

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
Bruce Bloomingdale, Kenneth Courtney
William Fisher, Tom Krent, David Lambert
David Eisenbacher and Orestis Kaltsounis (Alternates)

April 16, 2013

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – January 15, 2013
3. APPROVAL OF AGENDA
4. HEARING OF CASES
 - A. VARIANCE REQUEST, JOHN WERNIS, UNITED VENTURES II LLC, Vacant Property on Birchwood between 1825 and 1871 Birchwood, Tax Parcel Identification Number 20-26-478-033 – In order operate a contractor's yard/outdoor storage facility, a variance from the requirement that a building must be on the site.

ZONING ORDINANCE SECTION: 6.08
5. COMMUNICATIONS – Elections for ZBA Chair and Vice Chair will be held in May. Each position is a 1 year term.
6. MISCELLANEOUS BUSINESS - Discussion regarding proposed change to the ZBA application.
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 January 15, 2013, 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

Absent:

Thomas Strat

Also Present:

Bruce Bloomingdale, Alternate
Paul Evans, Zoning & Compliance Specialist
Allan Motzny, Assistant City Attorney

Mr. Bloomingdale is seated.

2. APPROVAL OF MINUTES – November 20, 2012

RESOLVED, to approve the November 20, 2012 meeting minutes.

Moved by Clark
Seconded by Fisher

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

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

5. COMMUNICATIONS – None

6. MISCELLANEOUS BUSINESS –The Board desires the ZBA application form more clearly direct applicants to explicitly state their practical difficulty. Chair Kneale and Mr. Evans will jointly prepare a draft application for Board perusal at the next meeting.

7. PUBLIC COMMENT – None

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:01 p.m.

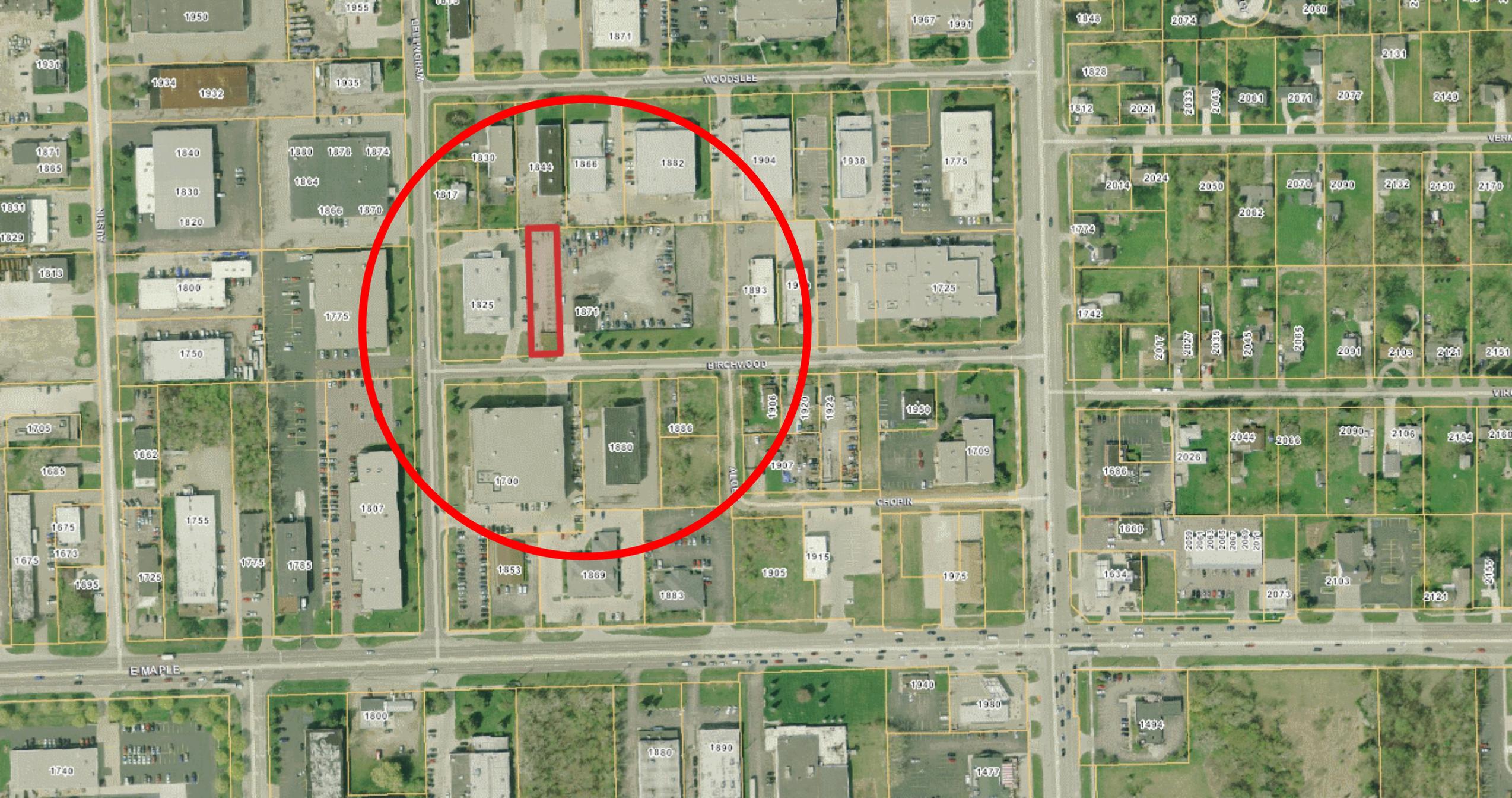
Respectfully submitted,

Allen Kneale, Chair

Paul Evans, Zoning and Compliance Specialist

- A. **VARIANCE REQUEST, JOHN WERNIS, UNITED VENTURES II LLC, Vacant Property on Birchwood between 1825 and 1871 Birchwood, Tax Parcel Identification Number 20-26-478-033** – In order operate a contractor's yard/outdoor storage facility, a variance from the requirement that a building must be on the site.

