



**BOARD OF ZONING APPEALS**  
**MEETING AGENDA**  
**REGULAR MEETING**

500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3364  
[www.troymi.gov](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

David Lambert, Chair, and Michael Bartnik, Vice Chair  
Glenn Clark, Kenneth Courtney, Donald L. Edmunds  
William Fisher, A. Allen Kneale

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**October 19, 2010**

**7:30 P.M.**

**Council Chamber**

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1. ROLL CALL – Excuse Absent Members if necessary
  
2. APPROVAL OF MINUTES – September 21, 2010 Regular Meeting  
September 21, 2010 Study Session Meeting
  
3. POSTPONED ITEMS
  - A. VARIANCE REQUEST, JOSEPH MANIACI, MONDRIAN PROPERTIES WESTON DOWNS LLC, VACANT SITES AT 694, 702 AND 710 SEABISCUIT AND 3901, 3909, 3925, 3933 AND 3941 APPALOOSA (WESTON DOWNS) – In order to construct 8 detached condominium units, a variance to allow the minimum distance between buildings to be no less than 10 feet. Chapter 31.30.00 (L) of the Zoning Ordinance allows no less than a 20 foot minimum distance between buildings.  
  
**ORDINANCE SECTION: 31.30.00 (L)**
  
  - B. VARIANCE REQUEST, YACOUB MURAD, VACANT LOT ADJACENT TO AND EAST OF 734 AMBERWOOD – In order to build a new house, 1) a 5 foot variance from the required 10 foot side yard setback, and 2) a 15 foot variance from the required 45 foot rear yard setback.  
  
**ORDINANCE SECTION: 30.10.02**

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto: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.

4. HEARING OF CASES

- A. **REVIEW AND APPROVAL REQUEST, ROBERT AND GENOVEVA RASCOL, 635 HARTLAND** – A request to allow the temporary outdoor parking of a commercial vehicle (stake truck) in a one family residential district.

**ORDINANCE SECTION: 43.74.00**

- B. **VARIANCE REQUEST, DAVID J. ZABLOCKI, 3920 CHESTNUT HILL COURT** – In order to enlarge the existing deck so that it is 21 feet from the rear property line, 1) a 9 foot variance to the requirement that unenclosed decks may extend into the required rear yard setback by no more than 15 feet, and 2) a 4 foot variance to the requirement that the unenclosed deck be set back at least 25 feet from the rear property line.

**ORDINANCE SECTION: 41.45.00**

5. COMMUNICATIONS

6. PUBLIC COMMENT

7. MISCELLANEOUS BUSINESS

8. ADJOURNMENT

The Board of Zoning Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on September 21, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik  
Glenn Clark  
Kenneth Courtney  
Donald L. Edmunds  
William Fisher  
A. Allen Kneale  
David Lambert

Also Present:

Paul Evans, Zoning Compliance Specialist  
Lori Grigg Bluhm, City Attorney  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – July 20, 2010

**Resolution # BZA 2010-09-038**

Motion by Edmunds  
Support by Clark

**MOVED**, To approve the July 20, 2010 Regular meeting minutes as prepared.

Yes: All present (7)

**MOTION CARRIED**

3. HEARING OF CASES

A. **VARIANCE REQUEST, WILLIAM GEORGE AND LINDA BULL, 987 EMERSON** –  
In order to enlarge the existing garage, 1) a 3.5 foot variance to the minimum 10 foot side yard setback and 2) an 8.5 foot variance from the requirement that the combined total setback for both side yards is at least 25 feet.

Mr. Evans gave a brief report on the proposed variance with respect to its location and zoning of adjacent properties and briefly addressed the requested setback variances. Mr. Evans announced that prior to the beginning of tonight’s meeting, the petitioner provided floor plans and an elevation drawing to further clarify the appearance of the addition should the variance be granted.

The petitioner, William George and Linda Bull, were present. Mr. and Mrs. Bull said situating the garage to the side of the house would preserve their beautifully landscaped backyard with a pond and garden. Mrs. Bull said they would like to keep the view of their backyard from their glassed-in dining area, and not look at a garage. They indicated their intent to utilize the existing garage as living space.

Mr. Edmunds confirmed, upon inspection, that the home is beautifully landscaped. He said that should the variance be granted, the neighbor closest to the proposed garage would still be considerably at a distance because the home is situated on a double lot.

#### PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted the petitioner submitted signed documentation from three neighbors indicating support of the variance request.

#### PUBLIC HEARING CLOSED

#### **Resolution # BZA 2010-09-039**

Motion by Courtney

Support by Edmunds

**MOVED**, To grant the variance request.

#### *Preliminary Findings:*

- That the variance is not contrary to public interest.
- That the variance does not permit the establishment of a prohibited use within a zoning district.
- That the variance does not create an adverse effect on the neighbors.

#### *Special Findings:*

- Conformity would ruin the backyard and that is not a desired effect.

#### Discussion on the motion on the floor.

Mr. Clark inquired if the house closest to the proposed garage, 991 Emerson, is situated on a double lot.

Mr. Evans could not confirm that 991 Emerson is a double lot, but he indicated the lot it is clearly larger than other lots in the area, and that the setback of that house from the adjoining lot line is well over 10 feet.

#### Vote on the motion on the floor.

Yes: All present (7)

**MOTION CARRIED**

**B. VARIANCE REQUEST, WAYNE AND JEAN PURSELL, 4912 MOONGLOW** – In order to cover the existing deck with a screened porch, an 8.2 foot variance to the required 45 foot rear yard setback.

Mr. Evans gave a brief report on the proposed variance with respect to its location and zoning of adjacent properties and briefly addressed the requested setback variance. Mr. Evans said the floor plans and elevations provided by the petitioner indicate the appearance of the proposed construction.

The petitioner, Jean Pursell, was present. Ms. Pursell addressed the intended use of the screened porch. She said there is written support from three neighbors, as well as supporting documentation from the Architectural Review Committee of the Oak River Subdivision.

David Hattis, contractor for the project, of 14895 Almont, Allenton, was present. Mr. Hattis said he would be installing a roof and screens on the existing porch.

Mr. Bartnik noted the Homeowners Association placed a condition on its approval that future use of the proposed structure shall be limited to an un-insulated screened porch. Ms. Pursell said she has no plans to insulate the porch or turn it into an addition to the house. She had no objection to place that same condition on the approval of a variance.

Mr. Hattis said it would not be feasible to turn the porch into living quarters without a substantial amount of construction.

**PUBLIC HEARING OPENED**

No one was present to speak. Mr. Lambert noted communications on file are the recommendation from the Homeowners Association Architectural Review Committee, and a letter of support from the neighbor to the south.

**PUBLIC HEARING CLOSED**

**Resolution # BZA 2010-09-040**

Motion by Bartnik  
Support by Courtney

**MOVED**, To grant the variance request.

*Preliminary Findings:*

- That the variance is not contrary to public interest.
- That the variance is not calling for a prohibitive use within the zoning district.
- That the variance does not appear to cause an adverse effect to the immediately adjacent properties.

*Special Findings:*

- Conforming is unnecessarily burdensome, given the size, location and configuration of this particular piece of property.
- Approval is conditioned on the requirement that the future use is an un-insulated screened porch.

Discussion on the motion on the floor.

Mr. Bartnik addressed his reasoning in making the motion. He said it appears the nature of the request relates to the property’s open space and the particular requirements of the petitioner.

Vote on the motion on the floor.

Yes: All present (7)

**MOTION CARRIED**

- C. **VARIANCE REQUEST, JOSEPH MANIACI, MONDRIAN PROPERTIES WESTON DOWNS LLC, VACANT SITES AT 694, 702 AND 710 SEABISCUIT AND 3901, 3909, 3925, 3933 AND 3941 APPALOOSA (WESTON DOWNS)** – In order to construct 8 detached condominium units, a variance to allow the minimum distance between buildings to be no less than 10 feet. Chapter 31.30.00 (L) of the Zoning Ordinance allows no less than a 20 foot minimum distance between buildings.

Mr. Evans gave a brief history of the site condominium development. He indicated that the petitioner is currently going through the preliminary site plan review process to receive approval to build the remaining units as single family detached units. Mr. Evans addressed the flexibility of the Planning Commission approval with respect to minimum distances between buildings. He indicated that the petitioner has provided elevations and floor plans. In response to Board member questions, Mr. Evans said there is no change in the number of units and noted it would be best to confirm with the petitioner on occupancy status of the completed units.

The petitioner, Joe Maniaci of Mondrian Properties, 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci gave a brief history of the development, from its origination in 2002. He indicated the project was very successful up until the recent economic downtown, and they are now revisiting the site with the intent to complete the project and meet the obligation of creditors.

Mr. Maniaci addressed the marketing strategy of detached condominiums versus attached condominiums. He indicated detached condominiums have a greater appeal to a larger variety of people, and they are unable to construct the current units as originally planned due to the existing market conditions. He briefly addressed ownership role and responsibility of detached condominiums, impact on property values and maintenance costs. Mr. Maniaci said they have the ability to construct six units without the variance but it is their desire to build out the project completely.

Mr. Maniaci addressed the following items:

- Square footage.
- Distance between buildings.
- Open space.
- Individual condominium units in relation to distances between buildings.
- Occupancy of existing units (all built, sold and occupied).
- Architecture (blend with original development).
- Garage design (side or front entrance).
- Reputation of Mondrian Properties.
- Economic impact on sale prices (original sale prices ranged from \$400,000-\$500,000; later unit sale prices ranged from \$275,000-\$280,000).
- Maintenance costs currently shared by 16 homeowners; it is projected that owner costs will be lower if among 24 units.

Mr. Maniaci, a member of the three-member Association Board, said a board meeting was held to present the proposal. He said all homeowners were notified of the meeting. The Board was in favor of the proposal, and homeowners in attendance voiced no objections at that time.

#### PUBLIC HEARING OPENED

Janet Martin of 3912 Old Creek was present. Ms. Martin voiced a concern with existing water problems and the potential to increase those problems with the development of units 710, 702 and 694.

Karen Allen of 3886 Appaloosa was present. She voiced objection to the proposed development. Ms. Allen addressed property values, the number of remaining units to be constructed, and the appearance differences from the original plan to the proposed plan.

Dave Schuit 3942 Appaloosa was present. He voiced objection to the proposed development. Mr. Schuit addressed property values, marketing strategy of attached units and appearance change of overall development than what was originally presented at the time he bought his unit. He said he would rather pay a higher monthly maintenance fee going forward than put in single family units.

Mr. Bartnik referenced the board meeting that was held wherein there were no objections heard, and it appears that eight homeowners are in favor or do not care one way or another and seven are against the proposal.

Mr. Schuit said homeowners were hit cold with the proposal that night and did not have time to think about it. He said those homeowners who paid \$280,000 for their condominiums probably do not care what goes in, and a few homeowners have their units on the market hoping to sell.

Chair Lambert said communications received on the item comprise of a formal letter from a Wattles Creek Condominium owner, a petition signed by seven neighbors in opposition and four email messages, one in favor and three opposed.

Ms. Bluhm stated that no outside agreements should be considered in the Board's determination. She noted that consideration should be given to the impact on neighboring properties and documentation presented to the members this evening.

Mr. Maniaci thanked homeowners for coming to the meeting tonight. He addressed the condominium documents which allow the developer to present site alterations and request City approval. He said they must consider other options because they cannot economically build as originally planned. Mr. Maniaci addressed the architecture and density of the development. He said it is not their intent to devalue property values but to try to increase them.

Mr. Courtney asked the petitioner what option he would go with, higher density or construction of six units, should the Board deny the variance request.

Mr. Maniaci replied they would have to go back and review numbers. He said it could very likely be decided to go with the higher density and build smaller units (1200 to 1400 square feet). Mr. Maniaci confirmed that any revisions would have to go back before the Planning Commission for approval, and noted that a development of higher density would meet all Zoning Ordinance requirements. Mr. Maniaci addressed the impact of distances unit by unit should the variance request receive approval.

#### PUBLIC HEARING CLOSED

Mr. Evans responded to Janet Martin who identified a water problem during the Public Hearing. He advised Ms. Martin that the City Engineering Department would be happy to work with her on a resolution to the existing water problem.

Mr. Clark addressed concerns presented by both the homeowners and developer.

Mr. Evans reviewed the Site Plan Review process and Board of Zoning Appeals approval process for variance requests.

Mr. Edmunds asked Mr. Evans if he is aware of any condominium developments with units as closely distanced as the proposed plan.

Mr. Evans replied he is not prepared to answer because he conducted no research to that respect.

Ms. Bluhm advised the Board members of the following:

- Variance requests could be determined individually, in which case, separate motions should be entertained.
- Economics cannot be considered in the decision.
- Practical difficulty must be demonstrated.
- Determination should be made whether conditions are unique to the property not shared by other properties, whether there are reasonable alternatives and whether conditions are self-created.
- Consideration should be given to impact on the neighbors; not necessarily from a financial aspect.
- Developer is not required to construct on the vacant lots. The impact of vacancy on the neighboring properties could be considered.
- The developer may wish an opportunity to revise the plan before the Board makes an action; in which case, tabling the item is a consideration.

Mr. Courtney said he is not in favor of the variance request because of the close proximity between units.

Mr. Kneale said he is not very much in favor of the variance request. He suggested a hybrid plan (a “Plan C”) that might be more palatable.

Mr. Bartnik said he is struggling with the economic impact on the neighbors of attached units versus detached units. He noted that units 6, 7 and 8 are most severely affected by the variance request.

Chair Lambert said a clear presentation of hardship on the part of the petitioner was not presented, other than economic. He suggested that the item be delayed to the next meeting to allow the petitioner an opportunity to arrive at an alternate plan that might accommodate both the developer and homeowners.

**Resolution # BZA 2010-09-041**

Motion by Courtney

Support by Clark

**MOVED,** To table the item until the next regular meeting.

Yes: Clark, Courtney, Fisher, Kneale, Lambert

No: Bartnik, Edmunds

**MOTION CARRIED**

Mr. Evans announced the item would be placed on the October 19, 2010 Regular meeting agenda.

The petitioner was asked to address the following concerns at the next meeting:

- What is the adverse economic effect on the neighbors and how would property values be affected should development (1) continue with detached units; (2) change some or all units to attached units, and (3) leave some or all units vacant.
- Clarification of a practical difficulty with the land.
- Impact on neighborhood and property values with respect to varying square footage of detached and attached condominium units.
- Address real hardship.

- D. **VARIANCE REQUEST, YACOB MURAD, VACANT LOT ADJACENT TO AND EAST OF 734 AMBERWOOD** – In order to build a new house, 1) a 5 foot variance from the required 10 foot side yard setback, and 2) a 15 foot variance from the required 45 foot rear yard setback.

Mr. Evans gave a brief report on the proposed variance with respect to its location and zoning of adjacent properties and briefly addressed the requested setback variance. He noted that the property is adjacent to a dedicated outlot for drainage purposes. Mr. Evans said the petitioner has provided an elevation drawing and floor plans of the proposed home.

Nathan Robinson of Horizon Engineering, P.O. Box 182158, Shelby Township, was present to represent the petitioner. Mr. Robinson stated that the petitioner currently resides at 685 Amberwood Court and also owns the vacant subject property. He would like to construct a home for his family of a size that satisfies the needs of his family, but the preliminary design of the house does not fit on the lot. Mr. Robinson addressed the uniqueness of the lot with respect to its bordering on two sides by a permanent easement for drainage purposes. He addressed setbacks on the east and south sides. He noted that there is no neighbor to the rear (south) and a substantial setback would remain to the neighbor to the east.

Mr. Courtney asked how much square footage would be lost should the petitioner build a home that fits on the lot and would require no variance.

Mr. Robinson said he did not calculate square footage. He assured that the overall width and depth of the structure would not exceed overall lot coverage.

Mr. Courtney asked if a completely different house design would fit on the lot.

Mr. Robinson replied most likely, but noted that the house design is one of a custom home and has been a work in progress for the petitioner.

Mr. Bartnik asked if the overhang on the second floor is part of the variance request.

Mr. Robinson said he did not show cantilevers on the plan, and does not recall if they would be allowed within the side setbacks.

Mr. Evans said it would be required to meet side setbacks.

Mr. Robinson said he would remove the cantilevers.

Mr. Clark asked if the covered concrete patio is within the proposed backyard setback.

Mr. Robinson replied in the affirmative. He said the concrete patio is basically a masonry extension of the house. Mr. Robinson said it would be required to be within the setback because it has a footing and is covered.

Mr. Clark asked how much depth there would be if the covering for the patio was removed.

Mr. Robinson replied approximately 8 to 10 feet. He said approximately 10 feet would remain to the main rear line of the house.

#### PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted that there are no objections to the proposed variance request on file.

