ZONING BOARD OF APPEALS

Zoning Board of Appeals is a group of seven of your neighbors appointed by City Council to decide 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 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 and 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.) 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 postpone the request. In order for the request to pass a minimum of four votes 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

Glenn Clark, Chair, David Eisenbacher, Vice Chair
Kenneth Courtney, Thomas Desmond, Allen Kneale, David Lambert, Philip Sanzica
Orestis Kaltsounis (Alternate), Paul McCown (Alternate)

October 20, 2015 **7:30 P.M.** **Council Chamber**

---

1. ROLL CALL

2. APPROVAL OF MINUTES – September 15, 2015

3. APPROVAL OF AGENDA

4. HEARING OF CASES

   A. VARIANCE REQUEST, BRET AND MICHELLE BLANCHARD, 6805 MERRICK – In order to add a partially covered deck to the rear of the house, a 14.5 foot setback to the required 45 foot rear yard setback.

      ZONING ORDINANCE SECTION: 4.06 (C) R-1B Zoning District

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

      ZONING ORDINANCE SECTION: 4.06 C R-1B Zoning District

   C. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT – In order to construct an attached garage that has a 2nd floor 1) a 4 foot variance to the required 25 foot front yard setback, and 2) a 296 square foot variance to the requirement that the floor area of the garage not exceed 75% of the ground floor footprint of the living area of the dwelling. 75% of the ground floor area of the living area of the dwelling is 828 square feet.

      ZONING ORDINANCE SECTIONS: 1) 4.06 (C) R-1E Zoning District
      2) 7.03 (B) (1) (b)

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

D. VARIANCE REQUEST, DAVID AND CLAUDINE ANTOUN, 1881-1977 W SOUTH BLVD a.k.a. 6966 CROOKS – In order to make an existing wireless communications tower approximately 21 feet taller, a 16 foot variance to the requirement that the tower be set back 122 feet from all property lines. The Zoning Ordinance requires the setback of the tower be equal to the height of the structure. The proposed height of the tower will be 122 feet.

ZONING ORDINANCE SECTION: 6:30 (C) (3)

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 September 15, 2015, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:
Glenn Clark
Kenneth Courtney
Thomas Desmond
David Eisenbacher
Allen Kneale
David Lambert
Philip Sanzica

Also Present:
Paul Evans, Zoning and Compliance Specialist
Julie Q. Dufrane, Assistant City Attorney
Mitchell Grusnick, Building Official

2. APPROVAL OF MINUTES – May 19, 2015

Moved by Sanzica
Seconded by Desmond

RESOLVED, to approve the May 19, 2015 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – Move item A to end of Public Hearings.

Moved by Courtney
Seconded by Lambert

RESOLVED, to approve the agenda as proposed.

Yes: All

MOTION PASSED

4. HEARING OF CASES

A. VARIANCE REQUEST, CITY OF TROY, 2060 ROCHESTER – In order to legitimize a recently built home, a 25 foot variance to the required 50 foot front yard setback requirement. Zoning Ordinance Section: 4.07 (D) (1) RT Zoning District.

Moved by Desmond
Seconded by Lambert

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

B. VARIANCE REQUEST, CITY OF TROY, 2040 ROCHESTER – In order to legitimize a recently built home, a 25 foot variance to the required 50 foot front yard setback requirement. Zoning Ordinance Section 4.07 (D) (1) RT Zoning District.

Moved by Desmond
Seconded by Lambert

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

C. VARIANCE REQUEST, MIKE JOHNSON OF EMERGENCY EGRESS, 2106 ROCHESTER – In order to build two new homes (the existing property will be split into two separate parcels), a 25 foot variance to the required 50 foot front yard setback requirement from the Rochester Road property line. The variance is requested for both proposed parcels. Zoning Ordinance Section 4.07 (D) (1) RT Zoning District

Moved by Eisenbacher
Seconded by Sanzica

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None.

6. MISCELLANEOUS BUSINESS

Moved by Courtney
Seconded by Eisenbacher

RESOLVED, to request the Planning Department and Planning Commission review the setbacks on major thoroughfares in the RT Zoning classification. It is the Board's opinion that the front yard setback should be 25 feet, which it was in the past.

Yes: All

MOTION PASSED

7. PUBLIC COMMENT – None

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:14 p.m.

Respectfully submitted,

_____
Glenn Clark, Chairman

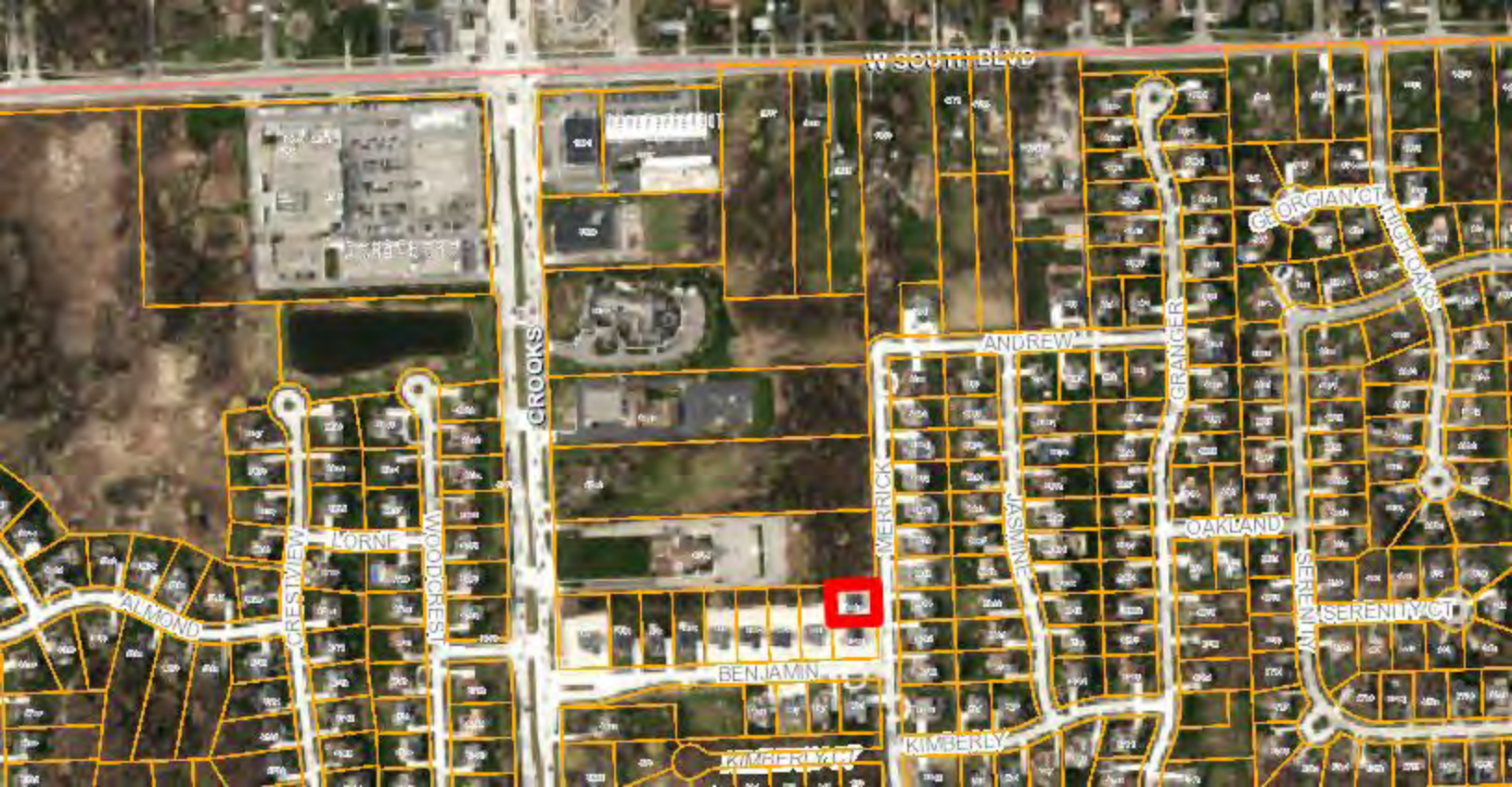
_____
Paul Evans, Zoning and Compliance Specialist

G:\ZONING BOARD OF APPEALS\Minutes\2015\Draft\2015 09 15 ZBA Minutes Draft.doc

4. HEARING OF CASES

A. VARIANCE REQUEST, BRET AND MICHELLE BLANCHARD, 6805 MERRICK – In order to add a partially covered deck to the rear of the house, a 14.5 foot setback to the required 45 foot rear yard setback.

ZONING ORDINANCE SECTION: 4.06 (C) R-1B Zoning District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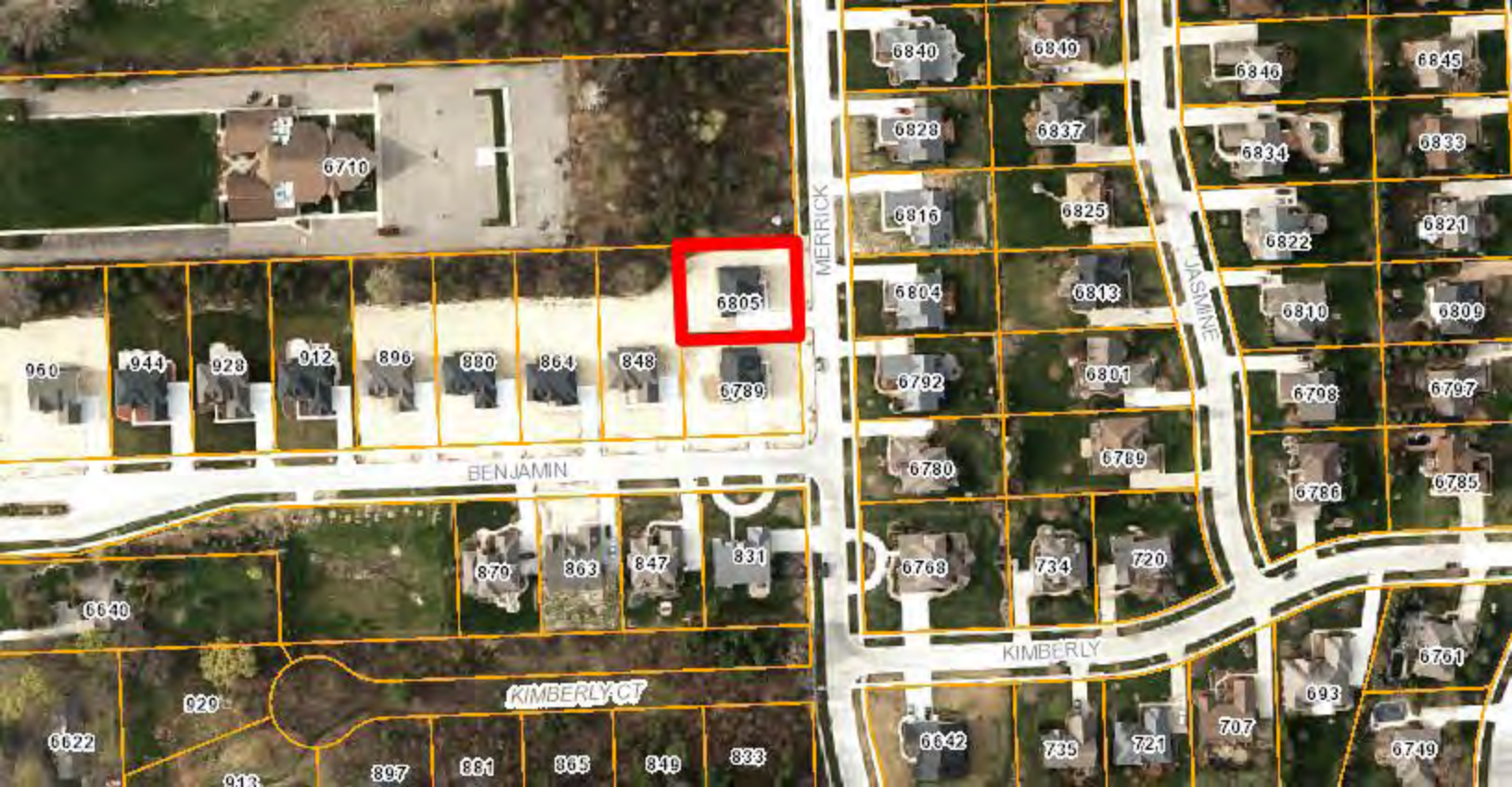
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ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov

FEE $150.00
http://troymi.gov/Government/Departments/CodeEnforcement.aspx

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 6805 Merrick Dr.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-04-157-010
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: R-1B
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: No
5. APPLICANT:

NAME Bret & Michelle Blanchard

COMPANY

ADDRESS 6805 Merrick Dr.

CITY Troy STATE MI ZIP 48098

PHONE 248-842-4745 or 248-506-4521

E-MAIL michelleblanchard19@gmail.com

AFFILIATION TO THE PROPERTY OWNER: Owners

6. PROPERTY OWNER:

NAME Bret & Michelle Blanchard

COMPANY

ADDRESS 6805 Merrick Dr.

CITY Troy STATE MI ZIP 48098

TELEPHONE 248-842-4745 or 248-506-4521

E-MAIL michelleblanchard19@gmail.com

The undersigned hereby declares 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, Bret Blanchard (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE Bret Blanchard **DATE** 9-20-15

PRINT NAME: Bret Blanchard

PROPERTY OWNER SIGNATURE Bret Blanchard **DATE** 9-20-15

PRINT NAME: Bret Blanchard

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

STATEMENT OF PRACTICAL DIFFICULTY

1. 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.

In our opinion, the characteristics of our property make compliance with the dimensional requirements more difficult than the surrounding properties due to the shallowness/depth of our lot.

2. 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 variance is sought at the same premises (6805 Merrick), in which we feel the characteristics make dimensional requirements difficult.

3. The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.

The characteristics which make compliance difficult are solely due to the depth of the property.

4. The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.

We believe lot lines were established by builder (Mondrian Properties).

5. 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 alter the character of the area or property. It will enhance the look and value of the home without interfering with any adjacent properties. Deck and screened porch will be made of materials that complement the home. We have also shared our design plans with surrounding neighbors to ensure their approval (please see attached neighborhood survey).

RECEIVED
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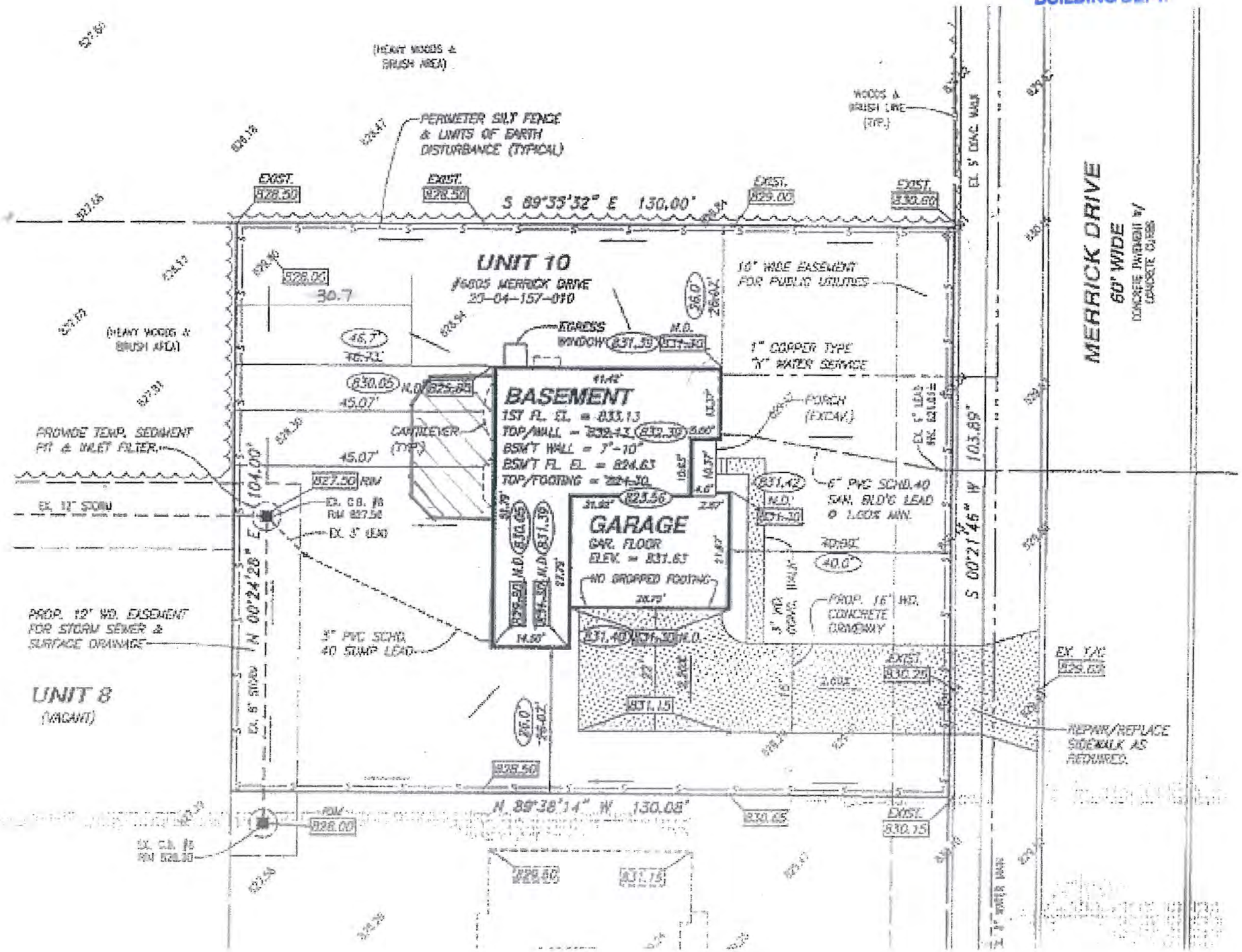
CITY OF TROY
BUILDING DEPT.



