

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.

ZONING BOARD OF 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. 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.), 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

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

Allen Kneale, Chair, and Glenn Clark, Vice Chair
Michael Bartnik, Kenneth Courtney
William Fisher, David Lambert, Thomas Strat
Bruce Bloomingdale and Orestis Kaltsounis (Alternates)

November 20, 2012

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – October 16, 2012
3. APPROVAL OF AGENDA
4. HEARING OF CASES
 - A. **VARIANCE REQUEST, JOSEPH MANIACI FOR MONDRIAN PROPERTIES, PROPOSED BEACHVIEW ESTATES SITE CONDOMINIUM, WEST SIDE OF BEACH ROAD, 1000 FEET SOUTH OF LONG LAKE ROAD** – For a proposed One-Family Cluster Option site condominium, in order to be eligible for a density bonus consideration, as determined by City Council, a variance from the requirement that 50 percent of the property shall be dedicated open space held in common ownership. The applicant proposes 41 percent of the property be dedicated open space held in common ownership.

ZONING ORDINANCE SECTION: 10.04 D (2)
5. COMMUNICATIONS
6. MISCELLANEOUS BUSINESS
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.

On October 16 2012, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Kneale called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Bruce Bloomingdale
Kenneth Courtney
William Fisher
Orestis Kaltsounis
Allen Kneale
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
Allan Motzny, Assistant City Attorney

2. APPROVAL OF MINUTES – September 18, 2012

RESOLVED, to approve the September 18, 2012 meeting minutes.

Moved by Courtney
Seconded by Fisher

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

A. VARIANCE REQUEST, CARL GIORDANO FOR BOND BILT HOME IMPROVEMENT, 3333 PADDINGTON – In order to construct an addition to the home, a 5 foot variance from the required 45 foot rear yard setback.

Moved by Lambert
Seconded by Bloomingdale

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- B. VARIANCE REQUEST, PASTOR SCOTT MORGAN FOR ZION CHRISTIAN CHURCH, 3668 LIVERNOIS – In order to conduct an outdoor special event (Fall Harvest Festival) on Wednesday, October 31, 2012, a variance from the requirement that the hours of operation end no later than 8:00 pm. Applicant requests the event end at 9:00 pm.

Moved by Courtney
Second by Fisher

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- C. VARIANCE REQUEST, SILVANA AND ZORAN INIC, 6285 ROCHESTER – In order to construct an addition to the house, a 15.84 foot variance to the required 40 foot front yard setback.

Moved by Bloomingdale
Second by Kaltsounis

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

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

Moved by Fisher
Second by Lambert

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- E. VARIANCE REQUEST, GARY ABITHEIRA, 1024 ARTHUR – In order to construct a duplex, an 80 square foot variance to the required 10,000 square foot minimum lot area.

Moved by Courtney
Second by Bloomingdale

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

- F. VARIANCE REQUEST, GARY ABITHEIRA, VACANT LOT NEXT TO AND WEST OF 85 CLOVERIDGE – In order to build a new house, a variance from the requirement that at least one side yard setback be at least 10 feet, and the total of two side yard setbacks be at least 20 feet. The proposed side yard setbacks are 9.5 feet and 6 feet.

Moved by Lambert
Second by Kneale

RESOLVED, to grant the variance.

Yes: Bloomingdale, Courtney, Fisher, Kaltsounis, Lambert
No: Kneale

MOTION PASSED 5-1

- G. VARIANCE REQUEST, JOE GUTOWSKI FOR ND INDUSTRIES, 1893 BARRETT – In order to construct a building addition, a 10 foot variance from the required 20 foot rear yard setback.

Moved by Kneale
Second by Fisher

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None
6. MISCELLANEOUS BUSINESS – None
7. PUBLIC COMMENT – None
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:12 p.m.

Respectfully submitted,

Allen Kneale, Chair

Paul Evans, Zoning and Compliance Specialist

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4. HEARING OF CASES

- A. **VARIANCE REQUEST, JOSEPH MANIACI FOR MONDRIAN PROPERTIES, PROPOSED BEACHVIEW ESTATES SITE CONDOMINIUM, WEST SIDE OF BEACH ROAD, 1000 FEET SOUTH OF LONG LAKE ROAD** – For a proposed One-Family Cluster Option site condominium, in order to be eligible for a density bonus consideration, as determined by City Council, a variance from the requirement that 50 percent of the property shall be dedicated open space held in common ownership. The applicant proposes 41 percent of the property be dedicated open space held in common ownership.

ZONING ORDINANCE SECTION: 10.04 D (2)

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: West side of Beach Rd., 1000' South of Long Lake Rd.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-18-127-012
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 10.04 One-Family Cluster Option
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 Joseph Maniaci
COMPANY Mondrian Properties
ADDRESS 50215 Schoenherr
CITY Shelby Township STATE MI ZIP 48315
TELEPHONE 586-726-7340
E-MAIL jmaniaci@mondrianproperties.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Joseph Maniaci

COMPANY Mondrian Properties

ADDRESS 50215 Schoenherr

CITY Shelby Township STATE MI ZIP 48315

TELEPHONE 586-726-7340

E-MAIL jmaniaci@mondrianproperties.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, JOSEPH MANIACI (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 10-23-12

PRINT NAME: JOSEPH MANIACI

SIGNATURE OF PROPERTY OWNER  DATE 10-23-12

PRINT NAME: JOSEPH MANIACI



PROFESSIONAL ENGINEERING ASSOCIATES, INC.

