

Standards for Non-Use Variances

1. Special or unique conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures or buildings in the same district.
2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary.
3. The special conditions and circumstances do not result from the actions of the applicant.
4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.
5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.
6. The spirit of this ordinance shall be observed, public safety secured and substantial justice done.

RECOMMENDED FORM FOR MOTIONS GRANTING
OR DENYING REQUESTS FOR DIMENSIONAL VARIANCES

MOVE TO GRANT THE VARIANCE REQUESTED:

- I. PRELIMINARY FINDINGS: The variance would:
- A. Not be contrary to public interest; and
 - B. Does not permit the establishment of a prohibited use within a zoning district; and
 - C. Does not cause an adverse effect to properties in the immediate vicinity or zoning district; and
 - D. Relates only to property described in the application for variance.

II. SPECIAL FINDINGS:

- A. The petitioner has any of the following practical difficulties:
- 1. No reasonable use can be made of the property; or
 - 2. Public health, safety and welfare would be negatively affected; or
 - 3. Conforming is unnecessarily burdensome. Variance is not excessive.

AND

- B. These practical difficulties result from the following unusual characteristics of the property:
- 1. (size – e.g.)
 - 2. (location – e.g.)
 - 3. (configuration – e.g.)

ALTERNATIVE TO A AND B

- C. The following significant natural features or resources would be destroyed:
- 1.
 - 2.
 - 3.

*This is a two stage motion. The first stage is to make all the findings under I. If you cannot make all the findings under I, you must deny the variance and state why

If all the preliminary findings are met under I, then you must make special findings under II. This requires that the petitioner demonstrate A(1) or A(2) or A(3) and B. If the purpose of the variance is to preserve natural features, only C applies under II. Therefore to grant a variance you need:

I (A) (B) (C) (D) + II (A) (B)

Or

I (A) (B) (C) (D) + II (C)

MOVE TO DENY VARIANCE REQUESTED

I. PRELIMINARY FINDINGS

- A. It would be contrary to public interest; or
- B. It would permit the establishment of a prohibited use as the principal use within a zoning district; or
- C. It causes an adverse effect to properties in the immediate vicinity; or
- D. Relates to property not described in the application for the variance.

(If any of the above, you must state the facts for the finding.)

OR

II. SPECIAL FINDINGS

- A. The petitioner has not demonstrated any practical difficulty; or
- B. The petitioner's problem or practical difficulties do not result from any unusual characteristics of the property because:
 - 1. They are the result of the proposed use and not the property – e.g.
 - 2. They are economic alone – e.g.
 - 3.

OR

- C. No significant natural features or resources are negatively affected.

RECOMMENDED FORM FOR MOTIONS GRANTING OR
DENYING REQUESTS TO EXPAND NONCONFORMING USES

MOVE TO GRANT EXPANSION OF NONCONFORMING USE:

I. PRELIMINARY FINDINGS: Expansion would

- A. Not be contrary to public interest; and
- B. Does not cause an adverse effect to properties in the immediate vicinity or zoning district; and
- C. Relates only to property described in the application for variance.

II. SPECIAL FINDINGS:

A. The petitioner has a hardship due to the following exceptional conditions applying to the property:

- 1. Expansion is necessary to implement the spirit of the ordinance because (state facts).

OR

- 2. Expansion is necessary to insure public safety because (state facts).

OR

- 3. Expansion is necessary to accomplish substantial justice because

AND

- B. Expansion is necessary for the preservation and enjoyment of substantial property rights possessed by the subject property because (state facts).

III. CONDITIONS:

Expansion is conditioned upon petitioner complying with all requirements of the City Code applicable to the subject use as if the use was in the proper zoning district.

MOVE TO DENY EXPANSION OF A NONCONFORMING USE:

I. PRELIMINARY FINDINGS:

- A. It would be contrary to the public interest because . . . (state facts) or
- B. It would cause an adverse effect to properties in the immediate vicinity because . . . (state facts) or
- C. Relates to property not described in the application for expansion.

OR

II. SPECIAL FINDINGS:

- A. The petitioner has not demonstrated a hardship;

OR

- B. The petitioner's problem or hardship does not result from exceptional conditions applying to the property because:
 - 1. The problem is the result of the proposed use – e.g.
 - 2. The problem is economic alone – e.g.

OR

- C. Expansion is not necessary for the preservation and enjoyment of substantial property rights possessed by the subject property because: (state facts).

ZONING ORDINANCE 43.73.00 EXPANSION OF NONCONFORMING USES OR STRUCTURES:

The intent of the Zoning Ordinance is to permit legal nonconforming structures or uses to continue until they are removed but not to encourage their survival. However, where literal enforcement causes unnecessary hardship, the Board may permit the expansion of nonconforming uses or structures if it makes specific findings that expansion is necessary to implement the spirit of the Ordinance, to insure public safety or accomplish substantial justice.

The Board may only grant the minimum variance necessary to relieve the hardship. A hardship justifying a variance under this section exists if:

- A. There are exceptional conditions applying to the property, and
- B. A variance is necessary for the preservation and enjoyment of substantial property rights possessed by the subject property, and it is not detrimental to the preservation and enjoyment of substantial property rights possessed by other properties in the vicinity or Zoning District.

The provisions of this Section do not apply, and the expansion of nonconforming uses is expressly prohibited if the uses on all abutting properties are within a use category different than that of the subject use. For the purpose of this Section, use categories are Residential/Special, Commercial, Office and Industrial.

If the Board grants an expansion of a nonconforming use or structure, it shall require to the fullest reasonable extent that all requirements of the City Code applicable

REVIEW AND APPROVAL STANDARDS SECTION 43.74.00
TEMPORARY PARKING OF COMMERCIAL VEHICLES IN ONE- FAMILY
RESIDENTIAL DISTRICTS

The Board of Zoning Appeals shall have the authority to review and approve or deny applications for the Temporary Parking of Commercial Vehicles in One- Family Residential Districts.

43.74.01 Temporary Parking of Commercial Vehicles in One-Family Residential Districts as set forth in the preceding Section shall be based upon meeting standard C and either A or B:

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).

43.74.02 The Board of Zoning Appeals may grant approval for Temporary Parking for a period not to exceed two (2) years.

BOARD OF ZONING APPEALS

The Board of Zoning Appeals is a group of seven of your neighbors or peers appointed by City Council to pass judgment on requests for variances and other matters that are brought before them. A variance is a relaxation of the literal provisions of the Zoning Ordinance. Petitioners must indicate a hardship or practical difficulty running with the land that would warrant the granting of the variance.

PROCEDURE

The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chairman will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

After the petitioner makes their presentation, and answers any questions that the Board may have, the Chairman will open the Public Hearing. Any person wishing to speak on the request should raise their hand and when recognized by the Chairman, come up to the podium and sign in on the sheet provided. The speaker should identify themselves with name and address, indicate their relationship to the property in question (i.e. next door neighbor, live behind the property, etc.) and state whether they are in favor of or against the variance request and give reasons for their opinion. Comments must be directed through the Chairman. Comments should be kept as brief as possible and closely pertain to the matter under consideration. Only one person will be recognized by the Chairman to speak at one time.

At the conclusion of public comments the Chairman will close the Public Hearing. Once the Public Hearing is closed, no other public comment will be taken unless in response to a specific question by a member of the Board. The Board will then make a motion to approve, deny, or table (delay action) the request. In order for the request to pass a minimum of four votes for approval are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.

INTRODUCTIONS

Chairman introduces staff and Board members. Suggest starting with Recording Secretary and go counterclockwise.



BOARD OF ZONING APPEALS
MEETING AGENDA
REGULAR MEETING

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

David Lambert, Chair, and Michael Bartnik, Vice Chair
Glenn Clark, Kenneth Courtney, William Fisher
A. Allen Kneale, Thomas Strat

March 15, 2011

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – February 15, 2011
3. HEARING OF CASES
 - A. **VARIANCE REQUEST, HARRY KWON, 38921 DEQUINDRE** – A variance from the requirement that the required obscuring wall along the west property line be constructed of common or face brick, or of poured or precast masonry or decorative block, in order to maintain the existing wood fence.

SECTION: 39.10.03
 - B. **VARIANCE REQUEST, MONSIGNOR ZOUHAIR TOMA KAJBOU, 2442 E. BIG BEAVER ROAD, ST. JOSEPH CHALDEAN CATHOLIC CHURCH** – In order to construct an addition to the church and a new driveway: 1) An 8 foot variance from the requirement that the addition be set back 50 feet from the west property line, 2) a 43 foot variance from the requirement that the proposed driveway be set back at least 50 feet from the west property line, and 3) a variance from the requirement that a landscaped berm be provided between the proposed driveway and the west property line.

SECTION: 10.30.04 (B), (E), (F)
 - C. **VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS** – In order to split the subject parcel into 3 separate parcels, a 15 foot variance to the required 100 foot lot width requirement for 2 of the proposed parcels.

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 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. COMMUNICATIONS
5. PUBLIC COMMENT
6. MISCELLANEOUS BUSINESS
7. ADJOURNMENT

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The Board of Zoning Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on February 15, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

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

Also Present:

Paul Evans, Zoning and Compliance Specialist
Christopher Forsyth, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES

Resolution # BZA 2011-02-007

Moved by Courtney
Seconded by Bartnik

MOVED, To approve the January 18, 2011 Regular meeting minutes as presented.

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

MOTION CARRIED

3. POSTPONED ITEMS

A. VARIANCE REQUEST, CAMELIA SANDULACHE, 405 E. MAPLE – In order to enlarge the existing building proposed to be used as a dental office: 1) A 16 foot variance from the required 20 foot side yard (east yard) setback, 2) An 11 foot variance from the required 30 foot yard front yard (west yard) setback, and 3) A 10 foot variance from the requirement that the proposed handicapped ramp be set back 20 feet from the west property line.

ORDINANCE SECTIONS: 1) and 2) 30.20.01, 3) 41.45.00

Mr. Evans addressed the location and surrounding zoning. He reviewed the actions taken to date by both the Planning Commission and Board of Appeals. Mr. Evans individually addressed the three variances requested. He stated the revised plan now lines up the proposed addition with the existing building, which results in a 14

foot setback from the east property line, not the originally requested 16 foot setback. In response to a Board member question, Mr. Evans indicated it appears the width of the parcel on Maple Road is 60 feet, noting that the petitioner could confirm that.

Mr. Bartnik said it appears that the request is for 50 feet worth of setbacks on a 60 foot lot, given that the Zoning Ordinance requires a 20 foot setback on the east side as well as a 30 foot setback on the west side.

Mr. Evans replied that appears to be a correct assessment.

Mr. Clark asked if staff has met with or been in contact with the petitioner and the neighbor to the north who voiced opposition to the variance requests.

Mr. Evans replied that he spoke on the telephone with both the applicant and the neighbor to the north. He said there was no indication from either party whether an agreement has been reached.

Paul Sugameli of Sugameli & Sugameli, P.L.C., 2833 Crooks Road, Troy, was present to represent the petitioner. Mr. Sugameli stated there was email dialogue among the parties. Mr. Sugameli addressed six conditions that the neighbor to the north, Dr. Robert Sklar, requested in a written communication dated December 22, 2010. He indicated that the applicant has accommodated four out of the six requests.

Mr. Sugameli individually addressed the neighbor's requests to which the applicant has agreed to accommodate:

- The addition will be in line with the current structure on the eastern side.
- The air conditioning units will be surrounded by shrubs.
- There will be no other structures located in the east greenbelt area, including but not limited to garbage collection units and power transformers.
- There shall be a trash enclosure located on the Western side of the building.

Mr. Sugameli stated that lining up the proposed addition on the eastern side results in a net loss of actual building and an additional \$10,000-plus cost to the applicant. He briefly addressed the proposed screening around the air conditioning units. Mr. Sugameli said the applicant is offering these concessions as a means of good faith and compromise.

Mr. Sugameli next addressed the neighbor's requests to which the applicant is not in agreement with, nor wishes to accommodate:

- The parking spaces need to be reduced one foot in length, adding two feet to the North greenbelt area. With this added space, we would ask that tall shrubs or small shade trees be planted.
- The total number of treatment rooms must be reduced to three. With the additional space made available by eliminating one treatment room, a staff lounge or doctor's private office should be incorporated. There cannot be space

made for a future fourth patient/treatment room. We want an assurance that there will be no more than three treatment/patients rooms.

Mr. Sugameli stated the proposed parking meets all Zoning Ordinance requirements. He referenced the Planning Consultant report dated January 17, 2011 which states that the applicant meets minimum parking requirements and has provided an extra parking space.

Mr. Sugameli addressed the request to limit the number of treatment rooms to three. He said the number of treatment rooms has no relation to setbacks or dimensions and is not within the purview of the Board of Zoning Appeals review.

Mr. Sugameli said that any use on that parcel as zoned would be before this Board for variances.

Mr. Courtney asked if the requested elimination of the extra parking space would provide space for additional landscaping and/or greenbelt.

Mr. Sugameli replied in the negative.

Arthur Kalajian, project architect, of 1871 Austin Drive, Troy, was present. Mr. Kalajian said that technically a 20'x19' parking space could be eliminated and possibly one tree planted, but he believes that would not satisfy the intent of the neighbor to screen the parking lot. Mr. Kalajian said discussion with the neighbor leads him to believe the neighbor would prefer an extra parking space to alleviate his concern of a shortage of parking. Mr. Kalajian addressed the additional 10 inches of greenbelt he added to the plan with 14"-16" low landscaping.

Mr. Kalajian said the revised site plan design has a tucked-in entrance that creates a more congested area and a smaller waiting area. Mr. Kalajian noted that architecturally speaking he prefers the original plan. He said the revised plan works and is more costly; it is compromised and more complex solution. Mr. Kalajian said that everything possible and practical was done with the revised configuration.

Mr. Bartnik asked what changes, if any, were required to the wheelchair ramp with the new entrance.

Mr. Kalajian replied the planter next to the ramp was reconfigured but not the ramp itself, and the entrance became more of a diagonal configuration rather than a straight configuration. He confirmed that the wheelchair ramp is in the same location and has the same dimensions and slope as originally planned. Mr. Kalajian confirmed the width of the property along Maple Road is 60 feet.

PUBLIC HEARING OPENED

Richard Taubman of 32255 Northwestern Highway, Farmington Hills, was present on behalf of Dr. Robert Sklar, the neighbor to the north at 415 E. Maple. Mr. Taubman said a request for a dimensional non-use variance is available to relieve property owners of the burden of practical difficulties caused by the property itself and not by how the property owners propose to use the property. Mr. Taubman said the subject property is a flat rectangle, and there is nothing unusual about the shape or elevation that creates a practical difficulty. He stated it is a self-created problem because the applicant is attempting to shoehorn a development on a parcel not big enough for the proposed use.

Mr. Taubman disagreed with the applicant's claim that a variance or variances would be required for any use on the site. He said appropriate uses for the property would be a therapist, certified public accountant or any office that could simply house a computer and desk.

Mr. Taubman said granting of the variances requested would allow the expansion of a nonconforming structure, when nonconforming structures are intended to be extinguished with time. Mr. Taubman apprised the Board that his client purchased and invested in the difficult t-shaped lot for the development of his practice with the belief that he could rely on the Zoning Ordinance being fairly and evenly applied to all property owners.

Mr. Taubman shared that one of the suggestions the applicant approached his client with was to place the shrubbery and trees on his client's property. Mr. Taubman said this highlights the situation that the applicant does not have the space to buffer on their property and would like to use his client's property to solve their problems. Mr. Taubman urged the Board to deny the variance application, or to limit any variance the Board might be inclined to grant.

Mr. Kneale asked Mr. Taubman to expand upon his statement that granting a variance would be an expansion of the nonconforming structure.

Mr. Taubman said the existing structure is dimensionally nonconforming and a new structure could not be constructed as it is now because of its proximity to Maple Road. The variances, if granted, would expand the nonconforming structure.

PUBLIC HEARING CLOSED

Mr. Bartnik asked if the application before the Board is for a variance or an expansion of a nonconforming use.

Mr. Forsyth replied that the Board should apply both the variance standards and the expansion to nonconforming standards. Mr. Forsyth asked that the record fairly reflect that the use is not a nonconforming use. He stated the use complies with the

Zoning Ordinance, and the existing structure as built does not meet the setback requirements.

Chair Lambert noted that the Board is in receipt of one communication from the neighbor at 1923 Kirkton in support of the application.

Mr. Strat said it appears that construction of a new office building on the subject parcel would be highly improbable given the property dimensions and configuration of the subject parcel. He indicated he would vote in favor of the variances based on the fact that the property configuration presents a hardship and development is needed in the City.

Mr. Courtney said the proposed use appears to be excessive for the parcel size. He said a smaller office along the lines of accounting and insurance would be more appropriate. Mr. Courtney does not agree that another use could not go on the parcel without the requirement of any variances.

Resolution # BZA 2011-02-008

Moved by Bartnik

Seconded by Kneale

MOVED, To amend the prior motion (Resolution # BZA 2010-12-057) to grant the requested variances and to the extent that it is calling for an expansion of a nonconforming structure, to grant the petition.

Preliminary Findings:

- That the expansion or variances, as the case may be, are not contrary to the public interest.
- That the variances or expansion do not permit the establishment of a prohibited use within the zoning district.
- That the expansion does not cause, or the variances do not cause, an adverse effect to properties in the immediate vicinity or within that zoning district.
- That the petition relates only to this piece of property described.

Special Findings:

- That the expansion is necessary to implement the spirit of the ordinance or to accomplish substantial justice, including on the grounds that conforming is unnecessarily burdensome.
- That the variances that have been requested are not excessive especially the ones that have been amended and are before us today.
- That the practical difficulties result from the unusual characteristics of the property including the size, the location and the configuration. The 60'x122' corner lot of the standard rectangular configuration is difficult or impossible for the petitioner to make a reasonable use of the premises with regard to this structure or another structure and be in full compliance of the ordinance.
- That this motion is inclusive of the drawings and presentations made this evening.

Yes: All present (7)

MOTION CARRIED

Discussion on the original motion (Resolution # BZA 2010-12-057), as amended.

Chair Lambert thanked the applicant for the efforts made to accommodate the neighbors to the east and north. He indicated he would vote favorably on the motion.

Mr. Courtney stated the proposed use is excessive for the size of the parcel. He indicated he would vote against the motion.

Vote on the original motion as amended.

Yes: Bartnik, Clark, Fisher, Kneale, Lambert, Strat
No: Courtney

MOTION CARRIED

- B. VARIANCE REQUEST, DAN IVANOVIC CONSTRUCTION, 5188 SERENA – In order to enlarge the attached garage, a 5 foot variance to the required 40 foot front yard setback.

SECTION: 30.10.01

Mr. Evans addressed the location, surrounding zoning and requested front yard setback variance. He indicated the applicant’s intent is to keep the existing matching elevation.

Dan Ivanovic of Ivanovic Construction Inc., 54245 Queensborough Drive, Shelby Township, was present to represent the property owner. Mr. Ivanovic said his client, Dr. Evan Black, conducts training for ophthalmic surgical procedures. The doctor offers his home to guests who are in town for the training and would like a garage big enough to accommodate the additional vehicles during those stays. Mr. Ivanovic said he spoke with surrounding neighbors and there appears to be no objections to the proposed garage. Mr. Ivanovic said the garage expansion would not change the look of the house elevation; the only difference would be that the garage is 7 feet longer on the street side.

Dr. Evan Black of 5188 Serena Drive, Troy, was present. Dr. Black, an ophthalmic plastic and reconstructive surgeon, said there is usually only one guest at a time, and the visits are infrequent. He said it is an offer of goodwill on his part and sister hospitals to accommodate the guests attending the surgical training. Dr. Black said a guest could stay anywhere from one to two weeks. Dr. Black said parking of vehicles is especially difficult during the winter months with the clearing of snow. He would like a garage big enough to accommodate guest vehicles as well as use the space efficiently for typical garage items.

Mr. Bartnik asked for dimensions of the existing driveway and the number of cars that can park in the driveway without obstructing access to the garage.

Dr. Black replied that three to four cars can easily park in the circular driveway. He distributed photographs to the Board members.

PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted there is no correspondence on file from neighbors.

PUBLIC HEARING CLOSED

Resolution # BZA 2011-02-009

Moved by Bartnik

Seconded by Courtney

MOVED, To approve this variance.

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 cause an adverse effect to properties in the immediate vicinity.
- That the variance relates only to the petitioner's property.

Special Findings:

- The petitioner has the following practical difficulties that flows with the configuration of this house, in particular with regard to the shape of the lot, the location of the driveway and the turn into the garage.
- Conforming is unnecessarily burdensome. Variance is not excessive.
- That the practical difficulties result from the size, location and configuration.

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

No: Kneale

MOTION CARRIED

- C. VARIANCE REQUEST, LOUIS PAULL, 1396 COUNTRY – In order to construct an uncovered patio structure, an 8 foot variance from the required 30 foot setback adjacent to Pine Way Road.

SECTIONS: 30.10.02 and 41.45.00

Mr. Evans addressed the location, surrounding zoning and requested setback variance.

The petitioner, Louis Paull of 1396 Country, Troy, was present. Mr. Paull addressed the proposed deck with alternative locations and sizes. He indicated that a deck with zero encroachments would basically be unusable. He said placing the deck at the rear of the house would necessitate the removing existing trees, redirecting sprinkler valves, and relocating the air conditioner, downspouts and gutters. Mr. Paull addressed several deck options, elevations and photographs.

Mr. Bartnik asked if the photograph displaying the deck with orange tape is the same deck configuration that he viewed during his site visit.

Mr. Paull replied in the affirmative. Mr. Paull confirmed the drawing labeled A02a is the deck displayed in the photograph with orange tape, and the deck most reasonably situated, usable and aesthetically pleasing. Mr. Paull said he thoroughly researched possible variations.

Mr. Courtney asked Mr. Paull how much usable area would remain if the distance was taken off between the two stakes.

Mr. Paull replied that would cut down the usable area quite a bit. He said from the original plan, he reduced the size of the encroachment area about 45% and reduced the internal dimensions of the patio by 32%.

Mr. Courtney said he thinks the applicant could reduce the size more, but most likely could not reduce it enough to avoid seeking a variance.

Mr. Paull said his research proved constructing a deck with zero encroachments impractical. He confirmed situating the deck in the rear would involve removing existing trees, redirecting sprinkler valves, and relocating the air conditioner, downspouts and gutters.

Mr. Strat said it appears to him that from the functionality of the applicant's home, the most logical location is at the side of house near the nook sliding door. Mr. Strat said it appears not to be practical for the applicant to situate the deck in the rear, not to mention incurred costs. He said it appears the applicant has no other options with respect to the deck location.

Mr. Paull agreed that from a functionality standpoint, the side yard is the only logical location.

PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted one correspondence is on file from the homeowners association giving approval to construct a deck.

PUBLIC HEARING CLOSED

Resolution # BZA 2011-02-010

Moved by Clark

Seconded by Fisher

MOVED, To approve this variance.*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 cause an adverse effect to properties in the immediate vicinity or zoning district.
- That the variance relates only to property described in the application for variance.

Yes: All present (7)

MOTION CARRIED4. **HEARING OF CASES**

- A. **TEMPORARY PARKING REQUEST, LARY LLEWELLYN, 475 E. LOVELL** – A request to allow the temporary outdoor parking of a commercial vehicle in a one family residential district.

SECTION: 43.74.00

Mr. Evans addressed the location and surrounding zoning. He said the one-year renewal granted in 2010 expired and the applicant is seeking a two-year renewal. Mr. Evans said the City has received no complaints to date on this matter.

The petitioner, Lary Llewellyn of 475 E. Lovell, Troy, was present. Mr. Llewellyn said the circumstances are the same as they were when the City granted the temporary outdoor parking in 2010. He indicated his employer, Comcast, requires employees who are on call to keep the company vehicle within easy access for dispatch. Mr. Llewellyn said he is on call once a month for seven days. He is also classified as a home garage technician and in that capacity, he must be available for dispatch 24/7, 365 days a year to service Oakland or Macomb Counties.

Mr. Llewellyn addressed the cost estimate to expand the existing garage to accommodate a third vehicle. He indicated the estimate is approximately \$20,000, and further explained the garage would be oversized because of the required clearance to accommodate the vehicle.

Mr. Courtney expressed that an oversized garage might be more of an eyesore than a well-hidden truck on the premises.

Mr. Clark stated it appears that existing mature landscaping obscures the truck from view of most passers-by. Mr. Clark asked the size of the applicant's lot.

Mr. Llewellyn replied that his lot is almost one acre in size.

Mr. Kneale asked if the applicant has a vehicle on the premises only when he is on call.

Mr. Llewellyn replied in the negative. He said the only time there is no commercial vehicle on the premises is when he is on vacation. Mr. Llewellyn explained that he is required to be on call 7 days out of each month; and further, in the capacity of a home garage technician, he is on call 24/7, 365 days.

Mr. Forsyth reminded the Board the matter before them is a temporary parking request for a commercial vehicle, and to apply standards in Section 43.74.00 to reach their determination.

PUBLIC HEARING OPENED

Dean Cox of 425 E. Lovell, Troy, was present to speak in favor of the request. Mr. Cox said he also submitted a written communication stating he had no objections to the request. Mr. Cox said the truck is barely visible to adjacent homeowners and causes no problems to the neighborhood.

Chair Lambert stated there are two communications on file from neighbors indicating they have no objections to the request.

PUBLIC HEARING CLOSED

Resolution # BZA 2011-02-011

Moved by Courtney

Seconded by Clark

MOVED, To approve the request for two years.

- The applicant meets Standards B and C of Section 43.74.01.
 - Standard C – The commercial vehicle does not negatively impact adjacent residential properties; nor does it negatively impact pedestrian and vehicular movement.
 - Standard B – A garage addition would be unsightly because of the necessity to make the clearance higher.

Discussion on the motion on the floor.

Mr. Bartnik stated it is evident the petitioner keeps a very well maintained home and configures the commercial vehicle to be nearly invisible to adjacent homeowners and passers-by. Mr. Bartnik said it is his opinion that the employer should be in front of the Board with commercial vehicle requests. He said it appears that Comcast requires their employees and independent contractors to keep commercial vehicles

at their residences and, in doing so, imposes the violation of local zoning ordinances upon their employees and independent contractors.

Vote on the motion on the floor.

Yes: All present (7)

MOTION CARRIED

- B. VARIANCE REQUEST, DAN SIMIONESCU, 691 OTTAWA – In order to continue the presence of previously constructed accessory buildings, 1) a 1255 square foot variance to the requirement that the combined ground floor area of all detached accessory buildings not exceed 450 square feet plus 2% of the total lot area, 2) a 1.5 foot variance to the requirement that a detached accessory building be at least 6 feet from a side lot line, and 3) approval to use some of the buildings as barns.

SECTIONS: 40.56.03 (C), (D), (F)

Mr. Evans addressed the location, surrounding zoning and requested variances. Mr. Evans gave a brief history of the property and identified that there are six detached accessory buildings, of which the City currently has construction permits for the second garage and barn. He said the remaining detached structures are a small manure cover, an element shelter, and several coops for fowl and other types of animals.

Mr. Evans explained the two formulas in the same Section of the Zoning Ordinance that regulate the aggregate total amount of square footage for detached accessory buildings. He noted that the Public Hearing notice advertised that the combined floor area of all detached accessory buildings shall not exceed 450 square feet, plus 2% of total lot area, requiring a 1,255 square foot variance. Mr. Evans stated the second formula allows the applicant 2,336 square feet of accessory floor area, requiring a 1,146 square foot variance. He said the calculations differ somewhat from previously approved variances because the barn under consideration at the time was actually constructed a little bit smaller.

Mr. Evans briefly addressed the 1.5 foot setback variance required for the existing chicken coop and the applicant's request to keep the existing barns.

Brian Carrier, attorney, of 45670 Village Blvd., Shelby Township, was present to represent the property owner. Mr. Carrier addressed the previously granted variance for the construction of the barn. He noted that since that approval, there have been no additional buildings constructed. He stated further that there is a reduction in the square footage of accessory floor area because the goat shelter is removed and the barn was constructed smaller than originally approved.

Mr. Carrier said the property owner is in front of the Board this evening to allow a variance for the detached accessory buildings that have already been in existence; i.e., element shelter, chicken coop, pigeon coop, additional coop and manure cover. He noted that the property owner has already obtained permits and variances for the house, the garages and the barn.

Mr. Carrier cited the square footage of the following detached accessory buildings:

- element shelter, 370 square feet
- chicken coop, 120 square feet
- pigeon coop, 28 square feet
- coop, 20 square feet
- manure cover, 64 square feet

He indicated that a 542 square foot variance is requested this evening; 602 square feet, less the 60 square feet for the barn that was constructed smaller than originally planned.

Mr. Carrier referenced a petition signed by surrounding property owners stating they have no objections and are in agreement with the requested variances. He said the only objection to the requests is the neighbor residing at 761 Ottawa. Mr. Carrier stated the detached accessory buildings are not visible to the adjacent homeowners. He referenced a photograph of the element shelter and briefly addressed its purpose. The shelter would provide dry ground for the animals during inclement weather and cleaning of stalls.

Chair Lambert asked the applicant if he had contact with the neighbor to the west.

The property owner, Dan Simionescu, was present and said the neighbor to the west is elderly, never comes out of her home and he did not want to trouble her.

Mr. Courtney asked the applicant if he would have any objection to a Resolution that covers all the detached accessory buildings.

Mr. Carrier replied that would be his preference.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Lambert acknowledged receipt of a petition signed by approximately fifteen neighbors in favor of the request, and one written objection from a neighbor.

PUBLIC HEARING CLOSED

Mr. Evans advised the Board the Planning Department became aware of the matter as a result of a resident bringing the matter to the attention of City Council at one of their Regular meetings. Mr. Evans said research found no minutes or plans on

record that grant approval of all the existing detached accessory buildings on this property. He indicated if the applicant is successful this evening, it would validate all the structures on site.

Mr. Bartnik asked that the record reflect he visited the subject property today and spoke with the petitioner, at which time the property owner stated the buildings were present as of 2001. Mr. Bartnik said the structures appear to be long standing structures and the property can support the structures. He sees no problem with the existing state of affairs and is in favor of granting the petition.

Mr. Kneale suggested to view aerial photography to see what structures existed.

Mr. Evans displayed 1990 and 2002 aerial photographs. It was difficult to determine from the aerial photography which structures existed at that time.

Mr. Strat said he likes the existing environment and is in favor of the request. He addressed legislation of every parcel in the City.

Resolution # BZA 2011-02-012

Moved by Courtney

Seconded by Clark

MOVED, To approve this variance, as written.

Preliminary Findings:

- That the property is large enough to support all the buildings.
- The variance does not have an adverse effect to surrounding properties.
- That the variance is not contrary to public interest.

Yes: All present (7)

MOTION CARRIED

- C. VARIANCE REQUEST, JEFF GLASER, OUR CREDIT UNION, 6693 ROCHESTER
– A variance from the requirement that a 6 foot high obscuring wall be provided to the residentially zoned properties north and west of the subject location.

SECTION: 39.10.01

Mr. Evans addressed the location, surrounding zoning, history of the property and the applicant's request for a permanent variance.

Chair Lambert referenced an email communication from a neighbor residing at 947 Hannah, requesting pine trees to obscure vehicular headlights of bank customers during evening hours.

It was noted that 947 Hannah is south of the credit union. Mr. Evans stated there is no requirement to provide a screen wall to the south because of the street separation between the properties.

Mr. Kneale acknowledged a past business relationship with the applicant. He said he has not seen the applicant for years and is comfortable hearing and acting on the agenda item.

The Board members agreed there was no reason for Mr. Kneale to recuse himself.

Jeff Glaser from Our Credit Union, 6693 Rochester Road, Troy, was present. Mr. Glaser briefly addressed the working relationship with the Planning Commission and the Board of Zoning Appeals with respect to providing a landscaped buffer for residential. Mr. Glaser said they want to be a good neighbor. He addressed various lighting of the building and premises, hours of operation, existing landscape and vegetation. He believes building a wall to the north and west would take away from the beauty of the area. Mr. Glaser addressed the existing vegetation with the changes of seasons.

Mr. Glaser addressed the communication from the resident at 947 Hannah. He indicated that he personally has driven around the drive-through area during evening hours and does not see how headlights could possibly reach residents on Hannah. Mr. Glaser indicated the resident on Hannah approached the construction supervisor during the construction phase with similar concerns. The credit union offered to plant trees on his property and/or along the lot line. Mr. Glaser said he assumed everything was resolved but the resident did not respond to that offer.

Doug Clark, project developer, from The Case Group, 28175 Haggerty, Novi, was present. Mr. Clark addressed the buffer to the west in relation to the building angle and drive-through. He noted the buffer is over six lots wide and vegetation is not yet at full maturity. Mr. Clark addressed the various stages of vegetation with the seasons.

Mr. Glaser stated the credit union has been in operation since December 6, 2010.

Mr. Courtney suggested consideration of a permanent variance would be more appropriate after the credit union has been in operation for three years.

Mr. Forsyth requested a time to research the Zoning Ordinance with respect to the number of years of operation.

PUBLIC HEARING OPENED

Marc Himelstein of 754 Sandalwood Drive, Troy, was present to represent the Sandalwood Condominium Association. Mr. Himelstein asked for consideration to construct a six-foot wall as a buffer to the north for at least three years while the business develops. He addressed concerns of Sandalwood homeowners with

respect to noise and safety. Mr. Himelstein said the homeowners have no objections to waiving the wall to the west.

Mr. Courtney informed Mr. Himelstein that the Board would not require the applicant to put up a wall on the pretense of taking it down three years later. He asked if the noise might be coming from Rochester Road instead, and indicated a wall is not a good deterrent for noise.

Mr. Himelstein said the noise complaints are from those residents living in the front of the building, and they fully understand that a wall is not a perfect solution but at least it would provide another barrier for safety.

There was discussion on:

- Location of condominium units in relation to credit union.
- Detention pond in relation to credit union and condominiums.
- Discussion/communication between condominium association and credit union.
- Safety of children; near Rochester Road, detention pond, credit union parking lot.

PUBLIC HEARING CLOSED

Mr. Forsyth said it is at the Board's discretion to waive the wall. He cited Section 39.10.04 uses the word "may"; the wall could be permanent or more of a temporary nature as proposed by Mr. Courtney.

Mr. Courtney said the section refers to "after a three year period", and in this instance the variance has been granted for three years even though the variance was granted under different ownership.

Resolution # BZA 2011-02-

Moved by Courtney

Seconded by Kneale

MOVED, To grant the variance for one year, to allow more time to determine whether a wall should be constructed.

Preliminary Findings:

- The conditions remain the same.
- Allow sufficient time for residents to the north to determine whether a wall is necessary or not.

Discussion on the motion on the floor.

Mr. Bartnik expressed concern for residents to the north. He said the building looks completely different from when it was originally reviewed.

Mr. Courtney agreed the building is different from what was originally reviewed.

Mr. Clark said he agrees with a one year renewal. He addressed the concerns of the residents to the north, 24-hour ATM window, vehicular headlights and litter. Mr. Clark suggested in the future that the condominium association forward a formal resolution to the Board stating their concerns.

Mr. Evans suggested postponing the item to a date certain as an alternative solution to granting a variance for one year.

A short discussion followed.

Mr. Courtney said he would like to withdraw the west wall from the Resolution on the floor. His intent is to offer a following Resolution to grant a permanent variance for the required wall on the west.

Resolution # BZA 2011-02-

Moved by Courtney

Seconded by Kneale

MOVED, To grant a variance for one year for the required wall to the north.

Discussion on the motion on the floor.

Mr. Glaser addressed potential for litter on the property. He said the credit union produces as little paper as possible for security and cost reasons. Mr. Glaser addressed the wall to the north in relation to the elevation of the condominium units, noise, safety and traffic.

Chair Lambert asked if the applicant would prefer to postpone the item to allow time to address the condominium association concerns.

Mr. Glaser said he is amenable to the wishes of the Board. He said he is not sure anything short of a wall would be satisfactory to the residents.

Mr. Himelstein offered an invitation to the applicant to attend their annual board meeting held in the summer.

There was a brief discussion on granting a six month variance or postponing the item for six months.

Resolution # BZA 2011-02-013

Moved by Courtney

Seconded by Kneale

MOVED, To postpone action on the required wall to the north to the August 16, 2011 Regular meeting.

Discussion on the motion on the floor.

Mr. Evans announced with a postponement that notification to the public is not required.

Chair Lambert stated the motion to postpone takes precedence over the other motions on the floor.

Vote on the motion on the floor.

Yes: All present (7)

MOTION CARRIED

Resolution # BZA 2011-02-014

Moved by Courtney
Seconded by Fisher

MOVED, To grant a permanent variance on the west wall.

Yes: All present (7)

MOTION CARRIED

Mr. Kneale asked if it is appropriate to address the communication received from the neighbor to the south.

Mr. Forsyth said it would not be proper to address the communication, the reason being that the variance before the Board this evening dealt strictly with the north and west sides of the property.

5. **COMMUNICATIONS**

Mr. Evans announced that a Public Hearing is scheduled on the March 8, 2011 Planning Commission Regular meeting for the newly drafted Zoning Ordinance.

6. **PUBLIC COMMENT**

There was no one present who wished to speak.

7. **MISCELLANEOUS BUSINESS**

Chair Lambert welcomed Mr. Strat to the Board.

Mr. Bartnik encouraged members to take an active interest in the newly drafted Zoning Ordinance.

8. **ADJOURNMENT**

The Board of Zoning Appeals meeting adjourned at 9:57 p.m.

Respectfully submitted,

David Lambert, Chair

Kathy L. Czarnecki, Recording Secretary

G:\BZAMinutes\2011\Draft\02-15-11 BZA Meeting_Draft.doc

3. HEARING OF CASES

- A. **VARIANCE REQUEST, HARRY KWON, 38921 DEQUINDRE** – A variance from the requirement that the required obscuring wall along the west property line be constructed of common or face brick, or of poured or precast masonry or decorative block, in order to maintain the existing wood fence.

SECTION: 39.10.03



E WATTLES

DEQUINDRE

WARDLOW

BIRCHDALE

977

3976

3961

3960

3945

3944

3928

3 2884

3912

2950

38921

38865

38815

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 (\$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: 38921 DEQUINDRE ROAD
 LOT NO. 23 SUBDIVISION EYSTER'S DEQUINDRE FARMS
 LOCATED ON THE West SIDE OF (ROAD) DEQUINDRE
 BETWEEN WATTLES AND BIG BEAVER
 ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
- PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-24-226-087
- ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: 0-1
- 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

6. APPLICANT INFORMATION:

NAME HARRY KWON
COMPANY TROY EDUCATIONAL SERVICES, LLC
ADDRESS 38921 DEQUINDRE ROAD, #A
CITY TROY STATE MI ZIP 48083
TELEPHONE (248) 457-0640
E-MAIL KWON.HARRYH@GMAIL.COM

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

SELF

8. OWNER OF SUBJECT PROPERTY:

NAME _____
COMPANY _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
E-MAIL _____

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

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

I, HARRY KWON (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 *Harry Kwon* DATE Feb 11, 2011
PRINT NAME: HARRY KWON

SIGNATURE OF PROPERTY OWNER *Harry Kwon* DATE Feb 11, 2011
PRINT NAME: HARRY KWON

Troy Educational Services, LLC
Troy East & Bloomfield S. KUMON Math & Reading Center
38921 Dequindre Road, Ste. A
Troy, MI 48083
(p) 248.457.0640 (f) 248.457.0641

Justification for the Variance Appeal Application

As attached as Encl. #2, City had granted the Variance in December 14th 2004, after SUNOCO company denied the request to erect a concrete wall, as Encl. #4, after the initial variance request, Encl. #3, had been denied.

As a consequence, a wooden fence had been erected to satisfy all the parties involved. The variance granted was the result of circumventing the denial by the ROW owner, SUNOCO, of disallowing a concrete structure on the ROW.

Ever since, the Variance had been renewed every two(2) years just paying the renewal fee. At this juncture, I am requesting a permanent relief of the variance because we have to comply with the demand by the owner of the ROW on my premises.

Your thoughtful consideration will be greatly appreciated.

Harry Kwon
Owner,
Troy Educational Park,
38921 Dequindre Road
Troy Michigan 48083

- Encl. #1: Mortgage Survey of the Land**
- Encl. #2: Variance Renewal Letter from the City, dated December 14, 2004**
- Encl. #3: Revised Variance request dated November 12, 2003.**
- Encl. #4: Denial Letter from SUNOCO, disallowing a concrete wall, dated October 24, 2003**
- Encl. #5: Variance Denial Letter from the City, dated September 23, 2003**

Encl #1

MORTGAGE SURVEY

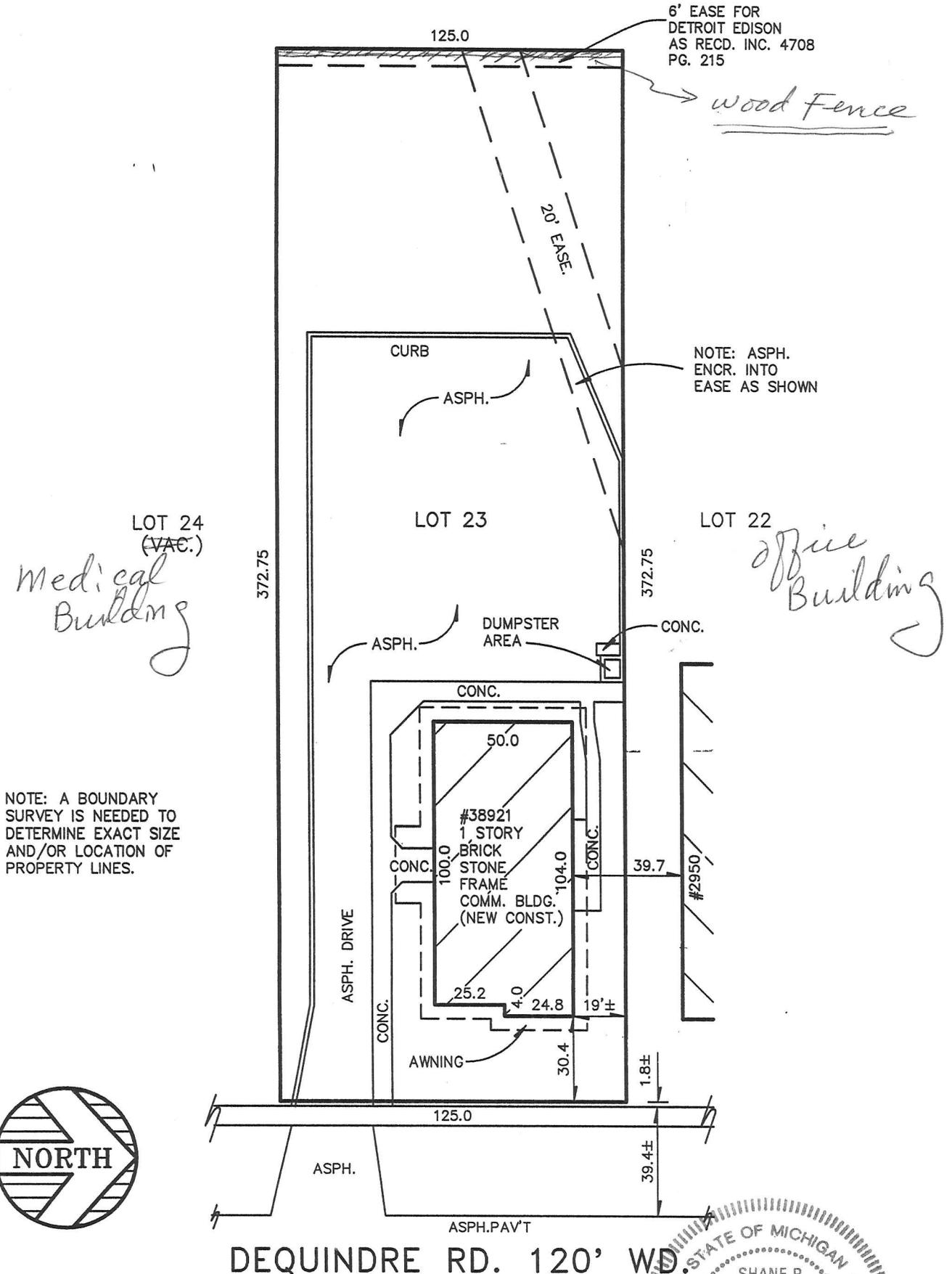
CERTIFIED TO

Comerica Bank

Applicant: HARRY H. AND SUNNIE KWON

Property Description:

Lot 23; EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5, being a part of the N.E. 1/4 of Sec. 24, T.2 N., R.11 E., Troy Twp. (now City of Troy), Oakland County, Michigan, as recorded in Liber 55 of Plats, Page 58 of Oakland County Records.



NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES.



DEQUINDRE RD. 120' WD

WE HEREBY CERTIFY that we have made a mortgage survey of the property herein described and that the buildings and improvements are located as shown and that there are no visible encroachments upon said property unless noted and shown. NOTE: This survey is for MORTGAGE purposes only and no property corners were set. Do not use for establishing fence or building lines.

Certified to all Title Companies.

Shane P. Azbell

JOB NO: 03-24424

SCALE: 1"=50'

DATE: 08/12/03

DR BY: MGD



KEM-TEC
LAND SURVEYORS

22556 Gratiot Avenue
Eastpointe, MI 48021-2319
(586) 772-2222
FAX: (586) 772-4048



KEM-TEC WEST
LAND SURVEYORS

800 E. STADIUM
Ann Arbor, MI 48104-4355
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0887



Encl # 2

500 West Big Beaver
Troy, Michigan 48064
Tel: (248) 524-0851
www.cityoftroy.org

December 14, 2004

- Area Code (248)
- Assessing 524-3317
- Code Inspections 524-3343
- Code Operations 524-3365
- City Clerk 524-3348
- City Manager 524-3320
- Community Affairs 524-3347
- Engineering 524-3383
- Finance 524-3311
- General Administration 524-3379
- Human Resources 524-3339
- Information Technology 524-3279
- Law 524-3326
- Library 524-3345
- Parks & Recreation 524-3364
- Public Works 524-3364
- Public Administration 524-3363
- Public Works 524-3370
- Purchasing 524-3335
- Real Estate & Development 524-3398
- Treasurer 524-3334
- General Information 524-3300

Harry & Sunnie Kwon
2135 Alfred
Troy, MI 48085

RE: Variance Request – 38921 Dequindre

Mr. & Mrs. Kwon:

The variance granted to you for relief to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential property, is scheduled for renewal in January.

If you wish to continue this variance, the **\$25.00** renewal fee must be paid prior to the meeting. If this payment is made by mail, be sure to include the address of the site requiring approval.

Your request will be **Item #2** and will appear on the Board of Zoning Appeals agenda of **Tuesday, January 18, 2005**. The meeting convenes at 7:30 p.m. in Council Chambers, Troy City Hall, 500 W. Big Beaver Road, Troy, Michigan.

Renewals are acted on as part of a consent agenda, however, any Board member may pull the item in order to address any questions he or she may have. Failure to appear before the Board could result in denial of your variance renewal.

Sincerely,

Mark Stimac
Director of Building & Zoning

MS/pp

Encl #3



E. TROY / BLOOMFIELD HILLS CENTER

E. Troy/Bloomfield Hills Center
~~2885 East Long Lake, #B • Troy, MI 48098~~
~~Tel: (810) 879-1658 (C) • Fax: (810) 879-5901~~

RECEIVED

NOV 12 2003

BUILDING DEPARTMENT

Mr. Mark Stimac
Director, Building & Zoning
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

November 12, 2003

**RE: Variance Request - Troy Professional Park
38921 Dequindre**

Dear Mark,

City has denied my request for the relief of the Zoning Ordinance in September on the basis of the ROW contract on the easement by SUNOCO submitted by me to the Board.

Since then, Sunoco has produced a Right Of Way contract attached to the Deed of my property, which was unknown to me at the time of submission of the original ROW contract from the Register of Deed office for the August/September Board Hearing.

In light of the newly found the ROW contract, Sunoco is demanding that there will be no permanent structure on the easement.

I am requesting City to reconsider my request of the Variance on the City Ordinance which has been submitted, heard and been denied in September Hearing because of the incorrect information.

Your expedited effort in this matter will be greatly appreciated.

Regards,

Harry & Sunnie Kwon
Troy E KUMON Math & Reading Center
38921 Dequindre Road, Suite A
Troy, MI 48083
(p) 248.457.0640
(f) 248.457.0641
(m) 248.835.6740

- Attachment: 1) Letter of Denial Notice from the City,
2) Letter from Sunoco Logistics demanding no permanent structure.
3) Copy of the ROW Easement contract Sunoco sent us

Encl # 4-1



Sunoco Logistics



Sunoco Pipeline L.P.
Eastern Area Headquarters
525 Fritztown Road
Sinking Spring, PA 19608

October 24, 2003

Mr. Harry Kwon
38921 Dequindre Road
Troy, MI 48307

VIA FAX & U.S. MAIL

Re: Troy Professional Park
Transit and Storage Company 1942 Easement
Troy Township, Oakland County, MI
16" CMAR-CTOL, MAC-426A,
SPL FILE # 20021279

Dear Mr. Kwon:

This is in follow up to yesterdays telephone conference call with myself; Russell Jones, Manager of Right-of-Way for Sunoco Pipeline L.P. (SPLP); and SPLP's later discussion with the City of Troy Attorney, Mr. Alan Montgny concerning the proposed concrete wall construction on the subject project. SPLP can not allow barrier walls that encroach within and across SPLP's pipeline right-of-way and easement.

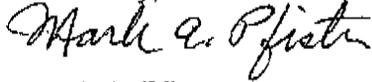
SPLP has learned that at your variance request hearing in September 2003, you produced only the original 1913 Agreement and that the City Zoning Board denied your request for a variance. The enclosed companion Agreement dated June 2, 1942, between Transit and Storage Company; and Nickolas J. Fleming, et als strictly forbids any restriction to SPLP's right of access to maintain the pipeline. Although, in SPLP's opinion the 1913 Agreement alone restricts such interference with the easement rights, the 1942 Agreement further outlines the limitations to which the easement may be burdened. Mr. Montgny advised us that you may submit the 1942 Agreement to the Zoning Board and for reconsideration of your request for a variance. Be advised that SPLP must first review and approve any alternative design plans prior to submittal of the same to the City of Troy.

At this time, no work will be allowed in SPLP's right-of-way and easement until we have approved your alternate design plans. Once SPLP has approved alternate design plans and the City of Troy has granted your variance for the same, formal approval of your project from SPLP will be in the form of an Amended Right of Way Agreement. The agreement must be fully signed and notarized before any work is permitted in SPLP's right of way and easement.

Mr. Harry Kwon
October 24, 2003
Page 2 of 2

Should you have any question concerning this matter please feel free to contact me at 610-670-3289 or through my email address MAPfister@sunocologistics.com.

Sincerely,



Mark A. Pfister
Right of Way Specialist

cc: Mark Stimac - City of Troy, Director of Building and Zoning
Alan Montgny - Attorney for the City of Troy
Russell Jones - SPLP Montello
Chet Kehs - SPLP Montello
Pete Heinrich - SPLP Inkster
Crestina Torrao - SPLP Inkster

Encl #5



September 23, 2003

500 West Big Beaver
Troy, Michigan 48064
Fax: (248) 524-0851
www.ci.troy.mi.us

Harry & Sunnie Kwon
2136 Alfred
Troy, MI 48085

Area code (248)

Assessing
524-3311

RE: Variance Request – 38921 Dequindre

Bldg. Inspections
524-3344

Mr. & Mrs. Kwon:

Bldg. Operations
524-3368

Your request for relief of the Zoning Ordinance was heard before the Board of Zoning Appeals on Wednesday, September 17, 2003.

City Clerk
524-3316

The following is from the minutes of that meeting:

City Manager
524-3330

MOVED, to deny the request of Harry & Sunnie Kwon, 38921 Dequindre, for relief of the required screen wall for a 35' long portion of the west property line where the property borders residential zoned property.

Community Affairs
524-1147

Engineering
524-3383

- Determination of City Attorney's office that "right of way" agreement does not prohibit the construction of a structure on this easement.
- Petitioner has not demonstrated a hardship with this land.

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Yeas: All – 7

Information Technology
619-7279

MOTION TO DENY REQUEST CARRIED

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

MS/pp

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3500

Mark Stimac
Director of Building & Zoning



ITEM #2 – con't.

MOTION TO APPROVE RENEWAL REQUESTS CARRIED

ITEM #3 – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921

DEQUINDRE, for relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this Board to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This item last appeared before this Board at the meeting of January 2005 and was granted a three-year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre, a three-year renewal of relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall as required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. FRANCO MANCINI, 6693 ROCHESTER ROAD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new one-story building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01. This item last appeared before this Board at the meeting of January 16, 2007 and was granted approval for one year. This building has not been constructed at this time therefore an approval for one additional year is suggested.

MOVED, to grant Franco Mancini, 6693 Rochester Road a one-year renewal of relief to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

- One-year time frame will give the Board the opportunity to determine if a screen wall would be more effective.
- One-year time frame will give the Board the opportunity to see the final construction of the building.
- One-year time frame will give residents in the area the chance to determine if the natural vegetation will provide enough screening.

ITEM #6 – con't.

- This site plan addresses both the safety concerns and integrity of this corner.

Yeas: All – 7

MOTION TO APPROVE VARIANCES CARRIED

ITEM #7 – INTERPRETATION REQUESTED. JOHN PITRONE, OF THE HAYMAN COMPANY, 5700 CROOKS, SUITE 219, for an interpretation that the proposed use of an office space is permitted in the R-C Zoning District.

Mr. Stimac explained that he had received a written request from Honigman Miller Schwartz & Cohn LLP, representing Mr. Pitrone asking that this request be withdrawn.

Motion by Courtney
Supported by Gies

MOVED, to accept the request for withdrawal of Honigman Miller Schwartz & Cohn LLP, representing Mr. Pitrone of the Hayman Company, 5700 Crooks, Suite 219, for an interpretation that a proposed use of an office space is permitted in the R-C Zoning District.

Yeas: All – 7

MOTION TO ACCEPT WITHDRAWAL REQUEST CARRIED

ITEM #8 (ITEM #2) – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921 DEQUINDRE, for relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this Board to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This item last appeared before this Board at the meeting of January 2004 and was granted a one-year variance to allow the Board to study both the appearance and need for maintenance of the fence installed. Conditions remain the same and we have no complaints or objections on file.

Mr. Kwon was present and stated that he had nothing to add.

Motion by Courtney
Supported by Fejes

ITEM #8 (ITEM #2) – con't.

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre, a three (3) year renewal of relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

- To allow enough time for the adjacent subdivision to be constructed.
- To make sure that maintenance is kept up on this fence.

Yeas: All – 7

MOTION TO GRANT RENEWAL FOR A PERIOD OF THREE (3) YEARS CARRIED

Mr. Hutson asked if this variance could be made a permanent variance because of the fact that this property is on an easement and Sun Oil will not allow any type of permanent structure to be put in this location. Mr. Stimac explained that Section 43.76.00 of the Ordinance requires that a variance on a screen wall be established for a period of three (3) years first, and after the initial three (3) years it could then be changed to a permanent variance. Mr. Stimac also said that one of the reasons for the three-year limit is to make sure that the petitioner is maintaining this screen wall.

Mr. Hutson then asked what would happen if this fence were not maintained. Mr. Stimac said it would then be in violation of the Zoning Ordinance and ultimately the Courts would require maintenance of this fence. Mr. Stimac further explained that the Building Inspection Department is responsible to make sure that these fences and/or walls are maintained.

Mr. Kwon said that part of their business is to provide customer satisfaction and they would maintain this wall.

Mr. Strat said that there are no reassurances that some time in the future this property would be sold and Mr. Kwon would not own it any longer.

The Board of Zoning Appeals adjourned at 8:28 P.M.

Matthew Kovacs – Chairman

Pamela Pasternak – Recording Secretary

ITEM #6 – con't.

MOTION TO DENY REQUEST CARRIED

ITEM #7 – VARIANCE REQUESTED. HARRY & SUNNIE KWON, 38921

DEQUINDRE, for relief to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

Mr. Stimac explained that the petitioner is requesting relief to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This portion of the site has an underground pipeline easement. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

This item was heard before this Board at the meeting of September 17, 2003 and was denied based on a determination of the City Attorney's office that the "right of way" agreement did not prohibit the construction of a structure on this easement. On December 16, 2003 the Board voted to reconsider this item based upon some new easement documents that were found. At the December 16, 2003 meeting action on this item was postponed to allow for the publication of a new Public Hearing based on the vote to reconsider. New hearing notices have been sent out regarding the request.

Mr. Kwon was present and stated that he is willing to comply with the Zoning requirements and will abide by the decision of this Board. Mr. Kwon also said that he would have put up the wall; however, Sun Oil would not allow the construction of a permanent structure in the easement. Sun Oil has agreed to allow Mr. Kwon to put up a 6' high fence as long as this section could be removed if they had to have access to the pipeline.

Mr. Hutson asked Mr. Kwon about the construction of the fence. Mr. Kwon informed Mr. Hutson that originally they wished to put up a landscaped berm, but Sunoco would not allow a berm in the easement.

The Chairman opened the Public Hearing.

Michael Sucharski attorney for the development company of the land behind this property was present. Mr. Sucharski stated that they object to this variance due to the fact that the developer does not feel a wood fence in the middle of the masonry wall would be aesthetically pleasing and also expressed concern over the maintenance of the wood fence. Mr. Sucharski stated that a brick wall would be on either side of the wood fence, and feels that the future owner of the lot backing up to this property would object to the looks of this fence. Mr. Sucharski also suggested that perhaps footings could be put in on either side of the pipeline and then perhaps the brick wall could be put in supported by some type of beam.

ITEM #7 – con't.

Mr. Kovacs asked for clarification regarding what Mr. Sucharski is looking for regarding aesthetics. Mr. Sucharski said that they would like to see one look on this property rather than two different types of fencing. Mr. Sucharski was concerned because they would have approximately four (4) lots, which would back up to this wall and he felt that it would not be aesthetically pleasing.

Mr. Maxwell asked if this Board could recommend a landscaped berm along the entire property. Mr. Stimac indicated that although he was not involved in the original negotiations with Sun Oil, he thought that a landscaped berm was one of the options investigated that Sun Oil would not allow on this easement.

Mr. Kwon said that Sun Oil would not allow a berm in this easement because Sun Oil perceives this as a permanent structure. Mr. Kwon further stated that the wooden fence was agreeable to Sun Oil, and would be able to be removed if Sun Oil needed to get to this pipeline. Mr. Kwon also said that they were going to attempt to make this wooden fence match the masonry wall as much as possible, and stated that this was the final resolution agreed upon between Sun Oil and himself. Mr. Maxwell stated that he would like to see some visual conformity along this wall. Mr. Kwon said that they would make this fence look good on both sides and would try to make it look as much like the brick wall as possible.

Mr. Kovacs said that he understood from Mr. Kwon's comments that the wooden fence would look very much like the masonry wall. Mr. Sucharski stated that he did not understand why the brick wall could not be put in, as the pipeline runs under the streets, and was also worried about the maintenance issue of the wood fence. Mr. Kwon stated that there is nothing he can do, as Sun Oil dictates the requirements for this easement. Mr. Kovacs pointed out that the City has determined that Sun Oil has the right to limit what may be placed on this easement. Mr. Maxwell stated that if this variance was granted, it would be on a renewable basis and any concerns regarding the appearance and/or maintenance of this fence would be addressed before it was renewed a second time.

Mr. Stimac pointed out that many of the streets in the area pre-existed the easement, and there are certain regulations that the City must comply with regarding regulations of easement rights. Mr. Stimac also stated that there are different requirements for public improvements compared to private property rights.

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

There are no written approvals on file. There is one (1) written objection on file.

Mr. Stimac further stated that Mr. Kwon is proposing a wood fence, and he has not seen a wood fence that would exactly match a concrete wall. He indicated that although it could be stained to come close to the look of the masonry wall, in his opinion you would

ITEM #7 – con't.

be able to tell them apart. Mr. Stimac also said that he did not want the Board to think that this fence would look exactly like the brick wall.

Mr. Maxwell asked if there was any way to build a brick type structure to match the rest of the wall. Mr. Stimac said that it would be possible; however, he has not seen anything indicating that Sunoco would allow this type of structure. Mr. Maxwell then said that it may be possible for this Board to grant a variance, which would not require any type of wall or screening. Mr. Stimac confirmed that this Board could stipulate that nothing would be required. Mr. Maxwell stated that he would be in favor of either just landscaping or absolutely nothing in this easement. Mr. Hutson questioned Mr. Maxwell regarding his statement, and Mr. Maxwell clarified that he did not mean for Mr. Kwon to put in landscaping but that the future residents would put in the landscaping on their side of the property and if a screening wall was not required, at least it would be aesthetically pleasing.

Mr. Kwon expressed concern about not having anything to separate this property from the residential property. Mr. Kwon felt that the screen wall would protect the residents and was concerned about the liability involved if this property was not separated from the residential property.

Mr. Hutson asked what would be required to grant a variance. Mr. Stimac informed the Board that Section 39.10.04 of the Ordinance allows the Board of Zoning Appeals to "... waive or modify the requirement of a screen wall where cause can be shown that no good purpose would be served and also that such modifications would not be detrimental to the surrounding property..."

Motion by Hutson

Supported by Courtney

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre a one (1) year renewable variance to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property.

- Wooden structure to be as close in appearance as possible to the masonry-screen wall required by the Ordinance.
- Fence will comply with the dictates of Sun Oil regarding what may be constructed in this easement.
- One-year time frame will allow Board to study both appearance and need for maintenance.

Yeas: 5 – Maxwell, Courtney, Gies, Hutson, Kovacs

Absent: 1 – Vleck

ITEM #7 – con't.**MOTION TO GRANT VARIANCE FOR ONE (1) YEAR CARRIED**

Mr. Kovacs stated that he believes that this is the best solution the Board could arrive at due to the restrictions put on this property by Sun Oil.

ITEM #8 - VARIANCE REQUESTED. MR. & MRS. STEPHEN SLAVIK, 2949 VINEYARDS DR., for relief to construct a new, enclosed swimming pool addition on the rear of the existing home. This addition would result in an 18' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new, enclosed swimming pool addition on the rear of the existing home. The site plan submitted indicates the addition will result in an 18' rear yard setback to the south property line. Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

Mr. Slavik was present and stated that he was the owner of this home as well as a Building Contractor. Mr. Slavik explained that the reason they chose this home was to be close to the school his daughter was attending. Mr. Slavik stated that his wife needs water therapy twelve months out of the year and that is the main reason they wish to put in this pool addition. This home is situated on a corner lot, which is long and narrow. The neighbor on the west would not be affected by this addition and the addition would be approximately 47' to the side entry of the garage of the neighbor directly to the south. Mr. Slavik did not feel this addition would affect either neighbor and furthermore the addition would sit down in a "hollow" and would not be visible from the street.

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

There are four (4) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs asked what the setback requirements were to put in a pool and Mr. Stimac explained that an in-ground or aboveground-uncovered pool could be placed within 6' from the side or rear property line and it is a recommendation that it be placed 10' from the house.

Mr. Maxwell asked what the height of the addition was and Mr. Slavik said that he thought it was about 17' to the peak of the addition.

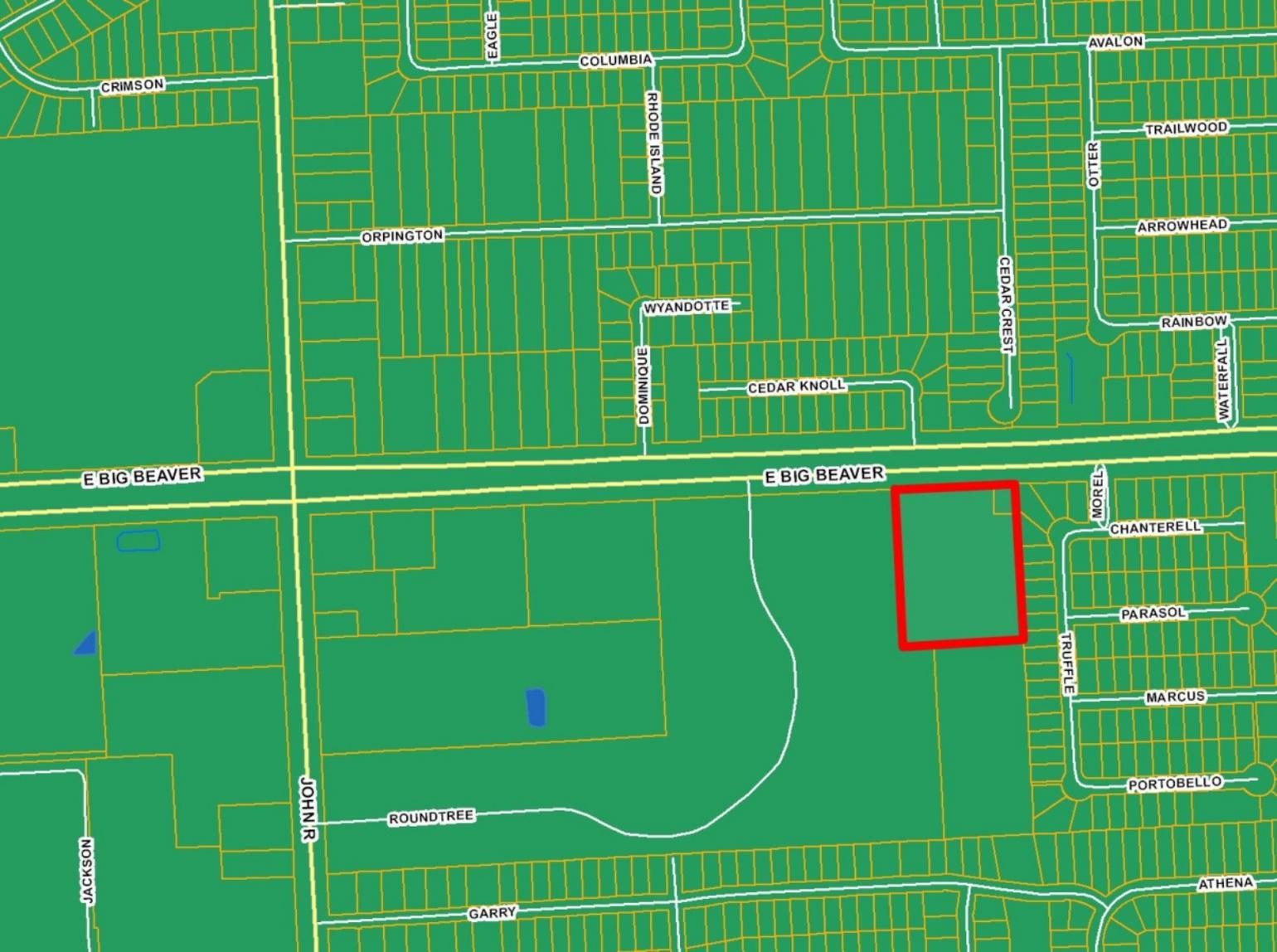
Mr. Kovacs clarified that a pool was considered an accessory structure and therefore if uncovered could be placed within 6' of the property line. Mr. Kovacs said that he thought this was a very unique situation.

3. HEARING OF CASES

B. **VARIANCE REQUEST, MONSIGNOR ZOUHAIR TOMA KAJBOU, 2442 E. BIG BEAVER ROAD, ST. JOSEPH CHALDEAN CATHOLIC CHURCH –**

In order to construct an addition to the church and a new driveway: 1) An 8 foot variance from the requirement that the addition be set back 50 feet from the west property line, 2) a 43 foot variance from the requirement that the proposed driveway be set back at least 50 feet from the west property line, and 3) a variance from the requirement that a landscaped berm be provided between the proposed driveway and the west property line.

SECTION: 10.30.04 (B), (E), (F)



CRIMSON

EAGLE

COLUMBIA

RHODE ISLAND

AVALON

TRAILWOOD

OTTER

ARROWHEAD

ORPINGTON

WYANDOTTE

CEDAR CREST

RAINBOW

WATERFALL

CEDAR KNOLL

DOMINIQUE

E BIG BEAVER

E BIG BEAVER

MOREL

CHANTERELL

PARASOL

TRUFFLE

MARCUS

PORTOBELLO

JOHN R

ROUNDTREE

JACKSON

GARRY

ATHENA

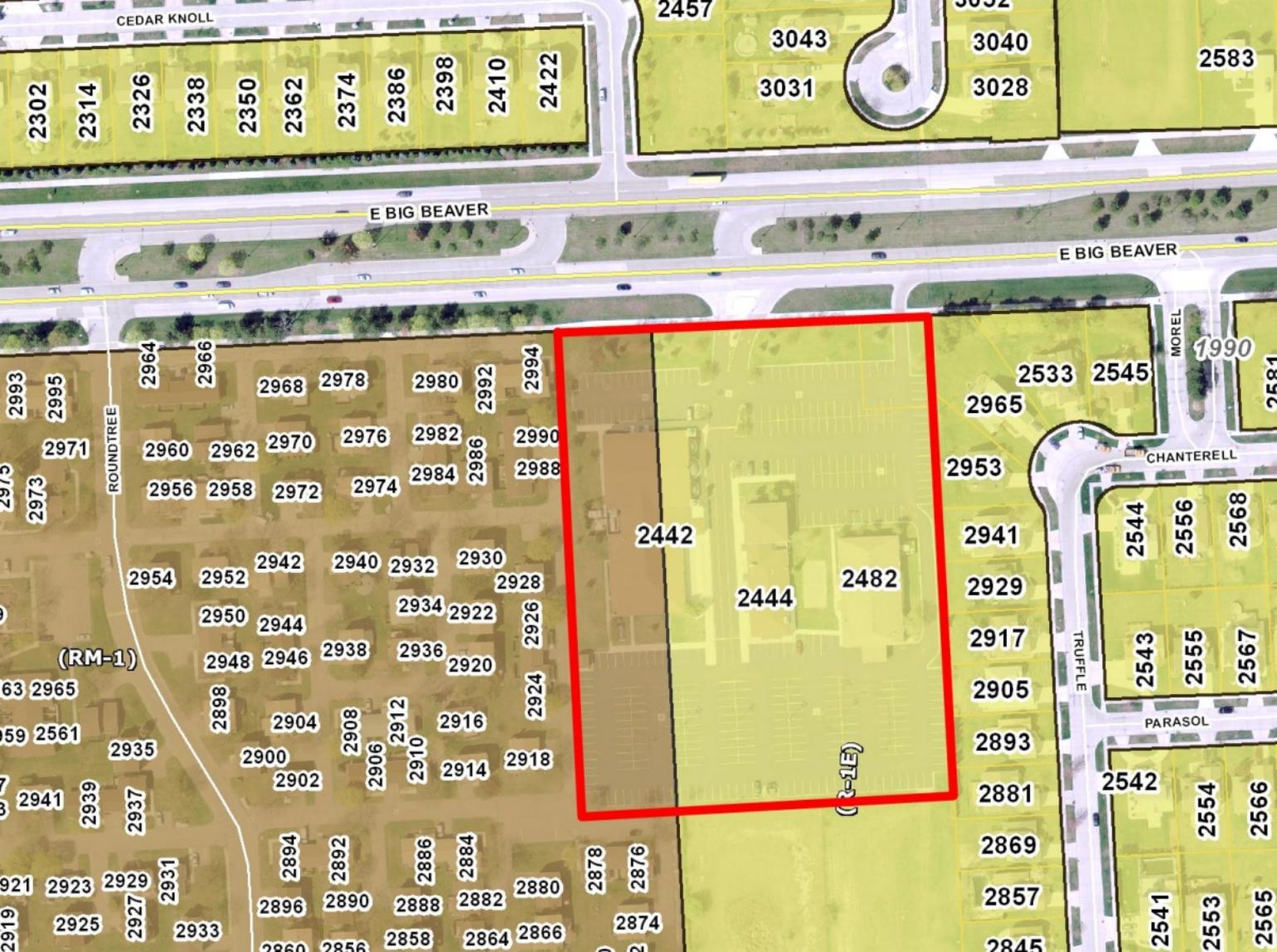
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CEDAR KNOLL

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E BIG BEAVER

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ROUNDTREE

(RM-1)

(R-1E)

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MOREL

CHANTRELL

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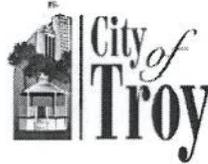
CITY OF TROY

FEB 11 2011

BOARD OF ZONING APPEALS APPLICATION

PLANNING DEPT.

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



FILE NUMBER 2442 BIG BEAVER EAST
LOCATION
REGULAR MEETING FEE (\$150.00)
VARIANCE RENEWAL (\$35.00)
SPECIAL MEETING (\$650.00)

ST JOSEPH CHALDEAN CATHOLIC CHURCH

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: 2442 E. BIG BEAVER ROAD, TROY, MI 48083
LOT NO. SUBDIVISION
LOCATED ON THE SOUTH SIDE OF (ROAD) BIG BEAVER ROAD
BETWEEN DEQUINDRE ROAD AND JOHN R. ROAD
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-25-126-024
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: SECTION 6.21 E AND F
4. REASONS FOR APPEAL: On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars:

6. APPLICANT INFORMATION:

NAME Monsignor Zouhair Toma Kajbou
COMPANY St. Joseph Chaldean Catholic Church
ADDRESS 2442 E. Big Beaver Road
CITY Troy STATE MI ZIP 48083
TELEPHONE 248-528-3676
E-MAIL _____

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

8. OWNER OF SUBJECT PROPERTY:

NAME Monsignor Zouhair Toma Kajbou
COMPANY St. Joseph Chaldean Catholic Church
ADDRESS 2442 E. Big Beaver Road
CITY Troy STATE MI ZIP 48083
TELEPHONE 248-528-3676
E-MAIL _____

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

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

I, Monsignor Zouhair Toma Kajbou (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 2/17/2011

PRINT NAME: Msg. Zouhair Toma

SIGNATURE OF PROPERTY OWNER _____ DATE _____

PRINT NAME: _____



**Residential
Commercial
Industrial**

Architects / Engineers / Planners

February 10, 2011

Mr. Paul Evans
City of Troy Planning Department
500 W. Big Beaver Road
Troy, MI 48084

RE: St. Joseph's Chaldean Catholic Church
2442 E. Big Beaver Road
Troy, MI 48083

Mr. Paul Evans,

We are requesting variances for the following items in regards to the Troy Zoning Ordinance Section 6.21, subsections E and F:

1. The proposed vestibule relates to subsection E, which states that there shall be a minimum of a 50'-0" side yard setback. The proposed vestibule area will encroach on the setback by approximately 7'-6", which we are asking for a variance on. This new vestibule area would serve as a covered area for the rear entry door.
2. The proposed drive relates to subsection F, which states that the side yard area abutting a residential district will be maintained as open landscaped area. The proposed new drive will violate this part of the ordinance, which we are asking for a variance on. The new drive will conform to the landscape requirements set forth in the zoning ordinance. This drive will alleviate the congestion and traffic on Big Beaver because it will become a second entrance to the site. The current entrance has a drop off area which tends to create backups onto Big Beaver. The new drive does not have a drop off area and will be a straight access to the parking lot at the rear of the site.

Please feel free to contact me if you have any questions or concerns. (248-985-9101)
Thank you.

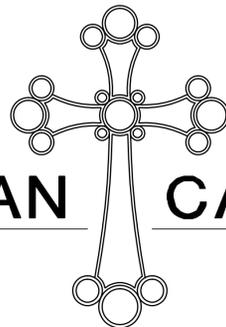
Respectfully submitted,

Dan Swiontoniowski
Project Manager

31471 Northwestern Highway, Suite 2
Farmington Hills, Michigan 48334-2575
Phone 248-985-9101
Fax 248-985-9105

720 Ann Arbor, Ste. 312
Flint, Michigan 48502
Phone: 810-238-9140
Fax: 810-238-9142

Website: GAVASSOCIATES.COM



ST. JOSEPH CHALDEAN CATHOLIC CHURCH

2440-44 EAST BIG BEAVER ROAD
NW 1/4 OF SEC. 25, T.2N., R.11E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

JAD JOB NO.:1007

ZONING: R1-E: ONE FAMILY RESIDENTIAL DISTRICT

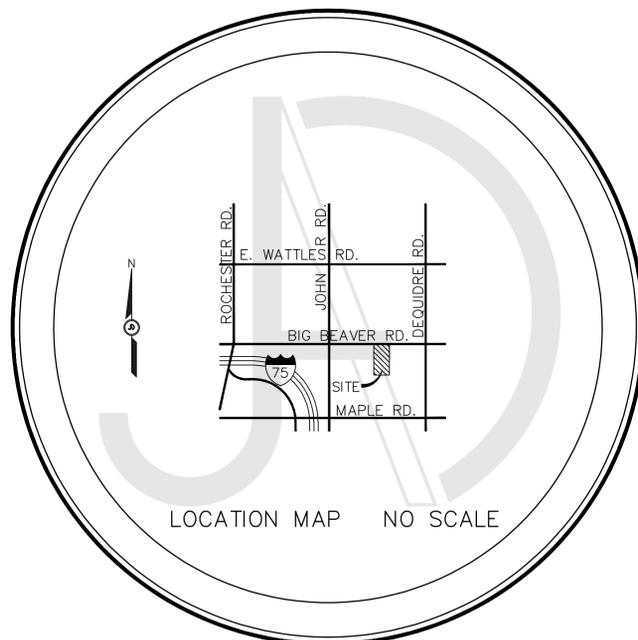
LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE NORTHWEST CORNER OF SECTION 25, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; S.00°24'53"E., 102.01 FEET ALONG THE N.-S. 1/4 LINE TO THE P.O.B.; THENCE CONTINUING ALONG SAID LINE S.00°24'53"E., 565.60 FEET; THENCE S.89°24'08"W., 432.27 FEET; THENCE N.00°14'11"E., 572.10 FEET TO THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (102.00' 1/2 WD.); THENCE ALONG SAID S. R.O.W. LINE S.89°44'48"E., 437.88 FEET (M.) TO THE P.O.B. CONTAINING 5.712 ACRES OF LAND.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORDS, IF ANY.
ALSO KNOWN AS PARCEL IDENTIFICATION NUMBER: 20-25-126-024.

PROJECT DIRECTORIES:

CITY OF TROY
500 WEST BIG BEAVER
TROY, MICHIGAN 48084
TELEPHONE: 248-524-3300

ROAD COMMISSION FOR OAKLAND COUNTY
MR. ED PEET
PERMIT SUPERVISOR
PERMITS & ENVIRONMENTAL CONCERNS DEPARTMENT
2420 PONTIAC LAKE ROAD
WATERFORD, MI 48328
TELEPHONE: 248-858-4835



LOCATION MAP NO SCALE

SHEET INDEX:

- COVER
- PC-1. TOPOGRAPHICAL SURVEY
- PC-2. PRELIMINARY SITE PLAN
- PC-3. PRELIMINARY GRADING PLAN
- PC-4. PRELIMINARY LANDSCAPING PLAN

TERMS AND CONDITIONS FOR ELECTRONIC DATA:

This document is provided in electronic format for the referenced project. It is understood and agreed that any use or reuse of original or altered files will be at the user's own risk and legal responsibility. It is also agreed that the electronic files provided by J.A.D. Engineering Services, Inc. (JAD) are being provided for general information purposes only. Neither the electronic files nor any CAD versions are to be relied on for construction layout purposes. The user expressly indemnifies and holds JAD harmless for any and all claims, suits, liability, demands or other costs arising out of or resulting from the unauthorized use of these materials. JAD makes no representation as to the accuracy of the information provided by the electronic media. Data on electronic media can deteriorate or be modified without the knowledge of JAD. Electronic media viruses are increasing in complexity and growth. JAD advises all users to scan any disc received from outside sources with a current anti-virus program. It is understood and agreed that JAD will not be responsible for any damage caused by such a virus. If any virus is detected by your system on any media received from JAD it is your responsibility to contact us immediately.



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HIGH-VISIBILITY, SAFETY YELLOW	-GAS DISTRIBUTION AND TRANSMISSION. -OIL DISTRIBUTION AND TRANSMISSIONS. DANGEROUS MATERIALS, PRODUCT LINES.
SAFETY-ALERT ORANGE	-TELEPHONE AND TELEGRAPH SYSTEMS. -CABLE TELEVISION. -POLICE AND FIRE COMMUNICATIONS.
SAFETY-PRECAUTION BLUE	-WATER SYSTEMS.
SAFETY-BROWN	-SEWER SYSTEMS.
SAFETY-GREEN	-STORM SYSTEMS.
HIGH-VISIBILITY, SAFETY-PINK	-LAND SURVEY MONUMENTATION.

NOTES TO CONTRACTORS:

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LATEST APPROVED PLANS BY THE MUNICIPALITY AND ALL OTHER GOVERNMENTAL AGENCIES, CONSULTANTS WHOSE JURISDICTION APPLY TO THIS PROJECT.
THIS SET OF DRAWINGS AND DOCUMENTS IS INTENDED AS A SET OF GUIDELINES FOR THE PROJECT. THEY MUST BE READ TO INCORPORATE ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES INCLUDING FEDERAL A.D.A. REQUIREMENTS. THIS SET ASSUMES THAT THERE ARE NO UNUSUAL SOIL CONDITIONS. THE FAILURE OF THIS CONDITION MAY REQUIRE SIGNIFICANT CHANGES TO THESE DOCUMENTS. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONFORM TO ALL APPLICABLE CODES AND TO INFORM THE OWNERS/ENGINEERS OF ANY QUESTIONS OR CLARIFICATIONS WHICH ARE DESIRED. CONTRACTORS SHALL ALSO VISIT THE SITE BEFORE BIDDING. CONTRACTORS ARE REQUIRED TO KNOW ALL OBSERVABLE CONDITIONS AND APPLICABLE CODES.

ENGINEERS J.A.D. ENGINEERING SERVICES, INC.

4197 COURT ANTHONY
WATERFORD, MICHIGAN 48328
Telephone: (248) 739-9955
JAD222@SBCGLOBAL.NET

PROPERTY OWNER

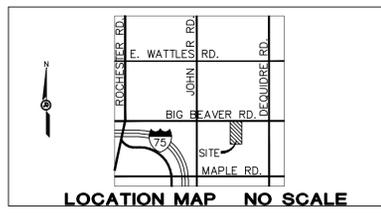
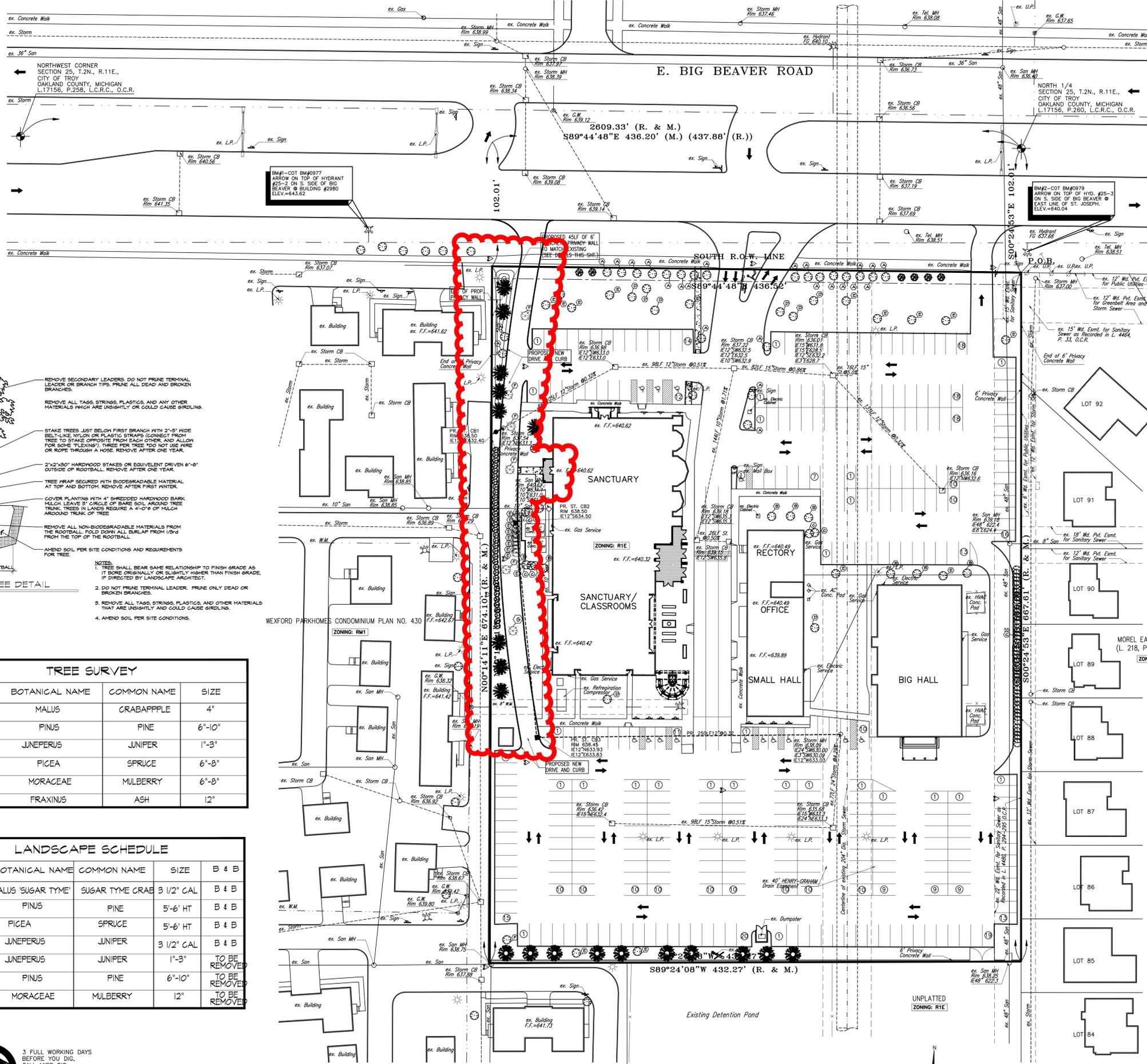
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
2442 E. BIG BEAVER ROAD
TROY, MICHIGAN 48083
CONTACT PERSON:
REVEREND MONSIGNOR ZOUHAIR TOMA KAJBOU
TELEPHONE: 248-528-3676
FACSIMILE: 248-524-1957

ARCHITECT



G.A.V. & ASSOCIATES, INC.
31471 NORTHWESTERN HWY., SUITE #2
FARMINGTON HILLS, MI. 48334
(248) 985-9101
FAX (248) 985-9105
EMAIL: GAV@GAVASSOCIATES.COM

CITY OF TROY FILE NUMBER: SU 385



LEGAL DESCRIPTION
 A PARCEL OF LAND BEING PART OF THE NORTHWEST CORNER OF SECTION 25, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; S.00°24'53"E., 102.01 FEET ALONG THE N-S. 1/4 LINE TO THE P.O.B.; THENCE CONTINUING ALONG SAID LINE S.00°24'53"E., 555.60 FEET; THENCE S.89°24'08"W., 432.27 FEET; THENCE N.00°14'11"E., 572.10 FEET TO THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (102.00' 1/2 W.D.); THENCE ALONG SAID S. R.O.W. LINE S.89°44'48"E., 437.88 FEET (M.) TO THE P.O.B. CONTAINING 5.712 ACRES OF LAND, SUBJECT TO ANY AND ALL EASEMENTS OF RECORDS, IF ANY. ALSO KNOWN AS PARCEL IDENTIFICATION NUMBER: 20-25-126-024.

DESCRIPTION	EXISTING	PROPOSED
STORM/SEWER	MANHOLE CB	MANHOLE CB
SANITARY/SEWER	MANHOLE	MANHOLE
WATER LINE	PIPE W/VALVE	PIPE W/VALVE
UTILITY POLE/POWER LINE	POLE	POLE
UTILITY POLE W/GUY WIRE	POLE	POLE
GAS LINE	PIPE	PIPE
CONCRETE PAVEMENT	CONCRETE	CONCRETE
SILT FENCE	SILT FENCE	SILT FENCE
FENCE	FENCE	FENCE
FABRIC FILTER FENCE	FABRIC FILTER FENCE	FABRIC FILTER FENCE
LOT IDENTIFICATION NO.	LOT 178	LOT 178
PARCEL IDENTIFICATION NO.	11-30-277-078	11-30-277-078
FIRST FLOOR ELEVATION	FF=987.7	PROP. FF=987.7
BASEMENT FLOOR ELEV.	BF=987.7	PROP. BF=987.7
GARAGE FLOOR ELEVATION	GF=987.7	PROP. GF=987.7
CENTERLINE OF PAVEMENT	C	C
SPOT ELEVATION	SPOT	SPOT
CONTOUR LINE	CONTOUR	CONTOUR
BOTT. SWALE ELEV.	SW	SW
TOP OF STAIRS ELEV.	ST	ST
BOTTOM OF STAIRS ELEV.	BS	BS
TOP OF CURB ELEVATION	TC	TC
EASEMENT	EASEMENT	EASEMENT
SURFACE DRAINAGE FLOW		

FLOOD ZONE DETERMINATION
 F.I.R.M. CITY OF TROY-OAKLAND COUNTY-MICHIGAN PANEL# 261250-0553 (NORTH PART OF PROPERTY) PANEL# 261250-0561 (SOUTH PART OF PROPERTY) MAP REVISED JANUARY 16-2009 PROPERTY DOES LIE WITHIN A MINIMAL OR NO IMPACT FLOOD ZONE.

BENCH MARK-NAVD88 DATUM
 THE BENCHMARK DESCRIPTIONS, ELEVATIONS, AND LABELS CONTAINED ON THIS LIST IS SUBJECT TO CHANGE, WITHOUT PRIOR NOTICE AT ANY TIME DUE TO ONGOING CONSTRUCTION AND MAINTENANCE PROJECTS THROUGHOUT THE CITY OF TROY. IT IS STRONGLY ADVISED TO FIELD MEASURE ELEVATION DIFFERENCE BETWEEN A MINIMUM OF TWO BENCHMARKS TO VERIFY A BENCHMARK ELEVATION BEFORE USE ON THIS PROJECT.

LANDSCAPE REQUIREMENTS
ZONING ORDINANCE-SEC. 39.80.02
 1. STRIP OF LAND 10' IN WIDTH ADJACENT ANY PUBLIC STREET/FREEMAN OR R.O.W. LANDSCAPED WITH A MINIMUM OF ONE (1) TREE FOR EACH (20) LINEAR FEET OF PROPERTY ABUTTING SAID R.O.W.
 TREE REQUIREMENTS IN 10' STRIP ABUTTING R.O.W.: 22 TREES REQUIRED (TREES PROVIDED: 15 TREES)

ZONING ORDINANCE-SEC. 39.80.03
 1. ALL PARKING AREAS OCCURRING WITHIN THE DEVELOPMENT AREA SHALL BE PROVIDED WITH A MIN. FIVE (5) FOOT CONCRETE SIDEWALK BETWEEN THE SUBJECT PARKING AREAS AND THE RESIDENTIAL DEVELOPMENT.
 (PROVIDED)

ZONING ORDINANCE-SEC. 39.80.04
 1. CONCRETE SIDEWALK FIVE (5) FEET IN WIDTH, (EIGHT (8) FEET IN WIDTH FOR BIKWAY FACILITIES) SHALL BE CONSTRUCTED ACROSS ALL PUBLIC FRONTS.
 (PROVIDED)

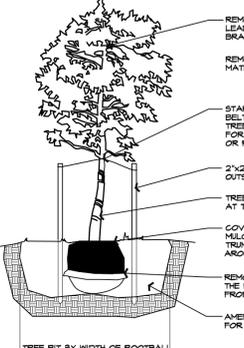
ZONING ORDINANCE-SEC. 39.80.05
 1. IN ADDITION TO ANY LANDSCAPE BUFFER REQUIRED BY SEC. 39.80.02, TEN (10) PERCENT OF THE NET SITE AREA SHALL BE DEVELOPED AS LANDSCAPED OPEN SPACE. SAID LANDSCAPED OPEN SPACE SHALL BE LOCATED ONLY WHEN LOCATED IN THE FRONT OR SIDE YARDS. PEDESTRIAN WALKS, PLANTERS, AND OTHER DECORATIVE ELEMENTS MAY BE INCLUDED IN SUCH LANDSCAPED AREAS, NO MORE THAN TWENTY (20) PERCENT OF THE REQUIRED LANDSCAPED AREA MAY CONSIST OF DURABLE NON-LIVING LANDSCAPED MATERIAL.
 LANDSCAPED AREAS SHALL BE COUNTABLE ONLY WHEN SUCH ARE TWO HUNDRED (200) SQUARE FEET OR MORE IN AREA, AND WHEN TYPICALLY FIVE (5) FEET OR MORE IN WIDTH.
 TOTAL NET AREA = 248,803.35 SQ.FT./100%
 OPEN SPACE REQUIRED = 24,880.335 SQ.FT./10% = 24,880.335 SQ.FT.
 EXISTING OPEN SPACE PROVIDED = 47,125 SQ.FT.
 (PROVIDED)

PARKING REQUIREMENTS
ZONING ORDINANCE-SEC. 40.21.21 RELIGIOUS WORSHIP FACILITIES
 ONE (1) FOR EACH (3) SEATS OR SIX (6) FEET OF BENCH SEATING IN THE MAIN UNIT OF WORSHIP.
 EXISTING SEATING CAPACITY IN SANCTUARY = 800 SEATS
 REQUIRED PARKING SPACES FOR SANCTUARY = 800/3 = 266.7/USE 267 SPACES.

ZONING ORDINANCE-SEC. 40.21.31.B BANQUET ROOM
 ONE (1) FOR EACH TWO (2) PERSONS WITH THE SEATING CAPACITY OF THE ESTABLISHMENT, PLUS ONE (1) EMPLOYEE PARKING SPACE FOR EACH TEN (10) SEATS WITHIN THE SEATING CAPACITY OR ONE (1) FOR EACH TWENTY (20) SQUARE FEET OF BANQUET AREA, WHICHEVER IS GREATER.
 EXISTING SEATING CAPACITY IN BANQUET ROOM = 325 SEATS
 REQUIRED PARKING SPACES FOR GUESTS = 325/2 = 162.5/USE 163 SPACES
 REQUIRED PARKING SPACES FOR EMPLOYEES = 325/10 = 32.5/USE 33 SPACES
 TOTAL REQUIRED PARKING SPACES FOR BANQUET ROOM = 196 SPACES

ZONING ORDINANCE-SEC. 40.21.71 BUSINESS AND PROF. OFFICES
 ONE (1) FOR EACH TWO HUNDRED (200) SQUARE FEET OF USABLE FLOOR AREA, AS INDICATED IN SECTION 04-20-03.
 REQUIRED PARKING SPACES FOR GUESTS = 1,000/200 = 5 SPACES.

ZONING ORDINANCE-SEC. 40.21.12 ONE-FAMILY ATTACHED
 TWO (2) FOR EACH DWELLING UNIT.
 MAXIMUM PARKING REQUIREMENT FOR SINGLE USE = 267 SPACES
 EXISTING PARKING PROVIDED = 321 SPACES



DECIDUOUS TREE DETAIL
 N.T.S.

- REMOVE SECONDARY LEADERS. DO NOT PRUNE TERMINAL LEADER OR BRANCH TIPS. PRUNE ALL DEAD AND BROKEN BRANCHES.
- REMOVE ALL TAGS, STRINGS, PLASTICS, AND ANY OTHER MATERIALS WHICH ARE UNSIGHTLY OR COULD CAUSE GIRDLING.
- STAKE TREES JUST BELOW FIRST BRANCH WITH 2"-3" WIDE BELT-LIKE NYLON OR PLASTIC STRAPS (CONNECT FROM TREE TO STAKE OPPOSITE FROM EACH OTHER, AND ALLOW FOR SOME "FLEXING"). THREE PER TREE. DO NOT USE WIRE OR ROPE THROUGH A HOSE. REMOVE AFTER ONE YEAR.
- 2"x2" HARDWOOD STAKES OR EQUIVALENT DRIVEN 6"-8" OUTSIDE OF ROOTBALL. REMOVE AFTER FIRST WINTER.
- TREE WRAP SECURED WITH BIODEGRADABLE MATERIAL AT TOP AND BOTTOM. REMOVE AFTER FIRST WINTER.
- COVER PLANTING WITH 4" SHREDDED HARDWOOD BARK MULCH LEAVE 2" CIRCLE OF BARE SOIL AROUND TREE TRUNK. TREES IN LANDS REQUIRE A 4'-0" OF MULCH AROUND TRUNK OF TREE.
- REMOVE ALL NON-BIODEGRADABLE MATERIALS FROM THE ROOTBALL. FOLD DOWN ALL BURLAP FROM 1/8" FROM THE TOP OF THE ROOTBALL.
- AMEND SOIL PER SITE CONDITIONS AND REQUIREMENTS FOR TREE.

- NOTES**
- TREES SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS IT BORE ORIGINALLY OR SLIGHTLY HIGHER THAN FINISH GRADE, IF DIRECTED BY LANDSCAPE ARCHITECT.
 - DO NOT PRUNE TERMINAL LEADER. PRUNE ONLY DEAD OR BROKEN BRANCHES.
 - REMOVE ALL TAGS, STRINGS, PLASTICS, AND OTHER MATERIALS THAT ARE UNSIGHTLY AND COULD CAUSE GIRDLING.
 - AMEND SOIL PER SITE CONDITIONS.