#### PUBLIC HEARING CLOSED

There was a brief discussion on the temporary closing of Amberwood in relation to the driveway. It appears there would be no adverse effect because the driveway is on the other side of the property.

There was a brief discussion on the height of the house. Mr. Robinson indicated he was not certain of the height but assured the Board members that it would fit within the building envelope and meet all Zoning Ordinance requirements.

Mr. Clark said a practical difficulty has not been clearly demonstrated. He said the proposed home is very beautiful and is beautifully situated on the lot, but he does not understand what the Board should be looking at with respect to a practical difficulty.

Mr. Edmunds agreed, noting he sees very little practical difficulty. He said it appears that a very substantial home could be built on the lot that would require no variances.

**Resolution # BZA 2010-09-**

Motion by Clark

Support by Kneale

**MOVED**, To deny the variance request based on the fact there appears to be no apparent practical difficulty with the land.

**Discussion on the motion on the floor.**

After a brief discussion, Board members were amenable to postpone the item to provide the petitioner an opportunity to come back before the Board with a slightly reduced floor plan.

**Resolution # BZA 2010-09-042**

Motion by Courtney

Support by Kneale

**MOVED**, To substitute the motion on the floor.

Yes: All present (7)

**MOTION CARRIED**

**Resolution # BZA 2010-09-043**

Motion by Courtney

Support by Kneale

**MOVED**, To postpone the item to the next regular meeting.

Yes: All present (7)

**MOTION CARRIED**

4. **COMMUNICATIONS**

Chair Lambert announced the following communications:

- Memorandum from City Manager and Staff regarding 2062 Charnwood.
- Michigan Association of Planning Annual Conference, Detroit.

There was a brief discussion on budget monies available for training purposes.

5. MISCELLANEOUS BUSINESS

Chair Lambert welcomed Ms. Bluhm.

Ms. Bluhm suggested that agendas in the future be inclusive of a section titled “Public Comment” in order to meet the requirement of the Open Meetings Act.

There were brief comments around the table on available training courses.

6. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 9:22 p.m.

Respectfully submitted,

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David Lambert, Chair

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Kathy L. Czarnecki, Recording Secretary

The Board of Zoning Appeals Study Session meeting was called to order by Chair Lambert at 9:35 p.m. on September 21, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik  
Glenn Clark  
Kenneth Courtney  
Donald L. Edmunds  
William Fisher  
A. Allen Kneale  
David Lambert

Also Present:

Paul Evans, Zoning Compliance Specialist  
Lori Grigg Bluhm, City Attorney  
Kathy L. Czarnecki, Recording Secretary

2. TRAINING PROGRAM FOR BOARD MEMBERS – Presented by Lori Grigg Bluhm, City Attorney

Ms. Bluhm conducted a training session for the Board members and identified the role and responsibility of Board members. Ms. Bluhm distributed a Board of Zoning Appeals (BZA) reference manual and highlighted the following topics:

- Rules of Procedure
- Select Provisions from Troy Zoning Ordinance
- State Statute Provisions (Zoning Enabling Act)
- Standard for Non-Use Variances
- Motion Format
- MML Zoning of Appeals Handbook
- Open Meetings Act (OMA)
- Freedom of Information Act (FOIA)

A question and answer session followed.

3. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 10:45 p.m.

Respectfully submitted,

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David Lambert, Chair

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Kathy L. Czarnecki, Recording Secretary

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3. POSTPONED ITEMS

- A. VARIANCE REQUEST, JOSEPH MANIACI, MONDRIAN PROPERTIES WESTON DOWNS LLC, VACANT SITES AT 694, 702 AND 710 SEABISCUIT AND 3901, 3909, 3925, 3933 AND 3941 APPALOOSA (WESTON DOWNS) – In order to construct 8 detached condominium units, a variance to allow the minimum distance between buildings to be no less than 10 feet. Chapter 31.30.00 (L) of the Zoning Ordinance allows no less than a 20 foot minimum distance between buildings.

**ORDINANCE SECTION: 31.30.00 (L)**

**From:** [Paul M Evans](#)  
**To:** [Kathy Czarnecki](#)  
**Subject:** FW: Weston Downs  
**Date:** Thursday, September 30, 2010 9:15:58 AM

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**From:** Joseph Maniaci [mailto:[JManiaci@mondrianproperties.com](mailto:JManiaci@mondrianproperties.com)]  
**Sent:** Thursday, September 30, 2010 8:54 AM  
**To:** Brent Savidant; Paul M Evans  
**Subject:** Weston Downs

Gentlemen,

At this time Mondrian Properties Weston Downs LLC would like to withdraw our applications for the site plan modifications and zoning variance that have submitted for Weston Downs. We are in the process of looking at all our option and opportunities for this site. Thanks you for your time and help.

Best regards,

**Joseph Maniaci**

Mondrian | | | Properties

50215 Schoenherr Rd.

Shelby Twp., MI 48315

586-726-7340 p

586-726-1932 f

website: [www.mondrianproperties.com](http://www.mondrianproperties.com)

e-mail: [jmaniaci@mondrianproperties.com](mailto:jmaniaci@mondrianproperties.com)



W WATTLES

FINCH

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OLD CREEK

SEABISCUIT

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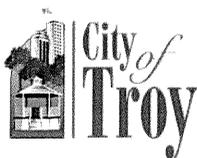
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# CITY OF TROY

## BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248- 524-3364  
FAX: 248-524-3382  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)  
<http://www.troymi.gov/Planning>



FILE NUMBER \_\_\_\_\_  
LOCATION \_\_\_\_\_  
REGULAR MEETING FEE (\$150.00) \_\_\_\_\_  
VARIANCE RENEWAL (\$35.00) \_\_\_\_\_  
SPECIAL MEETING (\$750.00) \_\_\_\_\_

### NOTICE TO THE APPLICANT

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 **TWENTY-SEVEN (27) DAYS BEFORE** THE MEETING DATE.

A COMPLETE APPLICATION THAT MEETS ZONING ORDINANCE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BOARD OF ZONING APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 710, 702, & 694 Seabiscuit & 3901, 3909, 3925, 3933, & 3941 Appaloosa  
LOT NO. Units 6-8, & Units 20-24 SUBDIVISION Weston Downs Condominiums  
LOCATED ON THE South SIDE OF (ROAD) Wattles  
BETWEEN Crooks AND I-75  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-21-105-006- 007 & 20-21-105-020-024
3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: R1-T
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: None

6. APPLICANT INFORMATION:

NAME Joseph Maniaci  
COMPANY Mondrian Properties Weston Downs LLC  
ADDRESS 50215 Schoenherr Rd  
CITY Shelby Township STATE MI ZIP 48315  
TELEPHONE 586.726.7340  
E-MAIL jmaniaci@mondrianproperties.com

7. RELATIONSHIP OF APPLICANT TO THE OWNER OF THE SUBJECT PROPERTY:

Same

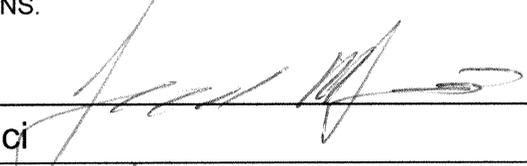
8. OWNER OF SUBJECT PROPERTY:

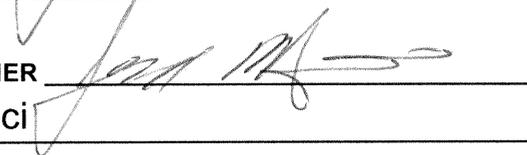
NAME Joseph Maniaci  
COMPANY Mondrian Properties Weston Downs LLC  
ADDRESS 50215 Schoenherr Rd  
CITY Shelby Township STATE MI ZIP 48315  
TELEPHONE 586.726.7340  
E-MAIL jmaniaci@mondrianproperties.com

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, Joseph Maniaci (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 8/24/10  
PRINT NAME: Joseph Maniaci

SIGNATURE OF PROPERTY OWNER  DATE 8/24/10  
PRINT NAME: Joseph Maniaci

August 25, 2010

Board Of Zoning Appeals  
500 W Big Beaver Road  
Troy, MI 48084

Board Members

Mondrian Properties Weston Downs LLC is seeking a variance in regards to the setbacks dimensions between buildings. The purpose of the variance is to construct detached condominium units closer then the minimum allowable distances of between units of 20 feet.

**History:** The site plan was originally approved by the Planning Commission in April of 2001. This site plan consisted of 8 building of 4 units each for a total of 32 units. In 2005 Mondrian Properties Weston Downs LLC acquired the property and revised the site plan to accommodate a larger more upscale unit with a total density of 24 units. This consisted of 9 buildings with 2 and 3 units per building. To date 6 buildings are built with a total of 16 units occupied. There are 3 buildings with 8 units remaining on the site un-built.

**Variance Requested:** To allow us to construct 8 detached condominium units with a minimum set back between units no less than 10 feet.

**Hardship:** We are seeking relief from the code to allow us to complete the site in the intent and integrity that we started. We are unable to construct the current units as planned due to the market conditions. The overall benefits to the site if the variance is granted are as follows:

1. More open space within the project
2. A finished completed project
3. No increase in the number of units
4. No undo burden to existing homeowners
5. No negative impact to the surrounding area

**Code:** Article 30, Schedule of Regulations, established minimum dimensions for projects in the R-1T district. Section 31.30.00.L provides specific guidance for R-1T projects. It states:

*In an R-1T or R-M District, front, side, or rear yards need not refer to spacing between buildings for a planned development of two (2) or more buildings on the same parcel. In such cases the minimum distance between any two (2) buildings shall be regulated according to the formula contained in Section 31.30.00 (C). This distance shall be no less than forty (40) feet, except as modified by the following provisions relative to the R-1T*

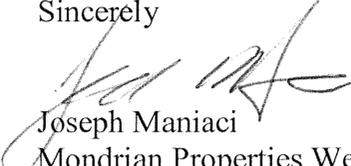
*District:*

*The Planning Commission may modify the minimum distance between buildings in R-1T Districts in the following manner, when such is not controlled by the formula contained in Sub-section (C) above:*

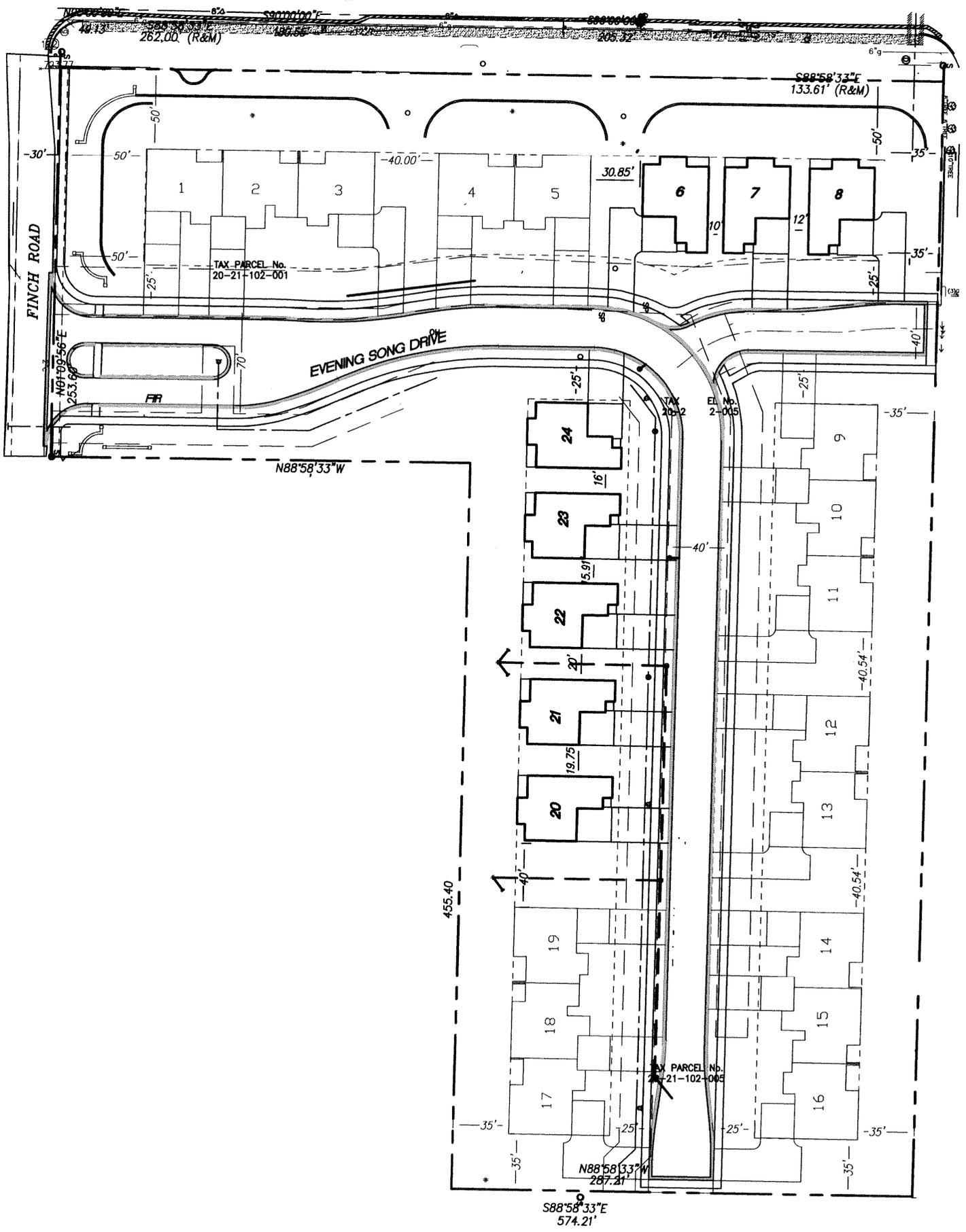
- 1. The minimum distance between buildings containing no more than two (2) units and having a total length (extending from the subject yard) of no more than sixty (60) feet, may be twenty (20) feet.*
- 2. The minimum distance between buildings containing no more than four (4) units and having a total length (extending from the subject yard) of no more than one hundred-twenty (120) feet, may be thirty (30) feet.*
- 3. The Planning Commission shall determine the appropriate minimum distance between buildings, within the range provided above, when the subject buildings involve combinations of unit counts and/or building lengths.*

I would like to thank you for the time and consideration in reviewing our request.

