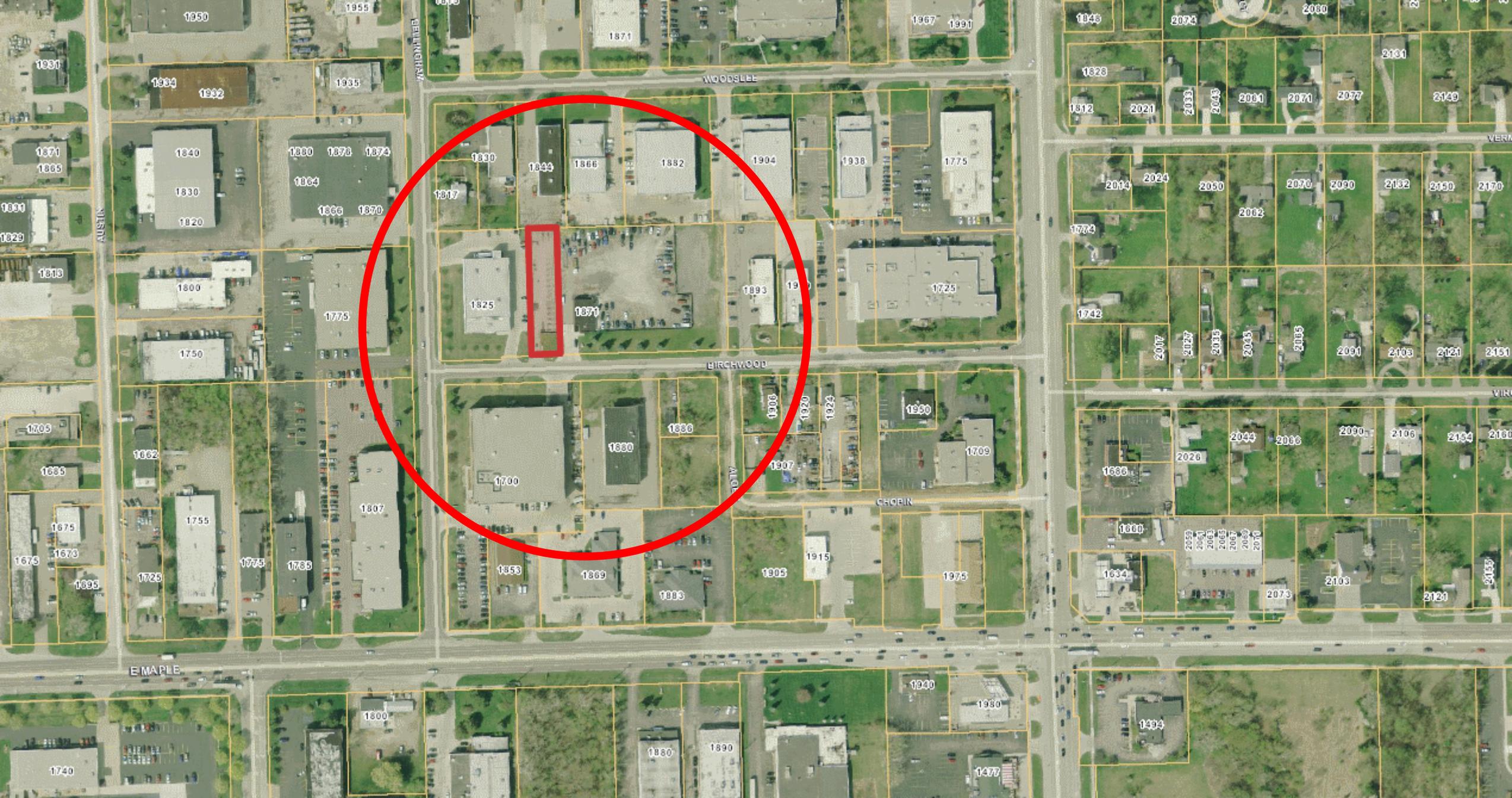


- A. **VARIANCE REQUEST, JOHN WERNIS, UNITED VENTURES II LLC, Vacant Property on Birchwood between 1825 and 1871 Birchwood, Tax Parcel Identification Number 20-26-478-033** – In order operate a contractor's yard/outdoor storage facility, a variance from the requirement that a building must be on the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

**ZONING ORDINANCE SECTION: 6.08**



64

1866

1870

1817

VERMONT

1775

BELLINGHAM

1825

1871

189

BIRCHWOOD





1934

1932

1935

1871  
1865

1840

1880 1876 1874

1830

1864

1820

1866 1870

31

29

AUSTIN

1813

1800

1775

(IB)

(IB)

1750

1825

(IB)