ZONING ORDINANCE SECTION: 6.08



AUSTIN

WOODSLEE

BIRCHWOOD

CHOPIN

EMAPLE

1831

1804 1902

1935

1871 1865

1840 1830 1820

1800 1873 1874 1864 1866 1870

1830

1849

1866

1882

1904

1938

1775

1829

1813

1800

1775

1750

1825

1870

1893

1900

1725

1705

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1675 1670

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1893

1905

1915

1975

1845

2094

2080

1828

1812

2021

2039

2043

2001

2071

2077

2149

2014

2024

2030

2070

2000

2182

2130

2170

1774

2002

1942

2027

2039

2035

2105

2001

2108

2121

2101

1880

2026

2044

2086

2080

2106

2134

2101

1880

2059

2061

2063

2065

2067

2069

2070

1834

2073

2103

2120

2155

1740

1800

1880

1890

1930

1980

1477

1494

64

1866

1870

1817

VERMONT

1775

BELLINGHAM

1825

1871

189

BIRCHWOOD





1934

1932

1935

1871
1865

1840

1880 1876 1874

1830

1844

1866

1882

1904

(IB)

1938

1830

1864

1817

1866 1870

1820

31

29

AUSTIN

1813

1800

1775

1825

(IB)

1871

1893

1919

(IB)

(IB)

(IB)

1750

BIRCHWOOD

1705

1662

1906

1920

1924

193

1685

(IB)

1880

1886

1907

(IB)

1675

1755

1807

1700

(O)

ALGER

(GB)

CHOPIN

(CB)

SECTION 6.08

CONTRACTOR'S YARD / OUTDOOR STORAGE FACILITIES

- A. The contractor's office building shall be of permanent construction.
- B. Outdoor storage shall be accessory to the contractor's principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.B.
- C. All travel surfaces shall be paved as a condition of approval.
- D. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

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: 1861 BIRCHWOOD ST.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-26-478-033
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 6.08
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
6. APPLICANT INFORMATION:
NAME JOHN WERNIS, MEMBER
COMPANY UNITED VENTURES II LLC
ADDRESS 62170 VAN DYKE AVE.
CITY WASHINGTON TWP. STATE MI ZIP 48094
TELEPHONE 586-752-5000
E-MAIL johnw@unitedlawnscape.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Gregory Causley Trust

COMPANY _____

ADDRESS 11 Mallard Cove Drive E.

CITY Saginaw STATE MI ZIP 48603

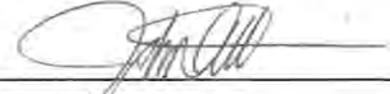
TELEPHONE 989-326-2821

E-MAIL gcausley@causley.com

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

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto

I, _____ (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 3-20-13

PRINT NAME: John A. Weirais

SIGNATURE OF PROPERTY OWNER _____ DATE _____

PRINT NAME: _____

March 20, 2013

Planning Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Re: Zoning Board of Appeals Variance Request
#1861 Birchwood Street, "United Ventures II LLC"
Section 26, City of Troy

Dear City of Troy Planning Department:

Attached to this letter please find the following items:

- Two (2) Zoning Board of Appeals Applications.
- Two (2) Site Plans.
- Two (2) copies of the Special Use Request letter.
- Two (2) sets of site photographs.
- Two (2) sets of aerial photographs.
- One (1) check (\$150 regular meeting fee).

These materials are being submitted for your review pursuant to placement on a Zoning Board of Appeals agenda for a Variance Request to allow the property to be used as an Outdoor Storage Facility/Contractor's Yard without any permanent structure.

The property is located in the Integrated Industrial and Business District (IB). Outdoor Storage Facilities/Contractor's Yards are allowed within said district subject to Special Use Approval by the Planning Commission, and an Application for such has already been submitted to the City. A copy of the "Statement of Compatibility" (letter to Planning Commission) which accompanied said Application and which describes the nature of the Special Use Request is included herewith.

Section 6.08 of the Zoning Ordinance implies that an Outdoor Storage Facility/Contractor's Yard is typically considered an "accessory use" in conjunction with a "contractor's office building of permanent construction". However, no structures exist on site, nor is it the intent of the Applicant to build any permanent structures (buildings). As such, a variance from Section 6.08 is being requested to deviate from these requirements.

March 20, 2013
Planning Department, City of Troy
Re: Variance Request for #1861 Birchwood St.

The property is only sixty (60) feet in width. To develop the property as zoned with a permanent building, the structure would need to maintain a minimum side yard setback of ten (10) feet. And in order to maintain access to the rear of the property, a twenty-four (24) feet wide driveway is required on the opposite side of the structure. These requirements effectively reduce the allowable building envelope to twenty-six (26) feet. Should pedestrian access be required along the driveway, the envelope would be reduced even further. This is simply not enough width to reasonably construct a building that would serve any use that is typical within this zoning district.