Sincerely

  
Joseph Maniaci  
Mondrian Properties Weston Downs LLC

WATTLES ROAD



TAX PARCEL No. 20-21-102-001

TAX PARCEL No. 20-21-102-005

N88°58'33"W  
287.21'

S88°58'33"E  
574.21'

FINCH ROAD

EVENING SONG DRIVE

S88°58'33"E  
133.61' (R&M)

N88°58'33"W

455.40

N88°58'33"W  
287.21'

S88°58'33"E  
574.21'

1

2

3

4

5

6

7

8

24

23

22

21

20

19

18

17

9

10

11

12

13

14

15

16

FR

EL. No. 2-005

TAX No. 20-2

30'

50'

40.00'

30.85'

50'

10'

12'

50'

25'

25'

40'

N88°09'56"E  
253.96'

70'

25'

35'

16'

5.91'

40'

4'

19.75'

40.54'

40.54'

40'

40'

40.54'

35'

35'

25'

25'

35'

35'

50'

50'

25'

50'

25'

40'

25'

35'

16'

5.91'

40'

4'

19.75'

40.54'

40.54'

40'

40'

40.54'

35'

35'

25'

25'

35'

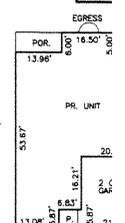
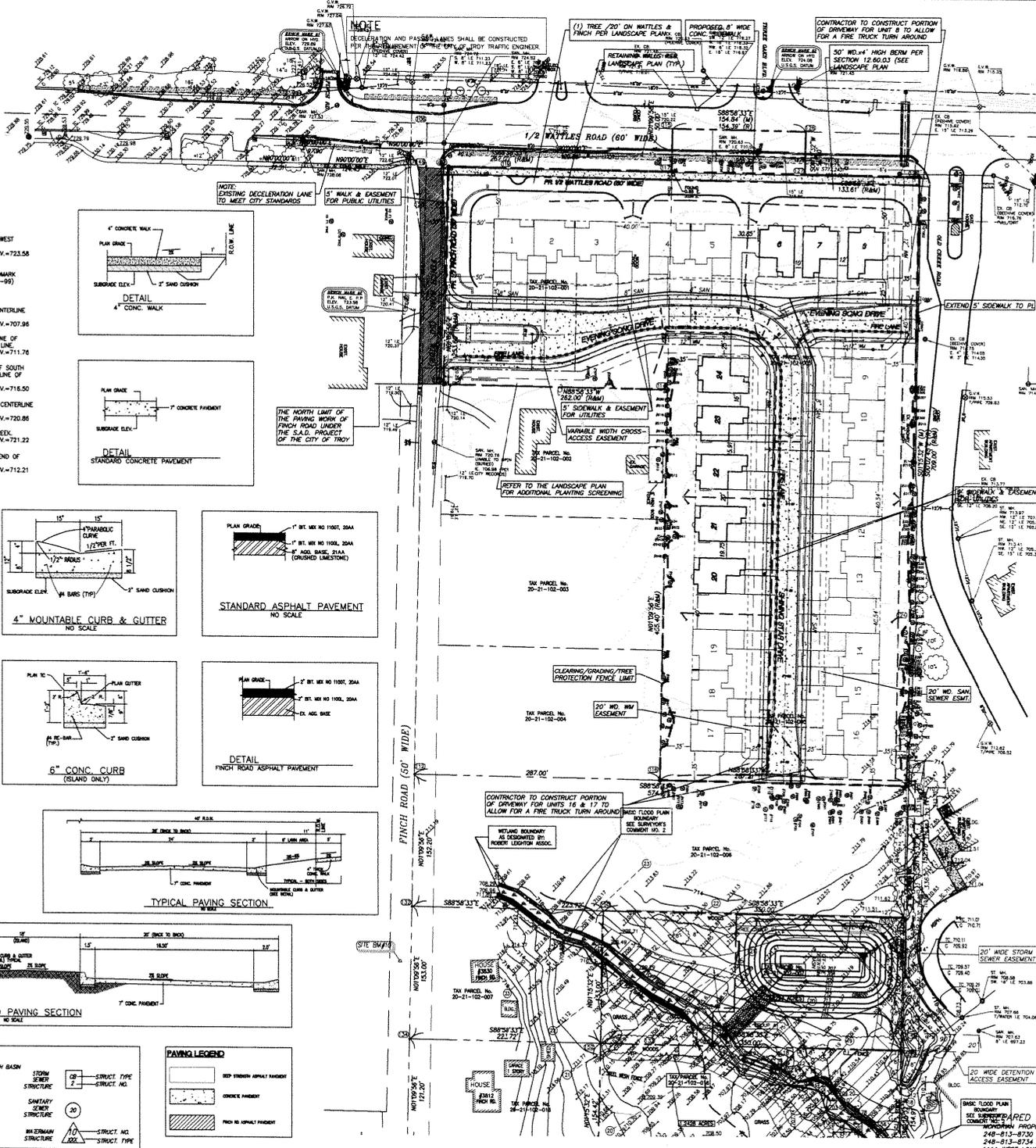
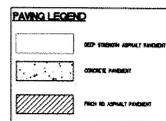
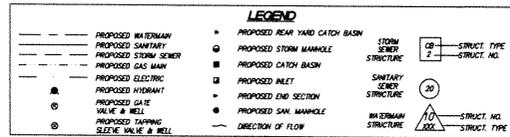
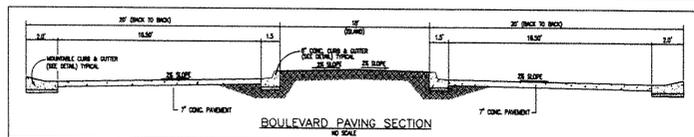
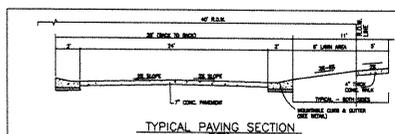
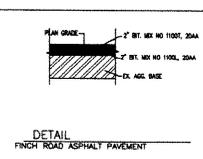
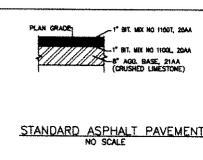
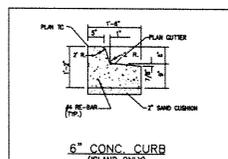
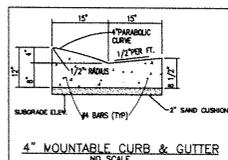
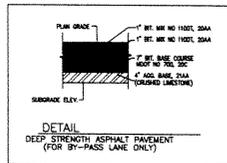
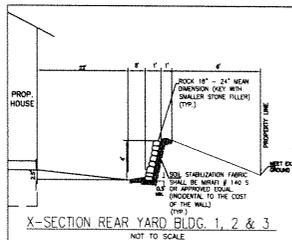
35'

### PROPOSED IMPROVEMENTS

- MUNICIPAL SEWER TO BE PROVIDED BY CONNECTING TO EXISTING 8" SANITARY SEWER ON FINCH ROAD.
- MUNICIPAL 12" WATER TO BE PROVIDED BY CONNECTING TO EXISTING 8" WATERMAIN ON FINCH ROAD. ALSO, TO PROVIDE A LOOP FOR THE WATERMAIN, A CONNECTION TO THE 16" MAIN NORTH OF WATLIES ROAD IS ALSO PROPOSED.
- STORM WATER DETENTION BASIN WILL BE PROVIDED FOR THE SITE BY AN OFF-SITE DETENTION BASIN LOCATED ON PARCELS 20-21-102-007 AND 20-21-102-014. THESE PARCELS ARE OWNED BY CHOCG DEVELOPMENT CORPORATION AND WILL BE ACQUIRED THROUGH A 20' WIDE EASEMENT FROM THE PROPOSED CONDOMINIUM SITE TO PARCELS 20-21-102-007. THEN, THE RESTRICTED FLOW WILL BE DISCHARGED DETENTION FROM THE BASIN TO WATLIES CREEK WHICH IS RUNNING THROUGH THESE TWO PARCELS.
- 5" WIDE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF ALL INTERIOR ROADS.

### BENCHMARK DESCRIPTIONS

- MASTER BM#2 1/4" NAIL IN EAST FACE OF UTILITY POLE 2300' SOUTH OF WATLIES WEST SIDE OF FINCH ROAD. ELEV.=723.58
- SOURCE: TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY LANDMARK ENGINEERING CO. DATED 10-01-99 (LAST REVISED 11-22-99) FILE NO. 8217701
- SITE BM#6 SET MAG. NAIL IN NORTH FACE OF 22" ASH 220' NORTHEAST OF CENTERLINE OF CREEK, ±50' EAST OF EAST PROPERTY LINE (ON CONDO SITE). ELEV.=707.86
- SITE BM#7 SET MAG. NAIL IN SOUTH FACE OF 12" ELM ON NORTH PROPERTY LINE OF TAX PARCEL 20-21-102-010 AND ±100' WEST OF EAST PROPERTY LINE. ELEV.=711.76
- SITE BM#8 SET MAG. NAIL IN NORTH FACE OF 14" COTTONWOOD ±30' NORTH OF SOUTH LINE OF TAX PARCEL 20-21-1-2-011 AND ±140' EAST OF CENTERLINE OF FINCH ROAD. ELEV.=716.50
- SITE BM#9 TOP OF HYDRANT ON SOUTH SIDE OF SUPERIOR DR. ±95' WEST OF CENTERLINE FINCH ROAD ADDRESS FROM #3762 FINCH ROAD. ELEV.=720.86
- SITE BM#10 TOP OF HYDRANT ON WEST SIDE OF FINCH RD. ±150' SOUTH OF CREEK. ELEV.=721.22
- SITE BM#12 SET MAG. NAIL IN NORTH FACE OF 8" ASH ±70' NORTH OF SOUTH END OF SCREEN WALL ±8' WEST OF EAST PROPERTY LINE. ELEV.=712.21



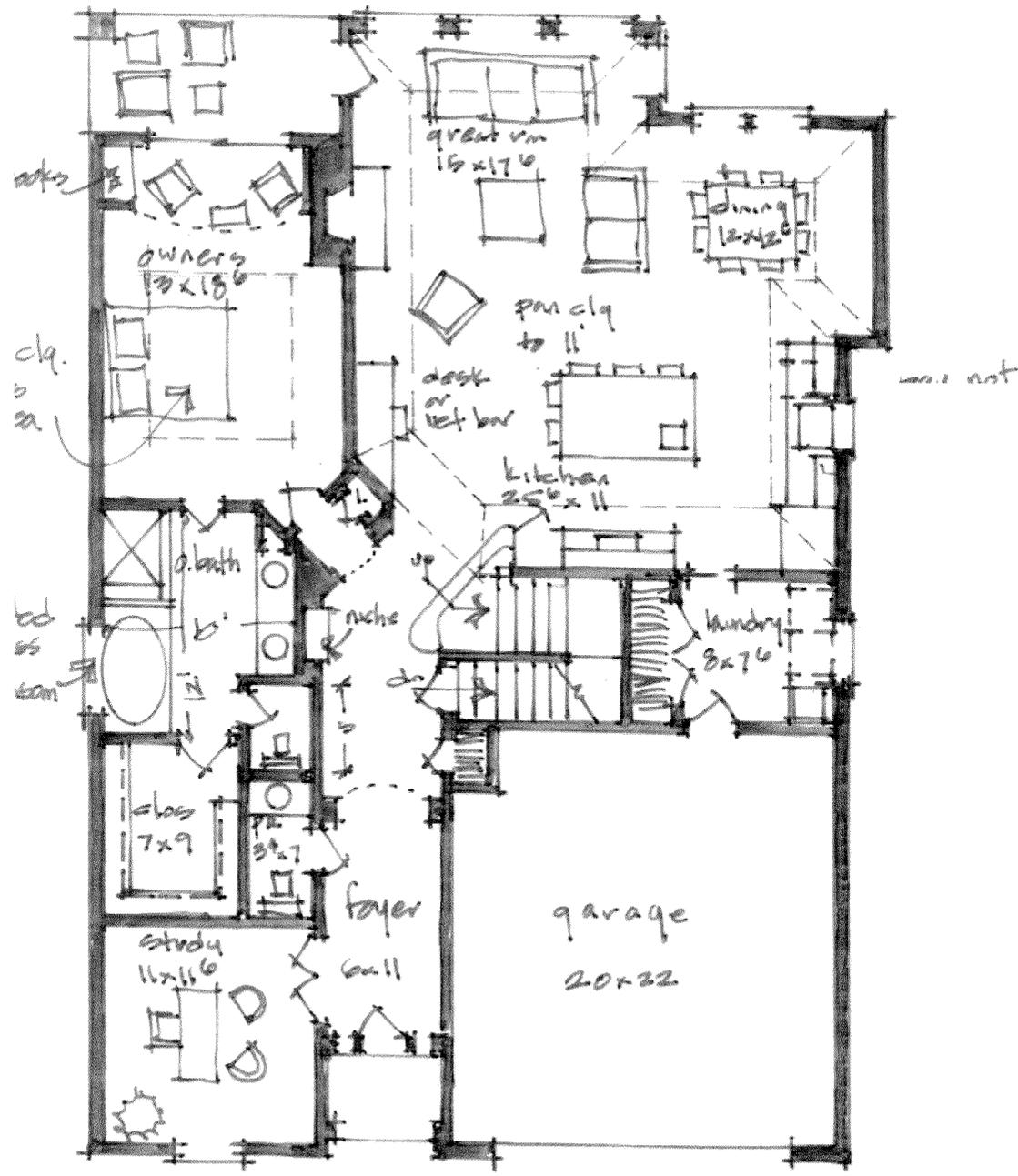
A PARCEL OF LAND IN R.I.E., CITY OF TROY, COMMENCING AT THE ALONG THE NORTH SE CORNER, VARIABLE WIDTH CENTERLINE OF FINCH ROAD, THE SOUTHERN BEING 60 FEET WIDE, THENCE ALONG THE S 1/2 CORNER BEING 50 FEET 1\"/>

FOR THE MAIN DESCRIPTION & INCLUDING PRO FEATURES AND FOLLOWING: LANDMARK: 2401 SW SOUTHFIELD PHONE: 24 PENN. & ASSOC. SPOKING OFFICE FOR THE ACCL. RESULING PRO.

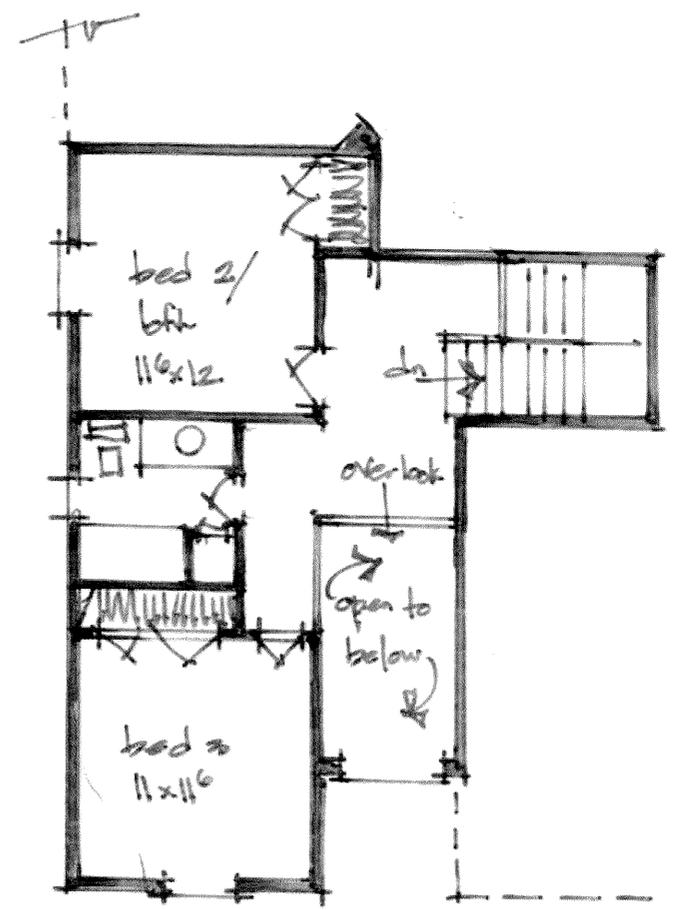
NOTE: THE LOCATE UTILITIES AS NO GUARANTEE BE EXCLUS LOCATIONS UTILITIES OR THE VARIOUS FIELD DATA REGARDING



STREETS



FIRST FLOOR PLAN



SECOND FLOOR PLAN

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PRELIMINARY SITE PLAN REVIEWS**

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 862 A) – Proposed Weston Downs, Southeast Corner of Wattles and Finch Road, Section 21, Currently Zoned R-1T (One Family Attached Residential) District

Mr. Branigan presented a summary of the preliminary site plan application. He addressed the required setbacks with respect to the proposed change in site layout. Mr. Branigan indicated no action is required at tonight's meeting because the petitioner must apply for and potentially receive a variance from the Board of Zoning Appeals.

The petitioner, Joe Maniaci of Mondrian Properties, 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci said the intent of the proposed change in site layout is to better market the remaining units. He said the proposal is a viable option within the Master Deed and site alterations are allowed with the approval of the City. Mr. Maniaci said the density would remain the same, and the reduction of each unit footprint would create additional open space. Mr. Maniaci briefly addressed the ownership of a detached site condominium.

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 068 A) – Proposed Bethany Villa Housing Association, West of John R Road and South of E. Big Beaver (1680 Jackson), Section 26, Currently Zoned RM-1 (Multiple Family Residential) District

Mr. Branigan presented a summary of the proposed Preliminary Site Plan application. He addressed the required setbacks between buildings in an RM-1 zoning district, and the formula established by Section 31.30.00.C. Mr. Branigan is confident the proposed community building location exceeds the minimum setback requirement.

Mr. Branigan further addressed parking with respect to a possible parking reduction and/or shared parking with the adjacent church.

Michael Houseman, construction manager, of Wolverine North America, 4045 Barden, Grand Rapids, was present. Mr. Houseman said the purpose of the community building is to house the offices of the housing association, as well as provide a facility for crafts, Meals on Wheels and similar functions. He addressed the potential to reduce parking on site and/or reach a shared parking agreement with the adjacent church. Mr. Houseman indicated the association board is agreeable to working with the City on a parking reduction.



**CARLISLE/WORTMAN ASSOCIATES, INC.**

*Community Planners /Landscape Architects*

605 S. Main, Suite 1  
Ann Arbor, MI 48104  
734-662-2200  
fax 734-662-1935

6401 Citation Drive, Suite E  
Clarkston, MI 48346  
248-625-8480  
fax 248-625-8455

**MEMORANDUM**

**TO:** Brent Savidant  
**FROM:** Zachary Branigan  
**DATE:** August 5, 2010  
**RE:** Weston Downs

We are in receipt of a site plan for the proposed changes to an approved condominium project, Weston Downs. The applicant intends to alter the approved plans to omit a series of attached single family buildings and replace them with 8 single family residential homes. The site is currently partially developed. There are 6 buildings already constructed, along with all common areas, the roadway, and landscaping improvements throughout the project. The landscaping is maintained well and the existing buildings are of a very high construction standard.