Civil Engineers | Land Surveyors | Landscape Architects

Corporate Office • 2430 Rochester Court • Suite 100 • Troy, MI 48083
(P) 248.689.9090 • (F) 248.689.1044 • www.peainc.com

October 23, 2012

City of Troy Zoning Board of Appeals
500 W. Big Beaver Road
Troy, MI 48084

**RE: Beachview Estates Site Condominium
One-Family Cluster Option
Request for Variance**

Dear Zoning Board of Appeals Members:

As requested by the Planning Commission at the June 26, 2012 meeting, we have prepared an alternate plan for the Beachview Estates Site Condominium project based on the "One-Family Cluster Option" (Section 10.04 of the City of Troy Zoning Ordinance). This plan is an alternative to the original 8-unit site plan that included clear cutting most of the site due to the larger units and associated grading that was proposed.

The proposed unit and house sizes have been reduced due to the open space provided as part of the One-Family Cluster Option; therefore, to maintain project viability, the density bonus allowed under the One-Family Cluster Option has been applied to increase the number of units from 8 to 10.

Variance Requested:

1. Dwelling unit density bonus (Section 10.04.D.2)
 - a. The percentage of open space provided (41%) is less than the 50% required by the zoning ordinance for the 20% unit density bonus.

Variance Standards:

- 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.*

The proposed open space that is provided in the rear yards of the proposed units has been maximized as much as possible. The existing narrow width of the subject property (391 feet) limits the amount of open space that can be created behind each unit. The rear yard sizes for each house have been designed as small as possible while still creating a marketable unit.

- 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.*

The characteristics which make compliance difficult are related to the subject property.

- c) *The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.*

The characteristics which make compliance difficult are not 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.*

The characteristics which make compliance difficult are due to the original parcel shape and have not been created by the current or 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.*

The proposed variance will not negatively alter the ultimate character of the development. The proposed house sizes are comparable to those in other nearby developments off of Beach Road. A Single-Family Cluster Option development will likely be more beneficial to surrounding properties than the original traditional site layout due to:

1. Preservation of several large trees along Beach Road that were indicated to be cut down in the original site plan with the larger proposed units.
2. Preservation of many trees in the open space area, including several over 24" in diameter.
3. Preservation of a large cluster of trees in the northwest corner of the development that will provide screening for the subdivision west of the development.
4. An approximately 20' increase in separation from existing houses north and south of the development.

In an effort to meet the 50% open space requirement, the developer has agreed to purchase additional land from an adjacent property owner to the north. While this additional land increases the amount of open space, the project does not meet the specific ordinance requirement. It is our opinion that this development meets the intent of the ordinance requirements. It does so in a manner that enhances the project for the benefit of the future residents and adjacent property owners. Absent the granting of a variance, the Cluster Option viability is in question.

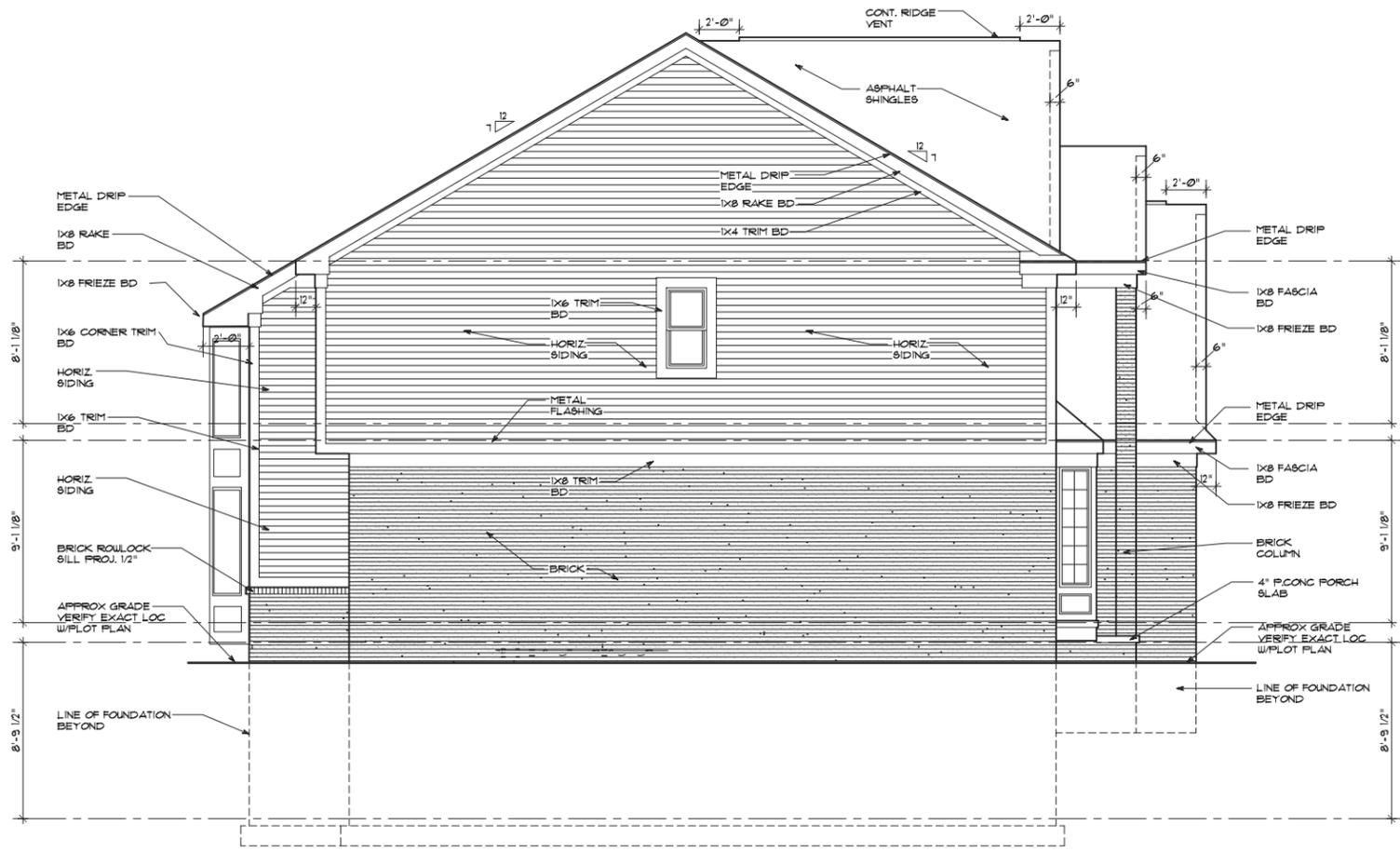
For the reasons stated above, the applicant believes that variance standards have been satisfied to justify granting the requested variance and we would respectfully request approval from the Zoning Board of Appeals. We are available to answer any questions with regard to the variance request and look forward to discussing it with the Board.

Sincerely,

PROFESSIONAL ENGINEERING ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Jeremy E. Carnahan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeremy E. Carnahan, PE
Senior Project Engineer



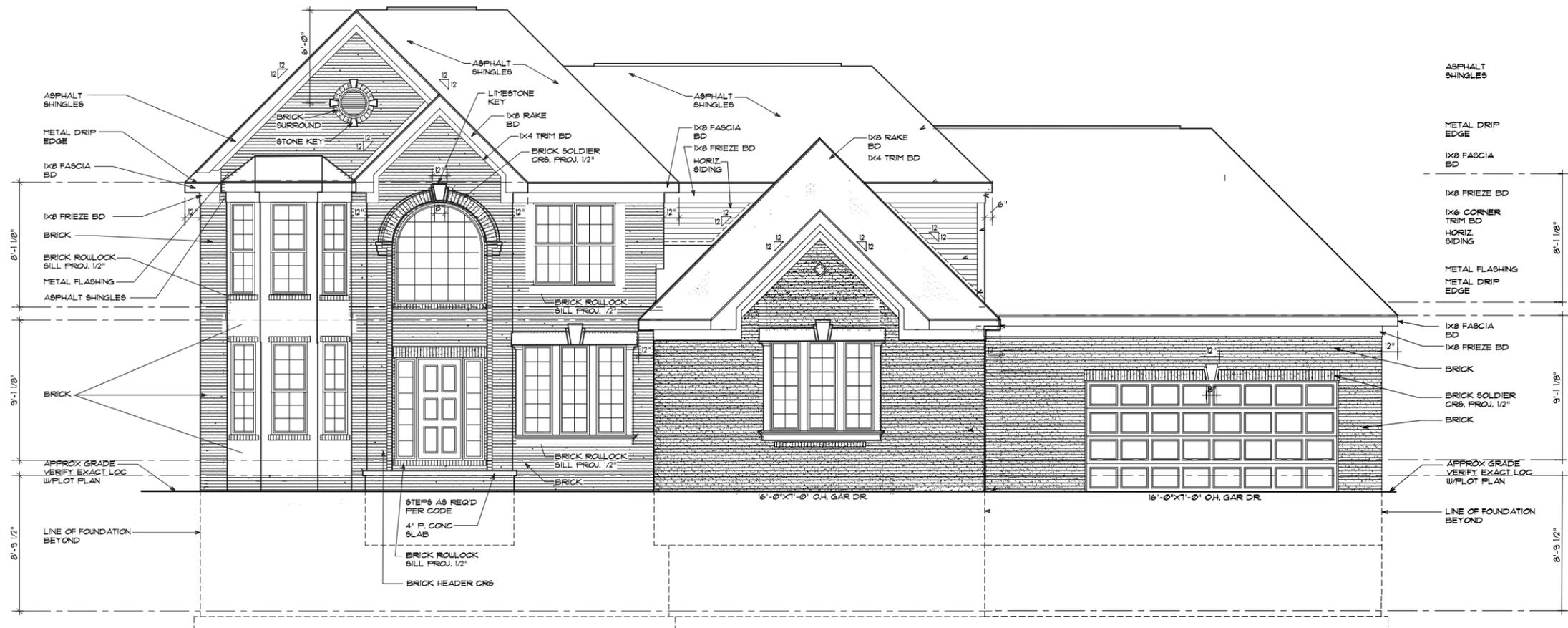
LEFT ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATION NOTES

1. PROVIDE DRIP CAPS AT ALL WINDOWS AND DOORS
2. ALL ROOF SADDLES TO BE PLYWOOD SHEATHED WITH ICE & WATER SHIELD AND SHINGLES.
3. PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS
4. FIREPLACE FLUE TO BE MIN 2'-0" ABOVE ANY ROOF SURFACE WITHIN 10'-0" HORIZONTALLY, MIN 3'-0" PENETRATION ABOVE ROOF TOP.

NOTE:
GUTTERS AND DOWNSPOUTS ARE NOT SHOWN FOR CLARITY. DOWNSPOUTS SHALL BE LOCATED TO ALLOW DRAINAGE TO FLOW AWAY FROM HOUSE, ADJACENT STRUCTURES AND COMMON PROPERTY LINES. LOCATE DOWNSPOUTS IN NON-VISUALLY OFFENSIVE LOCATIONS. DO NOT LOCATE DOWNSPOUTS ON FRONT FACADE OF HOUSE OR ALONG FRONT FACING PORCH COLUMNS.

NOTE:
PLUMBING AND HVAC VENTS SHALL BE GROUPED IN ATTIC TO LIMIT THE NUMBER OF ROOF PENETRATIONS. ALL ROOF PENETRATIONS SHALL OCCUR TO THE REAR OF THE HOUSE AND BE PAINTED TO MATCH THE ROOF COLOR.

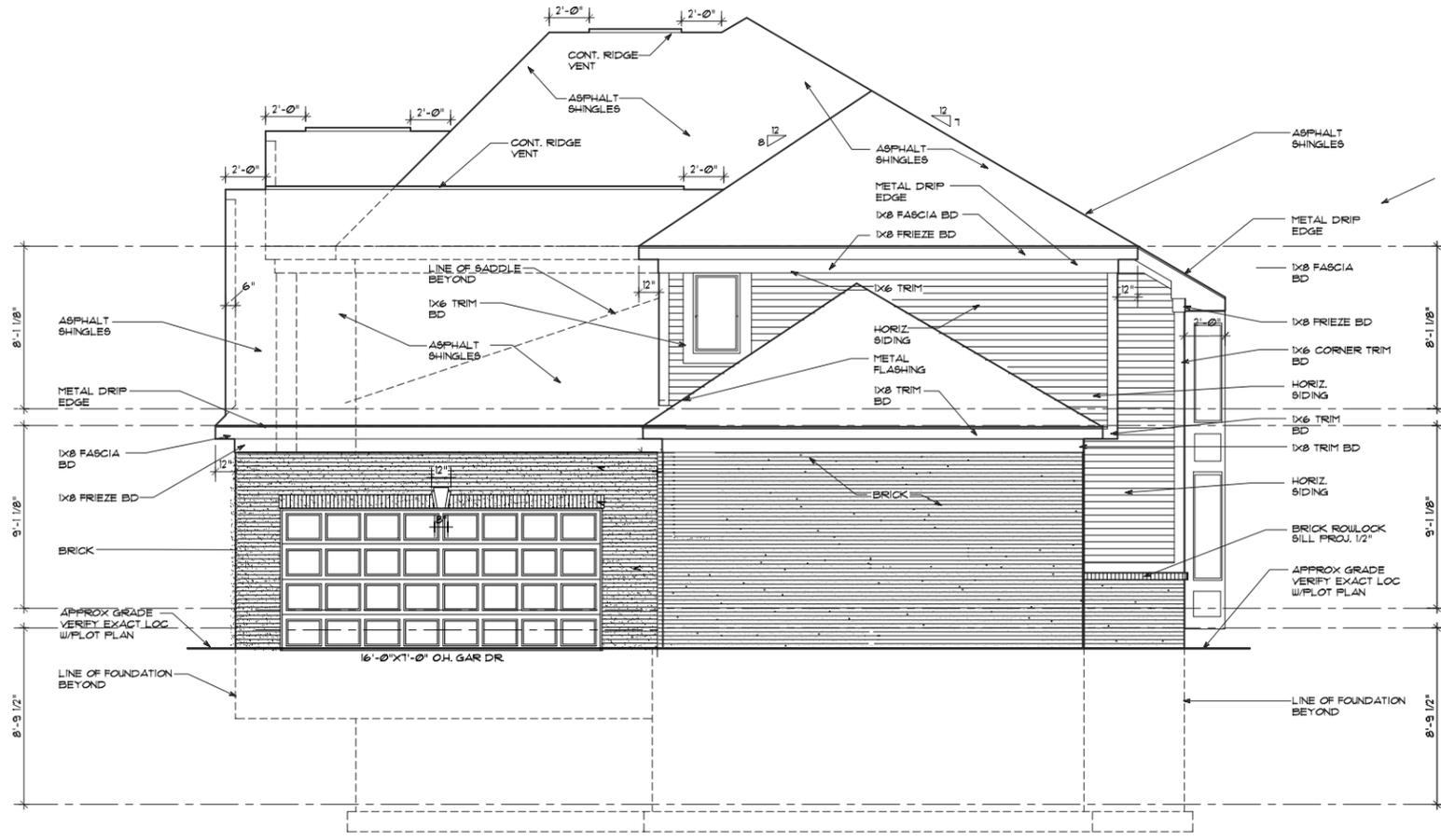


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

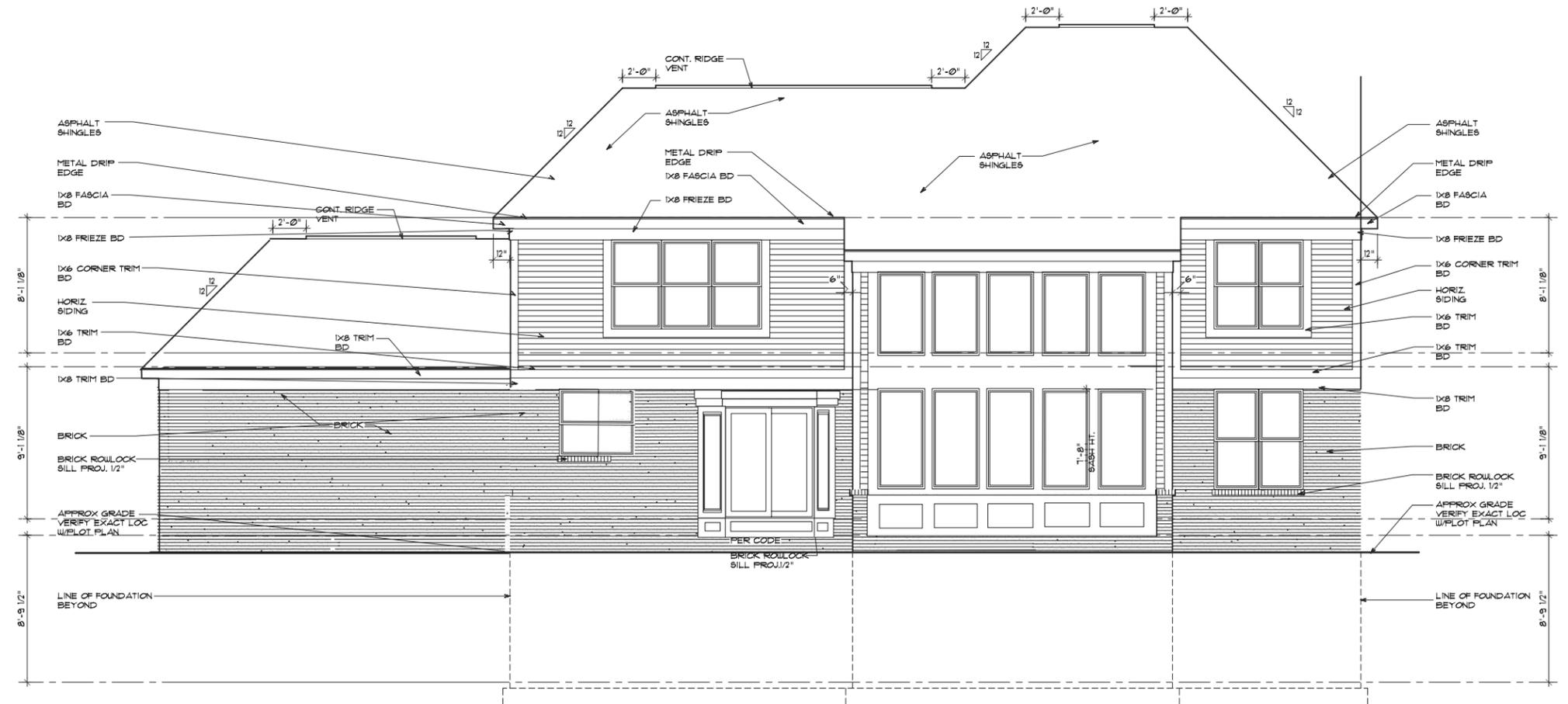
ELEVATIONS

- PRELIMINARY
- CLIENT APPROVAL
- PERMIT
- REVISION
- PROJECT #

SHEET No



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATION NOTES

1. PROVIDE DRIP CAPS AT ALL WINDOWS AND DOORS
2. ALL ROOF SADDLES TO BE PLYWOOD SHEATHED WITH ICE & WATER SHIELD AND SHINGLES.
3. PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS
4. FIREPLACE FLUE TO BE MIN 2'-0" ABOVE ANY ROOF SURFACE WITHIN 10'-0" HORIZONTALLY, MIN 3'-0" PENETRATION ABOVE ROOF TOP.

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PRELIMINARY
CLIENT APPROVAL
PERMIT
REVISION
PROJECT #



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

Date: October 24, 2012

Site Condominium Review For City of Troy, Michigan

Applicant:	Joe Maniaci, Mandarin Properties
Project Name:	Beachview Estates
Plan Date:	October 12, 2012
Location:	West side of Beach Road, south of W. Long Lake Road
Zoning:	R1-A, One-family Residential District
Action Requested:	Site Condominium Preliminary Approval, Cluster Option
Required Information:	Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a site condominium application which includes a site plan, landscape plan, topographic survey, tree preservation plan, wetlands letter, and application forms. The 6.02 acre site is currently unimproved and encumbered with regulated a wetland and tree cover. The applicant intends to gain approval for a 10-lot single family cluster detached site condominium project. By-right the 6.02 acre parcel could be developed into 8-units. Through the cluster option, the applicant is seeking approval for two additional units; however the consideration of the density bonus requires a variance from the Zoning Board of Appeals. See the procedure section below for more information.