Furthermore, the property is simply too small to support a permanent structure. A building, even of the smallest size, would require too many improvements to the site, such as: the creation of designated parking spaces, barrier-free parking, pedestrian access to the structure, pedestrian access to Birchwood, landscape parking lot islands, utility extensions, and of course construction of the building itself. The costs of these improvements would well exceed the value of the property, and no prospective user would entertain such "redevelopment" burdens when properties exist elsewhere in the community which are more conducive to new development. Moreover, the physical space required to make these improvements would render the balance of the property useless for any type of outdoor storage and severely restrict maneuverability of vehicles.

Since 1982, the property has been used to park vehicles. At that time, the Planning Commission had granted Special Use Approval to allow up to six (6) vehicles to park on site. In reality, however, aerial photography at intervals taken throughout the last ten (10) years indicates the number of vehicles far exceeded this (up to more than twenty vehicles). One can only assume this extends into the previous twenty (20) years as well, considering ownership and use remained consistent. While this may have been in violation of the original approval, the fact remains that it was *accepted* and *allowed* to continue (i.e., to the best of our knowledge, no complaints have been filed by neighbors or anyone else in the community, nor has the City ever offered any violation notices). And it should be noted that these vehicles were parked on site without proper screening over the better part of three decades. As a part of our Special Use Request, the Applicant is going to completely fence in the property, with proper opacity.

March 20, 2013
Planning Department, City of Troy
Re: Variance Request for #1861 Birchwood St.

A variance to allow the use of the site as an Outdoor Storage Facility/Contractor's Yard certainly does not confer any special privileges upon the Applicant. The proposed use is merely a continuation of what the property has been used for over the last thirty (30) years, and is actually an improvement as the site will receive new, screened fencing, as well as new trees at its frontage. The request is clearly in harmony with the spirit and intent of the Zoning Ordinance, and is in perfect character with the IB neighborhood in which it is located.

Your consideration of our request is greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Nathan P. Robinson, P.E.
President
nrobinson@horizoneng.net

cc.: John Wernis, United Ventures II LLC

attachments

February 18, 2013

Planning Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Re: Special Use Request for Outdoor Storage/Contractor's Yard
#1861 Birchwood Street, "United Ventures II LLC"
Section 26, City of Troy

Dear City of Troy Planning Department:

Attached to this letter please find the following items:

- One (1) Special Use Request Application.
- One (1) Special Use Approval Initial Submittal Checklist.
- One (1) Certified Existing Conditions (Boundary) Survey.
- Two (2) Site Plans.
- One (1) CD containing PDF copies of the above items.
- Two (2) checks (\$1,800 Special Use Approval Fee and \$1,500 Escrow Fee).

These materials are being submitted for your review pursuant to placement on a Planning Commission agenda for a Special Use Request to allow the property to be used as an Outdoor Storage Facility/Contractor's Yard.

The subject property is located at #1861 Birchwood Street and consists simply of a paved lot with driveway to Birchwood Street. No building or other structures exist on the property, aside from being partially enclosed with a fence along the east property line and a wall along the south side of the existing asphalt pavement area with a gate for access. The property is located in the Integrated Industrial and Business District (IB).

The Applicant, a landscaping and grounds maintenance contractor, has recently entered into an agreement with the landowner to purchase the property contingent upon Site Plan approval by the Planning Commission.

February 18, 2013
Planning Department, City of Troy
Re: Special Use Request for #1861 Birchwood St.

The Applicant's business is headquartered in Washington Township and its client base is spread across the State. To better manage its services to this widespread area it has established satellite locations throughout the State. In a logistic effort to reduce travel time, increase response time and maintain its level of customer service to its Troy clientele, the Applicant desires to establish a satellite location at the subject property in the City of Troy for its maintenance crews.

No permanent buildings/structures are proposed to be built on the property. The paved lot is simply to be used for vehicle storage (pickup trucks, parking for employee vehicles, etc.), maintenance equipment (enclosed trailers, skid loader, etc.), and a small amount of landscape materials (groundcover materials for summer maintenance; salt for winter maintenance; etc.). The property is to be used for maintenance crews only; no sales shall be conducted on site, nor will the general public have access to the site.

The property is currently screened along the east property line with a wooden privacy fence and along the south side of the storage lot with a masonry wall. The Applicant intends to complete the enclosure and screening of the yard with a chain link fence, including obscuring slats, along the north and west property lines.

All of the applicable conditions of Ordinance Section 6.08 (Contractor's Yard/Outdoor Storage Facilities) are met. We feel that the proposed Special Use Request is perfectly compatible with the IB zoning district, and is consistent with other storage yards located elsewhere within the City. This property has a history of being used for vehicle storage, and a previous Special Use Request was granted by the City for this purpose in 1982.