1871

1893

1919

(IB)

BIRCHWOOD

1705

1662

1685

1675

1755

1807

1700

(IB)

1880

1886

1906

1920

1924

1935

1907

(IB)

ALGER

(O)

(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](mailto: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

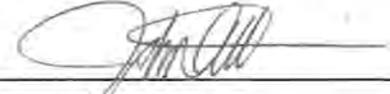
TELEPHONE 989-326-2821

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,



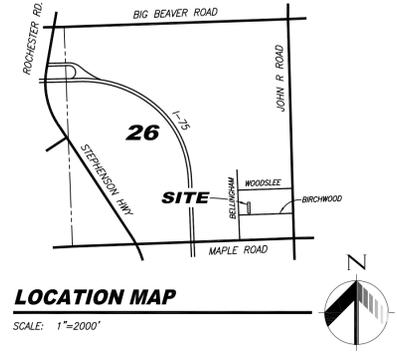
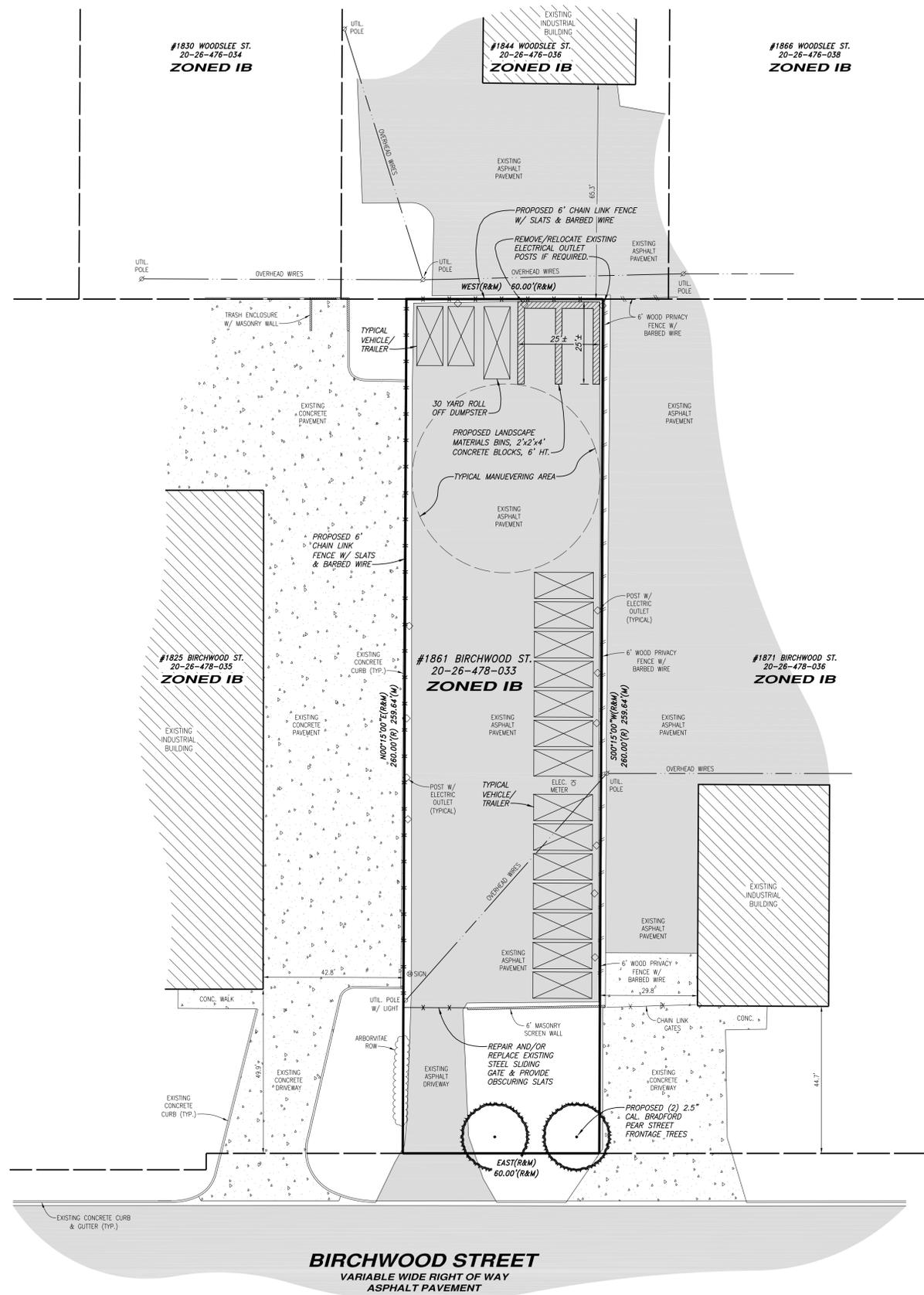
Nathan P. Robinson, P.E.  
President  
nrobinson@horizoneng.net

cc.: John Wernis, United Ventures II LLC

attachments

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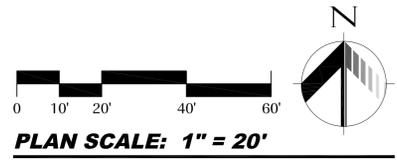
**"JOHN R GARDEN SUBDIVISION"**  
LIBER 81, PAGE 8, O.C.R.



