

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.

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 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)

January 15, 2013

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – November 20, 2012
3. APPROVAL OF AGENDA
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.

ZONING ORDINANCE SECTION: 4.06 C (R1-E Zoning)

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 November 20, 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:

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

Also Present:

R. Brent Savidant, Planning Director
Allan Motzny, Assistant City Attorney

2. APPROVAL OF MINUTES – October 16, 2012

RESOLVED, to approve the October 16, 2012 meeting minutes.

Moved by Clark
Seconded by Fisher

Yes: Clark, Courtney, Fisher, Kneale, Lambert
Abstain: Bartnik, Strat

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

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.

Moved by Courtney
Seconded by Bartnik

RESOLVED, to postpone the item to the December 18, 2012 Zoning Board of Appeals meeting so that the developer can provide the Board information on the removal of lot 6, with or without the addition of land, and that a tree preservation plan be provided.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None
6. MISCELLANEOUS BUSINESS – None
7. PUBLIC COMMENT – One person spoke.
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:01 p.m.

Respectfully submitted,

Allen Kneale, Chair

Paul Evans, Zoning and Compliance Specialist

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.

ZONING ORDINANCE SECTION: 4.06 C (R1-E Zoning)



WENDELTON

TROYWOOD

HIDDEN RIDGE

WATTLE'S
ELEMENTARY

COLEBROOK

TROBELEY

CHERISHED VIEW

MILLSTONE

TIMBERVIEW

VANDER

TROY
COMMUNITY
CENTER

LIVERNOIS

LOUIS

TROY

FRANKTON

HELENA

TALBOT

KILMER

ELLENBORO

HARTLAND

MARIAGE

E BIG BEAVER



TALBOT

310

320

330

3

3459

3458

3450

3445

3432

3431

(R-1C)

TALBOT

310

320

330

3

(R-1E)

(R-1E)

3459

3458

3445

3450

3431

3432



AE

BLUE = 100 YEAR FLOOD PLAIN
OTHER COLOR = 500 YEAR FLOOD PLAIN

TALBOT

X

310

320

330

3

3459

3458

3450

3445

3431

3432

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: 3459 Talbot, Troy Mi 48083
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-22-301-011
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: Article 4 District Regulations, Minimum Yard Setback (F)
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: None known
6. APPLICANT INFORMATION:
NAME Floraine Bishay
COMPANY N/A
ADDRESS 3459 Talbot, Troy MI. 48083
CITY Troy STATE MI ZIP 48083
TELEPHONE 248-939-6585
E-MAIL floraine.bishay@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Same as above

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

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, Floraine Bishay (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 11/01/2012

PRINT NAME: Floriane Bishay

SIGNATURE OF PROPERTY OWNER  DATE 11/01/2012

PRINT NAME: Floriane Bishay

VARIANCE REVIEW STANDARDS ZONING ORDINANCE SECTION 15.04 (E) (2)

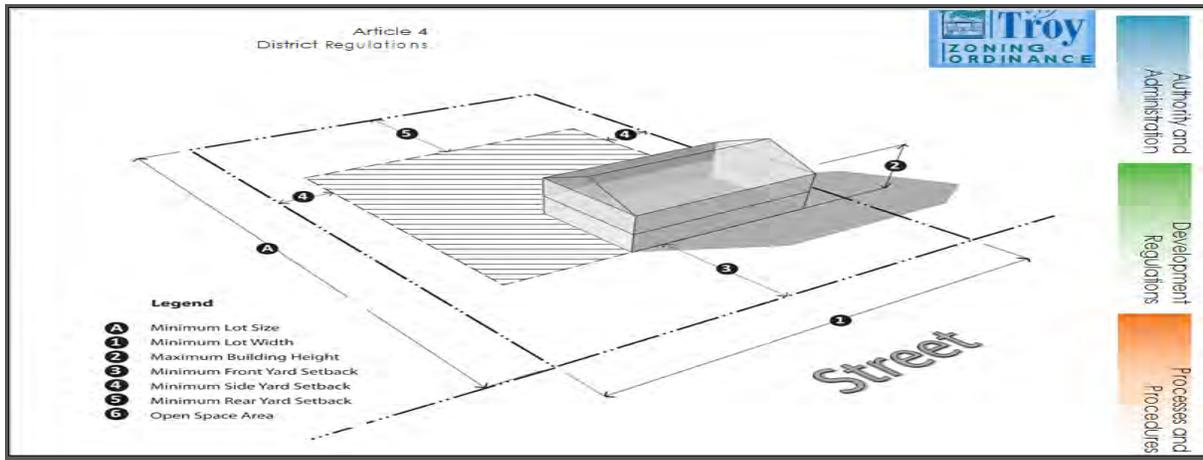
Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

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- 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.