Your consideration of our request is greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

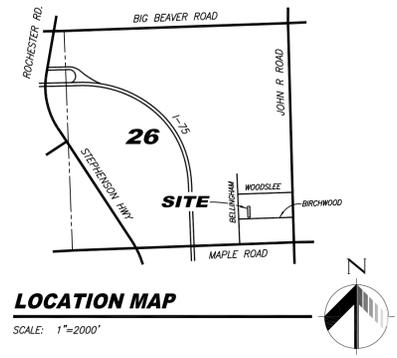
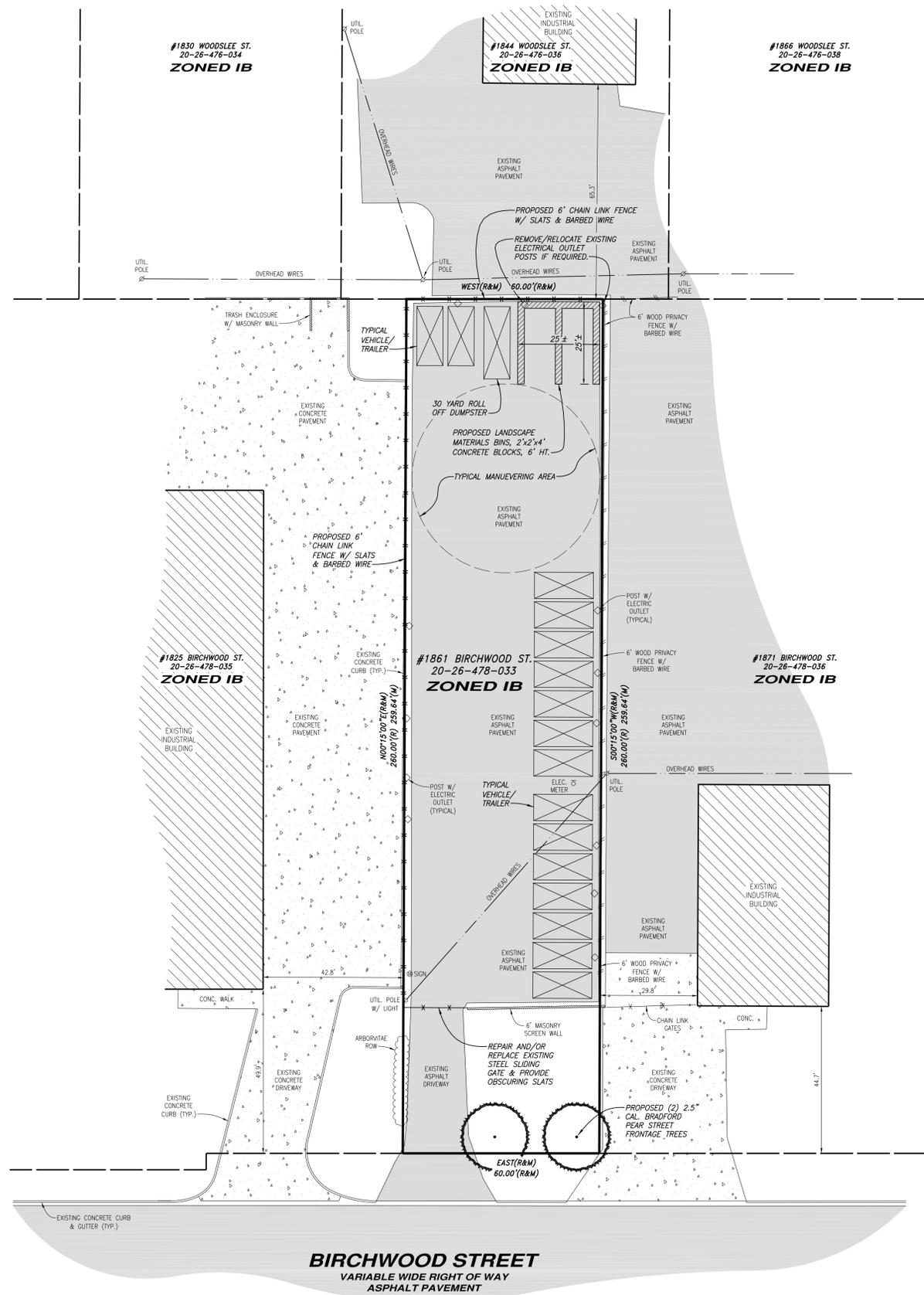


Nathan P. Robinson, P.E.
President
nrobinson@horizoneng.net

cc.: John Wernis, United Ventures II LLC

attachments

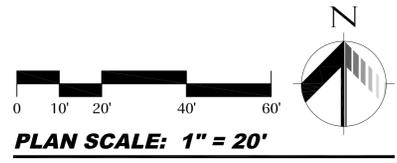
"JOHN R GARDEN SUBDIVISION"
LIBER 81, PAGE 8, O.C.R.



PROPERTY DESCRIPTION
PARCEL NO. 20-26-478-033
THE EAST 1/2 OF LOT 400 AND ALL OF LOT 401, ALSO 1/2 OF VACATED VERMONT AVENUE ADJACENT TO THE SAME, ALSO LOT 442 AND THE EAST 1/2 OF LOT 443 EXCEPT THE SOUTH 5 FEET OF BOTH SAID LOTS, "JOHN R. GARDEN SUBDIVISION", OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), AS RECORDED IN LIBER 81 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.