We have reviewed this submittal preliminarily for general compliance with ordinance requirements and have determined that the project will require a variance to proceed. The site plan provided is limited in detail, perhaps in anticipation of the need for a variance. Consequently, it does not fully comply with the requirements for preliminary site plan submittal at this time; however, sufficient detail is provided to determine what action would be required from the Planning Commission and Board of Zoning Appeals to proceed.

Article 30, Schedule of Regulations, established minimum dimensions for projects in the R-1T district. Section 31.30.00.L provides specific guidance for R-IT projects. It states:

*In an R-1T or R-M District, front, side, or rear yards need not refer to spacing between buildings for a planned development of two (2) or more buildings on the same parcel. In such cases the minimum distance between any two (2) buildings shall be regulated according to the formula contained in Section 31.30.00 (C). This distance shall be no less than forty (40) feet, except as modified by the following provisions relative to the R-1T District:*

*The Planning Commission may modify the minimum distance between buildings in R-1T Districts in the following manner, when such is not controlled by the formula contained in Sub-section (C) above:*

*1. The minimum distance between buildings containing no more than two (2) units and having a total length (extending from the subject yard) of no more than sixty (60) feet, may be twenty (20) feet.*

2. *The minimum distance between buildings containing no more than four (4) units and having a total length (extending from the subject yard) of no more than one hundred-twenty (120) feet, may be thirty (30) feet.*

3. *The Planning Commission shall determine the appropriate minimum distance between buildings, within the range provided above, when the subject buildings involve combinations of unit counts and/or building lengths.*

Given that the applicant's proposal includes single dwelling buildings, the project would now have structures "containing no more than two units" as regulated above. The Planning Commission, when projects contain buildings with combinations of unit counts, is required to determine the appropriate setbacks between buildings. However, under no circumstance, could the setback between buildings be less than 20 feet between two buildings with "no more than two units" as noted above.

The applicant proposed a setback of as little as 10 feet in one circumstance, and other distances that are less than 20 feet, in several others. Therefore, in order to proceed, the applicant would need to obtain a variance.

Should the variance be secured, we believe the other setbacks, which require Planning Commission approval, provided between the existing buildings on the site and the new single family buildings is sufficient, 30 feet between units 5 and 6, and 40 feet between units 19 and 20. We believe the Planning Commission should find these setbacks acceptable, in accordance with item 3, above.

Section 43.86.00, which was enacted in October of 2009, states that when a variance is required for a project which also requires site plan approval, that project must first come before the Planning Commission. It states:

*If an application to the Board of Zoning Appeals requires site plan approval by the Planning Commission pursuant to the provisions of Section 03.40.03, the applicant shall first apply for site plan approval as set forth in Article 03.41.00. The Planning Commission shall review the site plan including site layout and other design features, but shall not grant Preliminary Site Plan Approval nor make a recommendation on the variance. The Planning Commission shall then transmit the site plan and the minutes related to said site plan to the Board of Zoning Appeals. The Board of Zoning Appeals shall transmit its decision related to the application to the Planning Commission. The Planning Commission shall then take action on the site plan.*

Consequently, the Planning Commission cannot make a determination on this project at this time. The Planning Commission may make preliminary comments and have an initial discussion with regard to general project principles.

This project cannot move forward as designed without relief from the Ordinance. Therefore, we recommend that the Planning Commission postpone action on the applicant's request until such time as they can apply for and potentially obtain a variance from the Board of Zoning Appeals.

*Weston Downs*  
*August 5, 2010*

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Branigan", written over a horizontal line.

**CARLISLE/WORTMAN ASSOCIATES, INC.**  
**Zachary G. Branigan, LEED AP, AICP**  
**Associate**

3. POSTPONED ITEMS

- B. VARIANCE REQUEST, YACOUB MURAD, VACANT LOT ADJACENT TO AND EAST OF 734 AMBERWOOD – In order to build a new house, 1) a 5 foot variance from the required 10 foot side yard setback, and 2) a 15 foot variance from the required 45 foot rear yard setback.

**ORDINANCE SECTION: 30.10.02**

October 8, 2010

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

Re: Board of Zoning Appeals Request  
Lot 12 Amberwood Estates Sub.  
Parcel No. 20-03-203-005

Dear City of Troy Planning Department:

On behalf of the owner/applicant, we are requesting that the Variance Request Application for the above referenced project be withdrawn.

At this point in time we are working with the Architect to redesign the home to fit within the required building setbacks. No variances will be sought as a part of the building permitting process.

Thank you for your time and consideration of our original request. Please contact me if you have any questions or concerns.

Sincerely,



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

cc.: Mr. Yacoub Murad

---



W SOUTH BLVD

E SOUTH BLVD

NORWAY

VENUS

EDGEWATER

ROCHESTER

AMBERWOOD

PAINT CREEK

RED RUN

AMBERWOOD CT

6977	6976	6973	6975
6961	6960	6969	6971
6945	6944	6965	6967
6929	6928	6561	6963
6913	807 825	6957	6959
		6953	6955
		6939	6941
		6935	6937
		6931	6933
		6927	6929
		6923	6925
		6919	6921

89	6951
6915	6905

701	709
693	717
685	725
677	

660	678	734
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770	788	806	824
-----	-----	-----	-----

767	838
763	834
759	830
755	826
751	822
747	818

6803
6799
6795
6791
6787
6783

6843	6835
6837	

6906
6908
6904
6900
6896
6892

6852
6854
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6828
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6812
6814

677

AMBERWOOD CT

725

6913

807

82

NORWAY

AMBERWOOD

0

678

734

770

788

806

824

6890

767

763

759

755

776

780

784

788

792

PAINT CREEK

677

AMBERWOOD CT

725

6913

807

82

NORWAY

AMBERWOOD

0

678

734

770

788

806

824

(R-1C)

(R-1B)

6890

PAINT CREEK

767

776

780

784

788

792

763

759

755

(R-1T)

August 25, 2010

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

Re: Board of Zoning Appeals Request  
Lot 12 Amberwood Estates Sub.  
Parcel No. 20-03-203-005

Dear City of Troy Planning Department:

Attached to this letter are two (2) Board of Zoning Appeals Applications, one (1) Board of Zoning Appeals Submittal Checklist, two (2) copies of the Plot Plan, two (2) copies of the Amberwood Estates Subdivision Plat, two (2) copies of the County Aerial Photograph, one (1) CD containing PDF copies of the aforementioned items, and the Board of Zoning Appeals Fee in the amount of \$150.00.

These materials are being submitted for your review pursuant to placement on a Board of Zoning Appeals agenda for the following two Variance Requests:

**Section 30.10.02** requires that R-1B lots maintain a minimum side yard setback of ten (10) feet. We are requesting a five (5) feet variance to reduce the minimum required side yard setback to five (5) feet.

**Section 30.10.02** also requires that R-1B lots maintain a minimum rear yard setback of forty-five (45) feet. We are requesting a fifteen (15) feet variance to reduce the minimum required rear yard setback to thirty (30) feet.

The Applicant, Mr. Yacoub Murad, currently resides at 685 Amberwood Court (Lot 6 Amberwood Estates) and also owns the vacant Lot 12 (subject property). Mr. Murad wishes to construct a home for his family of a size that satisfies the needs of his family. However, the home he wishes to build does not adequately fit within the available building envelope of Lot 12. The Murad family enjoys living in Amberwood Estates and would prefer to remain living in this subdivision. Lot 12 is the only available lot remaining. To fulfill their dreams and desires, Mr. Murad seeks relief from both the minimum side and rear yard setbacks in order to increase the size of the building envelope to accommodate the home of his family's preference.

---

August 25, 2010  
Planning Department, City of Troy  
Re: Board of Zoning Appeals Request for Lot 12 Amberwood

Lot 12 is unique in that the neighboring property to the east and south (adjacent to the side and rear lot lines for which setback variances are sought) lies an Outlot A designated for storm water drainage and detention purposes. The entire Outlot A is a permanent easement. No building or construction activity is allowed to take place within permanent easements of this type. Thus, Outlot A is to forever remain vacant.

Realizing this fact, it is our general feeling that the requested setback variances have no effect on neighboring properties because no neighbors exist immediately to the east and south, and there never will be. The closest residence is #770 Amberwood Drive (Unit 10 Maplewood Condos) to the east. However, a proposed five (5) feet side yard setback on Lot 12 + the twenty (20) feet wide Outlot A + the side yard setback on Unit 10 (assumed at ten (10) feet) = approximately thirty-five (35) feet of separation between homes, which is more than what currently exists between homes in the area and is ten (10) feet greater than the intent of the Zoning Ordinance (applying typical R-1B side yard setbacks generally results in twenty-five (25) feet between homes).

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](mailto:nrobinson@horizoneng.net)

cc.: Mr. Yacoub Murad

attachments

---

CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248- 524-3364  
FAX: 248-524-3382  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)  
<http://www.troymi.gov/Planning>



FILE NUMBER \_\_\_\_\_  
LOCATION \_\_\_\_\_  
REGULAR MEETING FEE (\$150.00) \_\_\_\_\_  
VARIANCE RENEWAL (\$35.00) \_\_\_\_\_  
SPECIAL MEETING (\$750.00) \_\_\_\_\_

NOTICE TO THE APPLICANT

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 **TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.**

A COMPLETE APPLICATION THAT MEETS ZONING ORDINANCE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BOARD OF ZONING APPEALS.

- ADDRESS OF THE SUBJECT PROPERTY: VACANT, AMBERWOOD DRIVE  
 LOT NO. 12 SUBDIVISION AMBERWOOD ESTATES  
 LOCATED ON THE SOUTH SIDE OF (ROAD) SOUTH BOULEVARD  
 BETWEEN ROCHESTER ROAD AND LIVERNOIS ROAD  
 ACREAGE PROPERTY: *Attach legal description if this an acreage parcel* 14,932 S.F. (0.343 ACRE)
- PROPERTY TAX IDENTIFICATION NUMBER(S): 20-03-203-005
- ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: 30.10.02
- REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action.*
- HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: No

NAME SAME AS OWNER  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

7. RELATIONSHIP OF APPLICANT TO THE OWNER OF THE SUBJECT PROPERTY:

SAME

8. OWNER OF SUBJECT PROPERTY:

NAME YACOUB MURAD  
COMPANY N/A  
ADDRESS 685 AMBERWOOD COURT  
CITY Troy STATE MI ZIP 48065  
TELEPHONE 248-828-2881 (HOME) 248-231-4488 (CELL)  
E-MAIL ymurad@yahoo.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, YACOUB MURAD (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 [Signature] DATE 8-25-10

PRINT NAME: YACOUB MURAD

THE FOLLOWING SHALL CONSTITUTE AN INITIAL SUBMISSION:

REQUIRED   PROVIDED

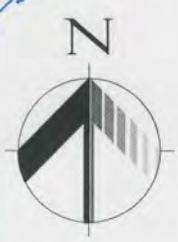
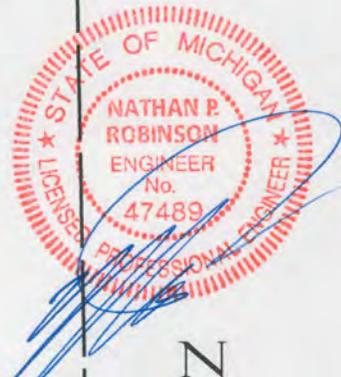
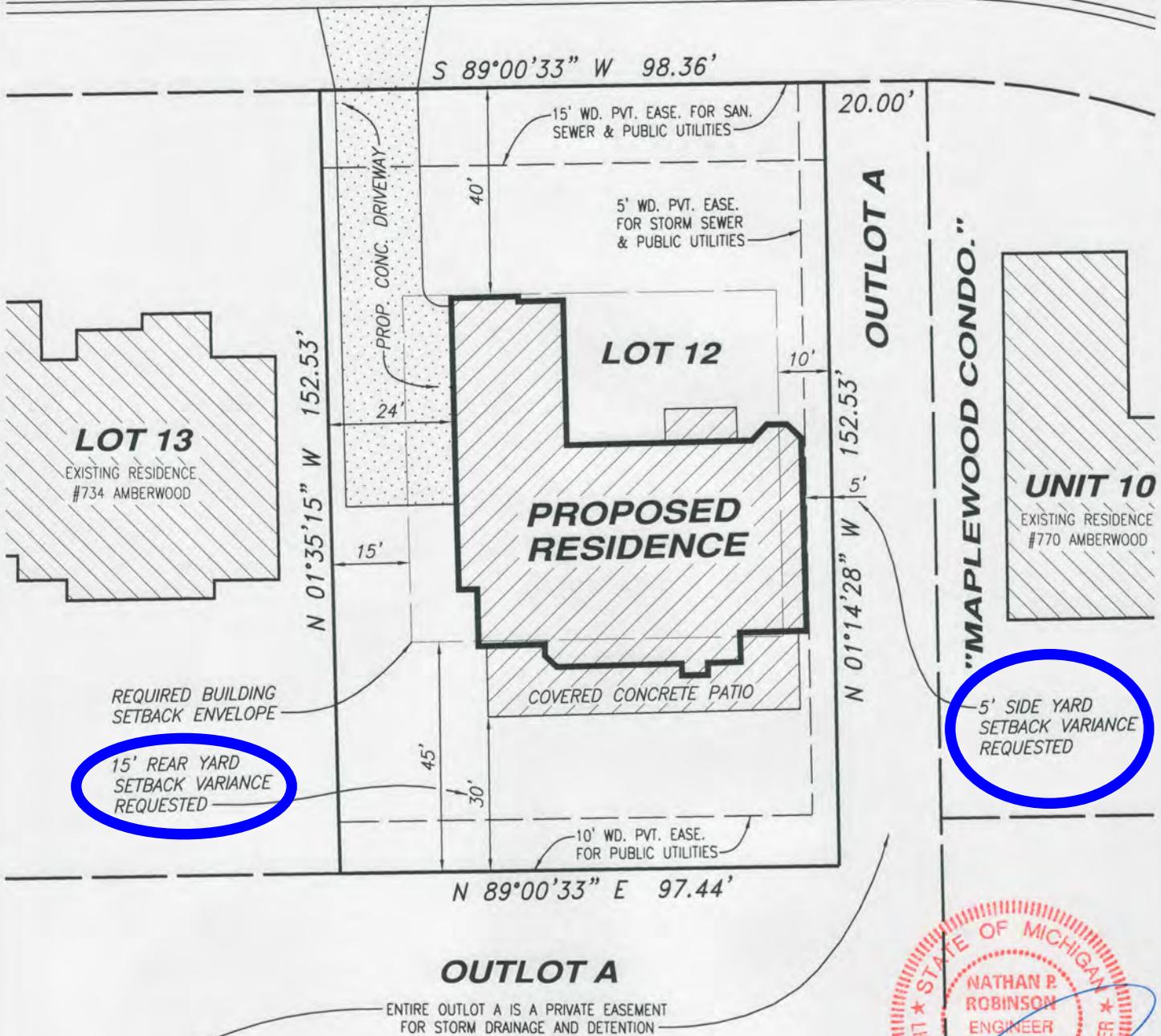
- TWO (2) ORIGINAL COPIES OF THE APPLICATION FORM.**
- SEPARATE SHEET** DESCRIBING THE REASONS JUSTIFYING THE REQUEST. IF SEEKING A VARIANCE, THE REASONS MUST INCLUDE SUFFICIENT INFORMATION TO ALLOW THE BOARD OF ZONING APPEALS TO MAKE A DETERMINATION AS TO WHETHER THE CONDITIONS AND PRACTICAL DIFFICULTIES EXIST THAT WOULD ALLOW THE VARIANCE TO BE GRANTED UNDER SECTION 43.72.00 OF THE ZONING ORDINANCE. **PROVIDE TWO (2) COPIES.**
- TWO (2) COPIES OF A COMMERCIAL VEHICLE APPEAL:** PROVIDE A STATEMENT DESCRIBING HOW THE REQUEST SATISFIES STANDARDS A OR B, OF SECTION 43.74.01 OF THE ZONING ORDINANCE. PROVIDE **TWO (2) COPIES** OF A SEPARATE STATEMENT DESCRIBING HOW THE REQUEST SATISFIES STANDARD C OF SECTION 43.74.01 OF THE ZONING ORDINANCE.
- TWO (2) 8.5" X 11" HARDCOPIES** OF ALL SUPPORTING DOCUMENTS INCLUDING PLANS DRAWN TO SCALE, SHOWING THE SHAPE AND DIMENSION OF LOT(S), ALL EXISTING BUILDING(S) AND PROPOSED BUILDING(S) TO BE ERECTED, ALTERED OR CHANGED AND DISTANCES OF SETBACKS, ELEVATION DRAWINGS, AND PHOTOS AS NECESSARY TO ACCURATELY DESCRIBE THE PROPERTY, REQUEST, EXISTING AND PROPOSED PROPERTY CONDITIONS.
- TWO (2) COPIES OF INFORMATION** WITH REGARD TO LOT OR NEIGHBORING LOT(S), AND PROPOSED OR EXISTING USE(S), AS MAY BE DEEMED NECESSARY.
- TWO (2) COPIES CONTAINING A CLEAR AND ACCURATE DESCRIPTION** OF THE PROPOSED USE, CONSTRUCTION OR WORK.
- ONE (1) COMPACT DISC** CONTAINING AN ELECTRONIC VERSION OF THE APPLICATION AND **ALL** SUPPORTING DOCUMENTATION, PLANS, PRINTS, PHOTOGRAPHS, ETC. DOCUMENTATION SHOULD BE IN PDF, JPG, or TIFF FORMAT. OTHER FORMATS MAY BE COMPATIBLE, PLEASE CONTACT THE PLANNING DEPARTMENT FOR COMPATABILITY GUIDELINES.

*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.*

# Plot Plan

**AMBERWOOD DRIVE**  
60' WIDE



## SITE CRITERIA

**SCALE: 1" = 30'**

- PARCEL SUMMARY:**  
 ADDRESS: VACANT, AMBERWOOD DRIVE  
 PARCEL ID NO.: 20-03-203-005  
 EXISTING ZONING: R-1B  
 AREA OF SITE: 14,932 S.F. (0.343 ACRE)
- BUILDING & USE SUMMARY:**  
 EXISTING USE: VACANT LOT.  
 PROPOSED USE: SINGLE FAMILY RESIDENCE.  
 BUILDING FOOTPRINT AREA PROPOSED: 4,265 S.F.  
 ALLOWABLE LOT COVERAGE: 30%  
 PROPOSED LOT COVERAGE: 4,265/14,932 = 28.6%

SETBACK SUMMARY:	REQUIRED:	PROPOSED:
FRONT:	40'	40'
REAR:	45'	30' (15' VARIANCE REQUESTED)
SIDE (MINIMUM):	10'	5' (5' VARIANCE REQUESTED)
SIDE (SIDE-ENTRY GAR.):	24'	24'
SIDE (TOTAL):	25'	29'

**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

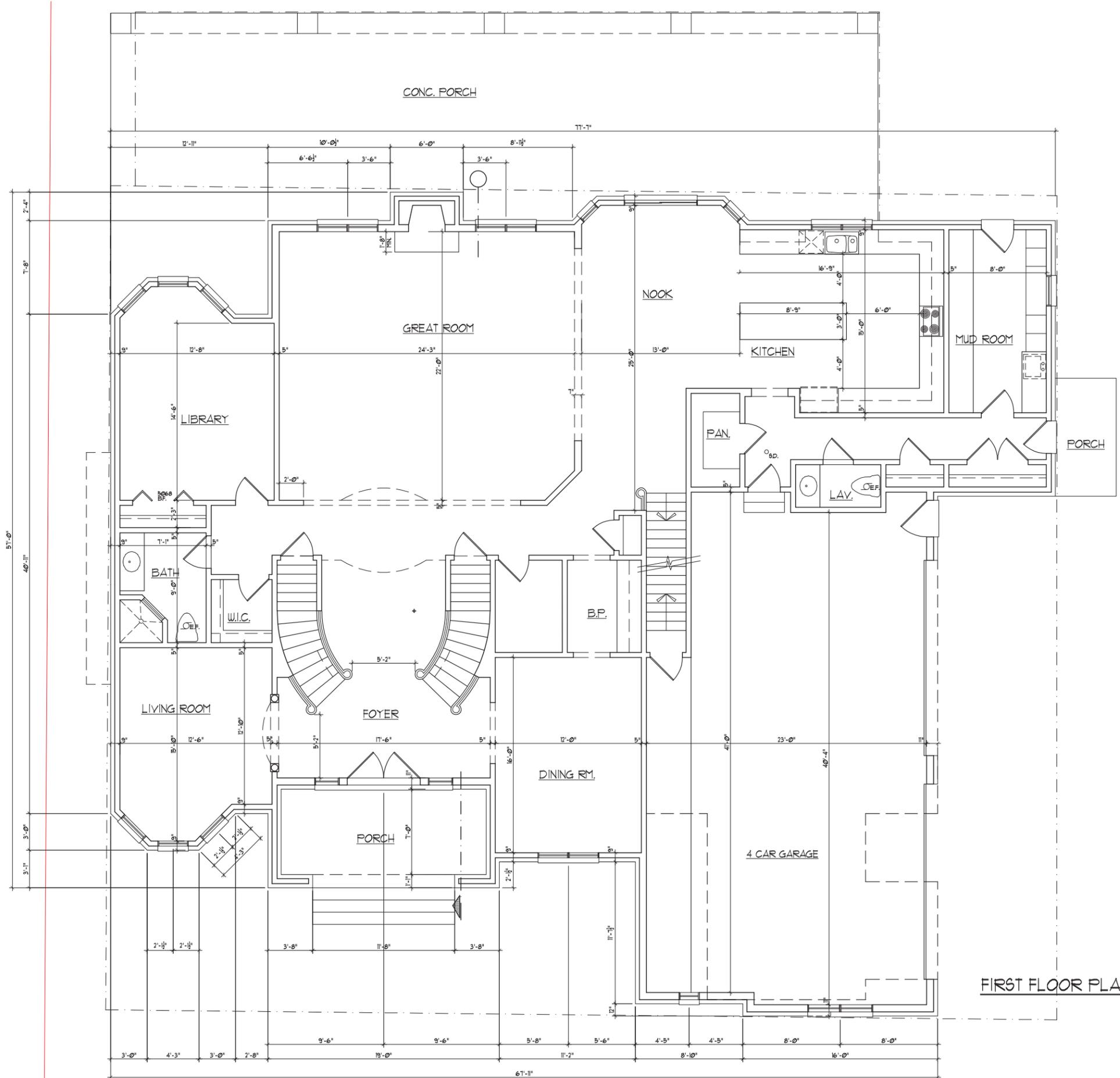
PROJECT:  
**Lot 12 Amberwood Estates Subdivision**

VACANT, AMBERWOOD DRIVE  
 PARCEL NO. 20-03-203-005  
 PART OF THE N.E. 1/4 OF SECTION 3, T.2N., R.11E.,  
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:  
 MR. YACOB MURAD  
 685 AMBERWOOD CT.  
 TROY, MI 48065  
 (248) 828-2881

JOB NO: 10-065  
 DATE: 8-25-10  
 REVISED:  
 DRAWN BY: N.P.R.





FIRST FLOOR PLAN

**MARTINI**  
AND ASSOCIATES INC.  
DESIGNERS & PLANNERS  
RESIDENTIAL COMMERCIAL INDUSTRIAL

920 E. LONG LAKE RD.  
TROY, MI 48065  
PHONE: (248) 524-0445  
FAX: (248) 524-0447

SEAL

CONSULTANT

PROJECT: LOT #12 AMBERWOOD ESTATES  
TROY, MI

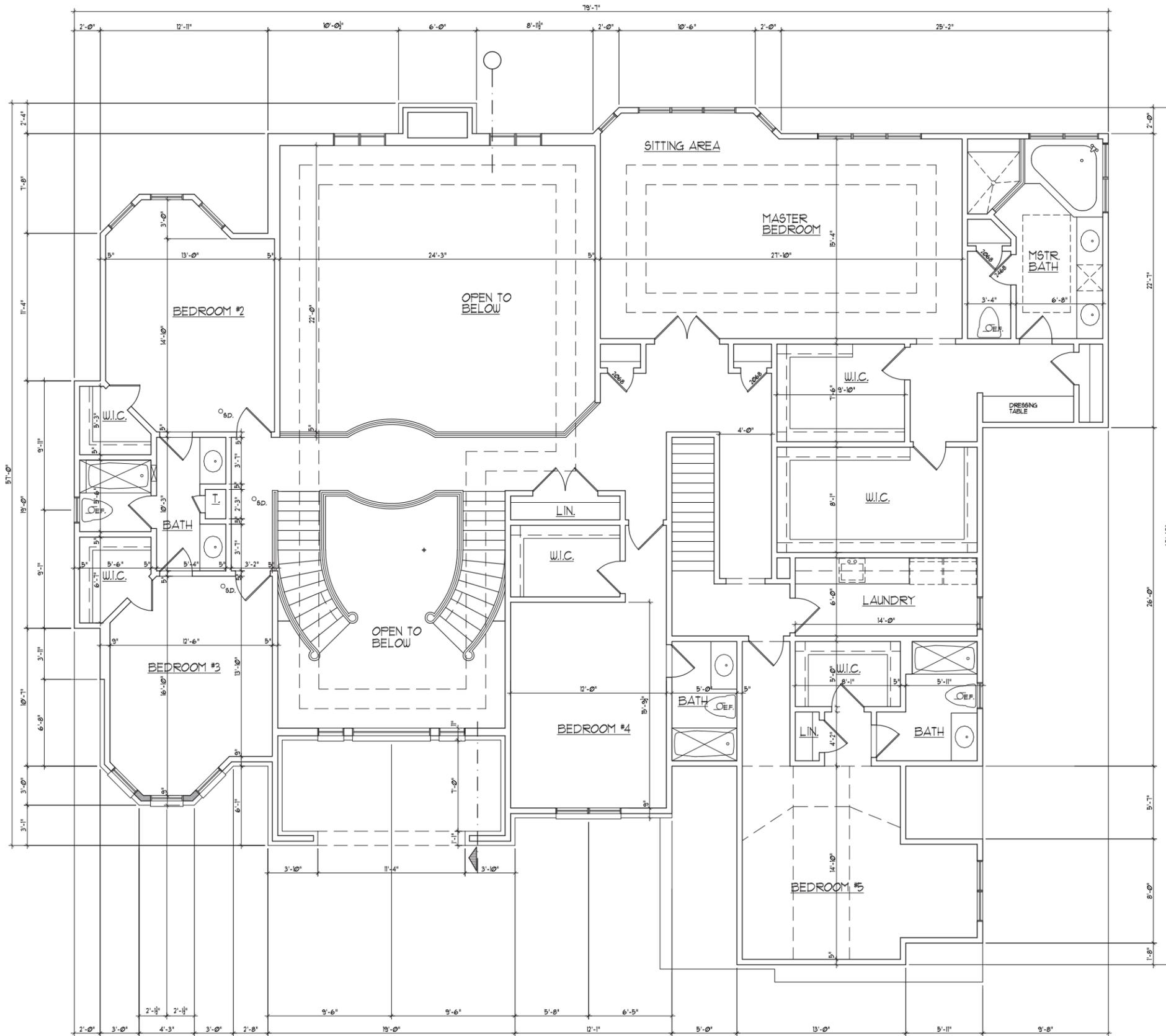
OWNER: YACCOUB MURAD

JOB NO.  
10-196

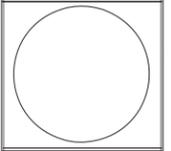
COPY RIGHT 2010  
ALL RIGHTS RESERVED  
MARTINI & ASSOCIATES, INC.

date: 9-10-10  
drawn by: C.T.  
apprvd. by: D.D.  
revisions:

SHEET NO.  
1 OF 3



SECOND FLOOR PLAN

  
**MARTINI**  
 AND ASSOCIATES INC.  
 DESIGNERS & PLANNERS  
 RESIDENTIAL COMMERCIAL INDUSTRIAL  
 920 E. LONG LAKE RD.  
 TROY, MI 48065  
 PHONE: (248) 524-0445  
 FAX: (248) 524-0447  
 SEAL  
  
 CONSULTANT  
 PROJECT: LOT #12 AMBERWOOD ESTATES  
 TROY, MI  
 OWNER: YACIOUB MURAD  
 JOB NO.  
 10-196  
 COPY RIGHT 2010  
 ALL RIGHTS RESERVED  
 MARTINI & ASSOCIATES, INC.  
 date: 9-10-10  
 drawn by: C.T.  
 apprvd. by: D.D.  
 revisions:  
 SHEET NO.  
 2 OF 3  

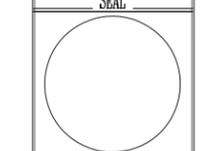



FRONT ELEVATION



**MARTINI**  
 AND ASSOCIATES INC.  
 DESIGNERS & PLANNERS  
 RESIDENTIAL COMMERCIAL INDUSTRIAL

920 E. LONG LAKE RD.  
 TROY, MI. 48065  
 PHONE: (248) 524-0445  
 FAX: (248) 524-0447



CONSULTANT

PROJECT: LOT #12 AMBERWOOD ESTATES  
 TROY, MI  
 OWNER: YACCOUB MURAD

JOB NO.  
 10-196

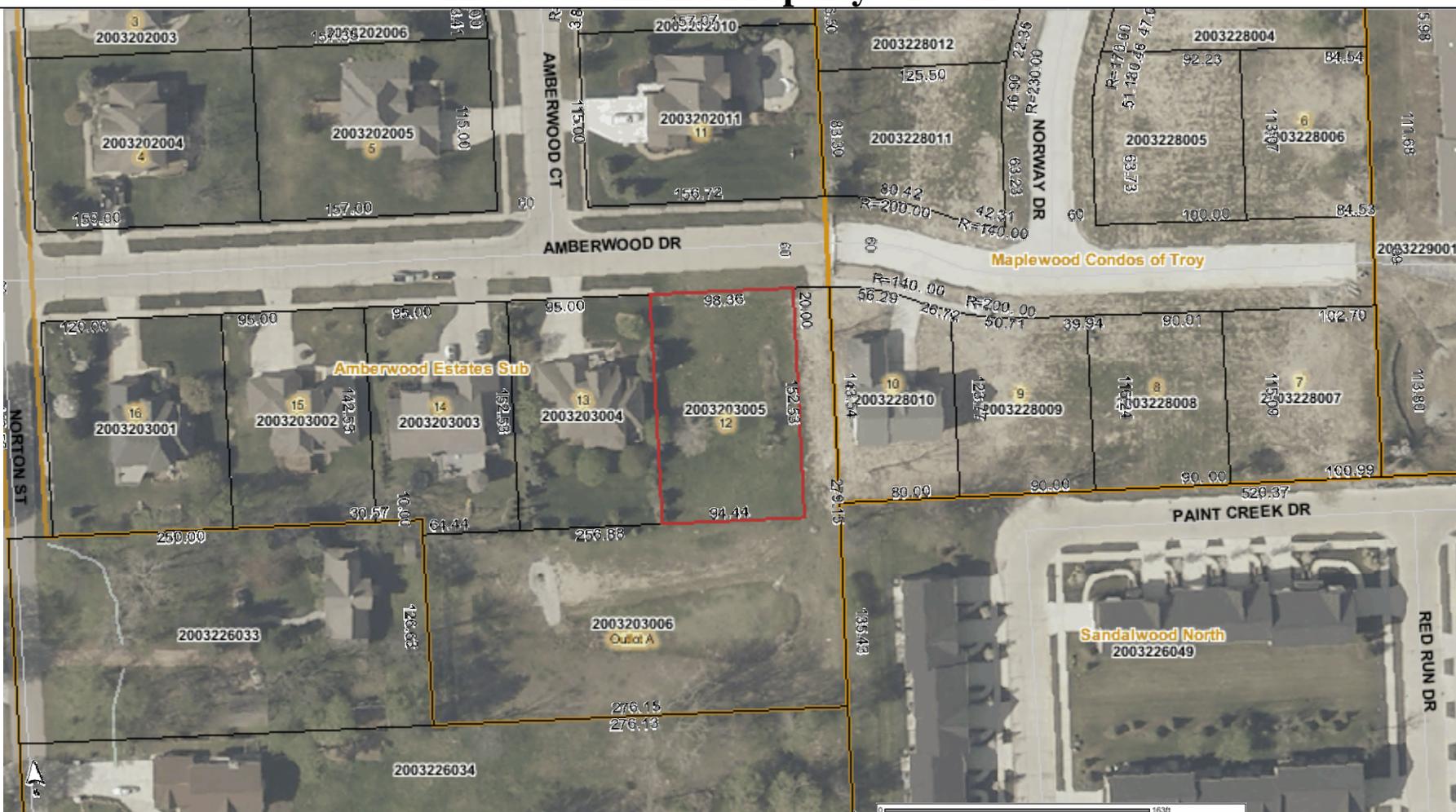
COPY RIGHT 2010  
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date: 9-10-10  
 drawn by: C.T.  
 apprvd. by: D.D.  
 revisions:

SHEET NO.  
 3 of 3



# Access Oakland Property Viewer



Disclaimer: The information provided in this system has been compiled from recorded deeds, plats, tax maps, surveys and other public records and data. It is not a legally recorded map or survey and is not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.