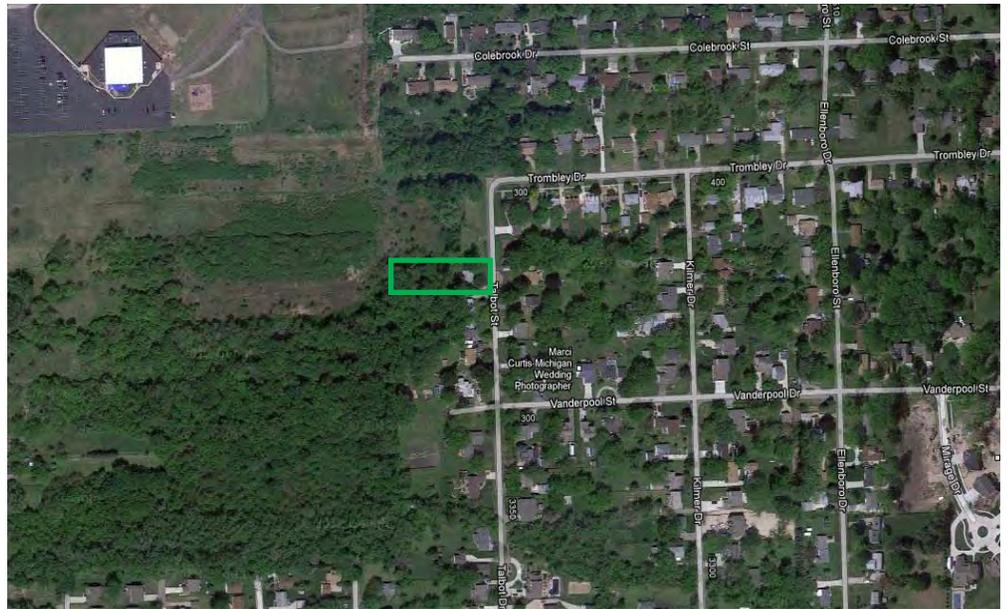
Overview:

This is a request for ~5ft variance for address 3459 Talbot, Troy, MI. 48083, pertinent to the following code: Article 4 District Regulations (Front Yard Set-Back.)

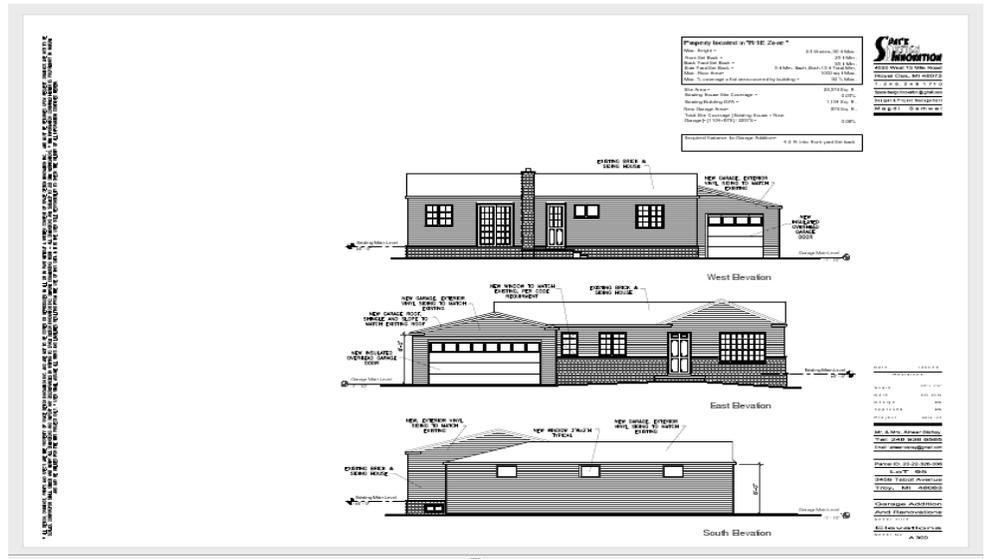
A majority of the existing home is located within Troy's 100 year floodplain, however the southeast quadrant has the least exposure to the floodplain and this is where we're proposing to build the new garage. Although building the garage in the site's Rear Yard is an option, the site's Front Yard would result in the least impact to the floodplain, be the most practical application and certainly be the most cost effective approach for building the garage. Outlined below are the reasons for considering the proposed Front Yard location:



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



Home's proposed Front and Rear elevation



Consideration 1: Building within the 100 Year Floodplain: Although local building codes allow building within the floodplain. Given the opportunity to build where there would be the least impact on the floodplain will offer the least impact to the floodplain and be the most cost-effective approach.



(screen shot of proposed building location)



Consideration 2: Cost of Building within the 100 Year Floodplain

(Screen shot Reference State of Michigan Department of Environmental Quality

http://www.michigan.gov/deq/0,4561,7-135-3313_3684_3725-11281--00.html#8)

“Compensating excavation must be provided that is equal to the volume of fill placed in the floodplain.” Building the garage further west on the property would be costly and put the asset in an area where there is the greatest risk.

As mentioned on the Michigan Department of Environmental Quality’s website. Setting the garage in the year yard, where it would be completely positioned in the floodplain would require the greatest excavation compensation.

Can I build in the floodplain?

In general, construction and fill may be permitted in the portions of the floodplain that are not floodway, provided local ordinance and building standards are met. In addition, compensating excavation must be provided that is equal to the volume of fill placed in the floodplain. Floodways are the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the 100 year flood; these are areas of moving water during times of flood. New residential construction is specifically prohibited in the floodway.

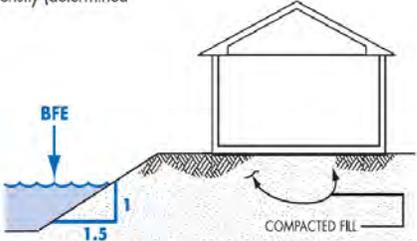
The current building codes in Michigan requires that new construction or substantially improved buildings within the 100-year floodplain have the lowest floor, elevated at least one-foot above the 100-year flood elevation. Basements that are below grade on all sides must be at or above the 100-year flood elevation.

Consideration 2: Cost of Building within the 100 Year Floodplain
Supporting Screen Shot (*State of Michigan Department of Environmental Quality Quick Guide Floodplain Management in Michigan*)

Compaction of Floodplain Fill

Earthen fill used to raise the ground above the flood elevation must be placed properly so that it does not erode or slump when water rises. For safety and to meet floodplain requirements, floodplain fill should:

- Be good clean soil, free of large rocks, construction debris, and woody material (stumps, roots)
- Be machine compacted to 95 percent of the maximum density (determined by a design professional)
- Have graded side slopes that are not steeper than 1:1.5 (one foot vertical rise for every 1.5 feet horizontal extent)
- Have slopes protected against erosion (vegetation for "low" velocities, durable materials for "high" velocities – determined by a design professional)



The diagram shows a cross-section of a house on a raised foundation. The foundation is supported by a layer of 'COMPACTED FILL'. To the left, a slope is shown with a vertical rise of 1 unit and a horizontal extent of 1.5 units, labeled '1:1.5'. A blue arrow labeled 'BFE' (Base Flood Elevation) points to the water level. The house is shown with a gabled roof and a chimney.

Consideration 2: Building the garage in the proposed area would have the least impact on the floodplain and be the best economical approach (Supporting screen shot)

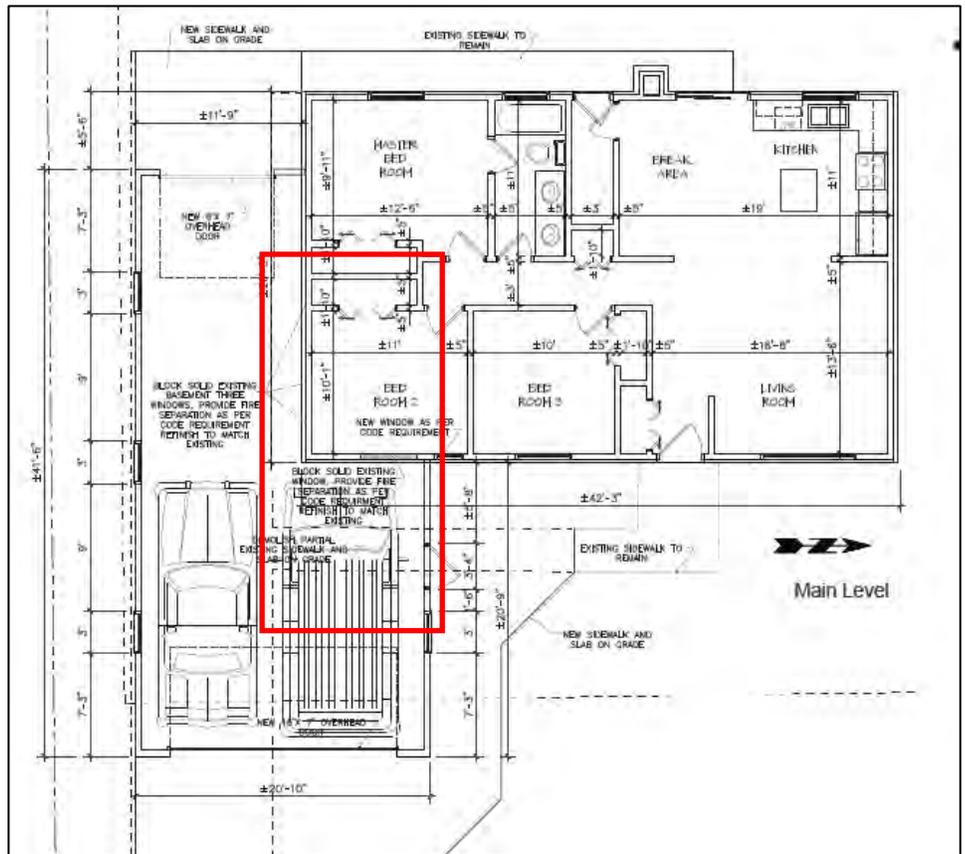
Setting the garage towards the front of the property line could have little or no impact on the 100 year-floodplain.

Initial reviews suggest that that given the garage's location and marginal impact on the floodplain. The MDEC