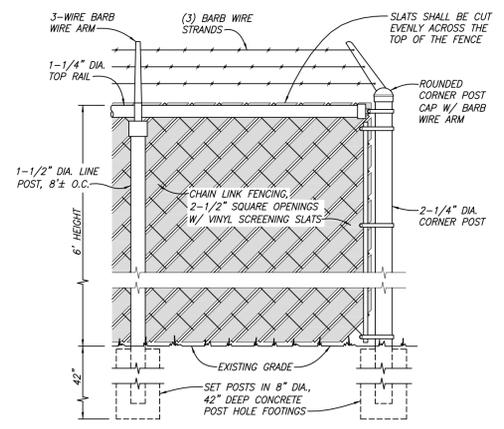
- SITE CRITERIA**
- PARCEL SUMMARY:**
ADDRESS: 1861 BIRCHWOOD DRIVE
PARCEL ID NO.: 20-26-478-033
EXISTING ZONING: IB (INTEGRATED INDUSTRIAL AND BUSINESS DISTRICT)
ADJACENT ZONING: IB
GROSS AND NET SITE AREA: 15,578 S.F. (0.357 ACRE)
 - BUILDING & USE SUMMARY:**
EXISTING USE: VACANT PAVED LOT.
PROPOSED USE: OUTDOOR STORAGE/CONTRACTOR'S YARD.
 - LANDSCAPING SUMMARY:**
STREET FRONTAGE TREES:
REQUIRED: 1 TREE PER 30 L.F. FRONTAGE = 60'/30' = 2 TREES.
PROVIDED: 2 TREES.

- GENERAL NOTES**
- SURVEY AND TOPOGRAPHIC INFORMATION SHOWN IS AS PERFORMED BY AZTEC LAND SURVEYORS INC., JOB NO. 13-039, DATED 2-10-2013. REFER TO SAID SURVEY FOR MORE DETAILED INFORMATION PERTINENT TO THE ORIGINAL PLATTED LOTS AS DESCRIBED IN THE ABOVE "PROPERTY DESCRIPTION".
 - OWNER AND/OR CONTRACTOR SHALL FIELD VERIFY EXISTING UTILITIES PRIOR TO ANY SITE WORK BEING PERFORMED, IF ANY.
 - A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
 - THE PARKING, MANEUVERING, AND MATERIALS STORAGE LOCATIONS AND SPATIAL RELATIONSHIPS, INCLUDING THE NUMBER OF VEHICLES, TRAILERS, AND PIECES OF EQUIPMENT STORED ON SITE, ARE SUBJECT TO CHANGE BASED ON THE OWNER'S SEASONAL NEEDS.



CONTRACTOR'S NOTE
The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.
The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

3 WORKING DAYS
**BEFORE YOU DIG
CALL MISS DIG**
1-800-482-7171
(TOLL FREE) for the location of underground utilities.



CHAIN LINK FENCE SCREENING DETAIL
(NO SCALE, REFER TO FENCE CONTRACTOR SPECIFICATIONS)
NOTE: ALL FENCE MATERIALS TO BE GALVANIZED STEEL.

REVISIONS:
CLIENT: MR. JOHN WERNIS
UNITED VENTURES II LLC
WASHINGTON TWP., MI 48094
(586) 752-5000
JOB NO: 13-021
DATE: 2-18-13
DRAWN BY: N.P.R.

SEAL:
HORIZON
ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone: 586.453.8097 Fax: 586.580.0053

PROJECT:
United Ventures II LLC
#1861 BIRCHWOOD STREET
PARCEL NO. 20-26-478-033
PART OF THE SOUTHEAST 1/4 OF SECTION 26,
T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

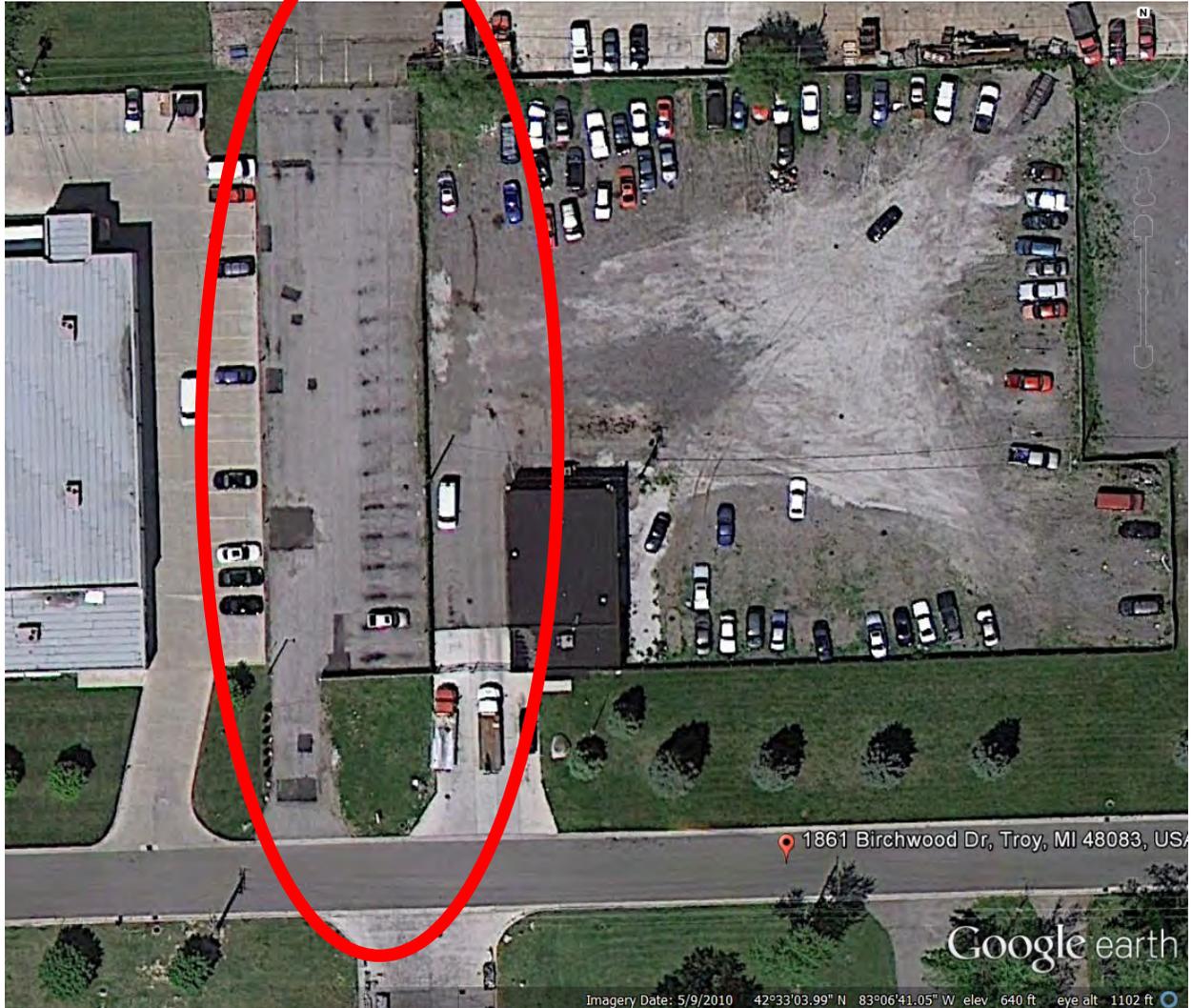
PLAN:
**SITE PLAN for
SPECIAL USE REQUEST**

SHEET:
1 OF **1**
MUNICIPAL REVIEW NUMBERS:

Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

2010



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

2007



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

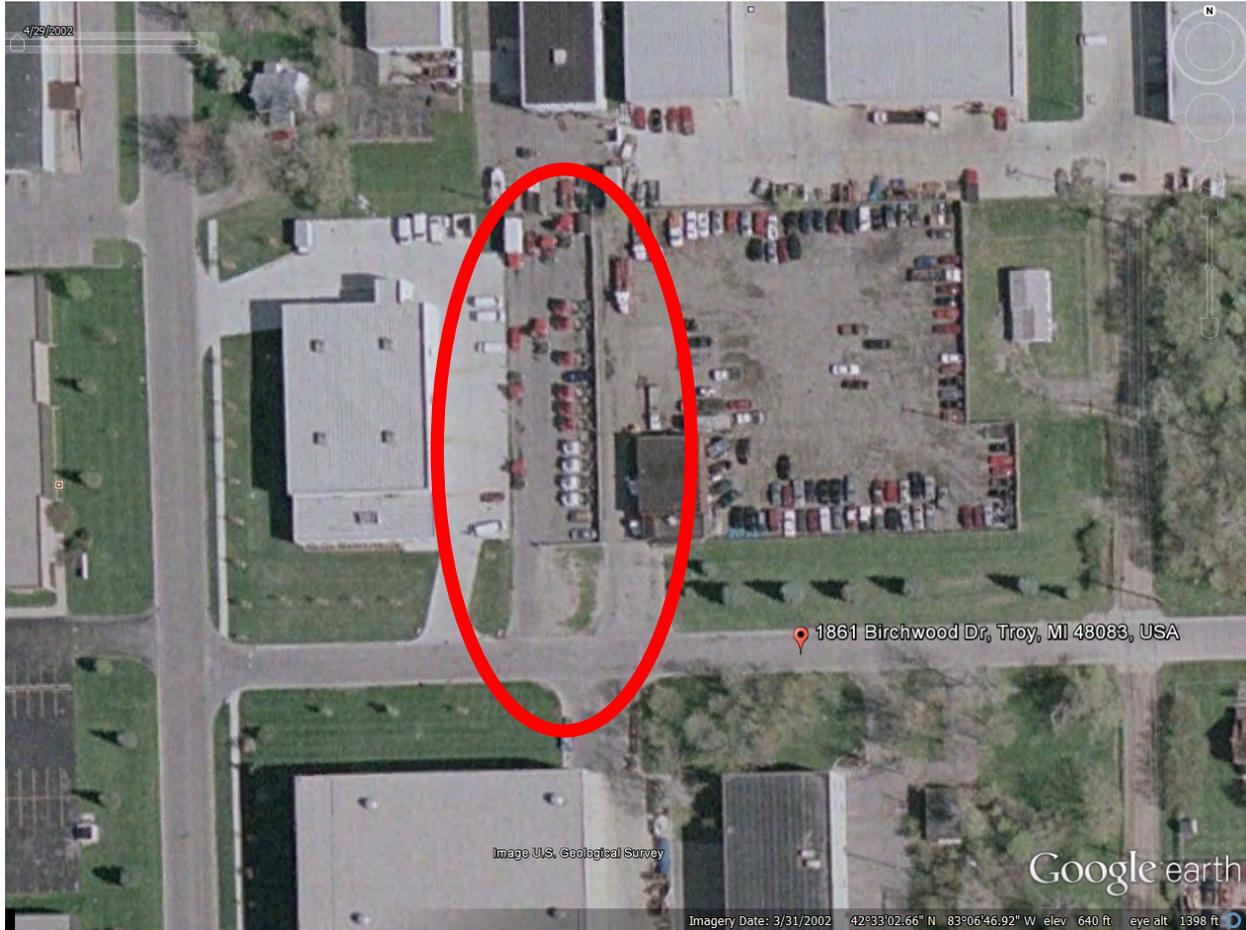
2005



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

2002



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Photographs, taken March 20, 2013

