

DATE: August 29, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Public Hearing  
Parking Variance Request  
35 W. Square Lake Road

We have received an application from Voitek Malinowski of Quality Care Rehabilitation Professionals, Inc. to alter an existing commercial building at 35 W. Square Lake Road to convert it into medical offices. Applying the requirements for parking for medical offices of Section 40.21.73 of the Troy Zoning Ordinance we find that a minimum of 27 parking spaces are required for a building of this size. The site plan indicates that only 14 parking spaces are available on the site. As such, the permit application has been denied. In response to our denial, the applicants have filed a request for parking variance for the 13-space deficiency.

A Public Hearing has been scheduled for your meeting of September 11, 2006, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan and floor plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

<p><b>PARKING VARIANCE APPLICATION FOR PUBLIC HEARING BEFORE CITY COUNCIL CITY OF TROY</b></p>	<p style="font-size: 1.2em; font-weight: bold;">RECEIVED</p> <p>AUG 03 2006</p> <p><b>BUILDING DEPT</b></p>
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TO TROY CITY COUNCIL

DATE: 8-1-06

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Voitek MALINOWSKI Phone: (248) 515 7564

Address: 361 W. SQUARE LK RD. TROY MI 48098

Address of Property: 35 W. SQUARE LK Rd MI 48098

Lot # 88-20-09-229-002 Subdivision: \_\_\_\_\_

Zoning District: B-1 Sidwell # 8820 09 229 002

Owner of Property: CROCFENZI JOSEPH Phone: (248) 701 0423

Address: 2368 ULSTER ROCHESTER HILLS MI 48309

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 08-01-06

Has there been a previous appeal involving this property? NO If Yes, state date \_\_\_\_\_ and particulars \_\_\_\_\_

**REASON FOR VARIANCE:**

Dimension of Stall? _____	Parking Spaces Required: <u>27</u>
Number of Stalls? _____	Parking Spaces Provided: <u>14</u>
Other Dimensions? _____	Variance Requested: <u>13</u>

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

*see Mt. letter.*

**PLOT PLAN OF SITE ATTACHED HERETO**

STATE OF MICHIGAN )  
COUNTY OF Oakland )

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 8-01-06 *[Signature]*  
(Signature of Applicant)

Signed and Sworn to before me this 1st day of August 2006

*[Signature]*  
Notary Public

My Commission Expires: 7-5-2012

Filing Fee \$200.00 Date Paid 8-3-06

**PATRICIA KAPOLKA**  
Notary Public, State of Michigan, County of Oakland  
My Commission Expires July 5, 2012  
Acting in the County of Oakland

QUALITY CARE REHABILITATION PROFESSIONALS, INC.

Tatjana Savich, MSA, OTR

42536 Hayes Road Suite 100

Fideliz Sayas, RPT

Administrator

Clinton Township, MI 48038

Voitek Malinowski, RPT

(586) 286-9644 FAX (586) 286-964

Clinical Program Directors

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BUILDING DEPT.

TROY PARKING PROPOSAL

08/01/06

We are requesting an appeal for the parking as well as proposing the following solutions for the Quality Care Rehabilitation Professionals, Inc. 35 West Square Lake, Troy, MI. location:

The variance stated that 27 parking spaces are required for the building and we have 14 spaces currently available at the location. We only require 12 parking spaces for our business when it is run at full capacity.

We seeking relief from the ordinance due to the allocation of parking spaces that will not be occupied by certain members of our staff and due to the nature of our Thomas physical therapy scheduling. The aforementioned reasons are outlined in further detail under various headings.

Scheduling -

We have a physical therapy scheduling program that does not allow us to schedule more than 8 patients at a time. We will see patients by appointment only. There is a 30 minute space in between each patient's ending treatment time to the next patient's appointment start time. The therapist needs the time following each patient's visit to document the outcomes of therapy that day. Additionally, there will be enough time to have the rooms cleaned and to prepare for the next patient's treatment program. A copy of the Thomas physical therapy scheduling program is included with our appeal. With an 8 patient maximum caseload and 4 therapist/ personnel working with the patients, we only need 12 actual parking spaces. We have 14 parking spaces available to us now.

Billing - Our billing department is at our QCRP – Clinton Township location. Both of our billers will have emails forwarded to them from QCRP-Troy to QCRP-Clinton and all reimbursement and billing issues will be forwarded to Clinton township. This will save two parking spaces from being occupied.