## LEGEND

- Lake and Stream
- Tax Parcel
- Lot
- Subdivision
- Railroad
- Interstates
- U.S. Highway
- State Highway

4. HEARING OF CASES

- A. REVIEW AND APPROVAL REQUEST, ROBERT AND GENOVEVA RASCOL, 635 HARTLAND – A request to allow the temporary outdoor parking of a commercial vehicle (stake truck) in a one family residential district.

**ORDINANCE SECTION: 43.74.00**





3320

3301

3289

3300

757

3264

675

3242

3238

3220

471

563

575

587

599

611

623

635

655

695

705

715

HARTLAND

630

630

640

672

680

690

710



3320

3301

3289

757

3300

675

(R-1E)

3264

3242

3238

635

655

695

705

715

7

3220

471

563

575

587

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611

623

HARTLAND

620

630

640

672

680

690

710

RECOMMENDED FORM FOR MOTIONS GRANDING REVIEW AND APPROVAL OR DENIAL OF TEMPORARY PARKING OF COMMERCIAL VEHICLES IN ONE-FAMILY RESIDENTIAL DISTRICTS

MOVE TO GRANT THE REQUEST:

1. The request must meet standard C below, and then
2. The request must meet either standard A OR B below
  - a. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
  - b. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
  - c. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).
3. The approval cannot be for a period exceeding 2 years

MOVE TO DENY THE REQUEST:

The request does not meet standard C

OR

The request meets standard C but does not meet standard A OR B.

CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
FAX: 248-524-3382
E-MAIL: planning@troymi.gov
http://www.troymi.gov/Planning



FILE NUMBER \_\_\_\_\_
LOCATION \_\_\_\_\_
REGULAR MEETING FEE (\$150.00) \_\_\_\_\_
VARIANCE RENEWAL (\$35.00) \_\_\_\_\_
SPECIAL MEETING (\$650.00) \_\_\_\_\_

NOTICE TO THE APPLICANT

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 TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.

A COMPLETE APPLICATION THAT MEETS ZONING ORDINANCE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BOARD OF ZONING APPEALS.

- 1. ADDRESS OF THE SUBJECT PROPERTY: 635 Hartland
LOT NO. 27 SUBDIVISION Beaver Brook
LOCATED ON THE N SIDE OF (ROAD) Hartland
BETWEEN Rochester AND Livernois
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-22-476-014
3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: 43.74.01
4. REASONS FOR APPEAL: On a separate sheet, please describe the reasons justifying the requested action.
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: yes, Tuesday, September 15, 2009

6. APPLICANT INFORMATION:

NAME Robert & Genoveva Rascol  
COMPANY \_\_\_\_\_  
ADDRESS 635 HARTLAND  
CITY TROY MI. STATE MI. ZIP 48083  
TELEPHONE (248) 619-9448  
E-MAIL Sycamore\_33@yahoo.com

7. RELATIONSHIP OF APPLICANT TO THE OWNER OF THE SUBJECT PROPERTY:

same.

8. OWNER OF SUBJECT PROPERTY:

NAME Robert & Genoveva Rascol  
COMPANY \_\_\_\_\_  
ADDRESS 635 Hartland  
CITY TROY STATE Michigan ZIP 48083  
TELEPHONE (248) 619-9448  
E-MAIL Sycamore\_33@yahoo.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, Robert Rascol (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 Robert Rascol DATE 9/16/10  
PRINT NAME: ROBERT RASCOL

SIGNATURE OF PROPERTY OWNER Robert Rascol DATE 9/16/10  
PRINT NAME: ROBERT RASCOL

We don't own any other property where we could keep our truck. Our lot is 90' by 500'.

Statement describing how the request satisfies standard b

The cost of building a garage that accommodates our truck is over \$20,000.00 (twenty thousand) dollars.

Statement describing how the request satisfies standard c

The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street.









**From:** [Brent Savidant](#) on behalf of [Planning](#)  
**To:** [Kathy Czarnecki](#); [Paul M Evans](#)  
**Subject:** FW: Zoning Ordinance 43.74.00  
**Date:** Monday, October 04, 2010 8:27:40 AM

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FYI, this is in Planning Folder

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**From:** robo2@comcast.net [mailto:robo2@comcast.net]  
**Sent:** Saturday, October 02, 2010 12:28 AM  
**To:** Planning  
**Subject:** Zoning Ordinance 43.74.00

Zoning Appeals Board,

In regards to commerical vehicle parked in residential district at 635 Hartland I live two doors east of owner Robert Rascol and have no problems with Robert parking his truck on his property. His truck and his property are well taken care of and are no eye sore to the neighborhood.

Thank you,  
Dennis Ure

**ITEM #3 – con't.**

Mr. Lambert suggested that the petitioner could go in and speak with City Staff regarding alternate plans.

Mr. Courtney said that the petitioner could come back with a lesser variance request.

**ITEM #4 – APPROVAL REQUEST. ROBERT & GENOVENA RASCOL, 635**

**HARTLAND**, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are seeking approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F450 stake truck described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

Mr. Bartnik asked if the three (3) lots to the north of this site had homes on them.

Mr. Stimac stated that he knows that there was at least one existing home and does know for sure if there are others.

Mr. Kovacs stated that he had looked at the area on line and there are three homes on the property.

Mr. Courtney said that he felt those homes would be too far away to see this truck.

Mr. Rascol was present and stated that the truck is slightly larger than a F150 or F250. It is approximately 3' longer, 2' wider and 2' taller than a normal pickup truck. They have lived in Troy since 1996 and previously had lived at 680 Hartland. They had been before Council and received a variance either in 1996 or 1997 and they have not had to appear before a Board since then. In May 2006 they moved across the street to a home that has a larger lot, and the present vehicle is 1' shorter than the original truck. Mr. Rascol has a small tree service and only one truck is required. Due to the economy, it is much easier for them to keep the truck on their property rather than spend the extra money to store it in another location. The truck is not visible and Mr. Rascol would like to be able to keep the truck parked on his property. This is a very large property and if the Board wished, they would be willing to move the truck to another location on their lot.

Mr. Kovacs informed the Board that there are three (3) written approvals on file and two (2) written objections on file.

Mr. Lambert stated that he was probably on City Council the last time this request came before a Board and asked Mr. Rascol if Council had placed any stipulations on this request such as additional screening with landscaping or fencing.

**ITEM #4 – con't.**

Mr. Rascol said that the last time they had received approval they were not required to add any fencing or landscaping to park the truck on their property. This was at 680 Hartland and it was parked in front of the garage. Mr. Rascol said that he would like to be able to keep his truck on his property.

Mr. Courtney stated that the Ordinance had changed and it may cost the petitioner some money to park the truck elsewhere. Mr. Courtney said that he would be in favor of short term approval to allow the petitioner the opportunity to explore other possibilities for the storage of this truck. Mr. Courtney also stated that it may be possible for Mr. Rascol to build a garage that would hold this vehicle.

Mr. Rascol said that the truck is approximately 10' tall and is not sure that he would be able to fit it inside his attached garage.

Mr. Kovacs asked how high the opening of a garage door could be.

Mr. Stimac said that presently an attached garage could have a door opening with a 10' height.

Mr. Kovacs said that in his opinion the restrictions of the Ordinance do not allow a petitioner to build a garage with a large enough door opening to hold a commercial vehicle.

Mr. Stimac said that there is no limit on the size of the door opening for a detached garage, although the maximum height of a detached garage is limited to 14' to the average roof line.

Mr. Rascol said that he can lower the box of the truck and asked how close he could come to the side property line with the attached garage.

Mr. Stimac said that as long as there is 10' from the side property line on the east side of the house, then the west building line could be within 5' of the property line.

Mr. Rascol said that he would prefer to keep the truck outside.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Kovacs asked Mr. Rascol about the standards listed on the application and said that the Board had to agree that the petitioner met Item C and either A or B. Mr. Kovacs asked the petitioner how he felt that he met the other criteria.

Mr. Rascol said that in his opinion, he had met all of the criteria listed in order for the Board to grant approval.

**ITEM #4 – con't.**

Motion by Courtney  
Supported by Lambert

MOVED, to grant Robert & Genovena Rascol, 635 Hartland, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one-year.

- One-year time frame will give the petitioner the opportunity to look into other options for the storage of this vehicle.
- Petitioner met the requirements of A and C.

Mr. Bartnik stated that he did not believe the petitioner met the criteria for either A or B and was concerned about granting this approval for one-year without evidence of either A or B. Mr. Bartnik informed the applicant that it was up to him to provide evidence that he looked for another area to store this vehicle.

Mr. Rascol stated that he would really like to keep this commercial vehicle at his home as he has done for the past ten (10) years.

Mr. Bartnik stated that this was a residential neighborhood and would like to see the motion amended and reduce the amount of time allowed to six months rather than one-year.

Mr. Courtney said that he would be willing to amend the motion for a period of six months, and if during that time period the petitioner had shown that he was trying to enlarge the existing garage, he would be willing to extend that another month or two.

Mr. Kovacs said that the Board is looking for the information it needs that Mr. Rascol has made a solid, reasonable effort to find somewhere else to store this vehicle.

Mr. Kovacs asked for a vote on the motion with the amendment of time allowed from one year to six months.

MOVED, to grant Robert & Genovena Rascol, 635 Hartland, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of six (6) months.

- Six-month time frame will allow the petitioner to explore the possibility of enlarging his attached garage.
- Six-month time frame will allow the petitioner to look into other sites where this vehicle could be stored.

Yeas: 4 – Clark, Courtney, Kovacs, Lambert  
Nays: 2 – Wright, Bartnik

**ITEM #4 – con't.****MOTION TO GRANT APPROVAL FOR SIX MONTHS CARRIED**

**ITEM #5 – VARIANCE REQUEST. VASILE CARSTEA, 5353 LIVERNOIS**, for relief of the Ordinance to reduce the width of the driveways by installing gates. The site plan submitted indicates that the gates will reduce the width of both driveways, (Stalwart and Livernois), to 18'. Section 40.25.00 requires a minimum width of 22' for a two-way driveway.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to reduce the width of the existing driveways by installing gates at 5353 Livernois. The site plan submitted indicates installing entrance gates at the north (Stalwart) and east (Livernois) driveways to the parking lot. As shown on the plans, these gates will reduce the width of both driveways to 18'. Section 40.25.00 requires a minimum width of 22' for a two-way driveway.

Mr. Lambert asked if the gate width is set up for public safety purposes such as the ingress and egress of Fire Trucks.

Mr. Stimac stated that he did speak with the Fire Department on this issue and presumably if the Fire Department were arriving to the site, they would not be dealing with on-coming traffic to get to the site. A fire truck can get through an area that is 18' wide. The actual requirement is basically to deal with day to day passenger vehicles trying to go through this opening in both directions simultaneously. Standard parking spaces in the City of Troy are 9 ½' wide and you will be doing two-way traffic with 1' less for two cars if this variance is granted. The gates have already been fabricated.

Mr. Courtney asked for a clarification on the size of parking spaces.

Mr. Stimac said that the width of two parking spaces is required to be 19' and two-way traffic is 22'. A drive aisle is 11' wide.

Mr. Bartnik asked what the width of the pavement on Stalwart as it appeared to him that the north driveway was no narrower than the pavement on Stalwart.

Mr. Stimac stated that the typical width of asphalt street pavement is 22' from edge to edge. Right now the drive at the church is 24 1/2' wide. In a parking lot arrangement where you are actually maneuvering in and out of a parking space the two-way driveway width is actually 24'. Where there are just two cars passing each other in a driveway, the minimum width is 22'. The extra space is required when you are backing out and making a 90° turn.

Mr. Bartnik asked what the zoning of this property was.

**ITEM #7 – con't.**

Mr. Mark Hayes, 230 McKinley was present. Mr. Hayes stated that for the first five years he lived in this area he was completely unaware that these buildings were on the property. None of the neighbors have any complaints as the property is well maintained. Mr. Hayes read a letter from his wife and she also approves of this request.

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

There are no written approvals or complaints on file.

Mr. Courtney asked if there were any animals on the property now.

Mr. Brown stated that they have five miniature horses and a dog.

Motion by Lambert

Supported by Courtney

MOVED, to grant W. Kaye Barclay, 5501 Houghten, relief of the Ordinance to maintain a total of 7001 square feet of accessory buildings where Section 40.56.02 limits the square footage of all accessory buildings on this site to not more than 1816 square feet.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance relates only to the property described in this application.
- Conformance is unnecessarily burdensome.
- Property is large and bordered by a highway and a large commercial development.

Yeas: 6 – Lambert, Ullmann, Bartnik, Clark, Courtney, Kempen

Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

**ITEM #8 – APPROVAL REQUESTED. MR. & MRS. ROBERT RASCOL, 635**

**HARTLAND**, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are seeking approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F450 stake truck described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

**ITEM #8 – con't.**

This item last appeared before this Board at the meeting of March 18, 2008 and the petitioners were granted a six (6) month time frame to look into the option of enlarging the existing garage; and to explore the possibility of parking this vehicle at another site.

Mr. Rascol was present and stated that he and his wife lived in Troy since 1996 and previously had lived at 680 Hartland. They had been before Council and received a variance either in 1996 or 1997. Mr. Rascol went on to say that in October 1998, City Council granted approval for him to keep the truck on his property, which at that time was 680 Hartland. In May 2006 they moved across the street to a home that has a larger lot. Due to the economy, it is much easier for them to keep the truck on their property rather than spend the extra money to store it in another location. The truck is not visible and Mr. Rascol would like to be able to keep the truck parked on his property as it does not affect any of the adjacent property.

Mr. Bartnik said that in March 2008 the petitioner was given a six-month extension in order for him to look at other locations to store this vehicle or to determine whether or not a garage could be built.

Mr. Rascol said that he did not look into storing this vehicle off-site.

Mr. Bartnik stated that this truck has been parked on residential property for ten years and any approval granted is to be on a temporary basis, not longer than two years. City Council gave approval for one year. Ten years is more than temporary usage.

Mr. Rascol said that it was his understanding that the property was adequate to provide parking for this vehicle.

Mr. Courtney stated that the Ordinance has been revised and is now completely different. Mr. Courtney stated that he did not mind if additional time was granted.

A discussion began regarding the approval by City Council and the Board of Zoning Appeals.

Mr. Stimac stated that officially the Ordinance does not call this a temporary approval but does limit the approval of the time frame granted by the Board of Zoning appeals to not more than two (2) years.

Mr. Rascol stated that the truck does not affect his neighbors and he would like to keep it on his property.

Mr. Clark stated that this Board has the ability to approve this request anywhere from six months to two years. Mr. Clark said that he is very familiar with this area and the lots are quite wide and deep. Mr. Clark asked how close the truck was to the neighbors' property.

**ITEM #8 – con't.**

Mr. Rascol said that it is parked within 5' of the property line and there are a lot of trees that have been planted. Mr. Rascol said that he would be willing to move the truck back on the property.

Mr. Courtney asked how long Mr. Rascol has owned this truck.

Mr. Rascol said that he has owned this truck since 2006.

Mr. Courtney asked how long the neighbor has lived in his home.

Mr. Rascol said that he has been there for a long time and this truck does not bother him at all.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Lambert stated that he believes the petitioner meets the criteria under Item C, but there is no substantiation regarding Item A or B. Mr. Lambert suggested that the petitioner go out and determine if there is somewhere else he could park this vehicle. Mr. Lambert also stated that he would like this petitioner to come back before the Board with some kind of substantiation that he had explored other alternatives.

Mr. Bartnik said that this is a "permitting situation" and the Ordinance only calls for a temporary approval. Petitioner was granted a six month extension and did not come back before this Board for a year.

Mr. Rascol said that he had spoken to a couple of builders and they estimated that the cost of a garage would be between \$15,000.00 and \$25,000.00. Mr. Rascol said that they would put up a larger garage if they could. Mr. Rascol also stated that he did not check on parking this vehicle at a storage facility. In this economy it is very difficult to pay for outside storage. Mr. Rascol also stated that he believed that as long as he met the criteria listed in Item C, he did not have to meet any of the other criteria.

Mr. Courtney pointed out that the application states that the petitioner has to meet the criteria in Item C and also either A or B.

Motion by Courtney  
Supported by Lambert

**MOVED, to postpone the request of Mr. & Mrs. Robert Rascol, 635 Hartland, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property until the meeting of September 15, 2009.**

**ITEM #8 – con't.**

- To allow the petitioner to bring in documentation regarding construction of a garage.
- To allow the petitioner to explore other sites to park this vehicle.

Yeas: 4 – Lambert, Ullmann, Courtney, Kempen  
Nays: 2 – Bartnik, Clark  
Absent: 1 – Kovacs

**MOTION TO POSTPONE THIS REQUEST UNTIL SEPTEMBER 15, 2009 CARRIED**

Motion by Courtney  
Supported by Lambert

MOVED, to excuse Mr. Kovacs from this meeting as he is out of the county on vacation.

Yeas: 6 – Ullmann, Bartnik, Clark, Courtney, Kempen, Lambert  
Absent: 1 – Kovacs

**MOTION TO EXCUSE MR. KOVACS CARRIED**

The Board of Zoning Appeals meeting adjourned at 8:19 P.M.

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Glenn Clark, Chairman

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Pam Pasternak, Recording Secretary

**ITEM #2 – con't.**

Absent: 2 – Lambert, Kovacs

MOTION TO GRANT RENEWAL FOR THREE (3) YEARS CARRIED

**ITEM #3 - APPROVAL REQUESTED. ANDREW PUMA, 951 E. SQUARE LAKE**, for approval under Section 43.74.01 to store an enclosed utility trailer outside on residential property.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The enclosed utility trailer described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

This item last appeared before this Board at the meeting of August 18, 2009 and was postponed to this meeting to allow the petitioner to present further documentation to the Building Department regarding the use of this trailer. Mr. Stimac further explained that the petitioner had not given any further documentation to Building Department Staff.

Motion by Courtney  
Supported by Bartnik

MOVED, to deny the request of Andrew Puma, 951 E. Square Lake, for approval under Section 43.74.01 to store an enclosed utility trailer outside on residential property.

- Petitioner has indicated that this trailer will not be used for commercial purposes therefore approval is not required.

Yeas: 5 – Ullmann, Bartnik, Clark, Courtney, Kempen  
Absent: 2 – Lambert, Kovacs

MOTION TO DENY REQUEST CARRIED

**ITEM #4 – APPROVAL REQUESTED. MR. & MRS. ROBERT RASCOL, 635 HARTLAND**, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are seeking approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F450 stake truck described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

This item last appeared before this Board at the meeting of August 18, 2009 and was postponed to allow the petitioner to bring in documentation regarding costs of

**ITEM #4 – con't.**

constructing a garage; and also to allow the petitioner to explore other sites to park this vehicle.

Mr. Rascol was present and passed out quotes regarding construction of a garage. Mr. Rascol also stated that he did not find anywhere else to park this truck that would be considered a secure area. Mr. Rascol indicated that he had found commercial sites that may allow him to park his vehicle, but he does not feel they are safe.

Mr. Courtney asked if Mr. Rascol had contacted the Building Department regarding parking of this vehicle and he said that he did not.

Mr. Courtney stated that there is a list of secured parking for commercial vehicles that Mr. Rascol could look at. Mr. Courtney further stated that no one was around this vehicle at this time and asked why Mr. Rascol considered it safe in this location.

Mr. Rascol said that there were neighbors around. Mr. Rascol also brought in paperwork from the City Council meeting from 1998, which he had interpreted as granting approval of the storage of this vehicle outside.

Mr. Courtney pointed out that it was only for one-year.

Mr. Rascol stated that he believed that once he had received approval from City Council he did not need to come back or do anything else.

Mr. Bartnik asked why Mr. Rascol was before this Board.

Mr. Rascol replied that it was because someone from the City had notified him that he needed to do this.

Mr. Bartnik confirmed that the City had let him know there was a violation. Mr. Rascol said that was correct and he wants approval under the existing law.

Mr. Bartnik said that Mr. Rascol does not make any attempts to move this commercial vehicle until he is told there is a violation.

Mr. Rascol said that he believed the approval from City Council was for more than one year.

Mr. Bartnik pointed out that in March 2008, Mr. Rascol was given a six-month time frame to look into other alternatives for this vehicle and he did not come back before the Board. Mr. Rascol apologized.

**ITEM #4 – con't.**

Mr. Clark stated that Mr. Rascol had given the Board several quotes regarding the construction of a garage ranging in price from \$21,900.00 to \$26,000.00. Mr. Clark asked if Mr. Rascol would be able to construct a garage at this time.

Mr. Rascol said that right now it would be a financial hardship.

Mr. Clark said that this parcel is very deep and there is a list available regarding outside storage of this vehicle.

Mr. Bartnik asked if Mr. Rascol has had a commercial vehicle on his property since he moved to Troy in 1996. Mr. Rascol said that was correct.

The Chairman opened the Public Hearing.

Mr. Alan Brown, 672 Hartland, was present and stated that he lives across the street. Mr. Brown indicated that Mr. Rascol maintains his home and truck and it is never parked beyond the front of the house. Mr. Brown said that you couldn't ask for a better neighbor and is in favor of this request.

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

Mr. Kovacs asked how many objections were on file regarding this vehicle.

Mr. Clark looked through the file and determined that there are four (4) approvals and two (2) objections on file.

Mr. Stimac said that these responses did not include the property occupied by Mr. Rascol in 1996 at 680 Hartland.

Motion by Bartnik

MOVED, to deny the request of Mr. & Mrs. Robert Rascol, 635 Hartland, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

- Petitioner did not meet the criteria outlined in Item C.
- Petitioner has made no attempt to indicate that he is seeking a temporary approval.

Motion to deny fails due to lack of support.

Mr. Kovacs apologized for missing the August meeting and stated that he had been on vacation and also apologized for being late at this meeting.

**ITEM #4 – con't.**

Mr. Courtney said that he did not like the truck parked in a residential area, but that the location on the side of the house where it was parked was not a problem. Mr. Courtney indicated that he would rather not see a garage constructed on this property and indicated that Mr. Rascol should be looking into alternative parking spots. Mr. Courtney also said that he would be willing to grant a short term approval at this point so that Mr. Rascol could look into other locations to park this vehicle.

Motion by Courtney  
Supported by Ullmann

MOVED, to grant Mr. & Mrs. Robert Rascol, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of nine (9) months.

- The petitioner has complied with the requirements of Items B & C.
- To allow petitioner the opportunity to explore other sites on which to park this vehicle.

Mr. Kovacs stated that he did not understand why the petitioner does not meet the criteria outlined in Item C.

Mr. Bartnik said that in his opinion this is a large stake truck and believes that the box makes it appear larger.

Mr. Kovacs stated that the vehicle is always parked behind the front of the house and if it were a recreational vehicle it would be allowed to park in this area.

Mr. Kempen said that he thought the vehicle could be moved farther back on the property.

Mr. Clark stated that he believes it is very difficult for families to keep going in this economy and said that he would like to amend the motion to approve for one-year rather than nine (9) months.

Mr. Courtney said that he would support an amendment as he would rather not see a garage on this site and would rather see the vehicle parked off-site.

Motion by Clark  
Supported by Courtney

MOVED, to amend the original motion by striking 9 months and substituting a time period of one (1) year.

**ITEM #4 – con't.**

- To allow petitioner the opportunity to explore other sites on which to park this vehicle.
- To aid the petitioner during this economic climate.

Mr. Bartnik stated that he is objecting to this motion. This is a residential area, one block north of Big Beaver and he does not believe a commercial vehicle belongs in this location. Mr. Bartnik further stated that he does not understand why the Board would put a commercial vehicle in a residential area. Commercial vehicles devalue property and this approval is in place for people to come before this Board to ask for more time to look for other alternatives. This petitioner did not ask permission again and no effort has been made on his part to find another location. Mr. Bartnik said that he would like to deny both motions as this vehicle has been parked in a residential location for the last 10 to 12 years. Economics have changed up and down over the years and the truck has not been moved.

Mr. Kovacs said that in his opinion the petitioner meets the criteria outlined in Item C and furthermore, if this was a recreational vehicle it could remain in that location indefinitely. In order for this Board to grant approval the petitioner has to meet the criteria in Item C and either A or B. Mr. Kovacs said that he would like to give the petitioner one more year to find another location for this vehicle.

Mr. Clark said that he agrees with Mr. Kovacs in that the petitioner has met the criteria listed in Item C, but doesn't necessarily agree that any type of vehicle could be parked in this location. The facts are that southeast Michigan has been horribly impacted by today's economy and he believes this will only be a temporary situation. There are no traffic concerns in this area and the truck is gone for a good portion of each day. Mr. Clark is in favor of the amended motion.

Mr. Bartnik pointed out that a garage could be constructed based on the quotes brought in by the petitioner and he does not feel the petitioner meets the criteria in Item B.

Vote on motion to amend original motion.

Yeas: 4 – Kovacs, Clark, Courtney, Kempen  
Nays: 2 – Bartnik, Ullmann  
Absent: 1 – Lambert

**MOTION TO AMEND MOTION CARRIED**

Vote on amended motion which will state:

**MOVED, to grant Mr. & Mrs. Robert Rascol, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one (1) year.**

**ITEM #4 – con’t.**

- The petitioner has complied with criteria B & C.
- To allow petitioner the opportunity to explore other sites on which to park this vehicle.
- To aid the petitioner during this economic climate.

Yeas: 4 – Clark, Courtney, Kempen, Kovacs  
 Nays: 2 – Ullmann, Bartnik  
 Absent: 1 – Lambert

**MOTION TO GRANT APPROVAL FOR A PERIOD OF ONE (1) YEAR CARRIED**

Motion by Courtney  
 Supported by Ullmann

MOVED, to excuse Mr. Lambert from tonight’s meeting as he is out of town.

Yeas: 6 – Clark, Courtney, Kempen, Kovacs, Ullmann  
 Absent: 1 – Lambert

**MOTION TO EXCUSE MR. LAMBERT CARRIED**

Mr. Stimac informed the Board that it was possible that the October meeting would be cancelled, depending on whether any new applications were received. A discussion began regarding the by-laws of the Board of Zoning Appeals and it was determined that the by-laws do not address the cancellation of a regularly scheduled meeting.

Motion by Courtney  
 Supported by Kovacs

MOVED, to allow Mr. Stimac to cancel the next meeting of the Board of Zoning Appeals on Tuesday, October 20, 2009 if no other new items are presented.

Yeas: 6 – Bartnik, Clark, Courtney, Kempen, Kovacs, Ullmann  
 Absent: 1 – Lambert

**MOTION TO ALLOW MR. STIMAC TO CANCEL THE OCTOBER MEETING CARRIED**

Mr. Stimac addressed the Board regarding the memo sent out by the City Manager. Mr. Stimac said that Mr. Szerlag offered to attend a future Board of Zoning Appeals meeting to discuss the plans. He will also be attending other Board’s meetings and would be happy to include the BZA members at any of those meetings as well. Mr. Stimac indicated that he would get a list together of the meetings Mr. Szerlag will be at and pass those along to the Board.

4. HEARING OF CASES

- B. **VARIANCE REQUEST, DAVID J. ZABLOCKI, 3920 CHESTNUT HILL COURT** – In order to enlarge the existing deck so that it is 21 feet from the rear property line, 1) a 9 foot variance to the requirement that unenclosed decks may extend into the required rear yard setback by no more than 15 feet, and 2) a 4 foot variance to the requirement that the unenclosed deck be set back at least 25 feet from the rear property line.

**ORDINANCE SECTION: 41.45.00**



W WATTLES

CHESTNUT HILL

ADAMS

BINBROOKE

AVONHURST

3980

3965

3960

2963

2941

2919

2897

2875

2849

2820

3940

3941

3940

3921

3920

3920

3901

3900

3880

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2930

2910

2888

2866

2844

2800

2770

2760

2790

2795



3940

3941

3940

3921

3920

3920

3901

3900

2800

CHESTNUT HILL



3940

3941

3940

3921

3920

3920

3901

3900

(R-1B)

2800

CHESTNUT HILL

# CITY OF TROY

## BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248-524-3364  
FAX: 248-524-3382  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)  
<http://www.troymi.gov/Planning>



FILE NUMBER \_\_\_\_\_  
LOCATION \_\_\_\_\_  
REGULAR MEETING FEE (\$150.00) \_\_\_\_\_  
VARIANCE RENEWAL (\$35.00) \_\_\_\_\_  
SPECIAL MEETING (\$650.00) \_\_\_\_\_

### NOTICE TO THE APPLICANT

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 **TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE**.

A COMPLETE APPLICATION THAT MEETS ZONING ORDINANCE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BOARD OF ZONING APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 3920 Chestnut Hill Ct., Troy, MI 48084  
LOT NO. 231 SUBDIVISION Town Acres Subdivision No. 6  
LOCATED ON THE South SIDE OF (ROAD) Wattles  
BETWEEN Adams (East of Adams) AND Wattles (South of Wattles)  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-19-101-011
3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: Rear yard set back
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: No

6. APPLICANT INFORMATION:

NAME David Zablocki  
COMPANY \_\_\_\_\_  
ADDRESS 3920 Chestnut Hill Ct.,  
CITY Troy STATE MI ZIP 48084  
TELEPHONE 586-291-1233  
E-MAIL djzscuba2@yahoo.com

7. RELATIONSHIP OF APPLICANT TO THE OWNER OF THE SUBJECT PROPERTY:

Owner

8. OWNER OF SUBJECT PROPERTY:

NAME David Zablocki  
COMPANY \_\_\_\_\_  
ADDRESS 3920 Chestnut Hill Ct.  
CITY Troy STATE MI ZIP 48084  
TELEPHONE 586-291-1233  
E-MAIL djzscuba2@yahoo.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, David Zablocki (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 *David Zablocki* DATE 09-22-2010  
PRINT NAME: David Zablocki

SIGNATURE OF PROPERTY OWNER *David Zablocki* DATE 09-22-2010  
PRINT NAME: David Zablocki

David Zablocki  
3920 Chestnut Hill Ct.  
Troy, MI 48084  
586-291-1233  
[djzscuba2@yahoo.com](mailto:djzscuba2@yahoo.com)

**Variance in Question:**

Rear yard set back. Specifically, a deck shall not exceed 15 feet from rear of house

**Proposal to Variance:**

Seeking approval to allow deck to be a total of 28 feet from rear of house (24 feet for structure and 4 feet for stairs). Please see attached drawings.

**Hardship or Reason for Variance Request:**

Safety issue for children. There is a natural pond on an adjacent neighboring property (see attached picture). In addition to the water, there is a steep decline/downward hill on our neighbor's property which starts on our property and ends at the water where a child or an adult could roll down the hill and into the water. Also, it is difficult to see a child if he/she is at the base of the hill by the water from our property. Furthermore, the Rouge River is located on the south end of our property which creates additional water safety concerns.

**Solutions / Request:**

We are seeking to expand our existing deck (11 x 11, plus walk around – please see pictures) to 24 x 18, plus existing walk around and steps to give our children a safer area to play, and an area that is controllable and can be secured.

Thank you for your consideration.