Photo 1, looking northwesterly at the front of the site from Birchwood Street.



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Photographs, taken March 20, 2013 (continued)

Photo 2, looking northerly at the front of the site from Birchwood Street.



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Photographs, taken March 20, 2013 (continued)

Photo 3, looking northeasterly at the site from westerly neighbor's driveway.



2. The applicant shall submit revised photometrics that comply with Zoning Ordinance standards, prior to Final Site Plan Approval.

Yes: All present (5)

Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED

SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW

11. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 404) – Proposed United Ventures II LLC, West of John R, North of Maple (1861 Birchwood), Section 26, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Carlisle informed the Board the applicant seeks to store vehicles on the property without constructing a building. The applicant is going before the Zoning Board of Appeals on April 16, 2013 to seek a variance from the Zoning Ordinance requirement that a building must be constructed on the site. Mr. Carlisle recommended that action on the Special Use and Site Plan application be postponed pending a determination on the variance request. He asked the Assistant City Attorney how the Public Hearing should be handled.

Ms. Lancaster suggested postponing the Public Hearing.

Mr. Carlisle addressed the following outstanding site plan issues:

- Employee and street parking.
- Circulation with respect to trailers on site.
- Requirement for 8 foot fence; plan shows 6 feet.
- Construction of permanent building to facilitate office and employee facilities.

Mr. Savidant said the issue in this matter is whether the variance being sought is a use or non-use variance.

Nathan Robinson of Horizon Engineering was present to represent the petitioner. Mr. Robinson said the applicant is amicable to working with the City on all outstanding site plan concerns. He said there would be ample parking because out-of-state employees, housed in Troy, would be transported to/from the site in a van. Mr. Robinson said the 30-35 foot trailers would not be disconnected, nor create a circulation problem because the site is 65 feet wide. Mr. Robinson said company headquarters based in Washington Township would utilize cellular communications with its employees, thereby eliminating a need for a physical building on site. He said the required 8 foot fence would screen portable restroom(s), should such be permitted by the City.

Mr. Robinson said the proposed plan would be an overall improvement to the existing site. He said with Special Use approval granted back in 1982, the site currently houses approximately 20 vehicles with no appropriate screening.

There was no action taken.

The Public Hearing is postponed.

ZONING ORDINANCE TEXT AMENDMENT

12. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 245)**
– Sober Living Facilities

Mr. Carlisle gave an update on the proposed Zoning Ordinance Text Amendment, confirming recent revisions made at the suggestions of Board members and sober living facilities in the area.

Mr. Savidant informed the Board that the proposed text was revised to correct any reference to “recovery center” to “sober living facility”.

Mr. Carlisle said with approval tonight, the process going forward would be:

- Announcement of Public Hearing at City Council, April 8.
- City Council Public Hearing, April 15.
- With City Council approval, text language would be in effect 10 days after adoption.
- Applicant would proceed with Rezoning Request and Special Use Approval on potential site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-03-027

Moved by: Kempen

Seconded by: Schepke

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, 6, and 13 of Chapter 39 of the Code of the City of Troy, which includes provisions related to sober living facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (5)

Absent: Edmunds, Sanzica, Strat, Tagle

MOTION CARRIED



CARLISLE

WORTMAN
associates, inc.

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

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

MEMORANDUM

TO: City of Troy Planning Commission

FROM: Richard K. Carlisle

DATE: April 10, 2013

RE: United Ventures LLC Special Land Use Request and Site Plan
Tax ID #20-26-478-033

We have received the subject application for special land use and site plan approval. We have the following comments:

Project and Site Description

1. The applicant is requesting approval to establish a contractor's/outdoor storage yard on a site located on Birchwood Street north of Maple and east of I-75. The site is located in the IB, Integrated Industrial and Business District, and is 15,600 square feet in size and 60 feet in width. There are no minimum lot area or lot width requirements in the IB District.
2. The site does not show a contractor's office on site. As outlined in Section 6.08.B, a contractor's/storage yard use is not otherwise permitted, except as an accessory use to the principal use of a contractor's office. The contractor's office building shall be of permanent construction (Section 6.08.A).
3. The requirement that a contractor's/storage yard use has to be an accessory use to the principal use of a contractor's office was explicitly inserted into the 2011 rewrite of the Zoning Ordinance.
4. The rationale behind requiring a building onsite is sound. If a site is intended to be used by a contractor for staging, employee assignments, employee parking, customer service, etc., an office is needed for business activity to be conducted. As a practical matter with employees on-site, how are sanitary facilities to be provided?