**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.

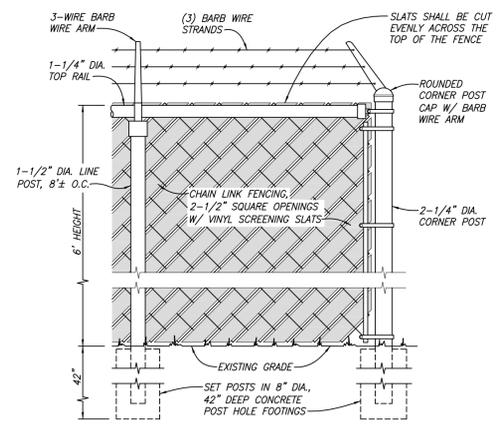


**CONTRACTOR'S NOTE**

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 WEINER  
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

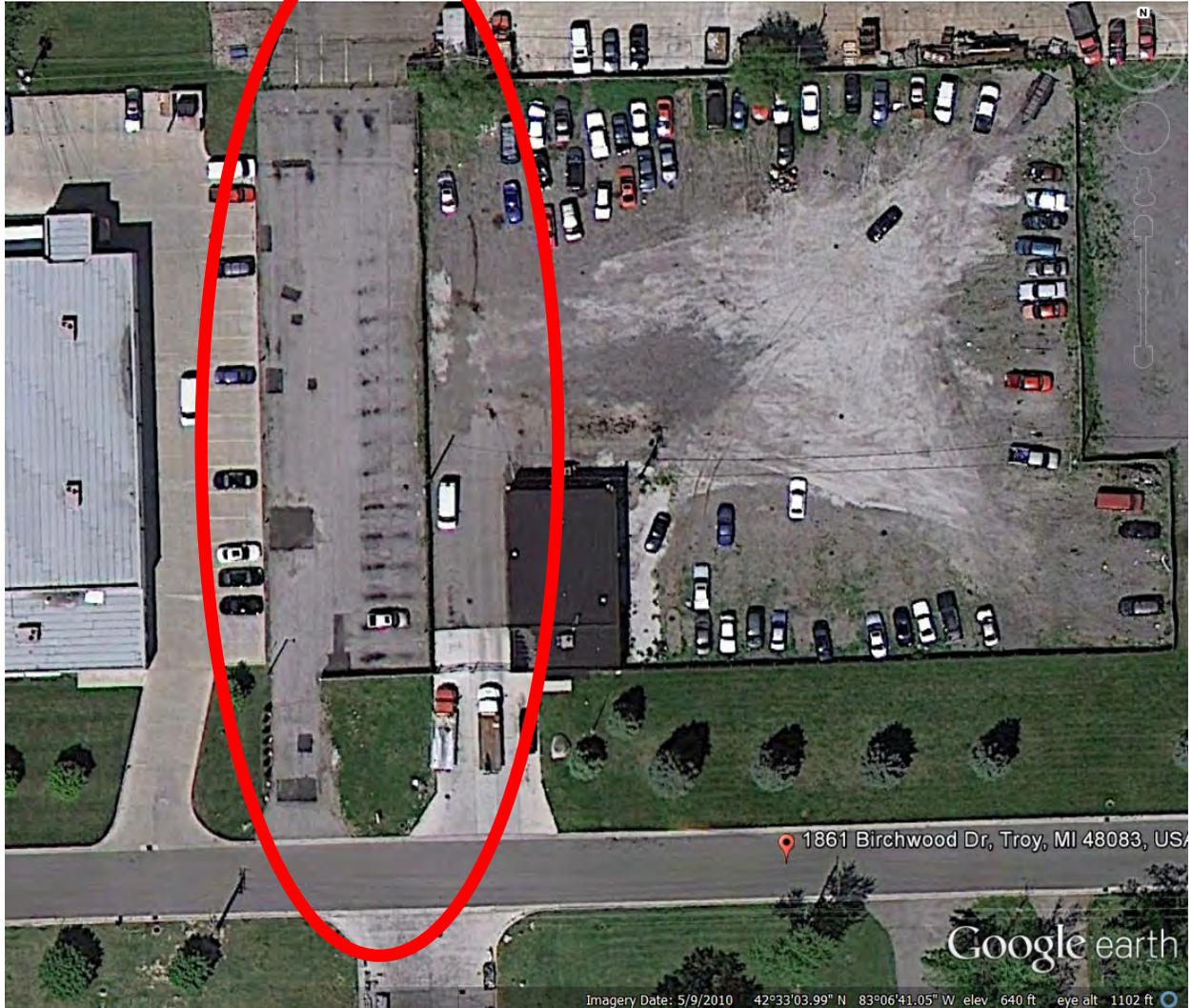
PLAN:  
**SITE PLAN for  
SPECIAL USE REQUEST**