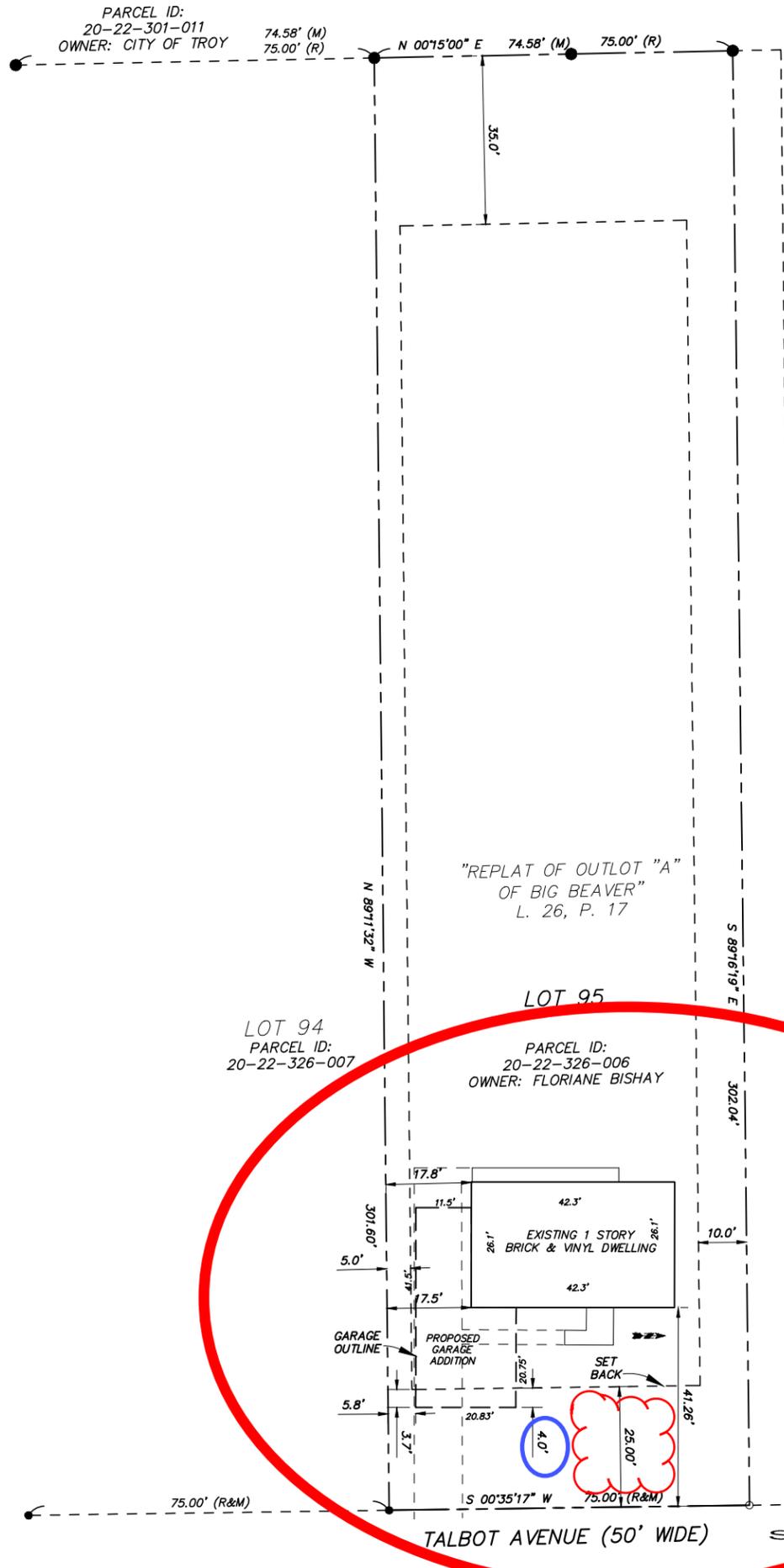
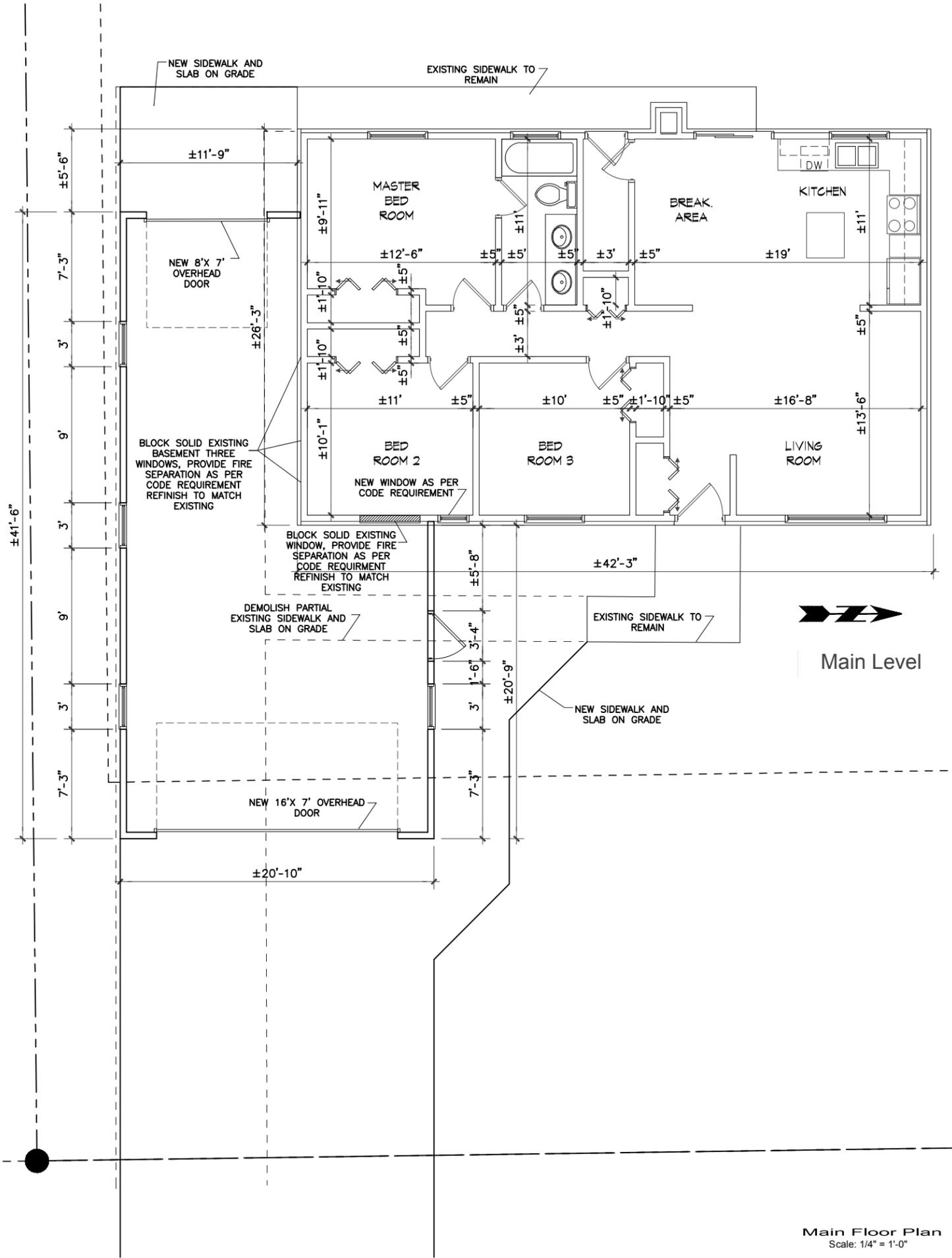


could deem that the build will not have an impact or a negligible impact on the floodplain and waive any special requirements or consider alternative methods for compliance.

Consideration 3: 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.



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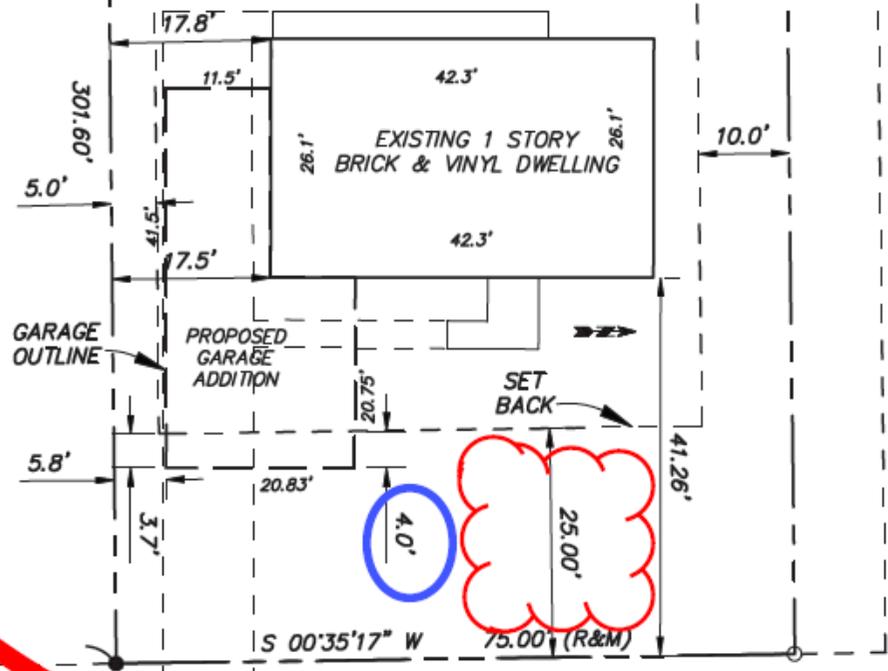
SPACE DESIGN INNOVATION
4030 West 13 Mile Road
Royal Oak, MI 48073
T: 248.246.1710
Space.design.innovation@gmail.com
Design & Project Management
Magdi Samwel

| Date | Issued |
|------------------------------------|------------------------------|
| | Revisions |
| Scale | As Noted |
| Date | Oct. 2012 |
| Design | MS |
| Approved | MS |
| Project | 2012-04 |
| <hr/> | |
| Mr. & Mrs. Ameer Bishay | |
| Tel: 248-938-6585 | |
| Email: ameer.bishay@gmail.com | |
| <hr/> | |
| Parcel ID: 20-22-326-006 | |
| LOT 95 | |
| 3459 Talbot Avenue | |
| Troy, MI 48083 | |
| <hr/> | |
| Garage Addition And Renovations | |
| Sheet Title | Site Plan Main Floor Plan |
| Sheet No | A 200 |

LOT 95

LOT 94
PARCEL ID:
20-22-326-007

PARCEL ID:
20-22-326-006
OWNER: FLORIANE BISHAY



TALBOT AVENUE (50' WIDE)

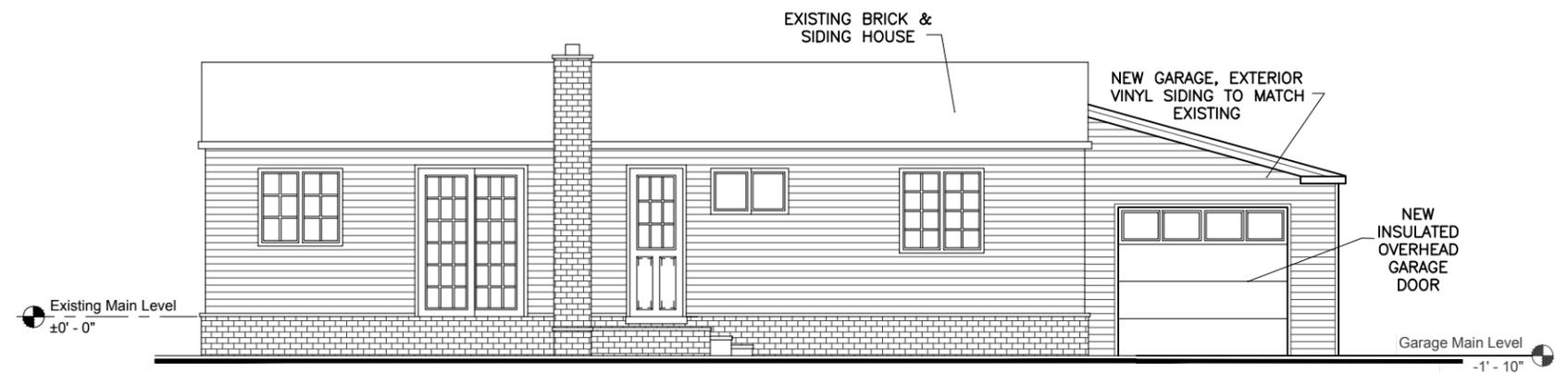
Site Plan
Scale: 1/8" = 1'-0"

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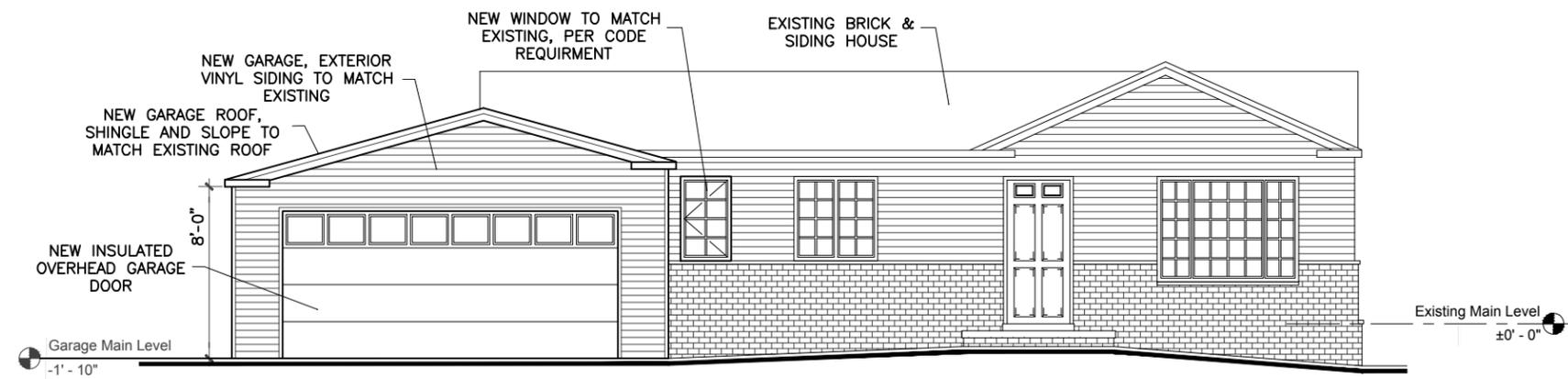
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| | |
|---|---------------------------------------|
| Property located in "R-1E Zone " | |
| Max. Height = | 2.5 Stories, 30 ft Max. |
| Front Set Back = | 25 ft Min. |
| Back Yard Set Back = | 35 ft Min. |
| Side Yard Set Back = | 5 ft Min. Each, 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 |