Location of Subject Property:

West side of Beach Road, south of W. Long Lake Road.



Size of Subject Property:

The parcel is 6.02 net acres in area.

Proposed Uses of Subject Parcel:

Ten (10) detached, single family homes, developed through the cluster option.

Current Use of Subject Property:

The subject property is currently vacant.

Current Zoning:

The property is currently zoned R-1A, One-family Residential District.

Surrounding Property Details:

Direction	Zoning	Use
North	R-1A, One-family Residential District.	Single-family homes
South	R-1A, One-family Residential District.	Single-family homes
East	R-1B, One-family Residential District	Single-family homes
West	R-1A, One-family Residential District.	Single-family homes

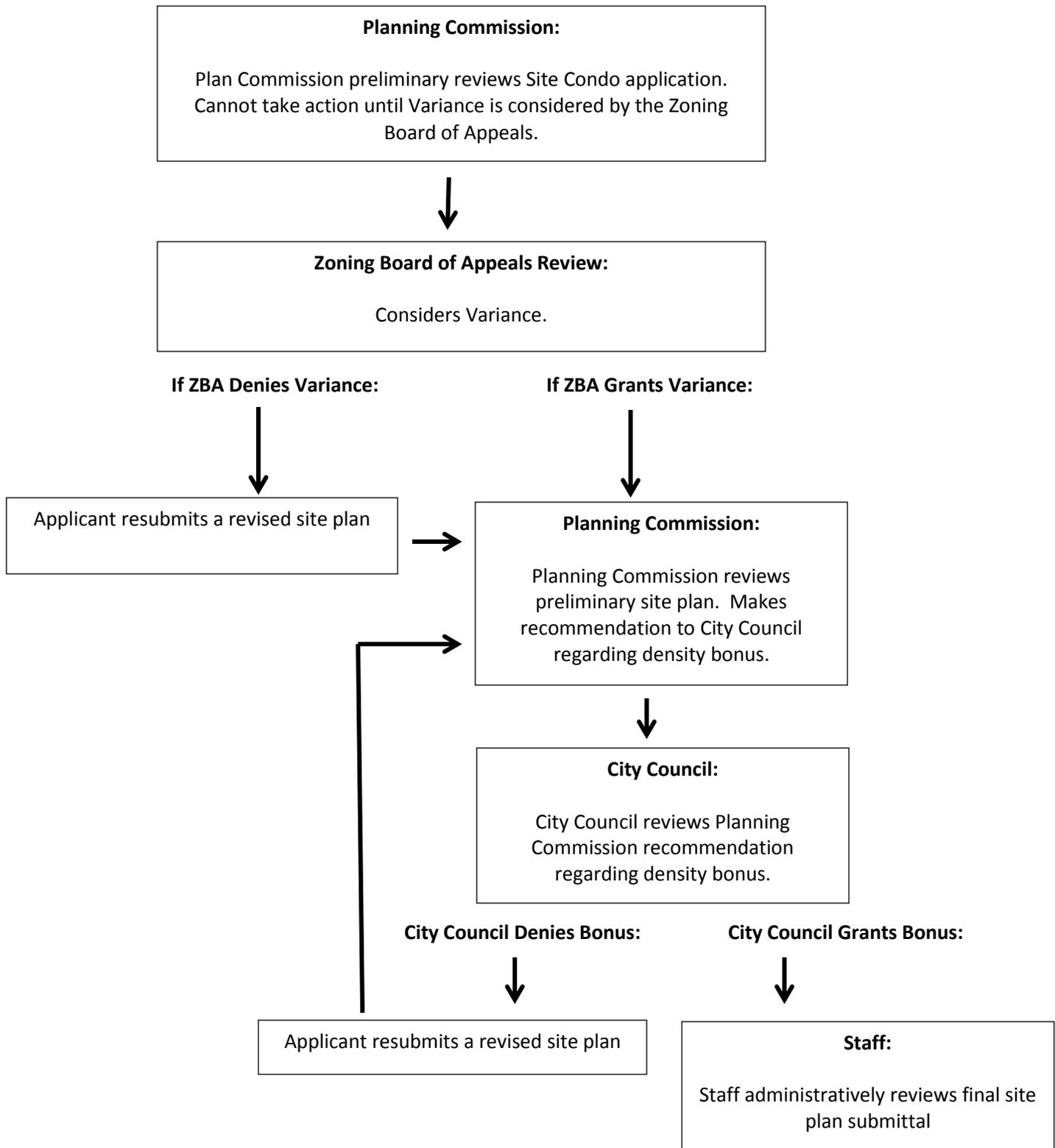
CLUSTER DEVELOPMENT BACKGROUND AND APPROVAL PROCEDURES

As permitted under section 10.04 the applicant is proposing to develop the site in a cluster format. The cluster option allows innovation and greater flexibility in subdivision design in order to preserve open space as undeveloped land, and ensure the permanent preservation of environmental resources and other natural features.

Site condominiums are reviewed by the Planning Commission under Section 10.02 (Site Condominium Project Regulations) and Article 8 (Site Plan Review) and do not require City Council approval. However, as permitted in the cluster development provisions, the applicant is seeking a discretionary bonus to increase the number of units up to 20%. This discretionary density bonus is granted by the City Council based on a recommendation from the Planning Commission. The discretionary bonus is contingent upon the applicant including a minimum of fifty (50) percent of the property to be dedicated open space held in common ownership. Cluster developments that do not seek a density bonus only have to provide thirty (30) percent open space.

The applicant is seeking a density bonus and only providing 41% open space. Because the applicant is providing less open space than required to obtain a density bonus, the applicant is requesting from the ZBA a variance from the 50% open space requirement to be eligible for consideration of the density bonus. The proposed variance from the ZBA is only to allow the Planning Commission to consider and the City Council the ability to grant such discretionary bonus. If the variance is granted, City Council still has discretion to grant or deny the density bonus, and should only grant the bonus if there is a favorable recommendation by the Planning Commission. If the variance is denied the applicant is not eligible for the density bonus, unless the plans are revised to include at least 50 % of the property as open space.

Procedure Flow Chart:



SITE ARRANGEMENT AND DISCRETIONARY DENSITY BONUS

The basic premise of cluster development is the preservation of open space. At a minimum, cluster development shall maintain a minimum of thirty (30) percent of the gross area of the site as dedicated open space held in common ownership. In order to encourage cluster development applicants are able to receive a discretionary bonus to increase the number of units up to 20%. The discretionary bonus is granted by the City Council based on a recommendation from the Planning Commission. The applicants are seeking the discretionary bonus to increase the total number of units from eight (8) to ten (10) units. The discretionary bonus is contingent upon the following:

1. *Include a minimum of fifty (50) percent of the property to be dedicated open space held in common ownership.*
2. *Include at least one (1) of the following elements:*
 - a. *Incorporates sustainable design options specifically related to the proposed density increase*
 - b. *Provides a perimeter transition area of at least one hundred fifty (150) feet in width around all borders of the development.*
 - c. *Donates or contributes land or amenities in order to provide a significant community benefit, such as for a school, park, fire station, or similar community benefit.*
 - d. *Other similar elements that the City Council, after favorable recommendation from the Planning Commission, determined to be of exceptional quality.*

As noted the applicant is only providing 41% open space. If the applicant were to increase the open space from 41% to 50%, in discussion with the applicant we believe that they would meet the second requirement for density bonus eligibility by comply with the Sustainable Design Project requirement.

We strongly encourage the applicant's attempt at providing a cluster development, and find that the cluster provided by the applicant is a better designed project than what was proposed as a conventional subdivision. The cluster development has permitted the applicant to provide open space in perpetuity and preserve a significant number of trees. The cluster design proposed is a benefit not only to the future owners of these units but also adjacent property owners. However, because this is an undeveloped site we also find that there is an opportunity to increase the overall open space and provide a cohesive neighborhood with accessible open space via:

- Reducing the rear yard of each lot and adding that area to common ownership;
- Reducing the side yard width between each building and/or providing shared driveways;
- Make the bio-retention/stormwater area more of a site amenity; and
- Providing a path between lots 6 and 7 to gain access to the large open space in the northeast corner of the development.

Items to be addressed: *Potential items to be addressed by applicant are contingent upon the granting of the variance by the Zoning Board of Appeals.*

AREA, WIDTH, HEIGHT, SETBACKS and REGULATORY FLEXABILITY

The proposed site condominium consists of 10-units with lot sizes ranging between 11,094 square feet to 13,820 square feet. The average lot size is 11,944 square feet. The intent of the cluster development provisions is to relax the typical R-1A district bulk requirements in order encourage a less sprawling form

of development. As set forth in 10.05.E the applicant is able seek specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The table below outlines the bulk requirements for cluster development:

	<u>Required:</u>	<u>Provided:</u>	<u>Compliance:</u>
Density	Overall density shall not exceed the number of residential cluster units as developed under a conventional subdivision, unless a density bonus has been granted by City Council.	Applicant seeking 10 units	8 units is permitted based on underlying zoning, applicant seeking density bonus of two additional units
Perimeter Setback	Equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border = 40 feet	53 foot minimum	Complies
Front Setback (building)	20 foot setback	25 foot minimum	Complies
Rear Setback (building)	25 foot setback	48 foot minimum	Complies
Side Setback (building)	7.5 foot setback	35 foot minimum	Complies
Open Space Requirements: Minimum Percentage / Minimum Percentage for Density Bonus	30% / 50%	41%	Applicant complies with minimum open space requirements. Applicant is deficient in open space for density bonus.
Open Space Requirements: Open space depth adjacent to exterior roads	100 feet in depth	88 feet in depth	Applicant is deficient in open space depth adjacent to Beach Road. At its discretion, the City Council, after favorable recommendation from the Planning Commission, may permit either minor reductions in width or variations in width of the open space along exterior roads.

If the applicant were able to provide the required open space, we would encourage the Planning Commission to consider granting a favorable recommendation to permit the minor open space depth reduction along Beach Road.