CEO duties- The administration/CEO duties will take place in the Clinton Township location. Only one office is required for the Administrative duties and Tatjana Tina Savich's office is in Clinton Township.

CFO duties - All of the payroll and banking will be done by Chief Financial Officer, Fideliz Sayas. Her office is located at The Clinton Township location.

Summary of Resolution – We have resolved the City of Troy parking situation as requested.

Appeal – We are appealing the additional spaces the City of Troy has requested we have. Due to the nature of our business, physical therapy, and to the capacity of patient rooms we have in combination with the amount of staff required, we physically would only require 12 parking spaces and we already have 14.

Note - We are at a standstill with the opening of our company. We would like to facilitate the Troy small business economy and provide professional services to the Troy and its neighboring residents as soon as possible.

  
Tatjana T. Savich, OTR  
C.E.O.

  
Fideliz Sayas, RPT  
C.E.O.

  
Wittek Malinowski, RPT  
C.O.O.

08/03/2006

BOOK 1  
Appointment Totals

Room: 1, 2, 3, 4, 5, 6, 7, 8  
For: Mon, 3/6/2006

Acct	Name	Unknown Time	Rm	Dr	Type	Phone
	NEW PATIENT A	8:00AM	1	2N	1/	
	NEW PATIENT B	8:00AM	2	2N	11	
	NEW PATIENT C	8:00AM	3	2N	14	
	NEW PATIENT D	8:00AM	4	2N	1H	
	NEW PATIENT E	8:00AM	5	2N	1M	
	NEW PATIENT F	8:00AM	6	2N	2/	
	NEW PATIENT G	8:00AM	7	2N	21	
	NEW PATIENT H	8:00AM	8	2N	24	
	NEW PATIENT L	9:30AM	4	2N	3H	
	NEW PATIENT J	9:45AM	2	2N	3	
	NEW PATIENT I	10:00AM	1	2N	2H	
	NEW PATIENT M	10:00AM	5	2N	4	
	NEW PATIENT K	10:15AM	3	2N	3/	
	NEW PATIENT R	10:45AM	2	2N	NM	
	NEW PATIENT O	10:45AM	7	2N	5H	
	NEW PATIENT N	11:00AM	6	2N	4/	
	NEW PATIENT S	11:15AM	5	2N	2/	
	NEW PATIENT P	11:15AM	8	2N	MT	
	NEW PATIENT Q	12:30PM	1	2N	NP	
	NEW PATIENT T	12:30PM	2	2N	3/	
	NEW PATIENT U	12:45PM	8	2N	14	
	NEW PATIENT W	1:00PM	4	2N	21	
	NEW PATIENT V	2:15PM	3	2N	1/	
	NEW PATIENT W	2:15PM	5	2N	4/	
	NEW PATIENT AD	3:00PM	8	2N	2H	
	NEW PATIENT AA	3:45PM	4	2N	2/	
	NEW PATIENT X	4:00PM	1	2N	14	
	NEW PATIENT AB	4:00PM	6	2N	NP	
	NEW PATIENT Z	4:15PM	3	2N	11	
	NEW PATIENT AC	4:15PM	7	2N	MT	
	NEW PATIENT Y	4:30PM	2	2N	2H	
	NEW PATIENT AE	5:00PM	8	2N	1/	

Number of Unknown Appointments: 32  
Total Number of Appointments Scheduled: 32

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**BUILDING DEPT.**

08/03/2006

BOOK 1  
Appointment List  
Doctor: All Doctors  
Room: ROOM1, ROOM2, ROOM3, ROOM4, ROOM5, ROOM6, ROOM7, ROOM8  
For: Mon, 3/6/2006

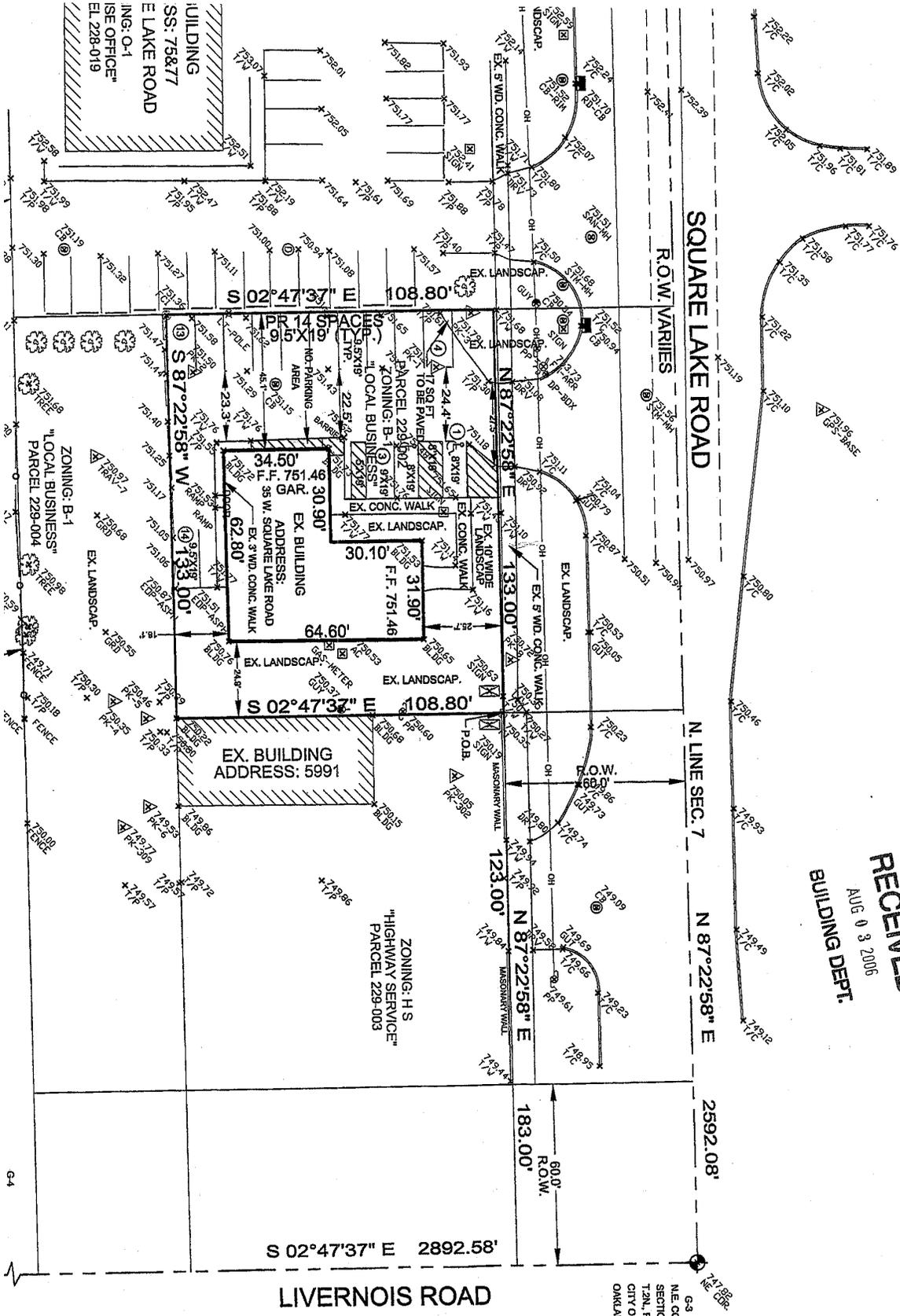
3/6/2006	Time	Acct	Name	Phone	Dr Room	T
	8:00AM		NEW PATIENT A		2N ROOM1	1/ - 1 1/2 HOUR THERAPY
	8:00AM		NEW PATIENT B		2N ROOM2	11 - 115 HOUR
	8:00AM		NEW PATIENT C		2N ROOM3	14 - 145 HOUR THERAPY
	8:00AM		NEW PATIENT D		2N ROOM4	1H - THERAPY 1HOUR
	8:00AM		NEW PATIENT E		2N ROOM5	1M - 1 1/2 HOUR MASSAGE ONLY
	8:00AM		NEW PATIENT F		2N ROOM6	2/ - 2 1/2 HOUR THERAPY
	8:00AM		NEW PATIENT G		2N ROOM7	21 - 215 HOUR THERAPY
	8:00AM		NEW PATIENT H		2N ROOM8	24 - 245 HOUR THERAPY
	9:30AM		NEW PATIENT L		2N ROOM4	3H - 3 HOUR THERAPY
	9:45AM		NEW PATIENT J		2N ROOM2	3 - 30 MINUTE THERAPY
	10:00AM		NEW PATIENT I		2N ROOM1	2H - 2HOUR THERAPY
	10:00AM		NEW PATIENT M		2N ROOM5	4 - 45 MINUTE THERAPY
	10:15AM		NEW PATIENT K		2N ROOM3	3/ - 3 1/2 HOUR
	10:45AM		NEW PATIENT R		2N ROOM2	NM - NEW MASSAGE PT
	10:45AM		NEW PATIENT O		2N ROOM7	5H - 5 HOUR THERAPY
	11:00AM		NEW PATIENT N		2N ROOM6	4/ - 4 1/2 HOUR THERAPY
	11:15AM		NEW PATIENT S		2N ROOM5	2/ - 2 1/2 HOUR THERAPY
	11:15AM		NEW PATIENT P		2N ROOM8	MT - MASSAGE ONLY PATIENT
	12:30PM		NEW PATIENT Q		2N ROOM1	NP - NEW PATIENT PT
	12:30PM		NEW PATIENT T		2N ROOM2	3/ - 3 1/2 HOUR
	12:45PM		NEW PATIENT U		2N ROOM8	14 - 145 HOUR THERAPY
	1:00PM		NEW PATIENT W		2N ROOM4	21 - 215 HOUR THERAPY
	2:15PM		NEW PATIENT V		2N ROOM3	1/ - 1 1/2 HOUR THERAPY
	2:15PM		NEW PATIENT W		2N ROOM5	4/ - 4 1/2 HOUR THERAPY
	3:00PM		NEW PATIENT AD		2N ROOM8	2H - 2HOUR THERAPY
	3:45PM		NEW PATIENT AA		2N ROOM4	2/ - 2 1/2 HOUR THERAPY
	4:00PM		NEW PATIENT X		2N ROOM1	14 - 145 HOUR THERAPY
	4:00PM		NEW PATIENT AB		2N ROOM6	NP - NEW PATIENT PT
	4:15PM		NEW PATIENT Z		2N ROOM3	11 - 115 HOUR
	4:15PM		NEW PATIENT AC		2N ROOM7	MT - MASSAGE ONLY PATIENT
	4:30PM		NEW PATIENT Y		2N ROOM2	2H - 2HOUR THERAPY
	5:00PM		NEW PATIENT AE		2N ROOM8	1/ - 1 1/2 HOUR THERAPY

Number of Appointments Scheduled: 32

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AUG 03 2006

**BUILDING DEPT.**

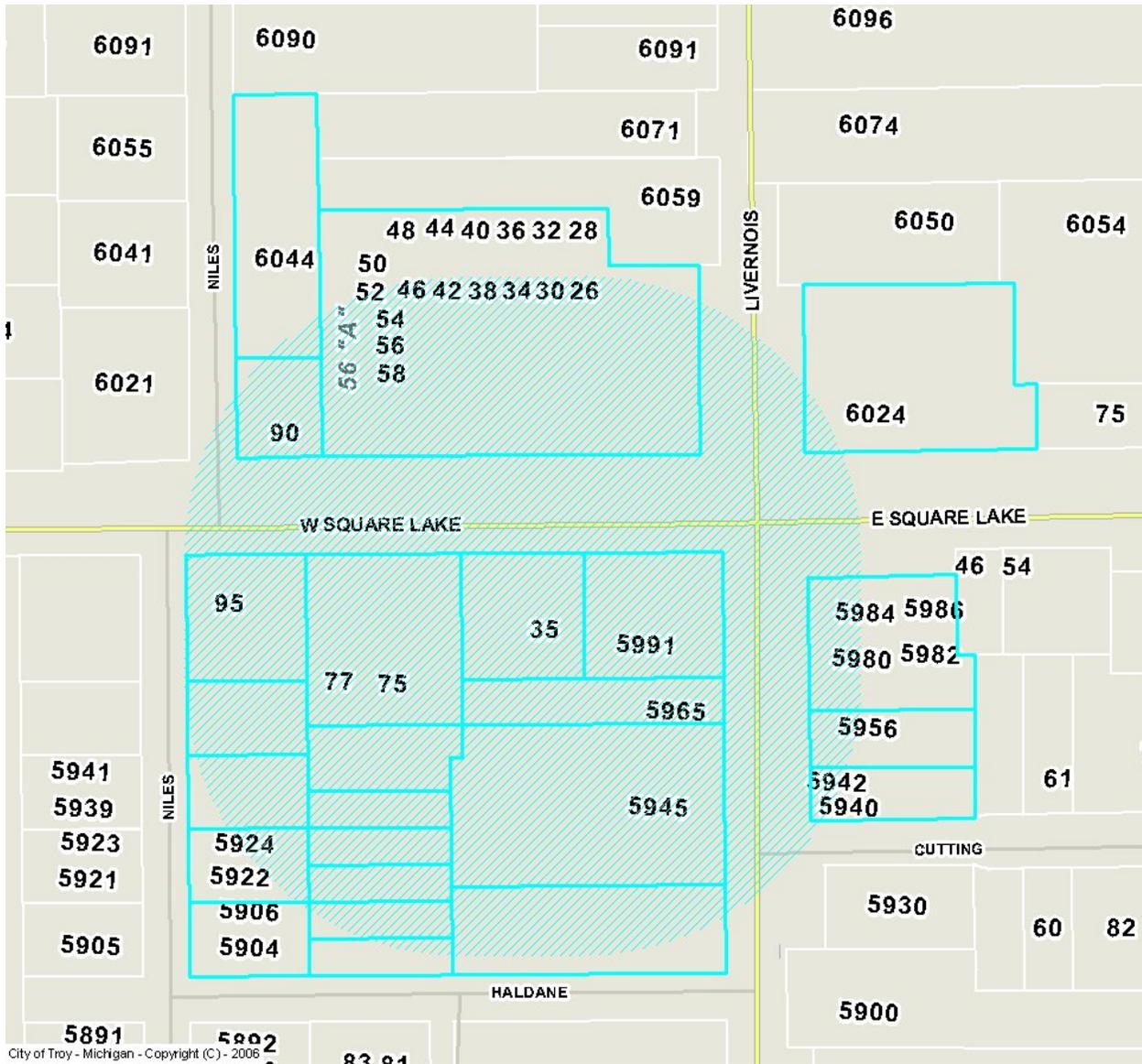


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 AUG 03 2006  
 BUILDING DEPT.

G-3  
 NE CO  
 SECTIO  
 T2N, R  
 CITY OF  
 OAKLAND

LIVERNOIS ROAD





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6090

6091

6096

6055

6071

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6041

NILES

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6059

LIVERNOIS

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W SQUARE LAKE

E SQUARE LAKE

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46 54

5984 5986

5980 5982

77 75

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CUTTING

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83 81

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82

5900

**Donald R. Kacy, DDS  
6463 Shagbark Dr.  
Troy, Michigan 48098  
248-879-2980 (w)  
248-879-7164 (h)  
248-879-2983 (fax)**

8/30/06

**RECEIVED**  
AUG 31 2006  
BUILDING DEPT.

To: Troy City Council  
500 W. Big Beaver  
Troy, MI 48084

Re: Variance to Parking Space Requirement for 35 W. Square Lake Rd.

To Whom It May Concern:

I am writing you this letter to protest the giving of any relief of the parking ordinance to the owner of the property at 35 W Square Lake Rd.

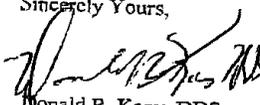
I am the president/owner of several companies which own most of properties that are directly adjacent to this particular parcel. These properties include 75-77 W. Square Lake Rd. (owner Troy Corners Land, LLC), 95 W. Square Lake Rd. (owner WBS Enterprises Inc.), 119 W. Square Lake Rd., and 5955 Niles.

The property directly affected by any change in the parking ordinance for 35 W. Square Lake Rd., is my office building at 75 & 77 W. Square Lake Rd. This building is occupied by my dental office (Donald R. Kacy DDS PC) and a tenant that is a counseling group (NeuroHealth, LLC). Both practices, that occupy this building, use of all the parking spaces available on a daily basis. This problem of parking does not allow the sharing of our parking lot with any other tenant from any other building.

Allowing any parking variance for 35 W. Square Lake Rd. will cause a direct overflow of cars at 35 W. Square Lake Rd. The overflow patients and employees of 35 W. Square Lake Rd. will attempt to park at 75-77 W. Square Lake Rd. This will causes tempers to flare, and immediate face to face confrontation will take place between the trespassers and the rightful tenants who now can't find a space to park.

This problem has happened many times before with the previous tenant of 35 W. Square Lake Rd. But since the previous business fell within the parking guidelines nothing could be done. This caused me several problems with all sorts of improper vehicles (semi w/ trailers, lawn mowers trucks w/ trailers, etc.) parking and blocking my lot. I have called the police many times about this issue.

Therefore, I am strongly advising you to not allow this variance to take place. If you have any questions about this letter, feel free to call me or speak to me at the hearing on 9/11. Thank you for your time.

Sincerely Yours,  
  
Donald R. Kacy, DDS