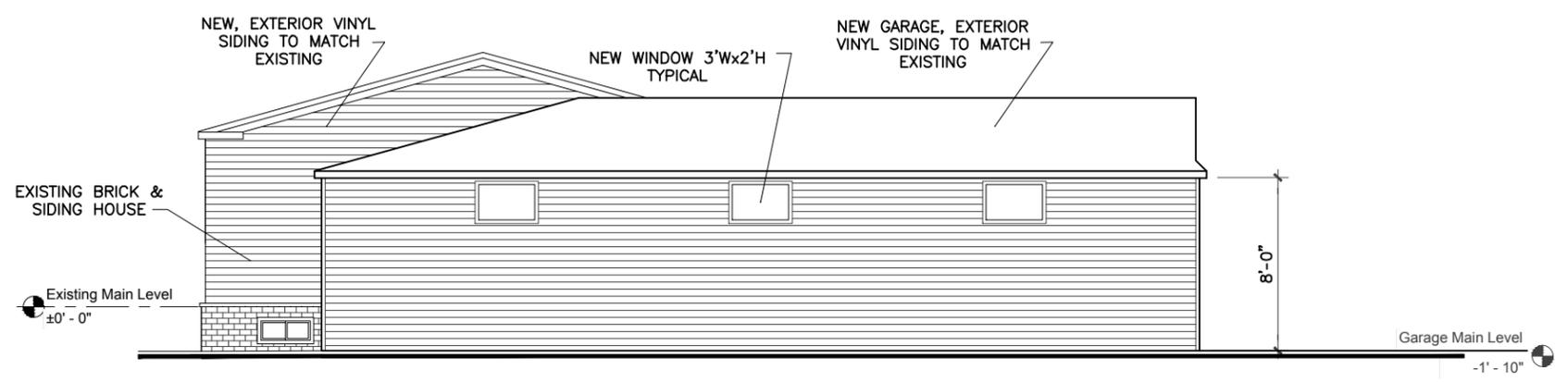
SPACE DESIGN INNOVATION
 4030 West 13 Mile Road
 Royal Oak, MI 48073
 T : 2 4 8 . 2 4 6 1 7 1 0
 Space.design.innovation@gmail.com
 Design & Project Management
Magdi Samwel



West Elevation



East Elevation



South Elevation

| Date | Issued |
|----------|--------------|
| | Revisions |
| Scale | 1/4" = 1'-0" |
| 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
Elevations
 Sheet No A 300

CITY OF TROY
MICHIGAN
PUBLIC NOTICE
ZONING BOARD OF APPEALS

Notice is hereby given that the City of Troy Zoning Board of Appeals will hold meetings on the third Tuesday of each month at 7:30 p.m. in the Council Chamber at Troy City Hall, 500 W. Big Beaver Road, Troy, Michigan, 48084, (248) 524-3364, on the following dates:

2013 ZONING BOARD OF APPEALS MEETING DATES

| | |
|-------------|--------------|
| January 15 | July 16 |
| February 19 | August 20 |
| March 19 | September 17 |
| April 16 | October 15 |
| May 21 | November 19 |
| June 18 | December 17 |

All meetings are generally held at 7:30 p.m. in the City Council Chamber of the City Hall Building and are open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act, (MCLA 15.261 et seq.).

Paul Evans, Zoning and Compliance Specialist

Posted: November 26, 2012

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