Special Land Use Approval / Zoning Board of Appeals

1. The Planning Commission is unable to grant special approval for contractor's/storage yard that is a principal use and not accessory to an on-site contractor's office.

2. The applicant is seeking a variance from the Zoning Board of Appeals to allow the Planning Commission to consider granting a special use approval for a contractor's yard without an onsite building.
3. The applicant will need to provide evidence to the Zoning Board of Appeals of practical difficulty and meet all other standards as outlined in Section 15.04.E.

Site Plan Comments

1. The site would be used to store a variety of vehicle trailers, landscape materials, and refuse in a dumpster or dumpsters. Along the eastern property line the site plan shows fourteen (14) landscape trailers. The site plan only shows the location of the trailers and not the location of the attached trucks. Adding the area needed for the attached trucks leaves a narrow drive-aisle along the western fence line. The site plan will need to be corrected to show the attached trucks and prove that the circulation is sufficient.
2. The site plan does not show any employee or off-street parking. Birchwood Street does not allow any on street parking. Because this is a location where employees come to pick up equipment and trailers, the requisite off-street parking must be provided.
3. How are landscape materials delivered to the site? If they are delivered on anything larger than a standard dump truck, the storage bins will be inaccessible.
4. Section 6.08.B requires the site to be enclosed by an eight-foot fence. The site plan indicates only a six-foot fence to be provided.
5. We note that the site is traversed by an overhead wire. Will this be a problem for any equipment such as a front end loader that will be on-site?

CARLISLE/WORTMAN ASSOCIATES, INC.



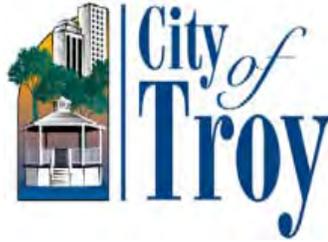
Richard K. Carlisle, PCP, AICP
President

#225-02-1312

cc:

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/#>



FEE \$150.00

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: _____

2. PROPERTY TAX IDENTIFICATION NUMBER(S): _____

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: _____

5. APPLICANT:

NAME _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

E-MAIL _____

AFFILIATION TO THE PROPERTY OWNER: _____

8. PROPERTY OWNER:

NAME _____

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, _____ (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 _____ DATE _____

PRINT NAME: _____

PROPERTY OWNER SIGNATURE _____ DATE _____

PRINT NAME: _____

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

In order for a variance to be granted, a practical difficulty, as determined by the Board, must be present. On a separate sheet, please clearly identify and explain the practical difficulty justifying the variance request. The practical difficulty must be clearly related to as many of the 5 standards below as possible:

- 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 APPLICATION CHECKLIST

Please provide one paper application package containing the following

- ✓ Completed application
- ✓ Statement of practical difficulty see page 3.
- ✓ Plot plan or survey showing property lines, existing and proposed buildings, their dimensions and locations (height, length, width, as applicable).
- ✓ Setbacks from property lines
- ✓ Elevation drawings
- ✓ Photos as necessary to accurately describe the request including existing and proposed property conditions
- ✓ Any other information that explains the request.
- ✓ Minimum size of all documents 8.5" x 11".
- ✓ A digital version of the application pages. E-mail, jump drive, or compact disc is acceptable.

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: _____

2. PROPERTY TAX IDENTIFICATION NUMBER(S): _____

3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: _____

4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*

5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: _____

6. APPLICANT INFORMATION:

NAME _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

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

8. OWNER OF SUBJECT PROPERTY:

NAME _____

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, _____ (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** _____

PRINT NAME: _____

SIGNATURE OF PROPERTY OWNER _____ **DATE** _____

PRINT NAME: _____

ZONING BOARD OF APPEALS APPLICATION CHECKLIST

PLEASE PROVIDE 2 APPLICATION PACKAGES, EACH CONTAINING A COPY OF THE FOLLOWING DOCUMENTS

- COMPLETED APPLICATION
- PLOT PLAN DRAWN TO SCALE, SHOWING PROPERTY LINES, EXISTING AND PROPOSED BUILDINGS, THEIR DIMENSIONS AND LOCATIONS (HEIGHT, LENGTH, WIDTH, AS APPLICABLE).
- SETBACKS FROM PROPERTY LINES
- ELEVATION DRAWINGS
- PHOTOS AS NECESSARY TO ACCURATELY DESCRIBE THE PROPERTY AND/OR, REQUEST INCLUDING EXISTING AND PROPOSED PROPERTY CONDITIONS
- WRITTEN EXPLANATION OF THE REASONS JUSTIFYING THE REQUEST. IF SEEKING A NON USE VARIANCE, THE REASONS MUST SATISFY THE VARIANCE REVIEW STANDARDS LISTED IN SECTION 15.04 OF THE ZONING ORDINANCE. SEE NEXT PAGE FOR THOSE STANDARDS
- ANY OTHER DOCUMENTATION PARTICULAR TO THE MATTER THAT WILL EXPLAIN AND SUPPORT THE REQUEST.
- MINIMUM SIZE OF ALL DOCUMENTS 8.5" X 11".

APPLICANTS THAT DO NOT FILE E-MAIL APPLICATIONS MUST PROVIDE THE DEPARTMENT A COMPACT DISC CONTAINING AN ELECTRONIC VERSION OF THE APPLICATION AND ALL SUPPORTING DOCUMENTATION. .

Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). 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.

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.