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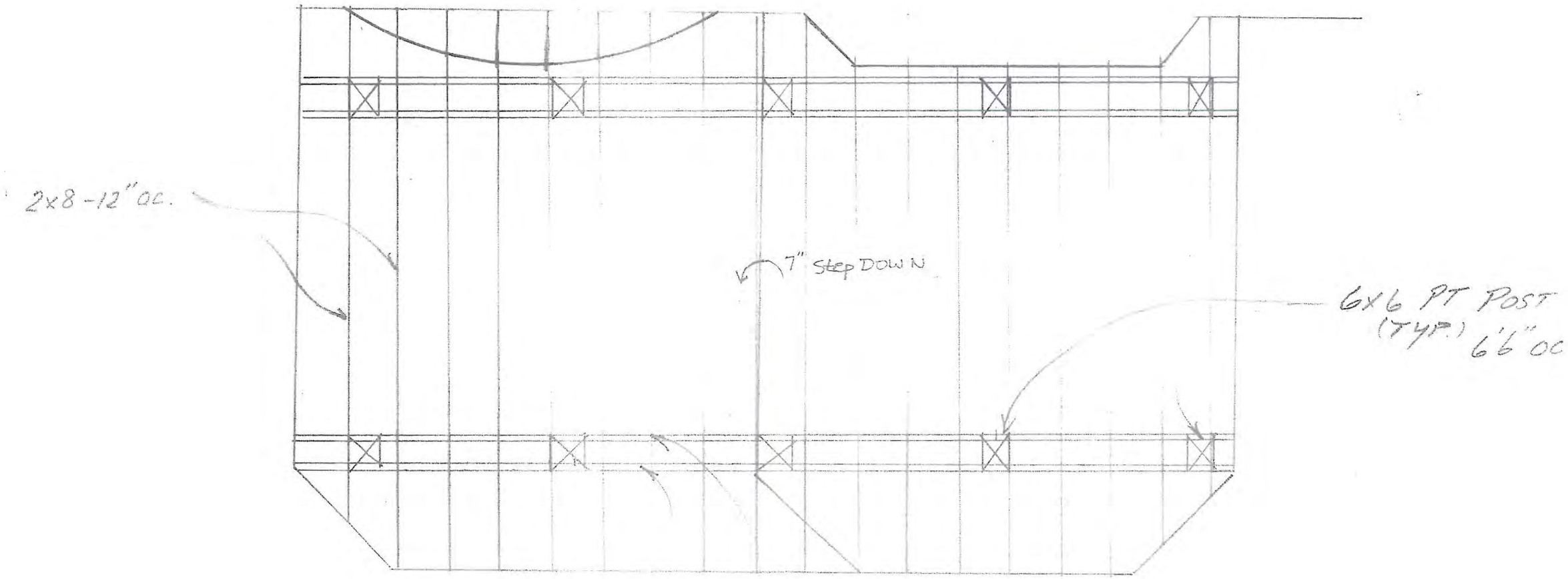
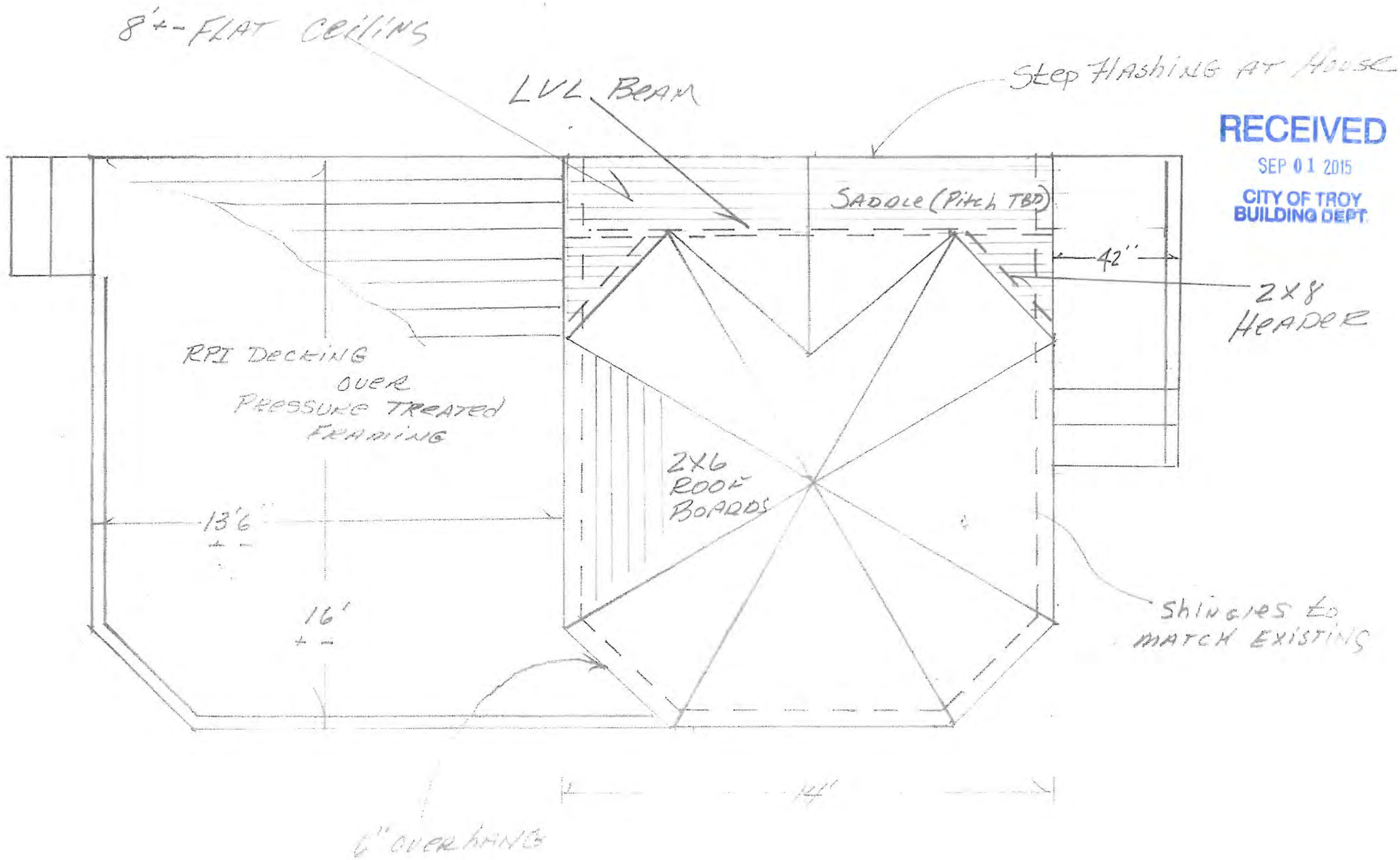


2x10 PT. BEAM

BLANCHARD RESIDENCE 6805 MERRICK TROY



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BLANCHARD RESIDENCE 6805 MERRICK TROY

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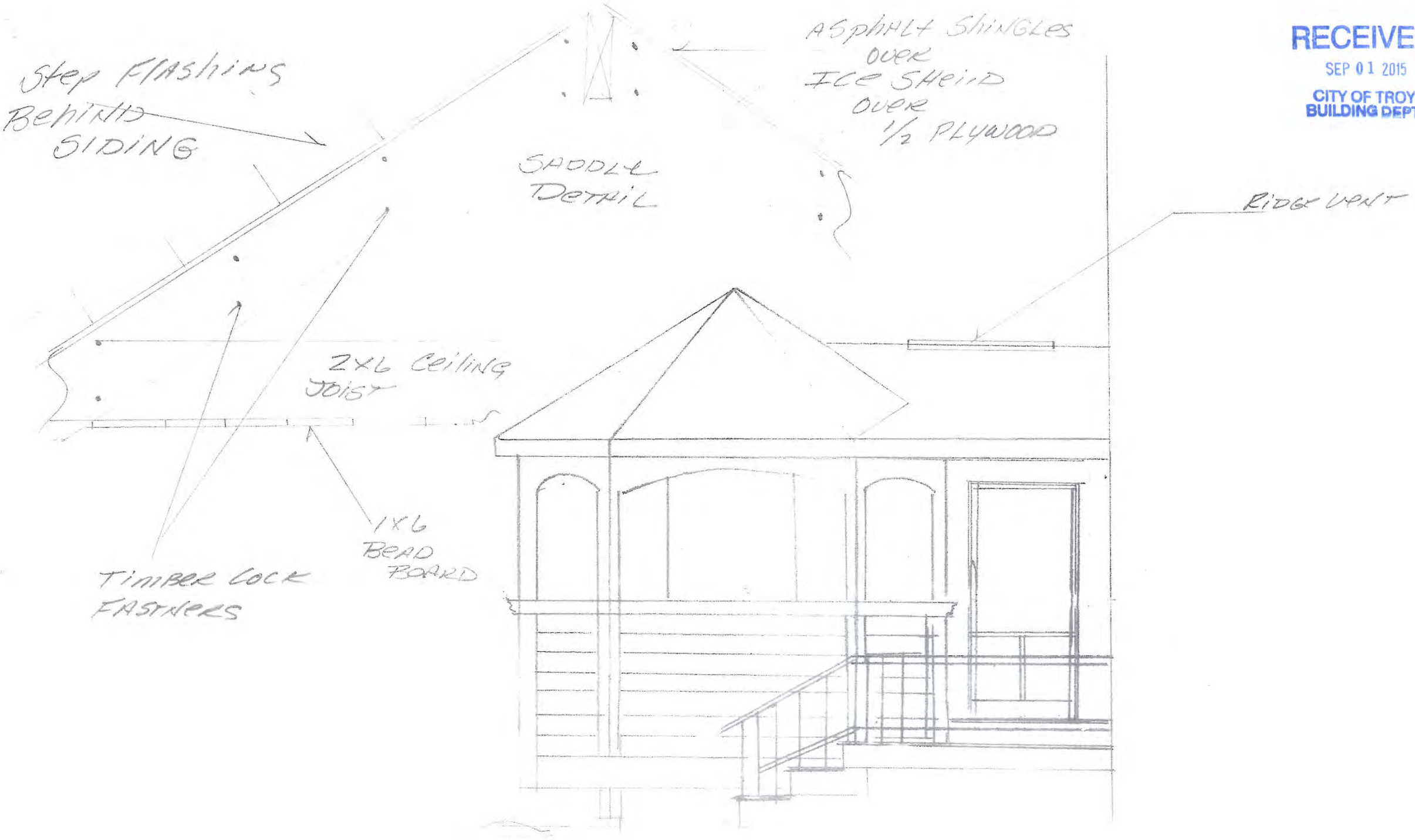

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BLANCHARD RESIDENCE 6805 MERRICK TROY

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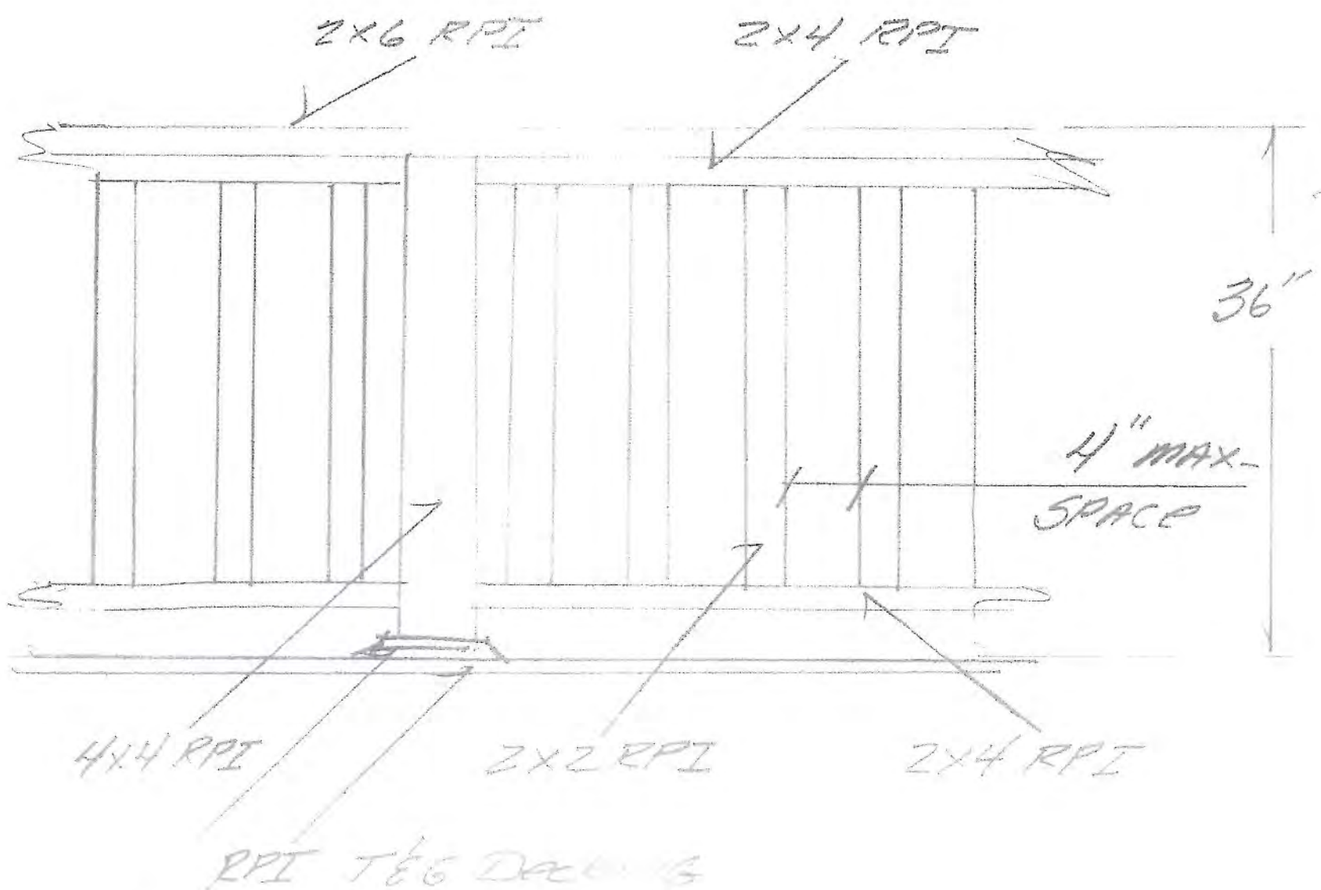
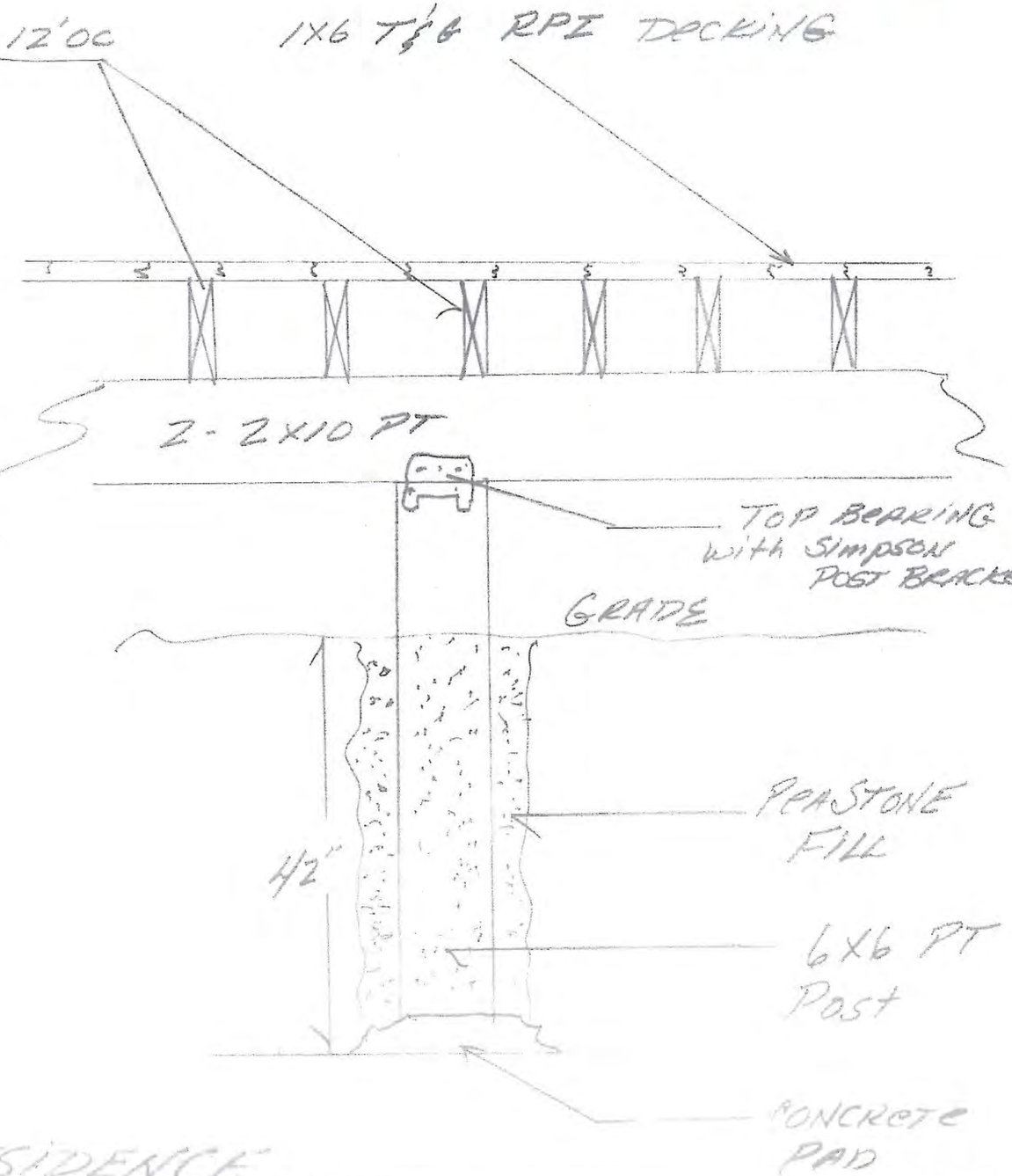
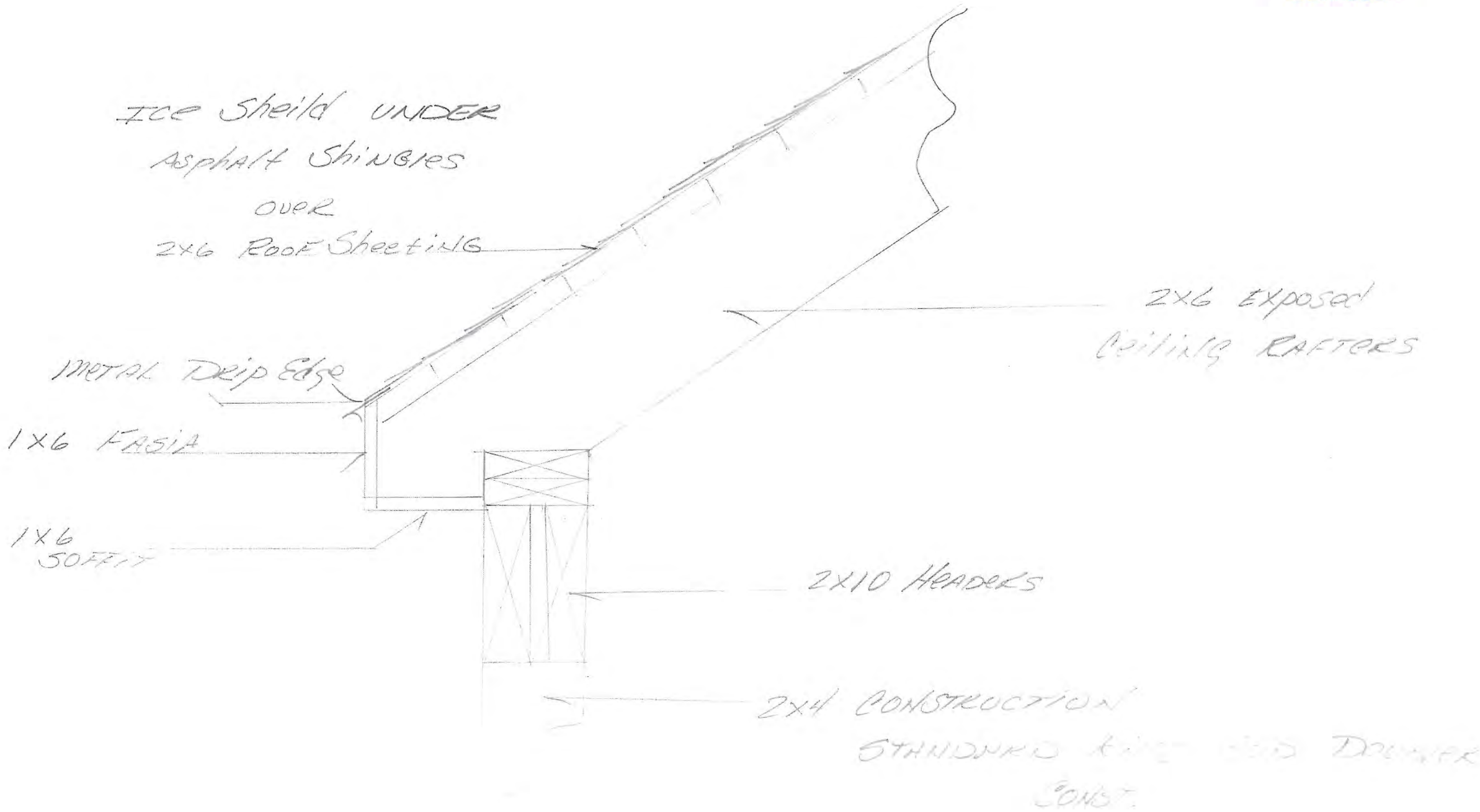