Items to be addressed: Potential items to be addressed by applicant are contingent upon the granting of the variance by the Zoning Board of Appeals.

SITE ACCESS AND CIRCULATION

Vehicular access:

Access to all ten (10) lots will be from a newly constructed public road off of Beach Road aptly named "Beachview Court". The proposed Beachview Court meets all public road requirements; however the City Traffic Engineering Department notes that:

1. The applicant shall show and maintain the 25' x 25' corner clearance on both sides of the new intersection of Beachview Court and Beach Road.
2. An access drive to the detention basin will need to be provided.

These items will be addressed in final engineering.

Pedestrian access:

The applicant is providing a 5-foot wide sidewalk along the entire length of the newly created Beachview Court; however has not shown a sidewalk along Beach Road. In previous submittals, the applicant did show a 5-foot wide sidewalk along Beach Road. The applicant should indicate if they are not proposing a sidewalk along Beach Road. If they are not providing a sidewalk they must seek a waiver from the Traffic Committee.

Items to be Addressed: *Provide a 5-foot wide sidewalk along Beach Road or seek a waiver from the Traffic Committee.*

NATURAL RESOURCES

The subject property is currently unimproved and is encumbered with one regulated wetland and tree stands.

Wetlands:

Wetland "A" is located in the southwest corner of the lot, adjacent to the area proposed for stormwater management. Based a submitted letter from Professional Engineering Associates, Wetland "A" is a regulated wetland due to its location within 500' of a stream. As a result, the applicant is required to take the appropriate measures to protect this wetland. Prior to final site plan approval the applicant is required to receive the appropriate permits from MDEQ, Oakland County Soil Erosion, Oakland County Water Resources Commissioner, City of Troy, and any other appropriate body.

Trees:

Through the cluster design the applicant proposes to preserve a significant more number of individual trees and tree stands than previous submittals. More importantly by maintaining common open space in perpetuity, the trees along the perimeter of the site and those in the northeast corner of the site will remain for their natural life unless removed by action of the common homeowners association.

Items to be Addressed: *1.) Obtain all appropriate wetland permits from MDEQ, Oakland County Soil Erosion, Oakland County Water Resources Commissioner, City of Troy, and any other appropriate body prior to final site plan approval*

LANDSCAPING

The Landscape Plan includes thirty-three (33) Norway Spruces to be planted as screening along Beach Road and a combination of five (5) Sugar Maples, seven (7) Red Maple, and seven (7) Red Oak along the newly created Beachview Court. All proposed species fall within Troy regulations and are not prohibited. In addition the proposed new planting, due to the cluster design the applicant is able to preserve a number of significant trees on site.

Though not required by ordinance, the applicant has shown the installation of twenty (20) Norway Spruces along the southern property line as part of an agreement with the adjacent property owner. The twenty (20) Norway Spruces are only shown on the Site Plan (Sheet P1) and should also be shown on the Landscape Plan.

Site condominium and subdivision landscaping are regulated by Section 13.02.F.2.

	<u>Required:</u>	<u>Provided:</u>	<u>Compliance:</u>
Frontage Screening	Beach Road: One evergreen tree for every 10 lineal feet = 33 trees	33 Spruce	Complies
Greenbelt Street Trees	Beachview Court: 1 tree for every 50 linear feet = 19 trees	19 street trees (5 Sugar Maples, 7 Red Maple, and 7 Red Oak)	Complies

The applicant has provided the required evergreen screen along Beach Road and the required greenbelt planting along Beachview Court. While, the applicant complies with all landscaping requirements, the applicant should relocate the proposed Red Maple that is located where the required access drive to the detention facility will be placed.

Items to be Addressed: Relocate the proposed Red Maple that is located where the required access drive to the detention facility will be placed.

STORMWATER DETENSION

The applicant’s stormwater detention will connect to a storm sewer approximately 240 feet south of the site through the adjacent southern property. The applicant has received an easement from the adjacent south side property owner. The Engineering Department has reviewed the proposed detention facility and offers the following comments:

1. Size the detention area for a 25-year storm.
2. An easement for detention outlet must be granted to the City of Troy; and
3. Ensure that the proposed detention outlet is spaced a great enough distance to be able to be bored underneath the existing natural water course and have enough cover.

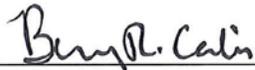
These issues will be addressed in final engineering.

Items to be Addressed: None

RECOMMENDATIONS

We strongly encourage the applicant's attempt at providing a cluster development, and find that the cluster subdivision provided by the applicant is a better designed project than what was proposed as a conventional subdivision. The cluster development has permitted the applicant to provide open space in perpetuity and preserve a significant number of trees. The cluster design proposed is a benefit not only to the future owners of these units but also adjacent property owners. However, because this is an undeveloped site we also find that there is an opportunity to increase the overall open space and provide a cohesive neighborhood with accessible open space via:

- Reducing the rear yard of each lot and adding that area to common ownership;
- Reducing the side yard width between each building and/or providing shared driveways;
- Make the bio-retention/stormwater area more of a site amenity; and/or
- Providing a path between lots 6 and 7 to gain access to the large open space in the northeast corner of the development.



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