David, Cheryl, Jessica and Nathan Zablocki

## SUBMITTAL CHECKLIST

THE FOLLOWING SHALL CONSTITUTE AN INITIAL SUBMISSION:

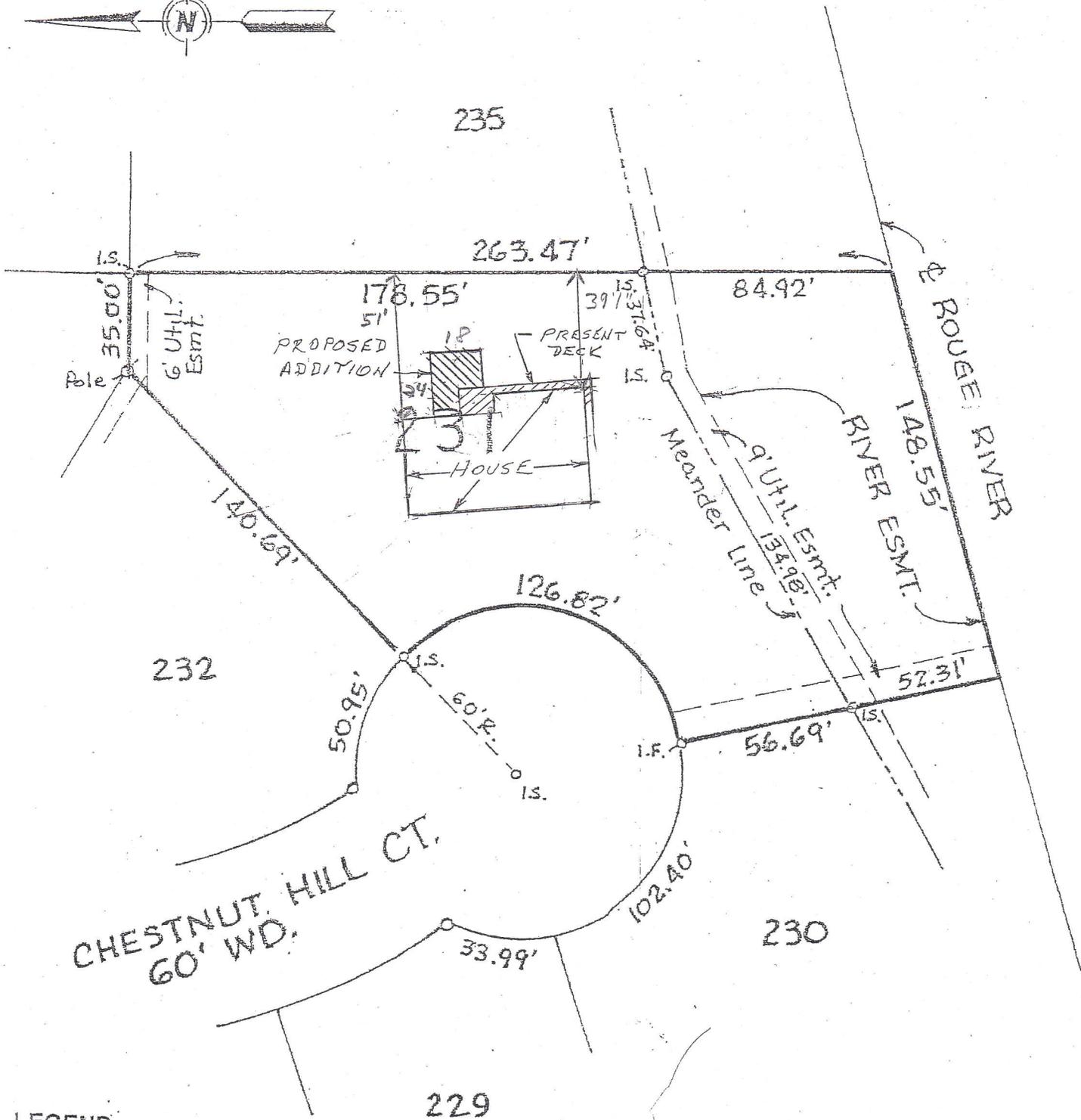
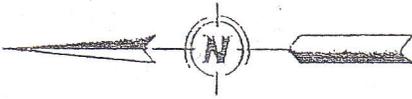
**REQUIRED**   **PROVIDED**

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>TWO (2) ORIGINAL COPIES OF THE APPLICATION FORM.</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>SEPARATE SHEET</b> DESCRIBING THE REASONS JUSTIFYING THE REQUEST. IF SEEKING A VARIANCE, THE REASONS MUST INCLUDE SUFFICIENT INFORMATION TO ALLOW THE BOARD OF ZONING APPEALS TO MAKE A DETERMINATION AS TO WHETHER THE CONDITIONS AND PRACTICAL DIFFICULTIES EXIST THAT WOULD ALLOW THE VARIANCE TO BE GRANTED UNDER SECTION 43.72.00 OF THE ZONING ORDINANCE. <b>PROVIDE TWO (2) COPIES.</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>TWO (2) COPIES OF A COMMERCIAL VEHICLE APPEAL:</b> PROVIDE A STATEMENT DESCRIBING HOW THE REQUEST SATISFIES STANDARDS A OR B, OF SECTION 43.74.01 OF THE ZONING ORDINANCE. PROVIDE <b>TWO (2) COPIES</b> OF A SEPARATE STATEMENT DESCRIBING HOW THE REQUEST SATISFIES STANDARD C OF SECTION 43.74.01 OF THE ZONING ORDINANCE.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>TWO (2) 8.5" X 11" HARDCOPIES</b> OF ALL SUPPORTING DOCUMENTS INCLUDING PLANS DRAWN TO SCALE, SHOWING THE SHAPE AND DIMENSION OF LOT(S), ALL EXISTING BUILDING(S) AND PROPOSED BUILDING(S) TO BE ERECTED, ALTERED OR CHANGED AND DISTANCES OF SETBACKS, ELEVATION DRAWINGS, AND PHOTOS AS NECESSARY TO ACCURATELY DESCRIBE THE PROPERTY, REQUEST, EXISTING AND PROPOSED PROPERTY CONDITIONS.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>TWO (2) COPIES OF INFORMATION</b> WITH REGARD TO LOT OR NEIGHBORING LOT(S), AND PROPOSED OR EXISTING USE(S), AS MAY BE DEEMED NECESSARY.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>TWO (2) COPIES CONTAINING A CLEAR AND ACCURATE DESCRIPTION</b> OF THE PROPOSED USE, CONSTRUCTION OR WORK.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>ONE (1) COMPACT DISC</b> CONTAINING AN ELECTRONIC VERSION OF THE APPLICATION AND <b>ALL</b> SUPPORTING DOCUMENTATION, PLANS, PRINTS, PHOTOGRAPHS, ETC. DOCUMENTATION SHOULD BE IN PDF, JPG, or TIFF FORMAT. OTHER FORMATS MAY BE COMPATIBLE, PLEASE CONTACT THE PLANNING DEPARTMENT FOR COMPATABILITY GUIDELINES.  |

***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.***





**LEGEND**

I.F.=IRON FOUND  
I.S.=IRON SET



SURVEY CERTIFIED TO:  
David Zablocki  
3920 Chestnut Hill Ct.  
Troy, MI 48084

COULTER and ASSOCIATES, INC.  
REGISTERED LAND  
SURVEYORS & ENGINEERS

Vertical text on the right edge of the page, likely a scanning artifact or reference number.

Iron Stake

N

1.50 = 3.6 FT  
Property Line  
178.55'

Iron Stake

35'

Iron Stake

PROPOSED ADDITION

PRESENT DECK

HOUSE

21'

25' 2 1/2" (APPROX)

HOUSE

10 FT.

1/4" = 1 FT.

EXISTING DECK

NEW DECK

2x6 JOIST 16" O.C.

5/4 IN. DECKING

12' 6"

2 FT

7 FT

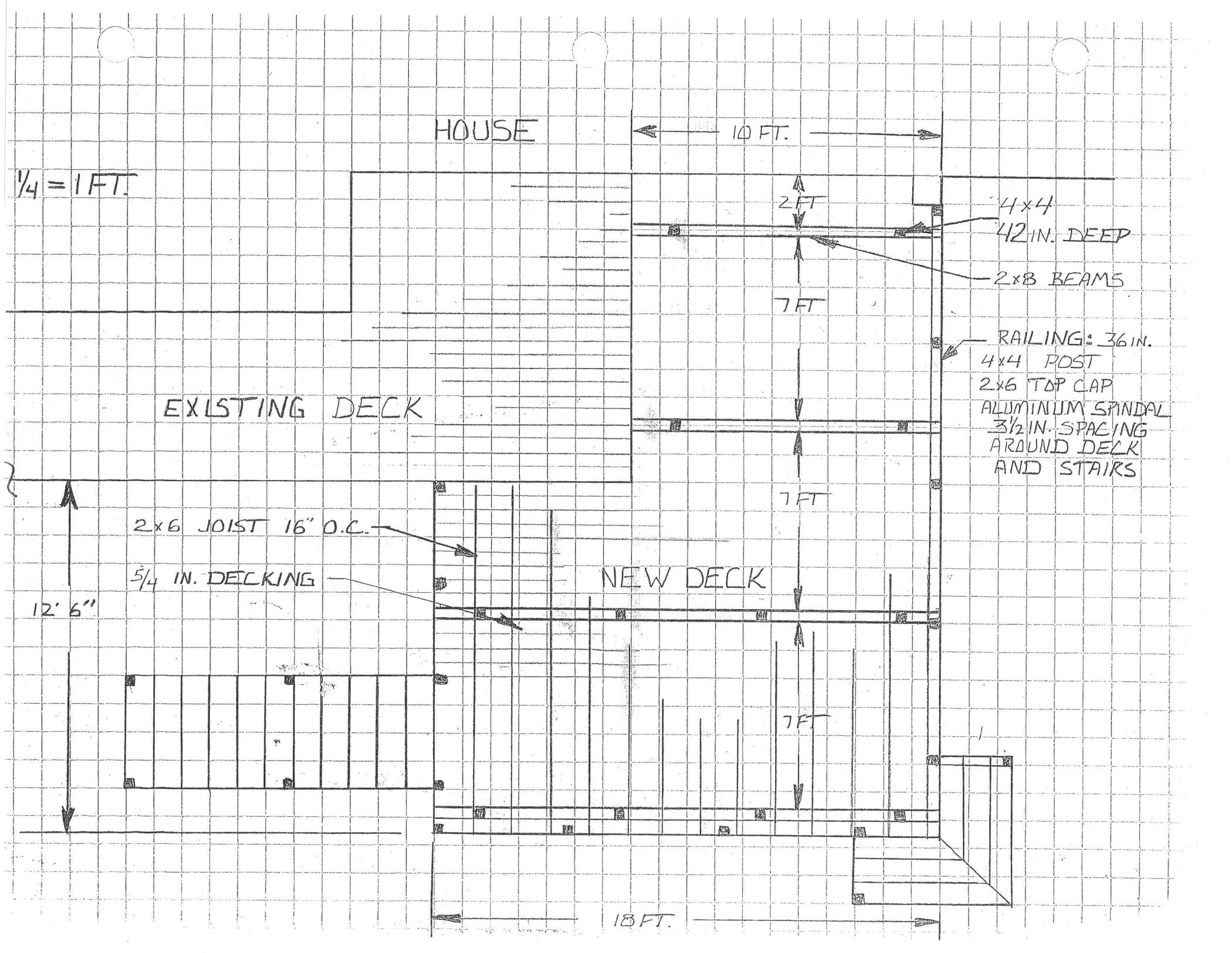
7 FT

7 FT

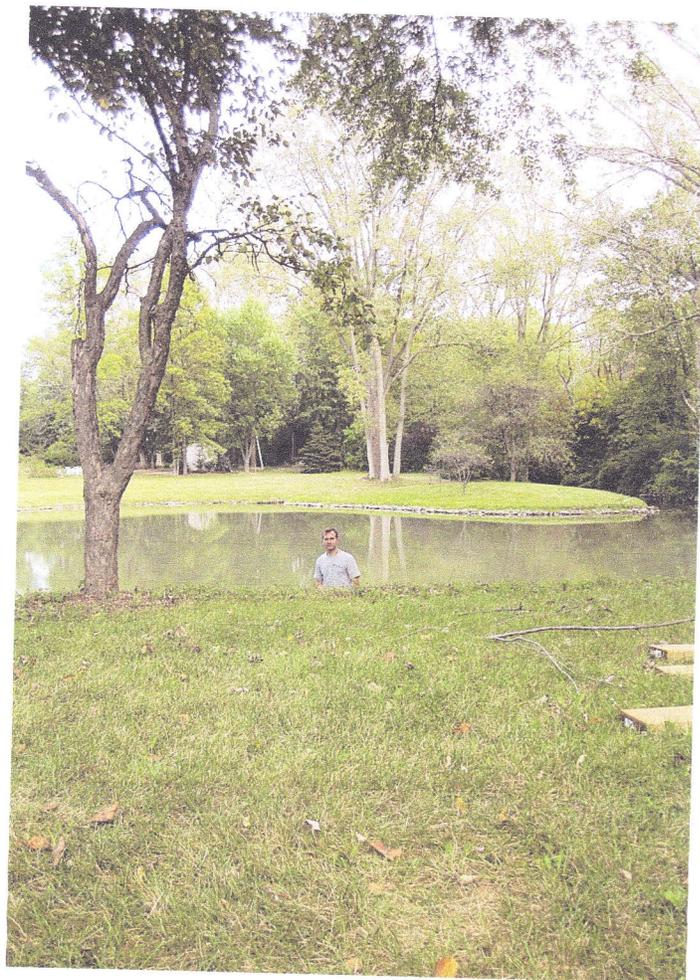
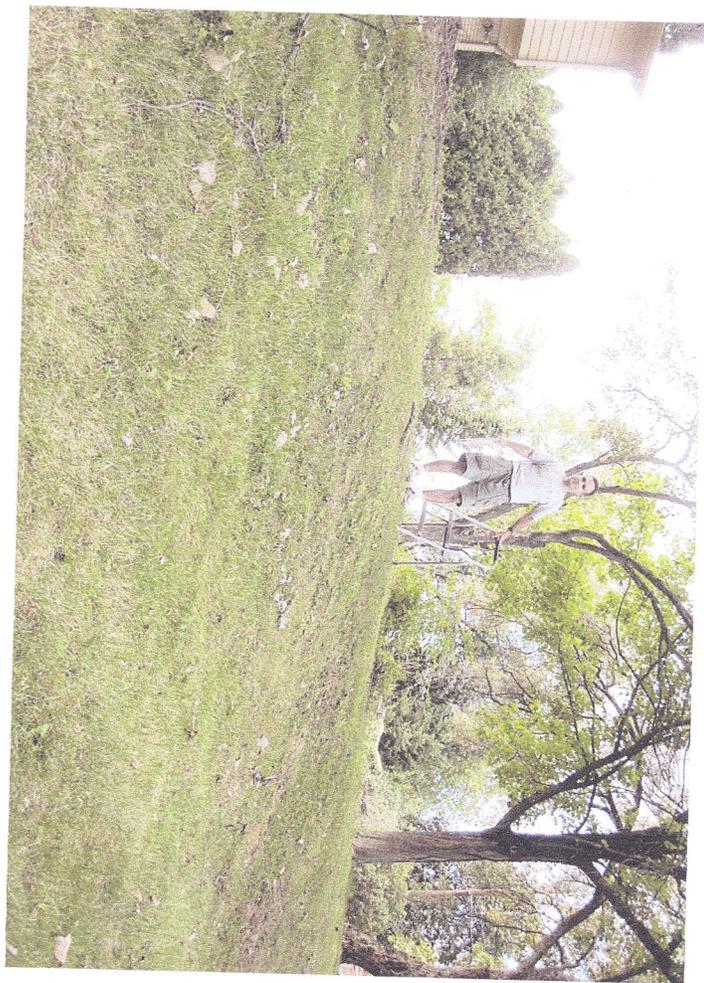
18 FT.

4x4  
4 1/2 IN. DEEP  
2x8 BEAMS

RAILING: 36 IN.  
4x4 POST  
2x6 TOP CAP  
ALUMINIUM SPINDAL  
3 1/2 IN. SPACING  
AROUND DECK  
AND STAIRS







Zablocki  
3920 Chestnut Hill Ct, Troy, MI 48084



#1 South view from North property line



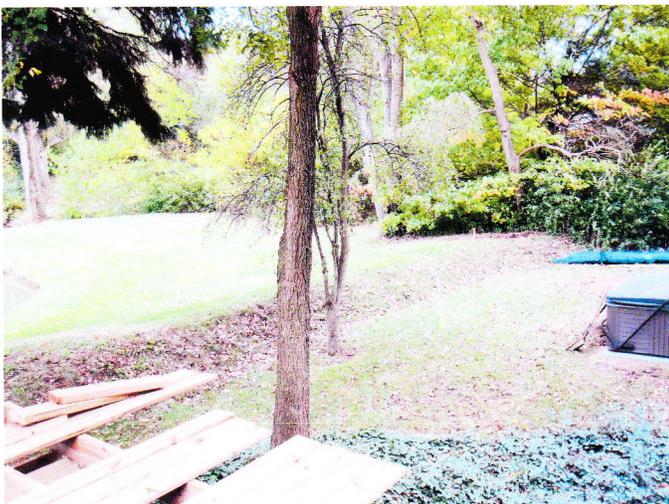
#2 North view



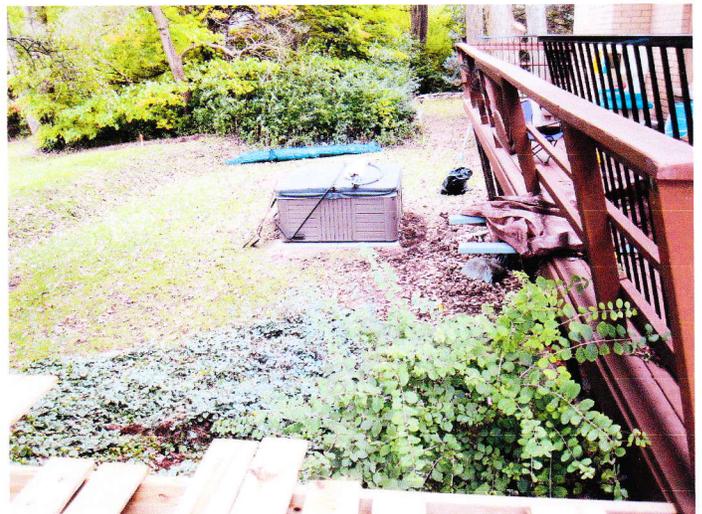
#3 North-East view & Mark-up of new railing



#4 East view & Mark-up of new railing



#5 South-East view of Pond and Rouge River



#6 South view towards Rouge River



#7 Deck and Property line (East of large tree)



#8 Distance from house & Mark-up of railing



#9 Elevation down from old & new deck



#10 Elevation up and mark-up of steps



#11 Elevation down and height



#12 Elevation up & Decline to Pond



#13 Front Steps looking down



#14 Front Steps side