BLANCHARD RESIDENCE
6805 MERRICK TROY

RECEIVED
SEP 01 2015
CITY OF TROY
BUILDING DEPT



ZONING BOARD OF APPEALS

6805 MERRICK: NEIGHBORHOOD SURVEY

Signature and address below indicates homeowner(s) reviewed design plans for proposed deck with screened porch at 6805 Merrick Dr. and do not feel proposed variance will impair/impede on adjacent properties, and will not degrade the character/diminish property value of the neighborhood.

ADDRESS	SIGNATURE
6792 Merrick Drive, Troy	
6816 Merrick Drive TROY	AMAR Maroke
6789 Merrick Drive Troy	
6804 Merrick Dr Troy	
6813 Jasmine Dr. Troy	
6780 Merrick Dr. Troy	Ashid Harrod
864 Benjamin Dr. Troy	
848 Benjamin Dr Troy	

Kathy Czarnecki

From: Bob Solak <bobsolak@gmail.com>
Sent: Thursday, October 08, 2015 7:06 PM
To: Planning
Subject: 6805 Merrick zoning appeal

Hello

My wife and I (Robert & Margaret Solak) live at 879 Benjamin Dr. The rear of the home in question is within view of our home.

We will not be able to attend the October 20 meeting but we have a few questions and concerns about the proposed variance at 6805 Merrick.

First, we are a bit confused as we believe the property currently has a paver patio because we can see patio furniture, grill, etc. We also believe that currently the patio doors are not barracaded and the distance from the first floor to the patio is probably 4 feet. We thought that was not allowed. When we moved into our home the insurance company denied us coverage until we did so (barracade)-and our first floor was one foot from ground level in our backyard.

So the plan is to remove the patio and replace with a deck? And then place a roof over it? So are both the deck and the roof two separate issues?

My wife and I feel that at some point in the future-when that wooded area behind and to the side is developed-some homeowner may find this deck uncomfortably close to his property and suffer a lack of privacy. We are also opposed to the concept of a covered deck unless it was a small covered area near the door. It would change the character of the subdivision (given the size of the lots), set a precedent, and potentially create a rush by other neighbors to do the same.

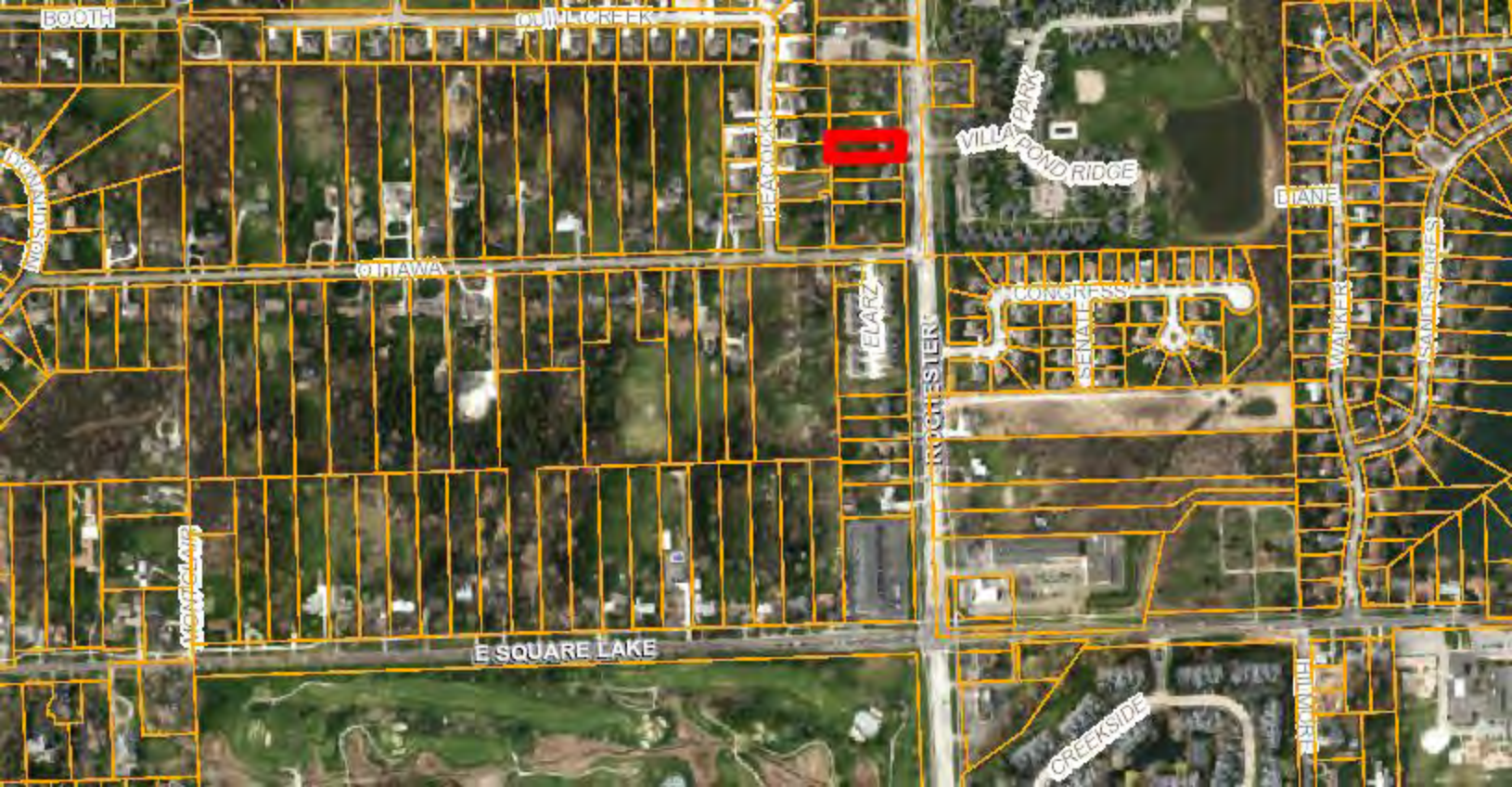
Regards

Bob & Marge Solak

4. HEARING OF CASES

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

ZONING ORDINANCE SECTION: 4.06 C R-1B Zoning District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VILLA POND RIDGE
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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

FEE $150.00
http://troymi.gov/Government/Departments/CodeEnforcement.aspx

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 6285 Rochester Rd
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-03-401-023
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: _____
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: 09/17/2012
5. APPLICANT:

NAME Silvana and Zoran Inic

COMPANY _____

ADDRESS 6285 Rochester Rd

CITY Troy STATE MI ZIP 48085

PHONE (586) 306-1491

E-MAIL silvana731@yahoo.com

AFFILIATION TO THE PROPERTY OWNER: self

6. PROPERTY OWNER:

NAME Silvana and Zoran Inic

COMPANY

ADDRESS 6285 Rochester Rd

CITY Troy STATE MI ZIP 48085

TELEPHONE (586) 306-1491

E-MAIL silvana731@yahoo.com

The undersigned hereby declares 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, Silvana Inic (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE [signature] **DATE** 09-18-15

PRINT NAME: Silvana Inic

PROPERTY OWNER SIGNATURE [signature] **DATE** 09-18-15

PRINT NAME: Silvana Inic

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

September 18, 2015

City of Troy Planning Department
Zoning Board of Appeals

RE: Proposed project at 6285 Rochester Rd

Back in September of 2012, my husband and I appeared before the Board of Appeals and requested a variance approval for our project. We at that time did in fact have it approved. Unfortunately, our plans in beginning our project fell through due to difficult times. I lost my job and my husband changed jobs. My mother had medical issues so needless to say our approved variance expired.

Everything is great right now and we even have subcontractors ready. This project will in no way interfere with our neighbors and we will keep the area clean and free of debris.

I would also like to thank you for your patience with us and for seeing us once again for this project.

Thank you

Silvana Inic

Variance Review:

a) Exceptional characteristics of the property will be in compliance within the zoning district once the variance is approved. The front yard setback for our area is 40' and our house sits at 28.91' which mean we would need an approval of 15.84' to comply.

b) The location in question is at 6285 Rochester Road, Troy MI 48085. Please feel free to visit the location and examine the existing structure of the elevated, boxed window that has no footings, no insulation, no overhead protection from natural elements like rain or snow and a porch that is falling apart.

c) The current condition is a hazard to even a simple pizza delivery or ups delivery or even a neighbor stopping by. The porch is in horrible shape and is falling apart. We would love to complete the entire project at the same time; meaning the window, the roof and porch so that we do not have trucks and material coming in all of the time, which will make for a simple and clean project.

d) The home was built in 1954 and was never remodeled, that's the reason that everything is falling apart. It would be great to have a home with no fixing necessities; unfortunately that is not the case here.

e) This project will in no way be a hazard to any of our neighbors nor will it e something that would impair light, air or cause any type of congestion to the surroundings. The new look for this home will not take away from the original building, it will only enhance it and give it that look as though it had always been there. The roof , eaves, siding, etc ., will match that of the existing structure. All demolition, debris and clean up will be done properly and efficiently so that we do not interfere or impair the safety of our neighbors or even the general public who might be simply taking a walk down the street.

CERTIFICATE OF SURVEY

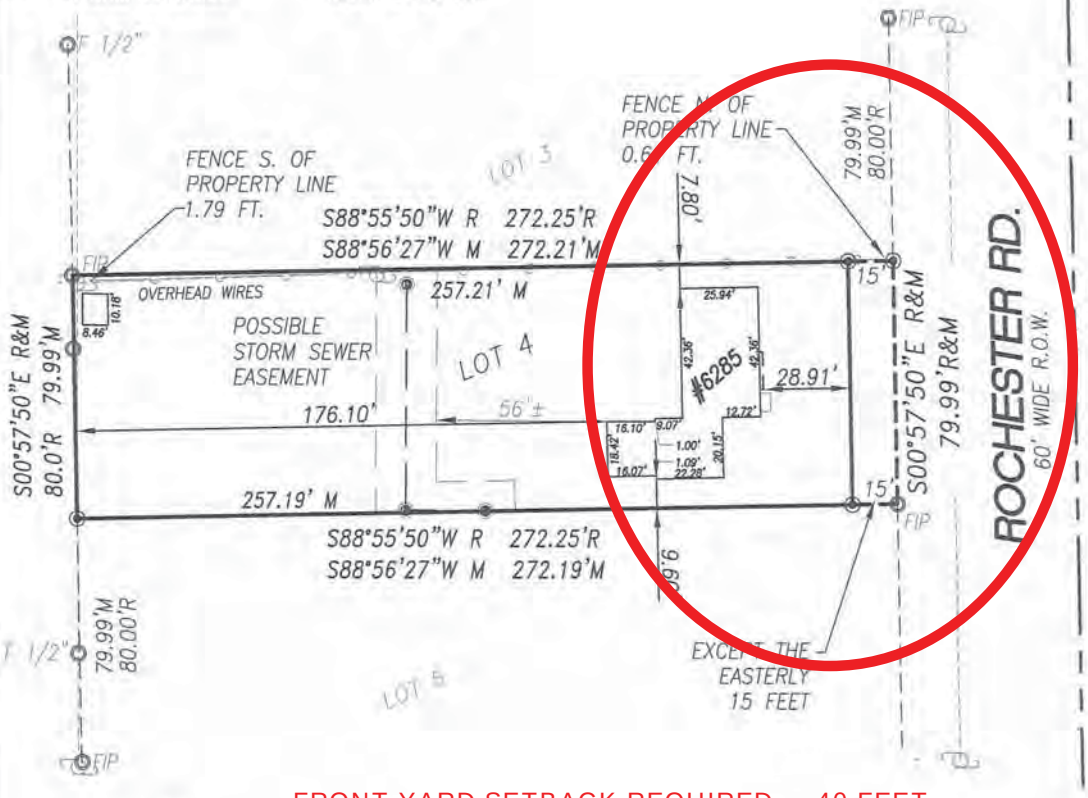
LOT 4 EXCEPT THE EASTERLY 15 FEET TAKEN FOR ROCHESTER ROAD OF "GOLF ESTATES" A SUBDIVISION OF A PART OF THE S.E. ¼ OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L.58 OF PLATS, P.23, O.C.R.

LEGEND:

- FOUND IRON
- SET IRON
- R RECORD DISTANCE
- M MEASURED DISTANCE
- STORM MANHOLE

ZONING:

RESIDENTIAL R-1B
SETBACKS:
FRONT = 40 FT.
SIDE = 10 FT.
REAR = 45 FT.



FRONT YARD SETBACK REQUIRED 40 FEET
AFTER ADDITION IS COMPLETED 24.16 FT
VARIANCE 15.84 FT

N

0 25 50 100
SCALE: 1" EQ. 50'

STATE OF MICHIGAN
BRADLEY G. REICHERT
PROFESSIONAL SURVEYOR NO. 55923
LICENSED PROFESSIONAL SURVEYOR

I HEREBY STATE THAT I HAVE SURVEYED AND MAPPED THE LAND PLATTED AND/OR DESCRIBED ABOVE ON MARCH 13, 2012 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

BASIS OF BEARING: THE EAST LINE OF LOT 4 PER PLAT (S00°57'50"E)

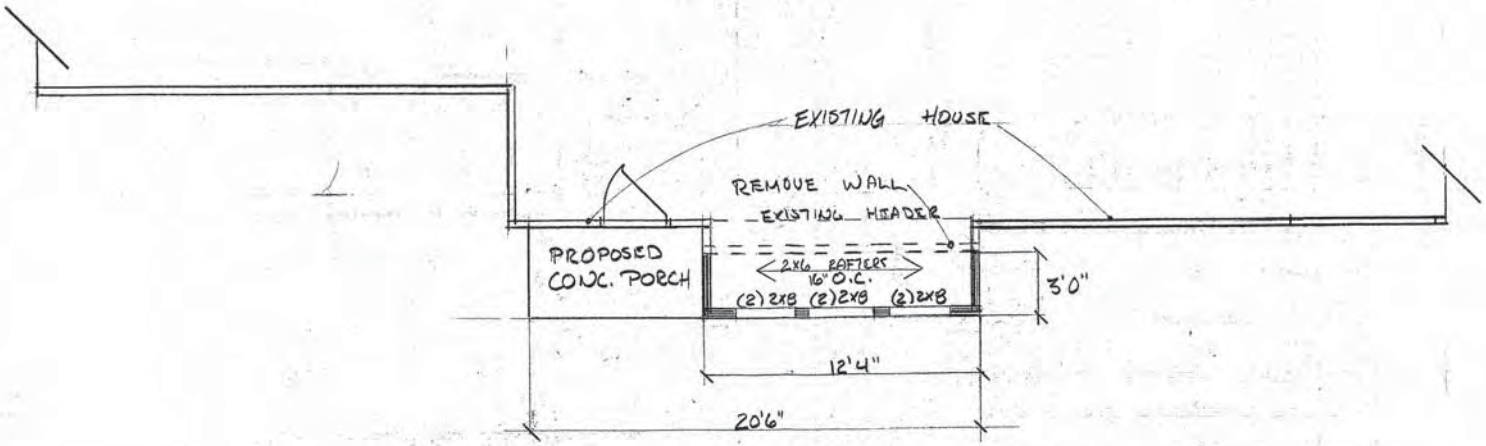
PREPARED FOR:
ZORAN & SILVANA INIC
6285 ROCHESTER ROAD
TROY, MI 48085
586 306-1491

SHEET: 1 OF 1

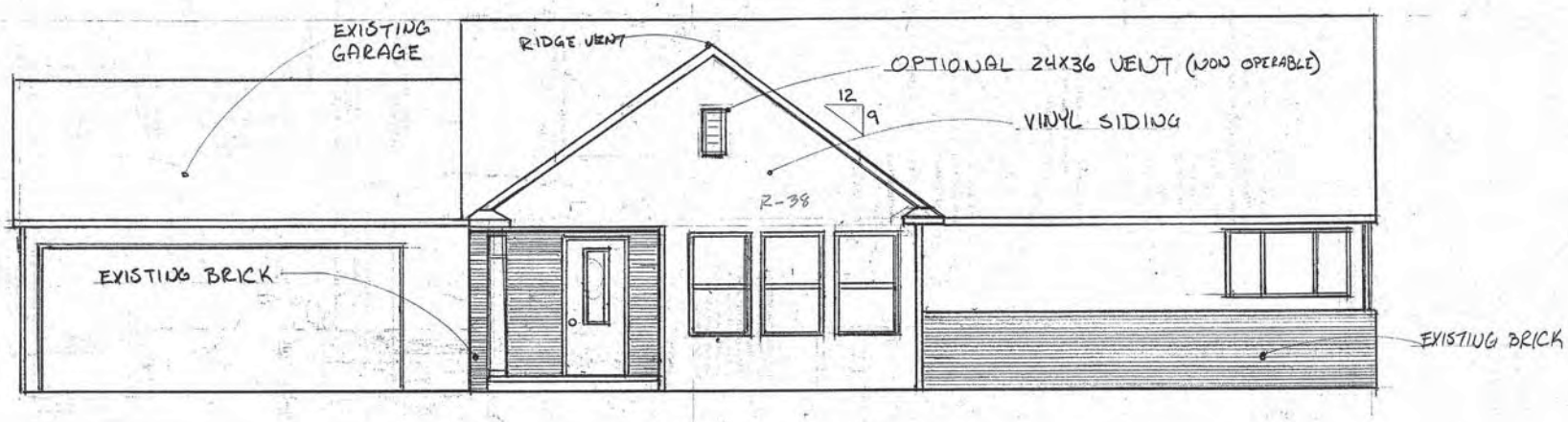
BRADLEY G. REICHERT P.S. #55923

Scale: 1"=50'	REICHERT SURVEYING INC.	DATE:	REV. BY:
Date: 3/13/12	140 FLUMERFELT LANE		
Job No. G12-018	ROCHESTER, MICH. 48306		
Drawn: B.G.R.	P:(248) 651-0592 F:(248) 656-7099		
	EMAIL:MAIL@REICHERTSURVEYING.COM		

R S I

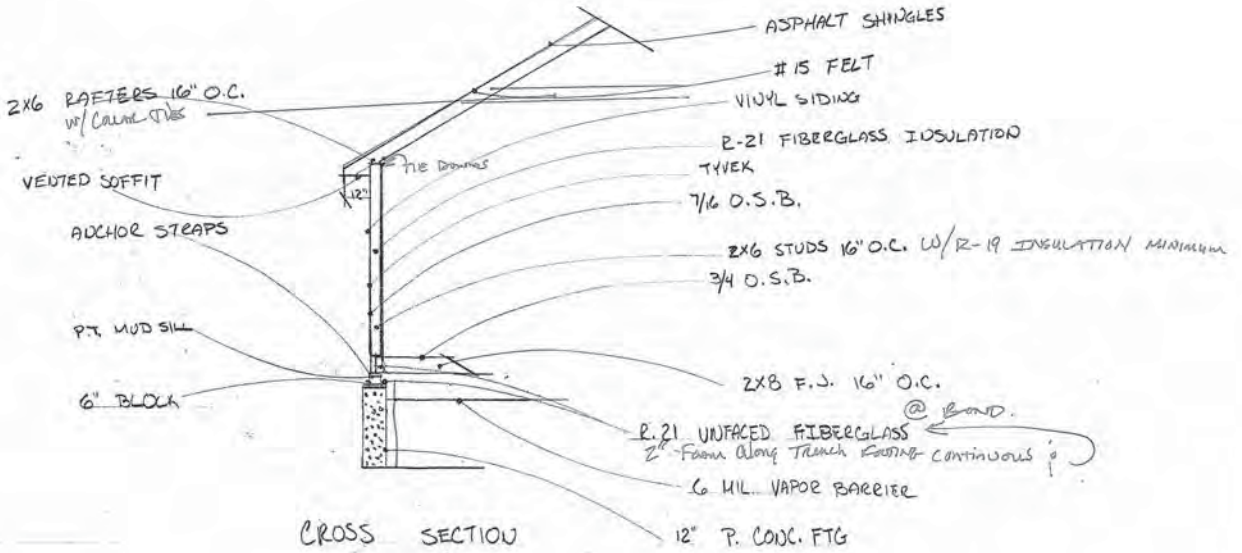


PROPOSED FIRST FLOOR PLAN

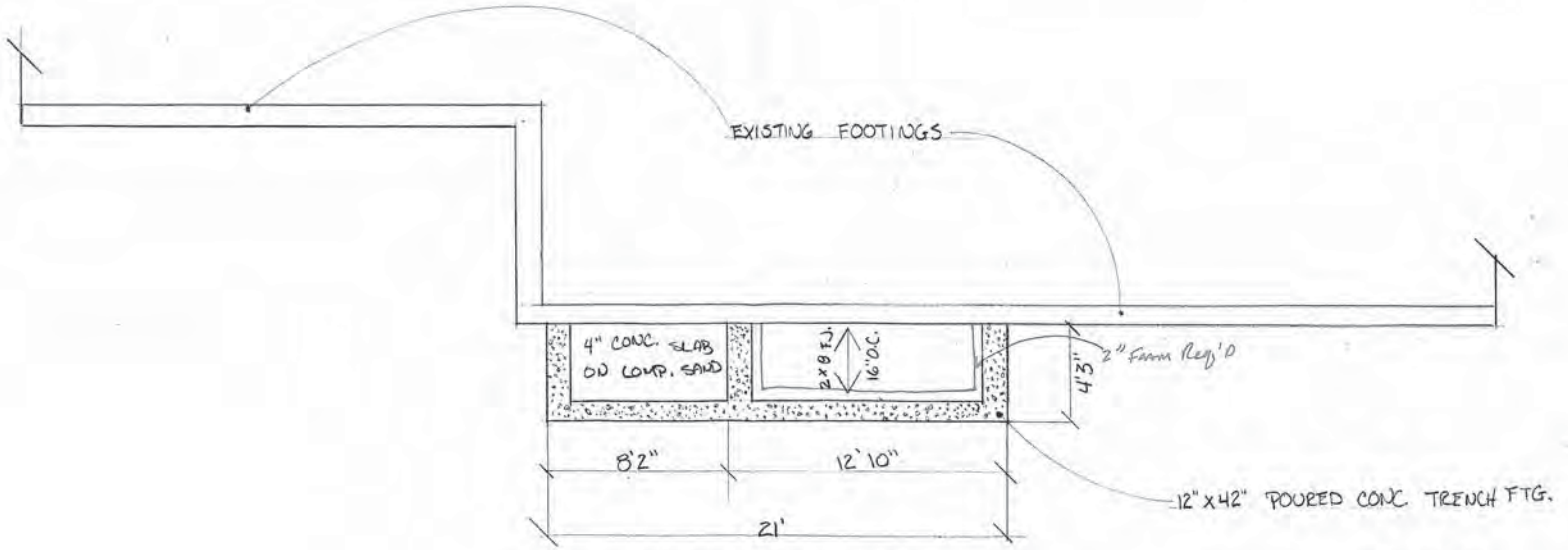


PROPOSED FRONT ELEVATION SCALE 1/4 = 1 ft.

RECEIVED
FEB 28 2012
CITY OF TROY
BUILDING DEPT.



CROSS SECTION



PROPOSED FOUNDATION PLAN

SCALE 1/4 = 1 Ft.

EPT.

6285 Rochester Rd PB2012-0164 Job Set

6285

6285

6285

6285

4. HEARING OF CASES

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.

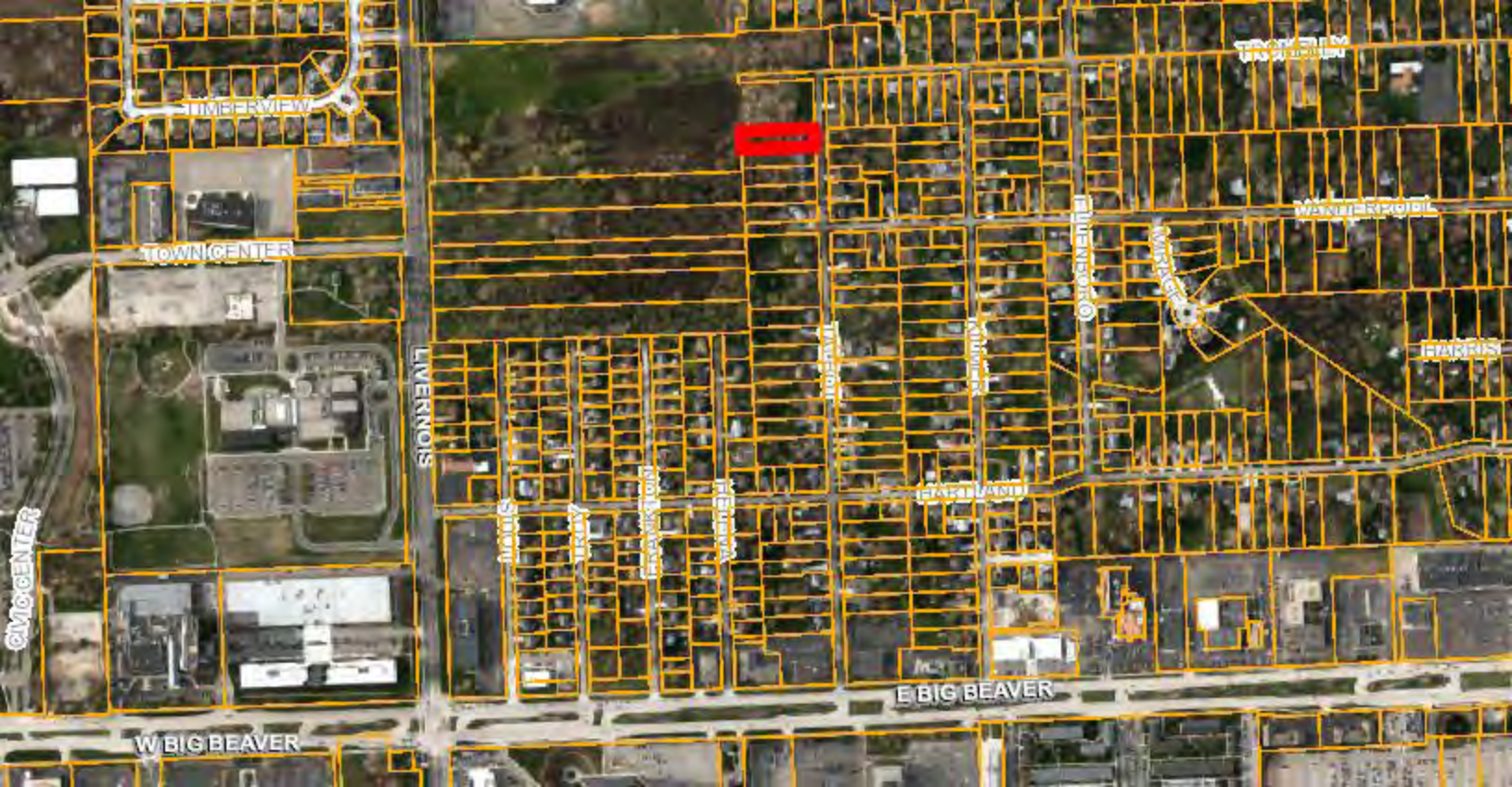
Yes: All

MOTION PASSED

4. HEARING OF CASES

C. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT – In order to construct an attached garage that has a 2nd floor 1) a 4 foot variance to the required 25 foot front yard setback, and 2) a 296 square foot variance to the requirement that the floor area of the garage not exceed 75% of the ground floor footprint of the living area of the dwelling. 75% of the ground floor area of the living area of the dwelling is 828 square feet.

ZONING ORDINANCE SECTIONS: 1) 4.06 (C) R-1E Zoning District
2) 7.03 (B) (1) (b)


TIMBERVIEW
TOWN CENTER
LIVERNOIS
E BIG BEAVER
W BIG BEAVER
WINTERPORT
FIRELAND

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3404
343
363
VANDERPOOL

(R-1C)
(R-1E)
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3403
TALBOT
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343
363
3404
VANDERPOOL

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

FEE $150.00
http://troymi.gov/Government/Departments/CodeEnforcement.aspx

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 3459 Talbot
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-22-301-011
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: Article 4 Minimum Front-Yard Setback
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: None known
5. APPLICANT:

NAME Floriane Bishay
COMPANY N/A
ADDRESS 3459 Talbot
CITY Troy STATE MI ZIP 48083
PHONE 248-850-6131
E-MAIL florianebishay@gmail.com
AFFILIATION TO THE PROPERTY OWNER: Owner

Ameer: 248 939 6585

6. PROPERTY OWNER:

NAME Same as above

COMPANY

ADDRESS

CITY STATE ZIP

TELEPHONE

E-MAIL

The undersigned hereby declares 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, Floriane Bishay (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

Verified by PDFfiller 09/18/2015

APPLICANT SIGNATURE **DATE** 09/18/2015

PRINT NAME: Floriane Bishay

Verified by PDFfiller 09/18/2015

PROPERTY OWNER SIGNATURE **DATE** 09/18/2015

PRINT NAME: Floriane Bishay

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

RE: 3459 Talbot Variance Request
Parcel ID: 20-22-301-011
Variance Request: 4ft front yard setback variance
Date: September 13, 2015

To whom it may concern:

Thank you for taking the time to review our request. As you may be aware this variance was previously approved, but expired as a result of one year lapsing since the time of approval. The previously approved variance and the new application maintain the same exact foot-print. Although, the proposed foot-print remains unchanged an optional design incorporates (bonus) storage space above the garage increasing the proposed height. The design will exceed all city and state residential code requirements.

Overview:

This is a request for 4ft front yard setback variance for address 3459 Talbot, Troy, MI. 48083, pertinent to the following code:

Article 4District Regulations (Front Yard Set-Back.)

Context for Variance: A majority of the home's existing location is within Troy's 100 year floodplain, however the southeast quadrant has the least exposure to the floodplain and is where we're proposing to build the new garage. Although building the garage in the site's rear yard is an option, the site's front yard would result in the least impact to the floodplain. In addition, it would be the most practical location and certainly the most cost effective approach for building the garage.

In short the 4ft variance would be the most prudent approach as it considers the following components:

1. **Prior approvals** –the variance was previously approved
2. **Flood Plain Impact** – the proposed location would have the least geographic impact to flood plain locations (Reference: City of Troy GIS Mapping Screen Capture)
3. **Cost Effectiveness** –the proposed quadrant serves as the most likely cost-effective location for building the garage
4. **Architectural period and style** – the structural attachment and design maintains similar architectural characteristics of the surrounding neighborhood.
5. **Other Permits and Approvals** – proposed location will likely have the highest likelihood of getting other required state approvals

Garage floor area 673 + 451= 1124 sf

1104 x 75% = 828

1124 - 828 = 296 sf

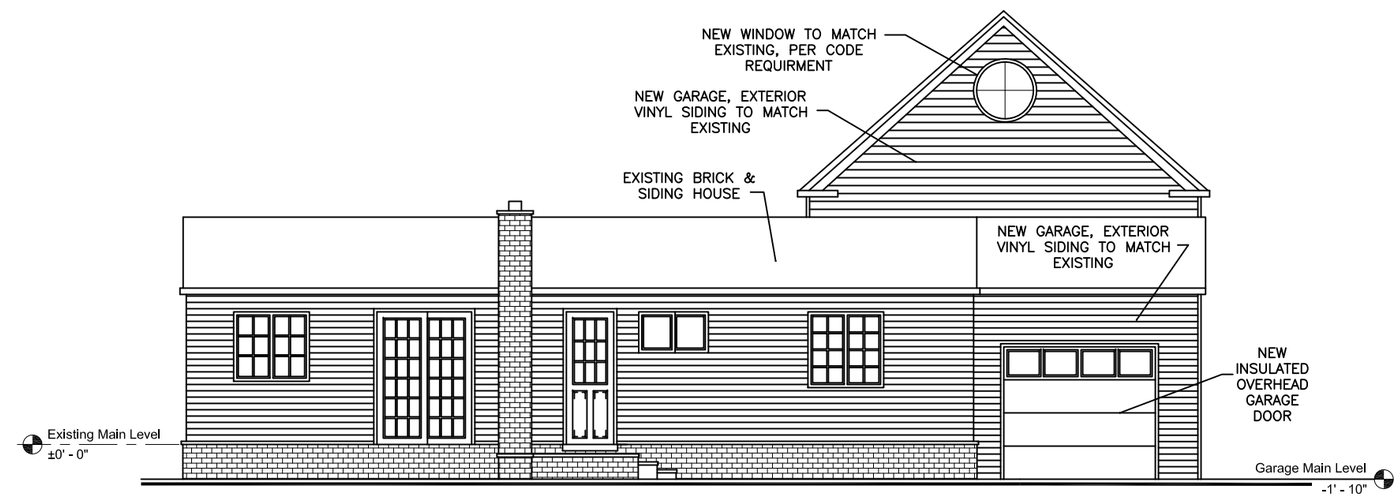
FLORIANE BISHAY

3459 TALBOT
TROY, MI 48083
FLOOR PLANS

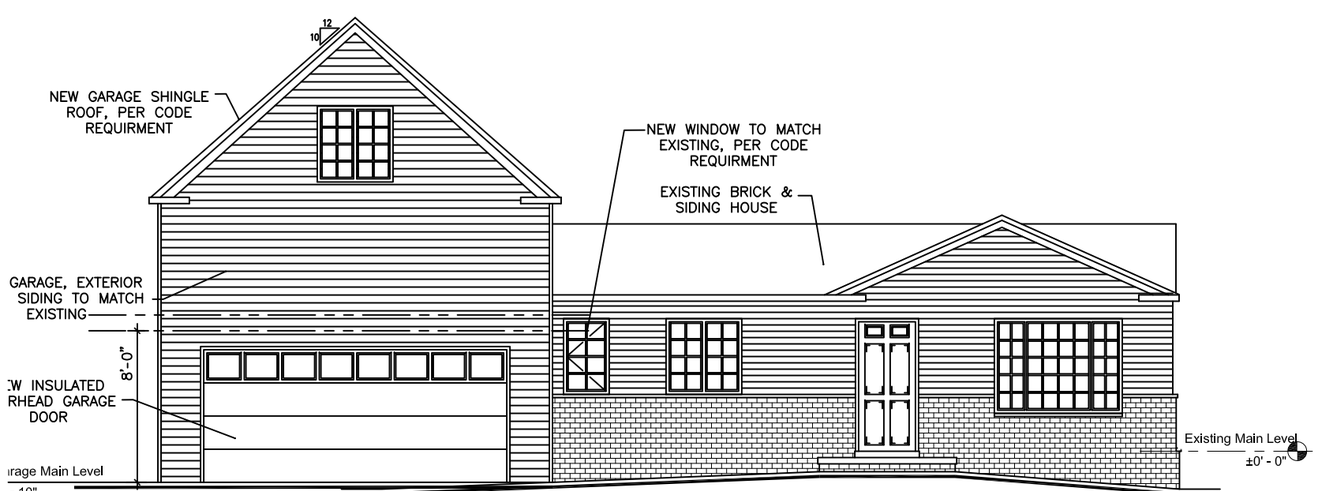
Property located in "R-1E Zone "	
Max. Height =	2.5 Stories, 30 ft Max.
Front Set Back =	25 ft Min.
Back Yard Set Back =	35 ft Min.
Side Yard Set Back =	5 ft Min. Each, Both 15 ft Total Min.
Max. Floor Area=	1000 sq ft Max.
Max. % coverage of lot area covered by building =	30 % Max.

Site Area =	22,573 Sq. Ft.
Existing House Site Coverage =	0.05%
Existing Building GFA =	1,104 Sq. Ft.
New Garage Area=	673 Sq. Ft.
Total Site Coverage [Existing House + New Garage]= [1104+673] / 22573 =	0.08%

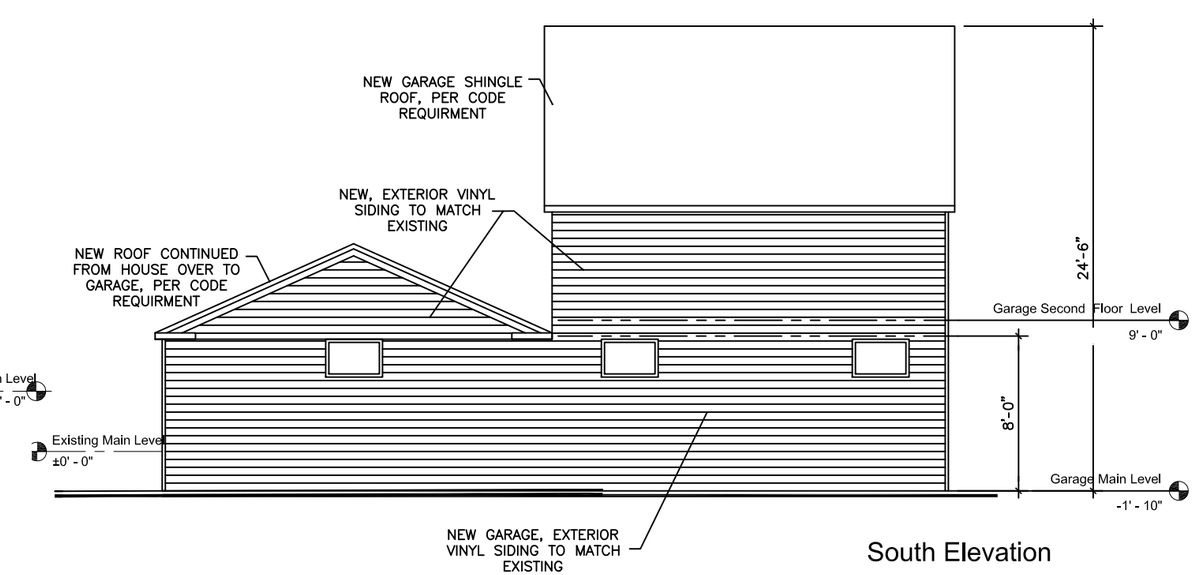
Required Variance for Garage Addition=
4.0 Ft. into Front yard Set back



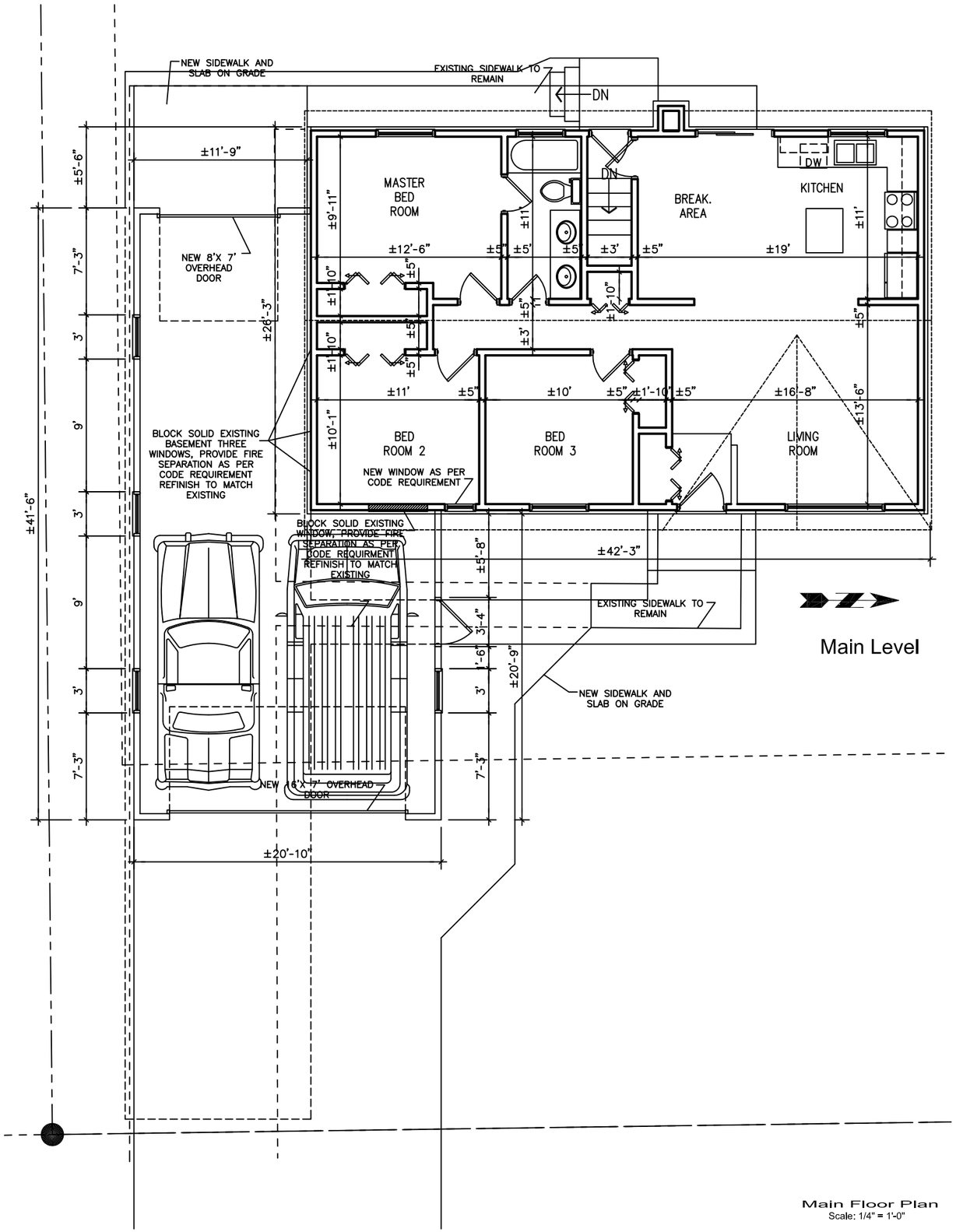
West Elevation



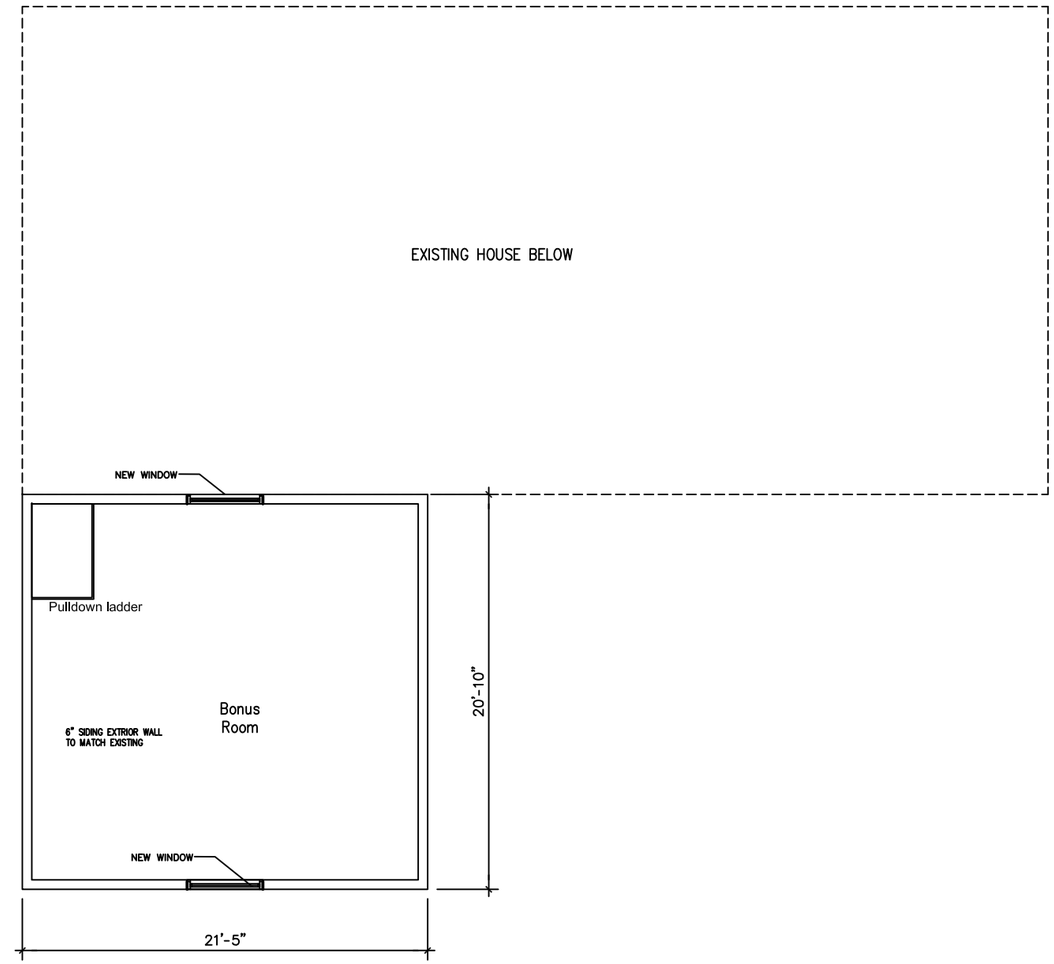
East Elevation



South Elevation



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

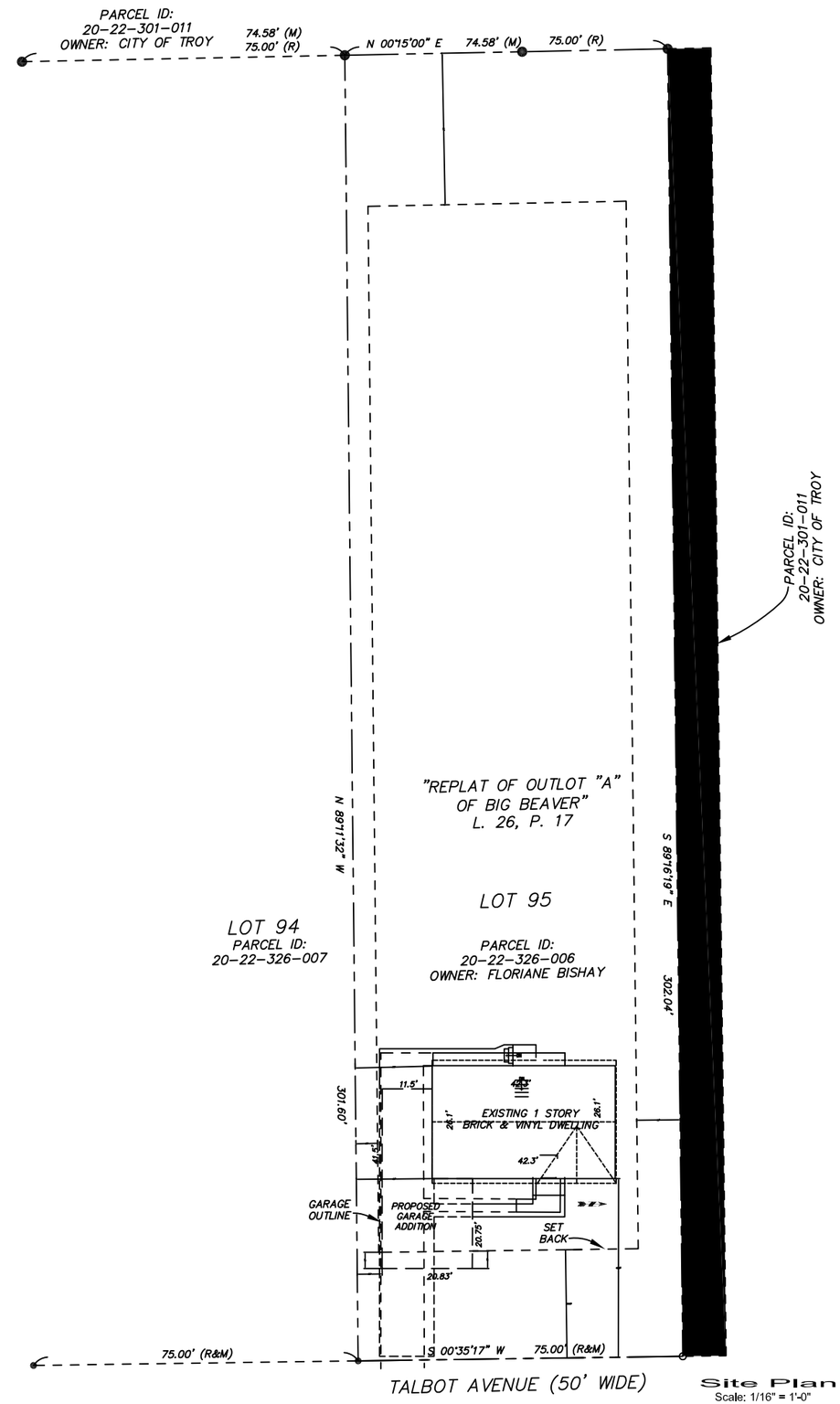


Bonus Room Plan
Scale: 1/4" = 1'-0"

FLORIANE BISH
3459 TALBC
TROY, MI 480
FLOOR PLAN

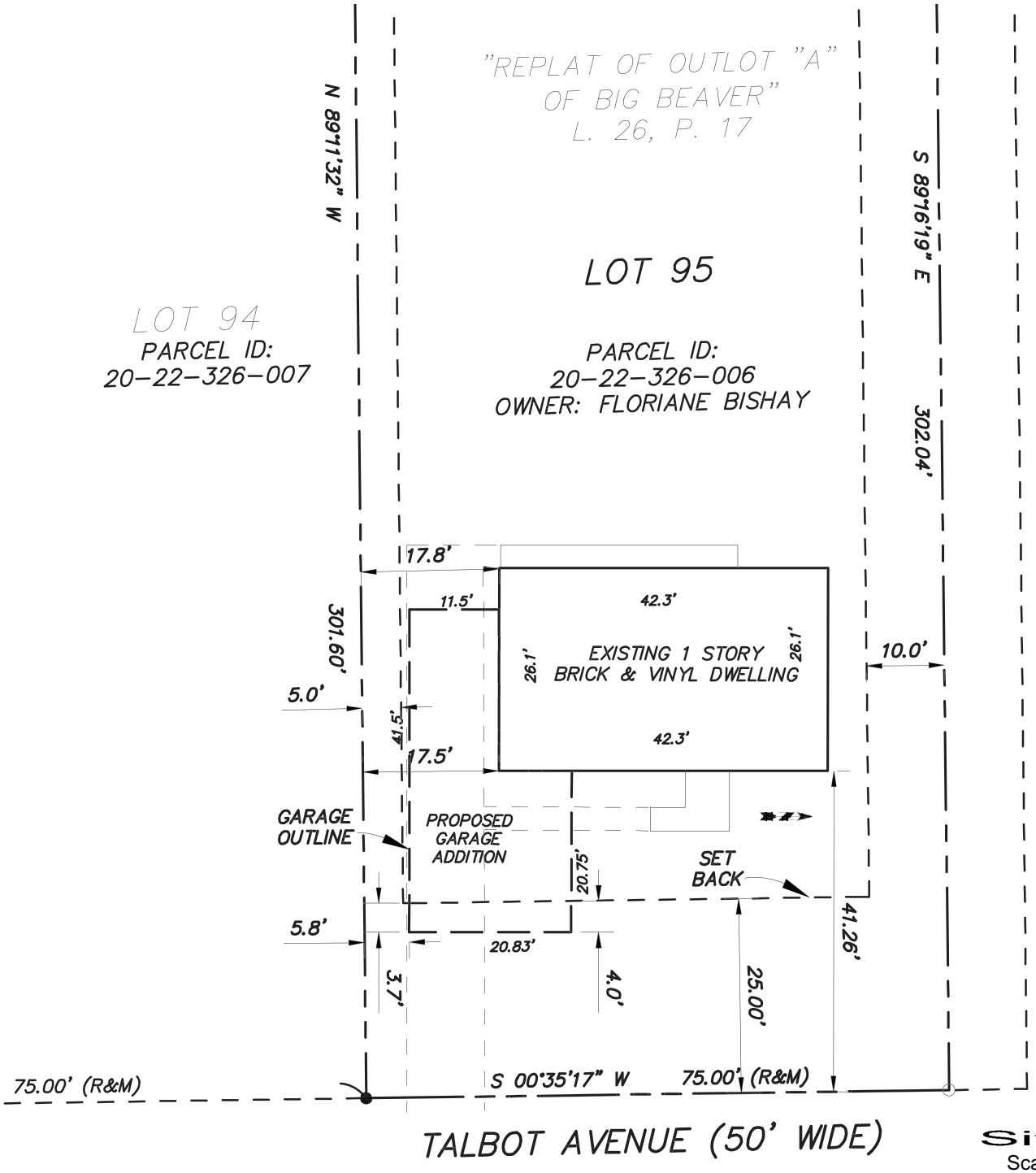
BUILDING AREA CALCULATION:

1st FLOOR:		1,116 SQ. FT.
BASEMENT:	1,116 SQ. FT.	
3 CAR GARAGE:	679 SQ. FT.	
TOTAL FINISHED AREA :		1,116 SQ. FT.
LOT AREA :		x,xxx SQ. FT.
COVERAGE AREA:		1,795/xxxx= xx.x%
MAX HEIGHT :		2 stories Max. 25 FT.
YARD SETBACK :		
FRONT :		25 FT.
BACK :		30 FT.
SIDES :		MIN 5' EACH AND 15' BOTH



Site Plan
Scale: 1/16" = 1'-0"

FLORIANE BISHAY
3459 TALBOT
TROY, MI 48083
Site Plan



Site Plan

Scale: 1/16" = 1'-0"

Date	Issued
Revisions	
Scale	As Noted
Date	Oct. 2012
Design	MS
Approved	MS
Project	2012 - 04

Mr. & Mrs. Ameer Bishay

Tel: 248 938 6585

Email : ameer.bishay@gmail.com

Parcel ID. 20-22-326-006

LoT 95

3459 Tabot Avenue

Troy, MI 48083

Garage Addition

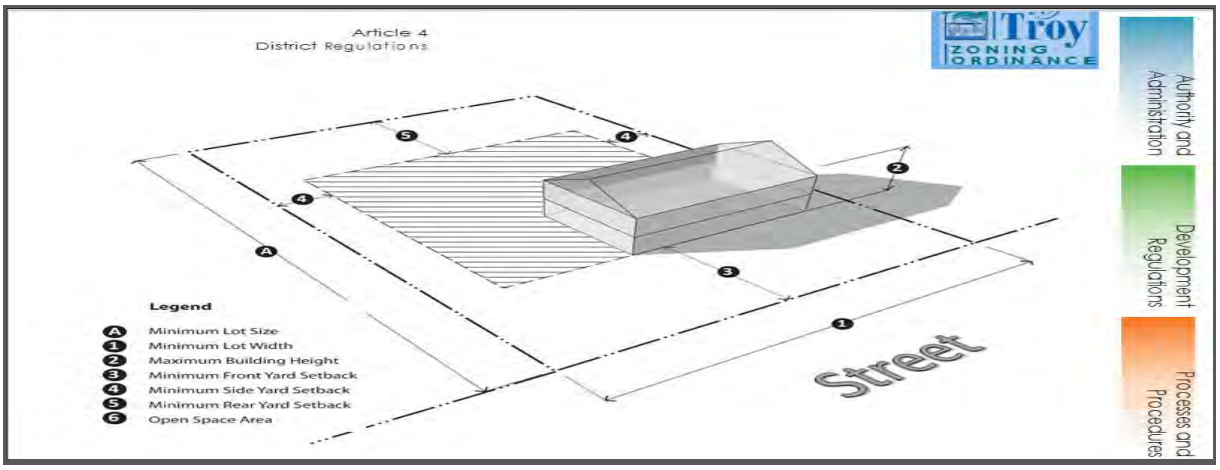
And Renovations

Sheet Title

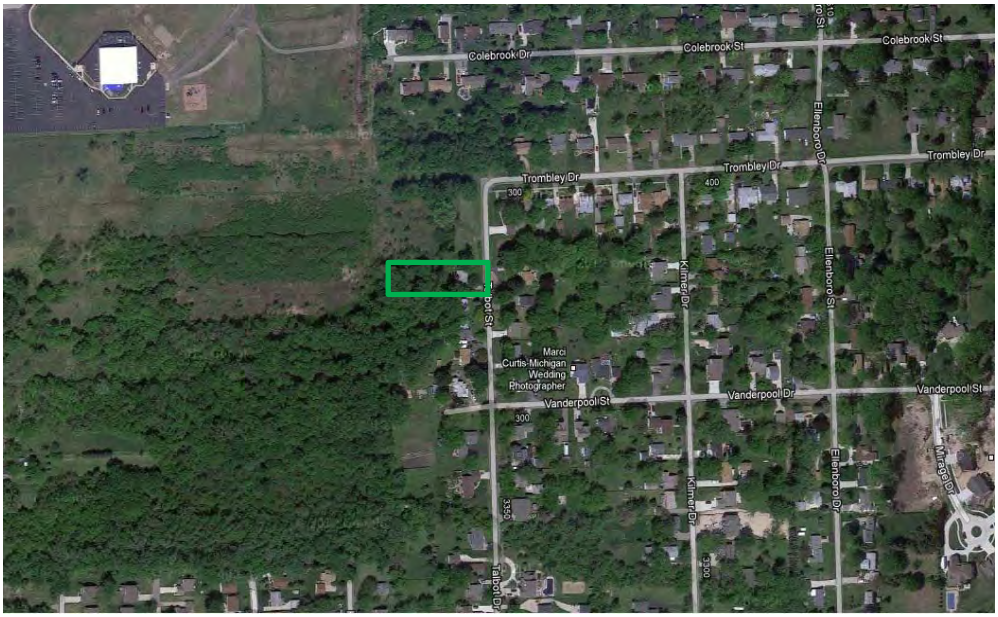
Site Plan

Main Floor Plan

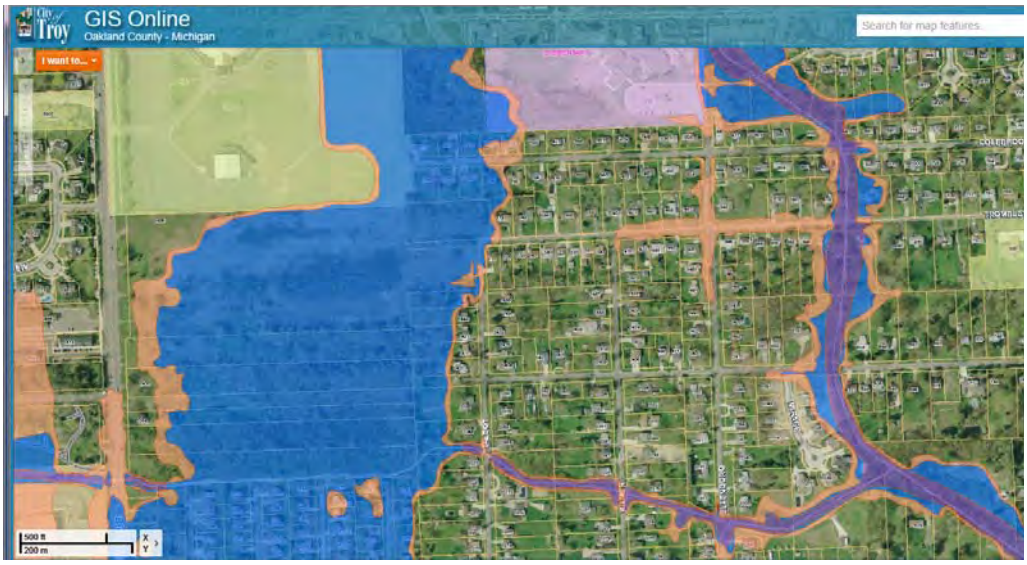
Sheet No A 200



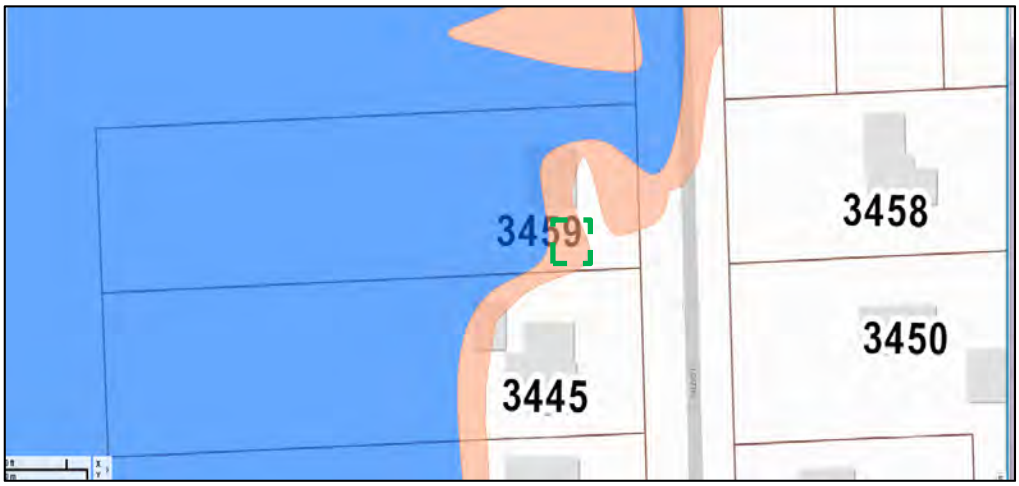
Address: 3459 Talbot, Troy
Parcel ID#: 20-22-301-011



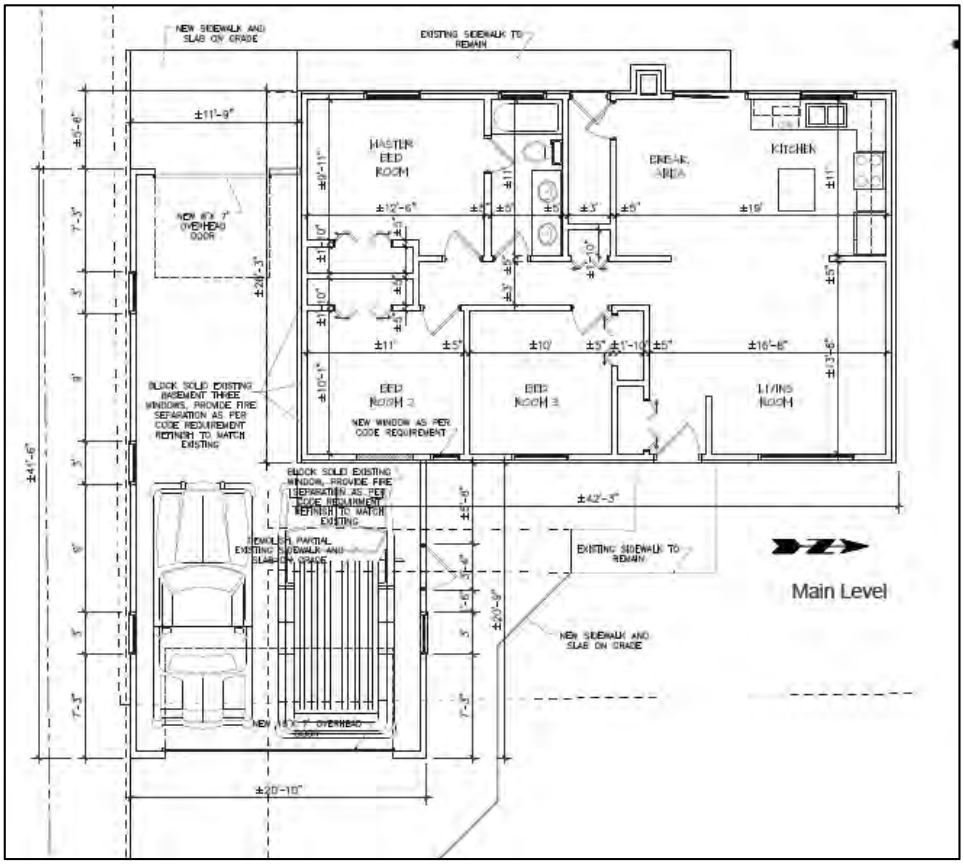
Building is within the 100 Year Floodplain:



(Screen capture of proposed building location)



Consideration: Impact of not having the variance: Building the garage within the set-back requirement will render the north parking space unusable. Given the front and rear clearance requirements, parking a vehicle in this space will be a challenge and most likely not possible.



4. HEARING OF CASES

A. VARIANCE REQUEST, FLORAINE BISHAY, 3459 TALBOT – In order to construct an attached garage, a 4 foot variance to the required 25 foot front yard setback.

Moved by Courtney
Seconded by Fisher

RESOLVED, to grant the request.

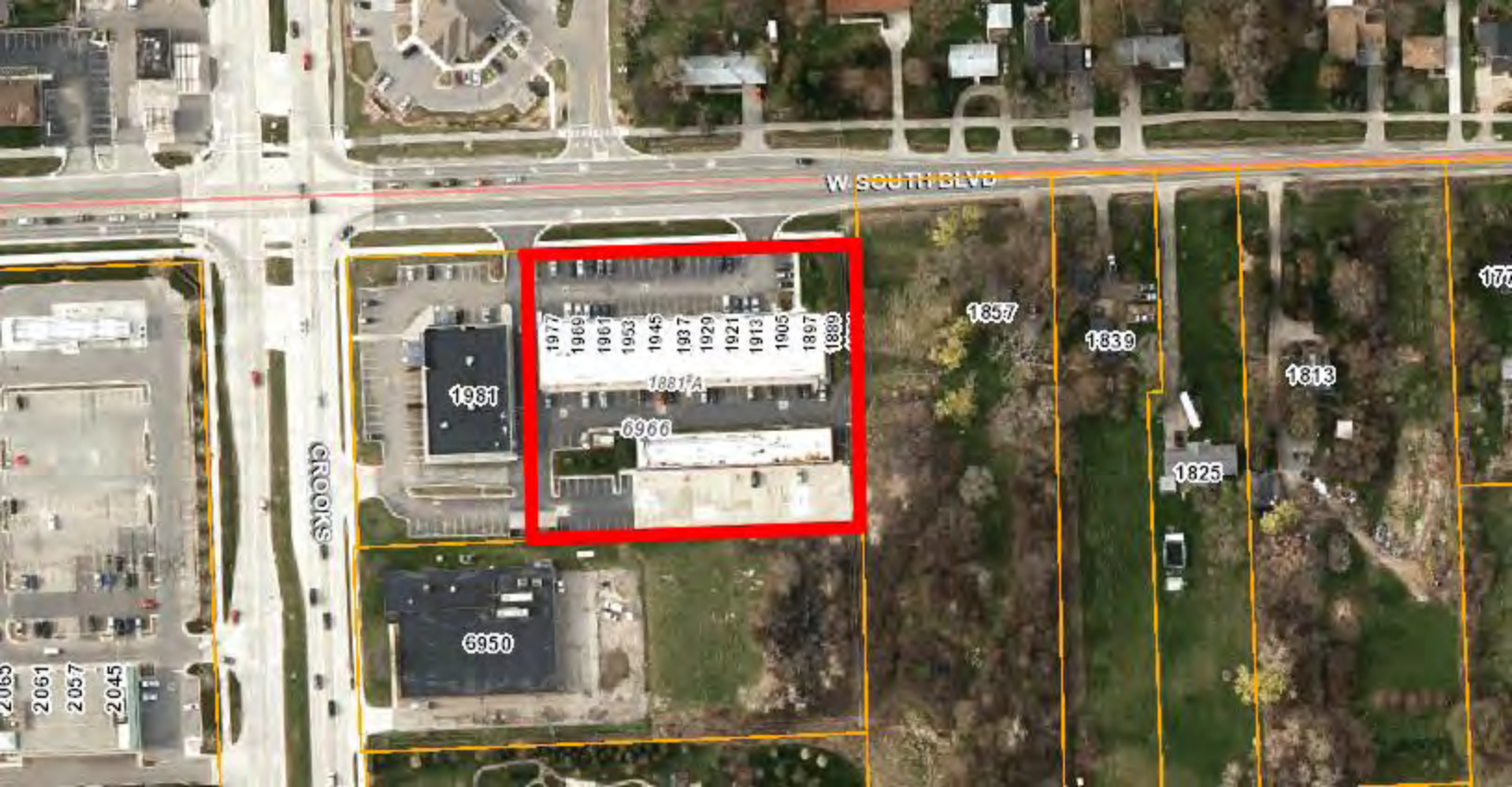
Yes: All

MOTION PASSED

4. HEARING OF CASES

D. VARIANCE REQUEST, DAVID AND CLAUDINE ANTOUN, 1881-1977 W SOUTH BLVD a.k.a. 6966 CROOKS – In order to make an existing wireless communications tower approximately 21 feet taller, a 16 foot variance to the requirement that the tower be set back 122 feet from all property lines. The Zoning Ordinance requires the setback of the tower be equal to the height of the structure. The proposed height of the tower will be 122 feet.

ZONING ORDINANCE SECTION: 6:30 (C) (3)


W SOUTH BLVD
CROOKS
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1929
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1881A
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W SOUTH BLVD
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(NN)
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1117

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

FEE $150.00
http://troymi.gov/Government/Departments/CodeEnforcement.aspx

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 6966 Crooks
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-04-100-060
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 6.30 (height variance maximum of 22')
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: The applicant is not aware of any past or previous appeals.
5. APPLICANT:

NAME David and Claudine Antoun
COMPANY TeleSite Wireless, Inc. on behalf of Verizon Wireless
ADDRESS 1015 S. Lake Drive
CITY Novi STATE MI ZIP 48377
PHONE 248-798-4429
E-MAIL dantoun@telesitewireless.com
AFFILIATION TO THE PROPERTY OWNER: None.

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

Date:	09/18/2015
Receipt:	2016-00008919
Cashier:	Treas Cash Collect
Received From:	TELE SITE
BIN ZBA	150.00
Receipt Total	150.00
Total Check	150.00
Total Remitted	150.00
Total Received	150.00

6. PROPERTY OWNER:

NAME REST RET/ OFF LLC

COMPANY

ADDRESS 6966 Crooks Road

CITY Troy STATE MI ZIP 48098

TELEPHONE

E-MAIL

The undersigned hereby declares 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, _____(APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE David Antoun **DATE** 9.9.15

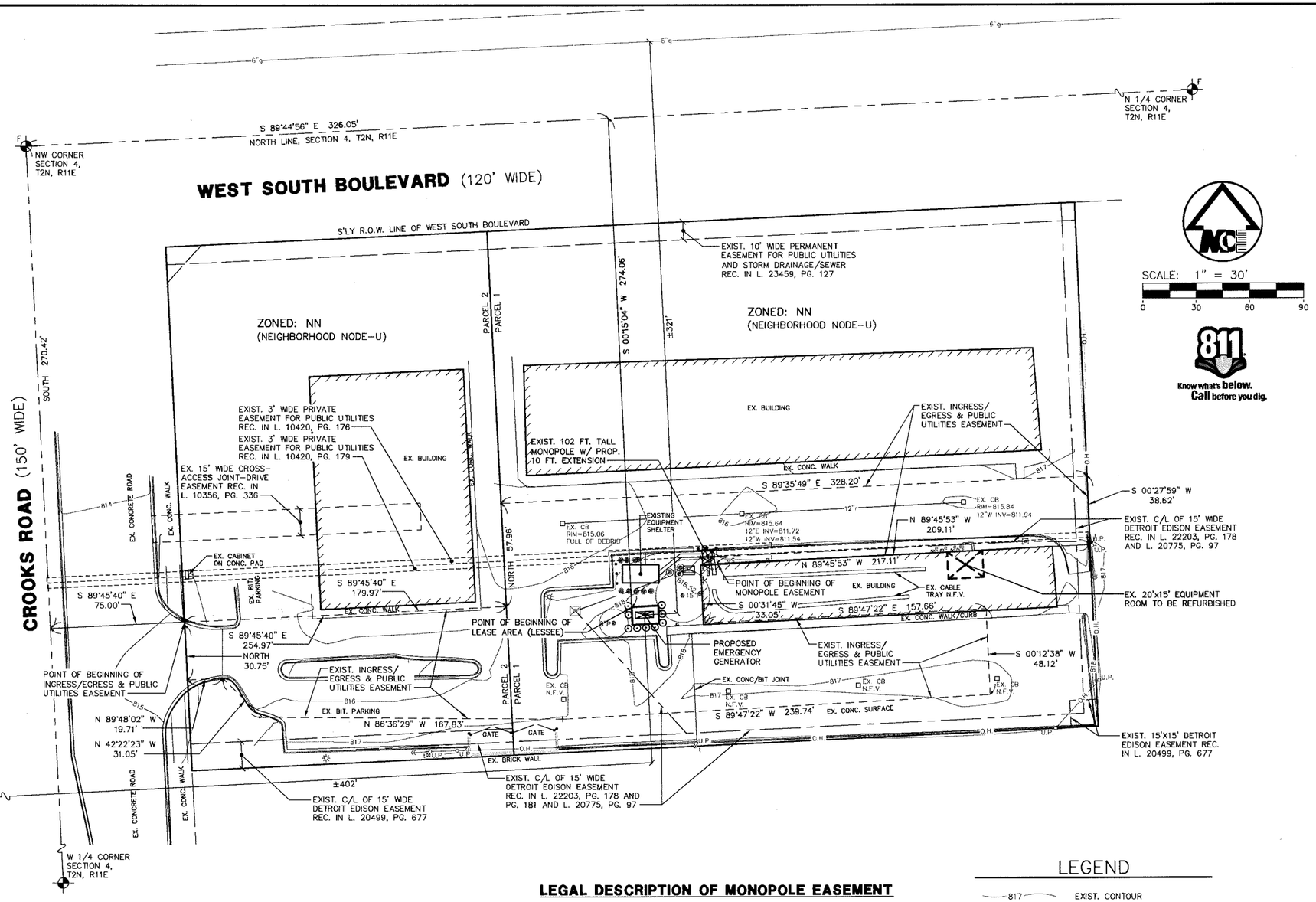
PRINT NAME: David Antoun

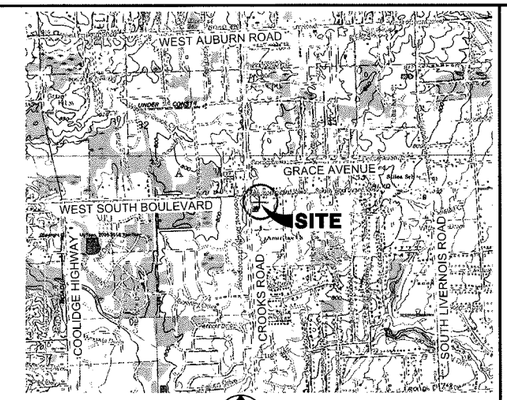
PROPERTY OWNER SIGNATURE [signature] LLC member **DATE** 9-18-15

PRINT NAME: JAMES C. STRATTI

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.





VICINITY SKETCH

SCALE: 1"=2000'

LOCATION

LONGITUDE 83° 10' 06.9"
LATITUDE 42° 37' 17.0"
GROUND ELEV. @ TOWER BASE = 817.9

LEGAL DESCRIPTION OF LEASE AREA

(Lessee)

Commencing at the Northwest corner of Section 4, T2N, R11E, City of Troy, Oakland County, Michigan; thence S 89°44'56" E 326.05 feet, along the north line of said Section 4; thence S 00°15'04" W 274.06 feet to the POINT OF BEGINNING;

thence N 90°00'00" E 15.00 feet;
thence S 00°00'00" E 10.00 feet;
thence S 90°00'00" W 15.00 feet;
thence N 00°00'00" W 10.00 feet to POINT OF BEGINNING; being part of the Northwest 1/4 of Section 4, T2N, R11E, City of Troy, Oakland County, Michigan; containing 150 square feet; together with a variable width non-exclusive easement for connection between generator and existing equipment room, subject to easements and restrictions of record, if any.

LEGAL DESCRIPTION OF OVERALL PARCEL

(Taken from Title Commitment)

Real property in the City of Troy, County of Oakland, State of Michigan, described as follows:

PARCEL 1:
Part of the Northwest 1/4 of Section 4, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as commencing at the Northwest corner of said Section 4; thence South 89°44'56" East along the North line of said Section 4, a distance of 254.97 feet and due South 60.00 feet to the Southerly right of way line (60 feet) of South Boulevard and the point of beginning; thence South 89°44'56" East along the Southerly right of way line 329.44 feet; thence South 00°27'59" West 293.67 feet; thence North 89°45'53" West 327.05 feet, thence due North 293.76 feet to the Point of Beginning.

PARCEL 2:
Part of the Northwest 1/4 of Section 4, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as commencing at the Northwest corner of said Section 4; thence South 89°44'56" East along the North line of said Section 4, a distance of 75.00 and Due South 60.00 feet to the intersection of the Southerly right-of-way line (60') of South Boulevard and the Easterly right-of-way line (75') of Crooks Road and to the Point of Beginning; thence South 89°44'56" East along said Southerly right-of-way line of South Boulevard 179.97 feet; thence Due South 293.76 feet; thence North 89°45'53" West 179.97 feet to the Easterly right-of-way line of Crooks Road; thence Due North along said right-of-way line 293.81 feet to the Point of Beginning.

NOTE

Rotate all bearings 02°10'55" counter-clockwise to obtain bearings based on True North as determined from global positioning system (GPS).

BENCH MARK

Top of the north side of the concrete base of the existing monopole.
Elevation: 818.94 (NAVD 88 Datum)

PREPARED BY:
MIDWESTERN CONSULTING, L.L.C.

JAMES A. FISHER P.E. #24260

PROPERTY INFORMATION

TAX PARCEL: #20-04-100-060 (PARCEL 1)

OWNER: REST-RET/OFF, LLC
6966 CROOKS ROAD
TROY, MICHIGAIN 48098

TAX PARCEL: #20-04-100-059 (PARCEL 2)

OWNER: REST-RAD LLC
PO BOX 3165
HARRISBURG, PENNSYLVANIA 17105

CELL SITE ADDRESS:
6966 CROOKS ROAD
TROY, MICHIGAN 48098

LEGAL DESCRIPTION OF MONOPOLE EASEMENT

(Lessor, By Others)

Part of the Northwest 1/4 of Section 4, T2N, R11E, City of Troy, Oakland County, Michigan commencing at the Northwest corner of Section 4, thence South, 270.42 feet; thence S 89°45'40" E, 254.97 feet; thence North, 57.96 feet; thence S 89°35'49" E, 328.20 feet; thence S 00°27'59" W, 38.62 feet; thence N 89°45'53" W, 209.11 feet to the Point of Beginning; thence continuing N 89°45'53" W, 8.00 feet; thence N 00°31'45" E, 8.00 feet; thence S 89°45'53" E, 8.00 feet; thence S 00°31'45" W, 8.00 feet to the Point of Beginning, containing 64 square feet or 0.001 acres.

LEGAL DESCRIPTION OF INGRESS/EGRESS & PUBLIC UTILITIES EASEMENT
(By Others - Modified)

An ingress/egress and public utilities easement over part of the Northwest 1/4 of Section 4, T2N, R11E, City of Troy, Oakland County, Michigan commencing at the Northwest corner of Section 4, thence South 270.42 feet; thence S 89°45'40" E, 75.00 feet to the Point of Beginning; thence S 89°45'40" E, 179.97 feet; thence North 57.96 feet; thence S 89°35'49" E, 328.20 feet; thence S 00°27'59" W, 38.62 feet; thence N 89°45'53" W, 217.11 feet; thence S 00°31'45" W, 33.05 feet; thence S 89°47'22" E, 157.66 feet; thence S 00°12'38" W, 48.12 feet; thence S 89°47'22" W 239.74 feet; thence N 86°36'29" W, 167.83 feet; thence N 42°22'23" W, 31.05 feet; thence N 89°48'02" W, 19.71 feet; thence North 30.75 feet to the Point of Beginning.

LEGEND

817	EXIST. CONTOUR
×817.2	EXIST. SPOT ELEVATION
U.P.	EXIST. UTILITY POLE
	GUY WIRE
	ELEC. TRANSFORMER
OH	EXIST. OVERHEAD UTILITY LINE
	EXIST. LIGHT POLE
	EXIST. STORM SEWER
	EXIST. CATCH BASIN OR INLET
	EXIST. CLEANOUT
	TELEPHONE RISER
	ELECTRIC METER
	GAS METER
	POST/BOLLARD
AB	SINGLE ARBORVITAE
P	SINGLE PINE TREE
	SECTION CORNER
F	FOUND MONUMENT
	CONTROL PT.

MIDWESTERN CONSULTING
Civil, Environmental and Transport Engineers
Planners, Surveyors
Landscape Architects
3815 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0200
Fax: 734.995.0599

APPLICANT/LESSEE:
NEW PAR, A DELAWARE PARTNERSHIP
DBA VERIZON WIRELESS
24242 NORTHWESTERN HIGHWAY
SOUTHFIELD, MICHIGAN 48075
PHONE: (248) 915-3000

verizonwireless
SITE #1117 – "COOLIDGE & SOUTH BLVD."
CITY OF TROY, OAKLAND COUNTY, MICHIGAN
SITE SURVEY, GENERAL INFORMATION

1

JOB No. 94044-1117A
DATE: 9/02/15
SHEET 1 OF 2
CADD: SSF, TES
ENG: JAF
PM: JAF
FIELD: CRS
94044_1117A-SP1
FB:25306

REVISIONS:	REV. DATE
1. CORRECT EXTENSION LENGTH	9/04/15
2. REV. FALL ZONE SIZE	9/17/15

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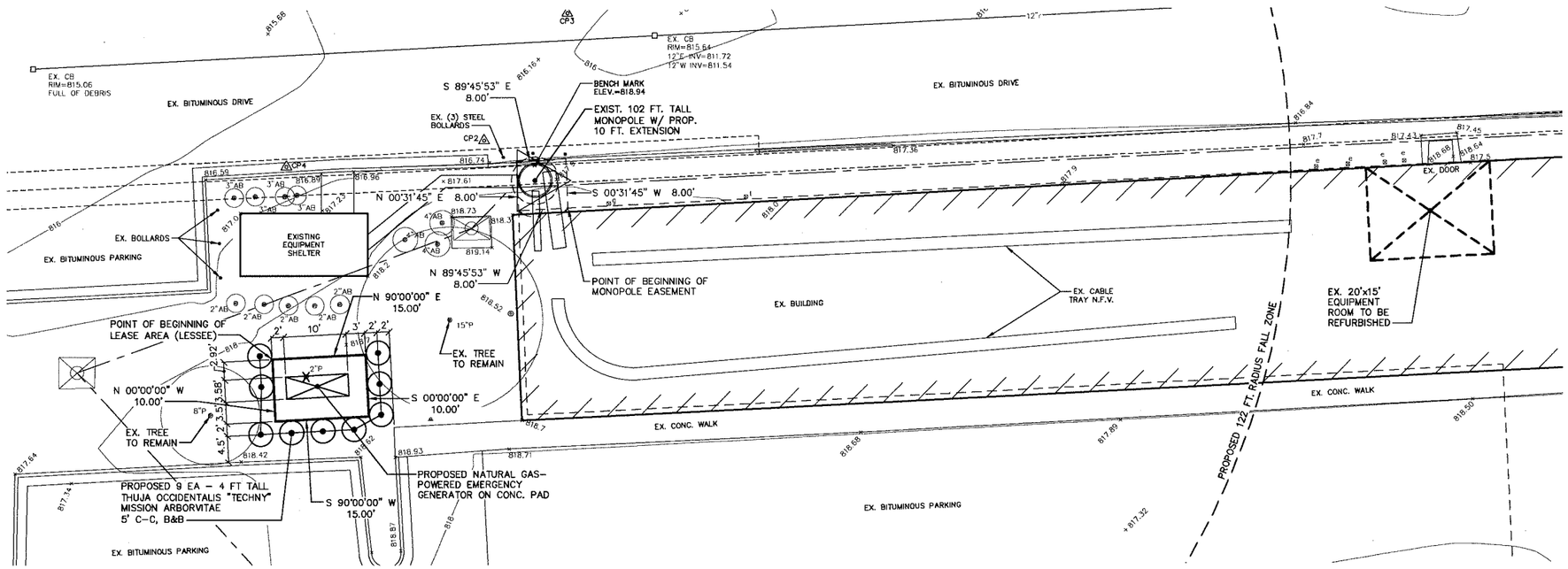


SCALE: 1" = 10'

0 10 20 30

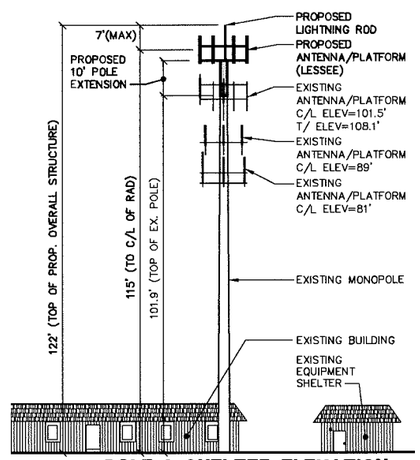
Know what's **below.**
Call before you dig.

LEGEND

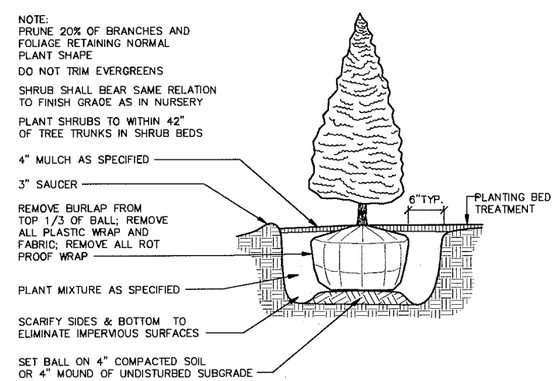
817	EXIST. CONTOUR
817	PROP. CONTOUR
×817.2	EXIST. SPOT ELEVATION
817.20×	PROP. SPOT ELEVATION
U.P.	EXIST. UTILITY POLE
	GUY WIRE
	ELEC. TRANSFORMER
OH	EXIST. OVERHEAD UTILITY LINE
	EXIST. LIGHT POLE
	EXIST. STORM SEWER
	EXIST. CATCH BASIN OR INLET
	EXIST. CLEANOUT
	TELEPHONE RISER
	ELECTRIC METER
	GAS METER
	POST/BOLLARD
AB	SINGLE ARBORVITAE
P	SINGLE PINE TREE
X	TREE TO BE REMOVED
	SECTION CORNER
F	FOUND MONUMENT
	CONTROL PT.

GENERAL NOTES:

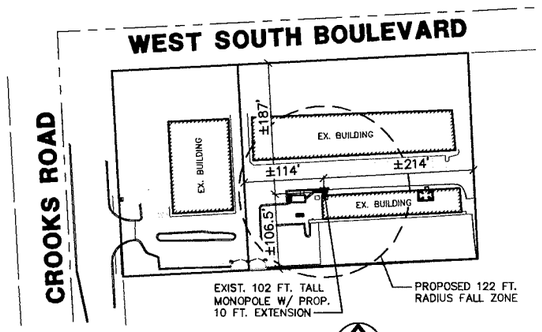
1. All site work construction shall be in accordance with the current standards and specifications of the City of Troy, where applicable.
2. The refurbished equipment room is to be a computerized, unmanned, telephone exchange room. No water service, sanitary facilities or gas service is needed. Telephone and electrical services will be from an existing utility pole or line adjacent to the site.
3. The refurbished equipment room is to have a security system monitored 24 hours per day.
4. There is one, existing, wall-mounted security light next to the door leading into the equipment room.
5. There are no signs proposed for this project except for:
   a. Emergency contact information purposes and FCC "call" sign placed on equipment room door.
6. The cellular antenna and equipment shelter will be approved by the Federal Communications Commission (FCC) and will not impact any frequency sensitive devices whatsoever. Buyer warrants no adverse radio interference with adjacent land uses.
7. There are no toxic materials used by Lessee on the site. Lessee has no need for outdoor storage or garbage disposal and pick-up.
8. Maintenance personnel using van type service vehicles enter and exit the site approximately 2 to 4 times per month. No loading or unloading area is needed by them.
9. All areas disturbed by the construction of the generator and antenna shall be restored in kind. Contractor is to provide soil erosion control measures as needed or as directed by owner or government agency having jurisdiction.
10. Ingress and egress by Lessee's personnel to the site shall be via an existing paved drive from Crooks Road.
11. This site plan is based on the survey of the existing conditions conducted by Midwestern Consulting, LLC on 07-01-2015.



POLE & SHELTER ELEVATION
SCALE 1" = 20'



ARBORVITAE PLANTING DETAIL
NOT TO SCALE



SETBACK DETAIL
SCALE: 1"=100'

MIDWESTERN CONSULTING
Civil, Environmental and Transportation Engineers
Planners, Surveyors
Landscape Architects
3815 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0200
Fax: 734.995.0599

APPLICANT/LESSEE:
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dba VERIZON WIRELESS
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SOUTHFIELD, MICHIGAN 48075
PHONE: (248) 915-3000

verizonwireless
SITE #1117 – "COOLIDGE & SOUTH BLVD."
CITY OF TROY, OAKLAND COUNTY, MICHIGAN
SITE PLAN DETAIL

2

JOB No. **94044-1117A**
DATE: 9/02/15
SHEET 2 OF 2
CADD: SSF, TES
ENG: JJF
TECH: GLS
94044_1117A-SP1
TBA53288

REVISIONS:	REV. DATE
1. CORRECT EXTENSION LENGTH AND ADD SETBACK DETAIL	9/04/15
2. REM. FALL ZONE SIZE	9/17/15

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ITEM #8 – VARIANCE REQUESTED. BRYAN MONAGHAN, SCHNELZ, WELLS, MONAGHAN & WELLS, REPRESENTING NEXTEL WEST CORPORATION, 6966 CROOKS ROAD, for relief of the Zoning Ordinance to construct a 100' tall monopole tower with a 100' setback to residential property where a 500' setback to residential property is required for a 100' tower.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 100' tall monopole tower. The adjacent property to the east is located in the R-1B (One Family Residential) Zoning District and the property located 208' south of this site is in the REC (Residential Elder Care) Zoning District. Paragraph E of Section 24.30.05 of the Troy Zoning Ordinance requires that freestanding communication towers be located no less than a distance five times their height from residentially zoned property. In the case of a 100' tower this would require a 500' setback. This tower is proposed to be located 100' from the east property line and 310' from the residential property to the south.

Mr. Bryan Monaghan of Schnelz, Wells, Monaghan & Wells, was present and Ron Roach, a Radio Frequency Supervisor from Nextel, was also present. Mr. Monaghan stated that in the spring of last year a request was brought before City Council for a similar tower on the property on the west side of Crooks Road and due to a very large number of residents that objected to this tower, City Council rejected their proposal. Mr. Monaghan also stated that City Council had suggested that Nextel look at other locations for a tower. Mr. Monaghan explained that they had attempted to co-locate their equipment by using existing towers, however there are none available that would give them the coverage they desire. Mr. Monaghan also explained that they had looked into the possibility of locating this tower at the Pine Trace Golf Course in Rochester Hills, however, once again they would not gain the coverage they desire. Mr. Monaghan had brought in several radio frequency maps and explained to the Board how far the coverage extends. Mr. Monaghan said that there are areas along I-75, Coolidge and South Boulevard, where calls are dropped due to the fact that there are not any towers in the area that can receive signals. Mr. Monaghan also explained that this tower will be over built for safety and that the tower is designed to buckle rather than fall completely over. Mr. Monaghan said that monopoles have a history of not falling over in storms, and due to the fact that it would be 100' from the property line, and in conjunction with the fact that it is designed to buckle he does not believe that safety would be an issue. Mr. Monaghan also stated that they have a mandate from the Federal Government as part of their license, which states that they have to complete the coverage area and this is their biggest concern.

Mr. Maxwell asked about the height of the existing towers and Mr. Monaghan stated that he did not have that information, however, there are a number of areas that are under 100', as well as a number of roof top antennas. Mr. Maxwell asked if a higher height would be more beneficial and Mr. Monaghan said that sometimes the higher tower creates more interference. Mr. Maxwell then asked if there was any way Nextel could change their current towers to provide the coverage they are looking for with this

ITEM #8 – con't.
new monopole tower, and Mr. Roach of Nextel stated that they do not have any way to modify these towers, which would give them the coverage they are seeking. Mr. Monaghan also said that each location has a number of cell phones that they are able to reach and cellular technology limits the height of towers. Mr. Maxwell then asked what the purpose of the tower was and Mr. Monaghan said that the tower is merely there to hold the apparatus for the antennas. Mr. Maxwell then asked if there were any options available at this location for the construction of the monopole. Mr. Monaghan said that he thought that the tower could be moved farther west on the property and also that Nextel would be agreeable to complying with that request.

Mr. Courtney asked why the tower couldn't be moved to Northfield Commons. Mr. Monaghan stated that that had been their first choice, however, due to a large number of complaints by the adjacent neighbors, City Council rejected their proposal.

Mr. Kovacs stated that he was not worried about the intensity of the rays from cell phones, but asked about the rays from the tower. Mr. Monaghan stated that the Federal Government has taken over the entire field of safety in regards to cell towers. Mr. Monaghan said that the emissions are less than 1% of the standards set by the Federal Commission. Mr. Monaghan also that there is a very low power wattage due to the fact that they are designed to cover very limited areas and receive a finite number of calls. Mr. Monaghan also stated that OSHA has very strict exposure standards for the people that work on these towers on a daily basis and these guidelines are very strict.

Mr. Courtney asked if other carriers also had dropped calls in this area and also needed extra coverage. Mr. Monaghan said that this tower has been designed to accommodate three other carriers and if they wished they would be able to add their equipment to this tower. Mr. Monaghan again stated that if they had been able to co-locate their equipment with an existing tower they would have, however, there are no existing towers in the area that would meet their needs.

Mr. Fejes asked what the current problems were in this area for cell phone users. Mr. Monaghan stated that presently calls are dropped and this is the main issue. Mr. Monaghan also said that this problem is complicated by the amount of traffic in this area, which makes it very difficult for calls to get through. Mr. Monaghan also said that there are a number of customer complaints that they get from people in this area during peak traffic hours. Mr. Fejes also asked about the platforms that would be added to the monopole. Mr. Monaghan also said that Nextel's platform would be at the top of the tower, and each co-locator would add a platform as close to the top platform as they could. Mr. Fejes asked about the distance between towers and Mr. Monaghan said that in area where there is a lot of traffic and a high demand, several towers may be required to cover the area. Mr. Fejes said that he is concerned due to the fact that he thinks that this may open the door to other carriers coming in and asking for towers also and thinks that there may be a proliferation of towers in the area. Mr. Monaghan also said that this is a very difficult area due to the fact that there is not any space available that is non-

ITEM #8 – con't.
residential. Mr. Monaghan further stated that this tower will allow three (3) other carriers to co-locate on this tower. Mr. Fejes then asked how many carriers were in the area and Mr. Monaghan said that presently there are six. Mr. Monaghan also said that he thought some of these companies would probably merge and therefore be able to use the same tower. Mr. Monaghan said that in other areas where a tower had the maximum number of co-locaters on it, the solution was to raise the tower an additional 40', which made room for the other carriers to put their platforms on it. Mr. Fejes then asked what would happen if the variance was denied and Mr. Monaghan said that there are a number of options available that Nextel would have to explore. Mr. Monaghan also said that there is not another location in this area that a tower could be added.

Mr. Courtney asked if Mr. Monaghan had ever approached Council after they had explored the possibilities that Council had suggested and Mr. Monaghan stated that they did not. Mr. Courtney also asked what the coverage area would be with a 50' tower and Mr. Monaghan said that a 50' tower would not give them the coverage they are looking to get.

Mr. Kovacs asked if the tower could be located at the westernmost edge of the building and Mr. Monaghan stated that it would probably add another 80 or 90 feet. Mr. Stimac said that it appears that if they could move the tower to the west end of the building, the tower would be approximately 200' from the property line.

Ms. Pennington asked about the placement of the tower at the Golf Course. Mr. Monaghan said that this is in the City of Rochester Hills and Ms. Pennington asked about the coverage of the tower from this location. Mr. Monaghan said that part of the coverage area here is because of the topography in the area. Mr. Monaghan further stated that the golf course is in a low area, and therefore the area on I-75 loses coverage.

Mr. Courtney asked if they could put the tower there and raise the height of the tower and Mr. Monaghan said that the location of the tower would have to be at the east end of the golf course near residential developments and would also require a variance from the City of Rochester Hills.

The Chairman opened the Public Hearing.

Mr. John Kennedy, 1825 W. South Boulevard, was present and said that the location of the tower would be approximately 400' from his home and he objects to the location of the tower. Mr. Kovacs asked if Mr. Kennedy had a cell phone and was concerned about the safety issue or the look of the tower. Mr. Kennedy said that it is a combination of both in that he is concerned about the waves from the tower as well as the look of the tower.

No one else wished to be heard and the Public Hearing was closed.

ITEM #8 – con't.
There is one (1) written objection on file. There are no written approvals on file.

Mr. Fejes expressed concern over the construction of the tower and said that he is afraid that this will open the door for a large number of towers in the area. Mr. Fejes also said that he would not want to look out his window and see a tower.

Mr. Courtney stated that he would prefer to see a number of small towers in the area, rather than a very high tower. Mr. Courtney feels that the higher towers are more of an eyesore than the shorter towers.

Mr. Hutson stated that Mr. Monaghan had indicated that they are mandated by the FCC to provide full coverage for their customers, and asked what the penalty was if this coverage was not met. Mr. Monaghan said that he did not know, but did not think there was any real penalty other than the fact that they would have to redo their application with the FCC indicating the area that they could cover. Mr. Monaghan said that the FCC does not put a time limit on this area coverage requirement. Mr. Monaghan also stated that the life of their license runs for approximately 25 years and a new application indicating the area they would be able to cover would have to be filled out at that time.

Mr. Maxwell asked what would happen if the tower height would be limited to 80'. Mr. Monaghan said that they would be able to operate at that height however, they still would not get the coverage they desire and doesn't believe that the height difference would be noticeable. Mr. Maxwell asked if the height of the current towers could be raised and give them the coverage they desire and Mr. Monaghan stated that he did not believe that would alleviate the problem and also stated that the height of their building mounted antennas are limited.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Bryan Monaghan, Schnelz, Wells, Monaghan & Wells, representing Nextel West Corporation, 6966 Crooks Road, relief of the Zoning Ordinance to construct a 100' tall monopole tower installed at the farthest edge on the west side of the property, where a 500' setback to residential property is required for a 100' tower.

- Tower is to be constructed at the farthest western edge of the building.
- Public Health, Safety and Welfare could be affected if this variance is not granted.
- Variance is not contrary to public interest.
- Variance does not establish a prohibited used in a Zoning District.

Yeas: 6 – Kovacs, Maxwell, Pennington, Courtney, Gies, Hutson
Nays: 1 – Fejes

MOTION TO GRANT VARIANCE CARRIED