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)**

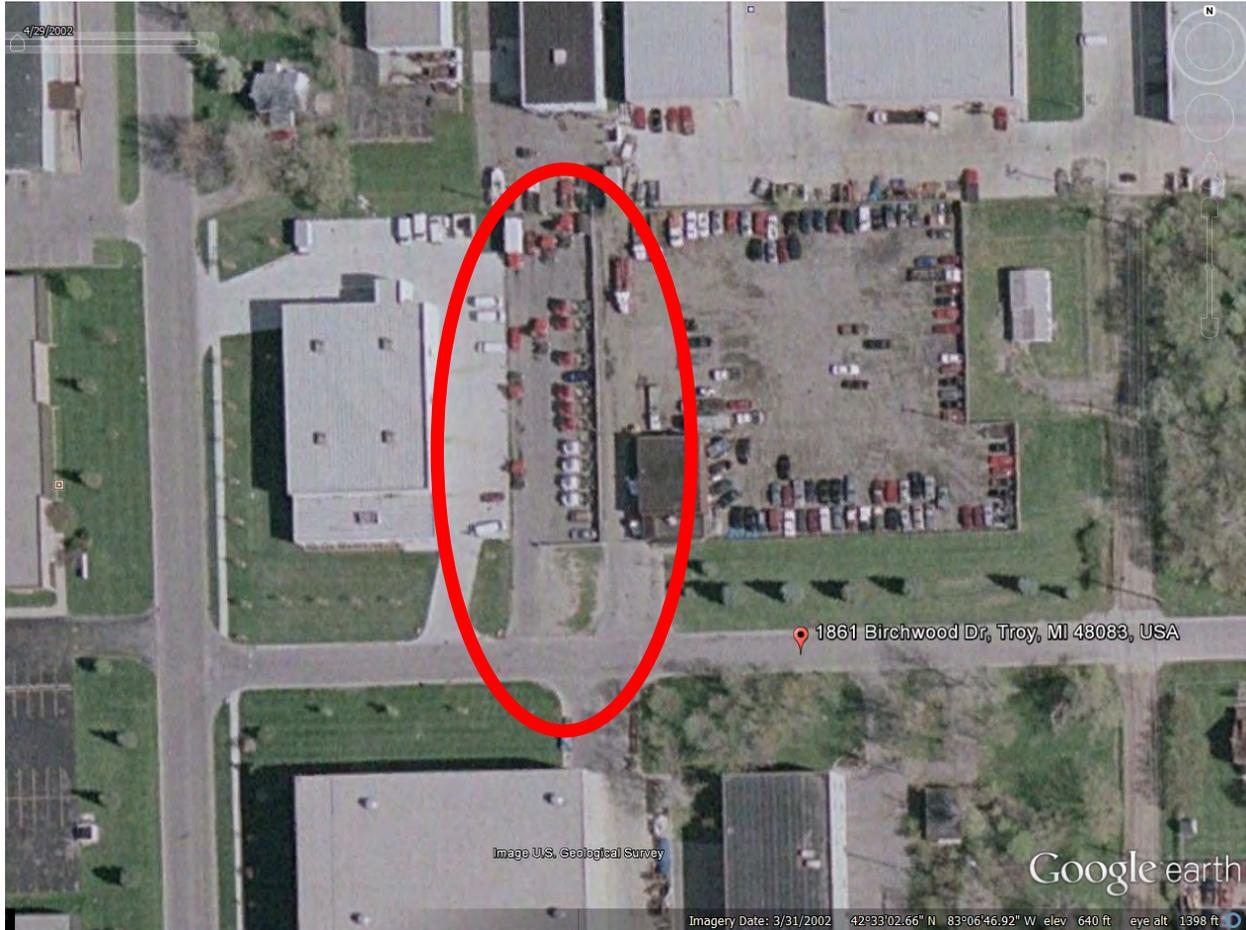
**2005**



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: