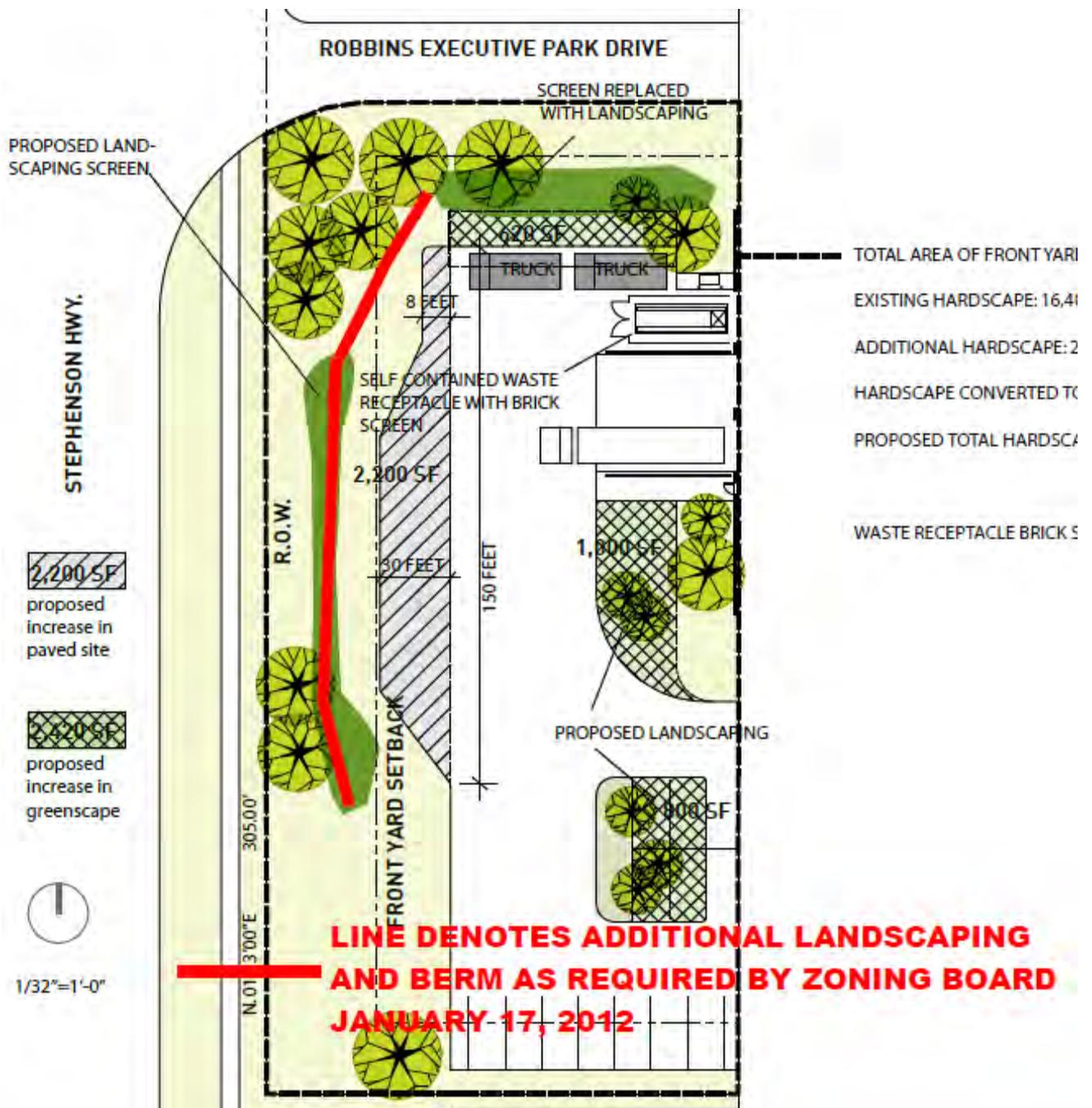
4. HEARING OF CASES

A. VARIANCE REQUEST, JIM BARDY OF CONTINENTAL SERVICES, 700 STEPHENSON HIGHWAY – In order to place/construct the following improvements in the front yard: a trash container, a loading area and a maneuvering lane. The Zoning Ordinance does not allow these items in the front yard.

Moved by Courtney
Seconded by Kneale

RESOLVED to grant the variance as requested with the following conditions:

- That the existing berm be extended north and west as depicted on the attached drawing
- That the new berm height and massing match that of the existing berm
- That the new berm be undulating
- That the new berm not be required where it will interfere with existing screening trees
- That additional screening vegetation be installed in the front yard and on the berm
- That the aforementioned vegetation species, height, and placement effectively screen the view of the trucks located in the front yard from Stephenson Highway
- That the vegetation provides year round screening.
- That the greenscape created would exceed the amount lost.



Yes: All present
Absent: Bartnik

MOTION APPROVED

5. COMMUNICATIONS – Chair Lambert acknowledged Board Members’ receipt of the most recent edition of the Michigan Association of Planning magazine.
6. PUBLIC COMMENT – There was no public comment.
7. MISCELLANEOUS BUSINESS – The Board discussed the need for City Council to appoint two Alternates as specified in the Zoning Ordinance. There was Board consensus on methods to increase citizen awareness of this volunteer opportunity which included Board member and staff referrals, City press release and the Troy Today newsletter. Interested citizens would be directed to fill out an application at the City Clerks’ Office.
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:45 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

From: [Joseph C. Richert](#)
To: [Planning](#)
Subject: 700 Stephenson ZBA meeting March 20, 2012
Date: Wednesday, March 07, 2012 10:18:36 AM

Dear Planning Department,

We approved of this project and welcome Mr. Bardy and Continental Services to the park.

Thank you for the opportunity to comment on this.

Sincerely,

Joe Richert

Special Tree Neuro Skills Center

600 Stephenson

JOE RICHERT | PRESIDENT & CEO

joerichert@specialtree.com | 734-893-1015

Please support the Brain Injury Association of America | www.biausa.org