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE
(A)	22	MALUS	CRABAPPLE	4"
(B)	1	PINUS	PINE	6'-10"
(C)	62	JUNEPERUS	JUNIPER	1'-3"
(D)	8	PICEA	SPRUCE	6"-8"
(E)	14	MORACEAE	MULBERRY	6"-8"
(F)	1	FRAXINUS	ASH	12"

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE	B & B
(A)	6	MALUS SUGAR TYME	SUGAR TYME CRAB	3 1/2" CAL	B & B
(B)	9	PINUS	PINE	5'-6" HT	B & B
(C)	10	PICEA	SPRUCE	5'-6" HT	B & B
(D)	34	JUNEPERUS	JUNIPER	3 1/2" CAL	B & B
(E)	10	JUNEPERUS	JUNIPER	1'-3"	TO BE REMOVED
(F)	4	PINUS	PINE	6'-10"	TO BE REMOVED
(G)	1	MORACEAE	MULBERRY	12"	TO BE REMOVED

3 FULL WORKING DAYS BEFORE YOU DIG. CALL MISS DIG 1-(800)-482-7171 FOR LOCATION OF UNDERGROUND FACILITIES

PRELIMINARY LANDSCAPE PLAN
 SCALE: 1"=40'



J.A.D. Engineering Services, Inc.
 4197 Court Anthony
 Waterford, MI 48328
 Telephone: (248) 739-9955
 JAD222@SBCGLOBAL.NET

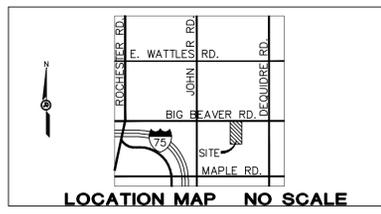
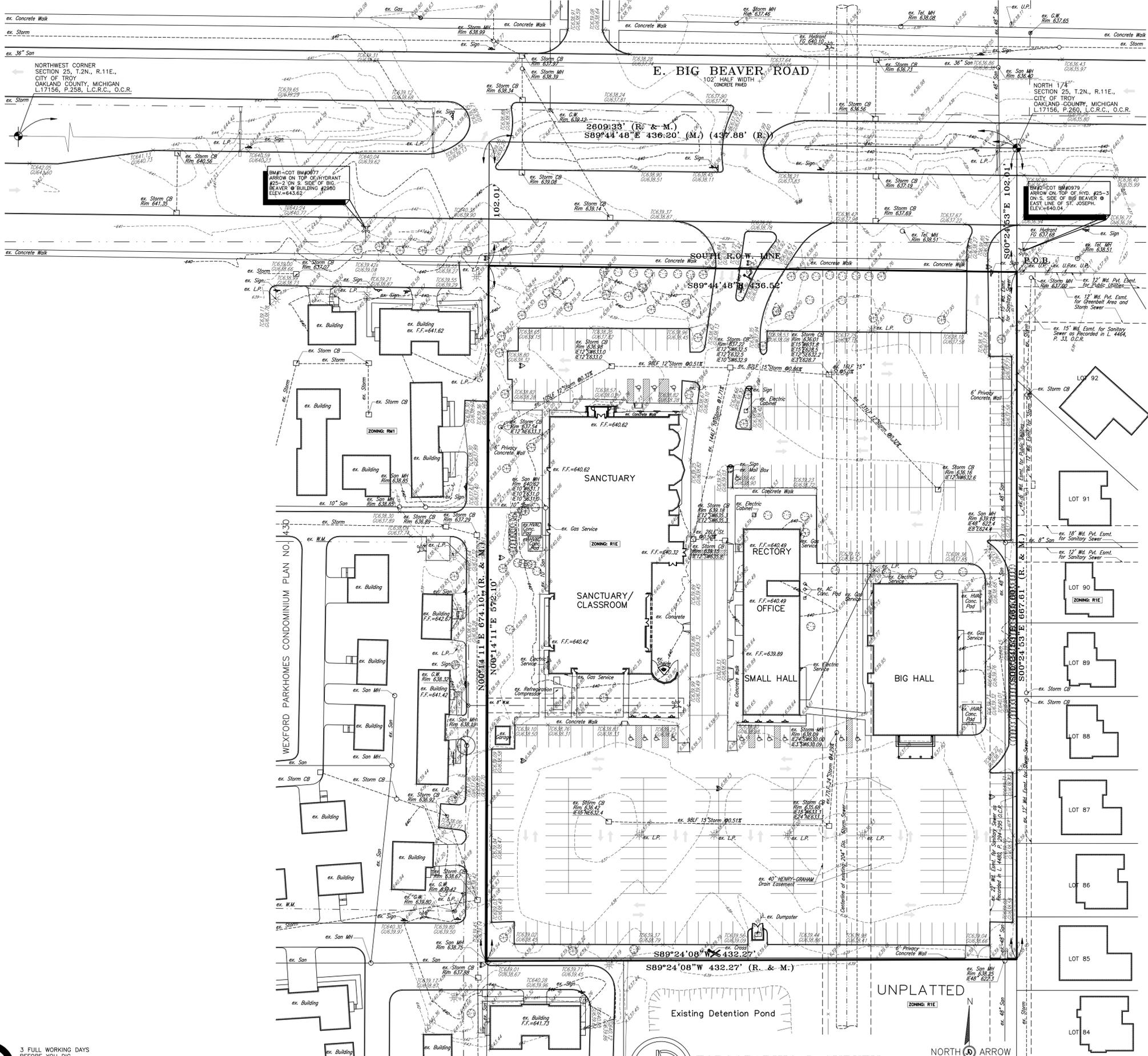
CLIENT:
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2440-44 EAST BIG BEAVER ROAD
 CITY OF TROY, MICHIGAN
REVEREND MONSIGNOR ZOUHAIR TOMA KAIBOU
 TELEPHONE: 248-689-4242
 TELEPHONE: 248-528-3676
 FACSIMILE: 248-524-1957

SHEET TITLE:
PRELIMINARY LANDSCAPE PLAN
 PROJECT TITLE:
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2440-44 EAST BIG BEAVER ROAD
 NW 1/4 OF SEC. 25, T.2N., R.11E.
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PROJECT NO.:
 1007
 DRAWN JAD
 CHECKED JAD
 APPROVED JAD

ISSUED FOR DATE
 TOPO SURVEY 10-03-10
 PRELIM SITE PLAN 11-01-10
 PRELIM SP-REVI 01-10-11
 PRELIM SP-REV2 01-14-11
 PRELIM SP-TREE 01-26-11
 BZA 02-09-11

SCALE: 1"=40'
 SHEET NO:
PC-4



ZONING: R1-E: ONE FAMILY RESIDENTIAL DISTRICT
LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE NORTHWEST CORNER OF SECTION 25, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; S.00°24'53"E., 102.01 FEET ALONG THE N.-S. 1/4 LINE TO THE P.O.B.; THENCE CONTINUING ALONG SAID LINE S.00°24'53"E., 565.60 FEET; THENCE S.89°24'08"W., 432.27 FEET; THENCE N.00°14'11"E., 572.10 FEET TO THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (102.00' 1/2 W.D.); THENCE ALONG SAID S. R.O.W. LINE S.89°44'48"E., 437.88 FEET (M.) TO THE P.O.B., CONTAINING 5.712 ACRES OF LAND, SUBJECT TO ANY AND ALL EASEMENTS OF RECORDS, IF ANY. ALSO KNOWN AS PARCEL IDENTIFICATION NUMBER: 20-25-126-024.

DESCRIPTION	LEGEND	
	EXISTING	PROPOSED
STORM/SEWER		
SANITARY/SEWER		
WATER LINE		
UTILITY POLE/POWER LINE		
UTILITY POLE W/GUY WIRE		
GAS LINE		
CONCRETE PAVEMENT		
SILT FENCE		
FENCE		
FABRIC FILTER FENCE		
LOT IDENTIFICATION NO.	LOT 178	LOT 178
PARCEL IDENTIFICATION NO.	11-30-277-078	11-30-277-078
FIRST FLOOR ELEVATION	FF=987.7	PROP. FF=987.7
BASEMENT FLOOR ELEV.	BF=987.7	PROP. BF=987.7
GARAGE FLOOR ELEVATION	GF=987.7	PROP. GF=987.7
CENTERLINE OF PAVEMENT		
SPOT ELEVATION		
CONTOUR LINE		
BOTT. SWALE ELEV.	987.7	987.7
TOP OF STAIRS ELEV.	987.715	987.715
BOTTOM OF STAIRS ELEV.	987.785	987.785
TOP OF CURB ELEVATION		
EASEMENT		
SURFACE DRAINAGE FLOW		

FLOOD ZONE DETERMINATION
 F.I.S.M. CITY OF TROY-OAKLAND COUNTY-MICHIGAN PANEL# 261250-05536 (NORTH PART OF PROPERTY) PANEL# 261250-05616 (SOUTH PART OF PROPERTY) MAP REVISED JANUARY 16-2009 PROPERTY DOES NOT LIE WITHIN A MINIMAL OR NO IMPACT FLOOD ZONE.

TOPO NOTES
 THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE DERIVED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS OR EXACTNESS OF LOCATION.

BENCH MARK-NAVD88 DATUM
 BM#1 (CITY OF TROY BM0977) TOP OF ARROW ON HYDRANT #25-2 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH. ELEV.=643.62 (DATED 07/08/2005)
 BM#2 (CITY OF TROY BM0979) TOP OF ARROW ON HYDRANT #25-3 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH. ELEV.=640.04 (DATED 07/08/2005)

MORE EAST SUBDIVISION
 (L. 218, P. 28-31, O.C.R.)



1747 Henbert Street
 West Bloomfield, MI 48324

Telephone: (248) 739-9955
 Facsimile: (248) 363-4639
 JAD222@SBCGLOBAL.NET

CLIENT:
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2440-44 EAST BIG BEAVER ROAD
 CITY OF TROY, MICHIGAN
 TELEPHONE: 248-689-4242
REVEREND MONSIGNOR ZOUHAIR TOMA KAIBOU
 TELEPHONE: 248-528-3676
 FACSIMILE: 248-524-1957

SHEET TITLE:
TOPOGRAPHICAL SURVEY
 PROJECT TITLE:
ST. JOSEPH CHALDEAN CHURCH
 2440-44 EAST BIG BEAVER ROAD
 NW 1/4 OF SEC. 25, T.2N., R.11E.
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PROJECT NO.:
 1007
 DRAWN JAD
 CHECKED JAD
 APPROVED JAD

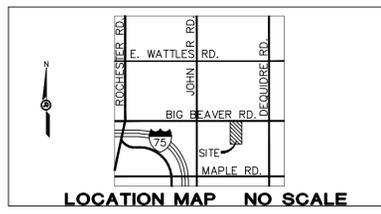
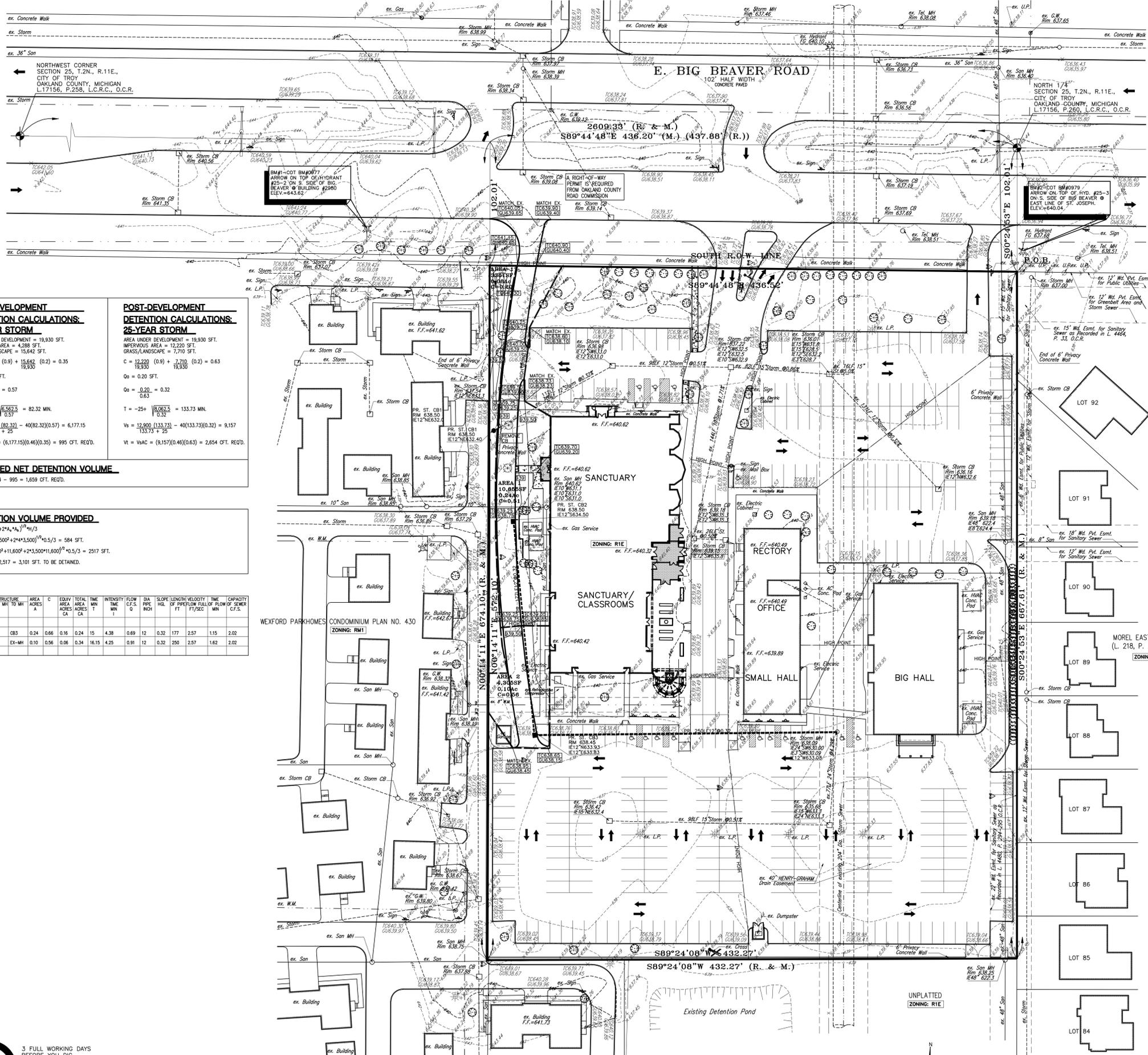
ISSUED FOR DATE
 TOPO SURVEY 10-03-10
 PRELIM SITE PLAN 11-01-10
 PRELIM SP-REVI 01-10-11
 PRELIM SP-REV2 01-14-11
 BZA 02-09-11

SCALE: 1"=40'
 SHEET NO:

PC-1

3 FULL WORKING DAYS BEFORE YOU DIG, CALL MISS DIG 1-(800)-482-7171 FOR LOCATION OF UNDERGROUND FACILITIES

TOPOGRAPHICAL SURVEY
 SCALE: 1"=40'
 NORTH ARROW



ZONING: R1-E: ONE FAMILY RESIDENTIAL DISTRICT
LEGAL DESCRIPTION:

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	EXISTING	PROPOSED
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SANITARY/SEWER		
WATER LINE		
UTILITY POLE/POWER LINE		
UTILITY POLE W/GUY WIRE		
GAS LINE		
CONCRETE PAVEMENT		
SILT FENCE		
FENCE		
FABRIC FILTER FENCE		
LOT IDENTIFICATION NO.	LOT 178	LOT 178
PARCEL IDENTIFICATION NO.	11-30-277-078	11-30-277-078
FIRST FLOOR ELEVATION	FF=987.7	PROP. FF=987.7
BASEMENT FLOOR ELEV.	BF=987.7	PROP. BF=987.7
GARAGE FLOOR ELEVATION	GF=987.7	PROP. GF=987.7
CENTERLINE OF PAVEMENT		
SPOT ELEVATION		
CONTOUR LINE		
BOTT. SWALE ELEV.	987.7	(987.7)
TOP OF STAIRS ELEV.	987.775	(987.775)
BOTTOM OF STAIRS ELEV.	987.785	(987.785)
TOP OF CURB ELEVATION		
EASEMENT		
SURFACE DRAINAGE FLOW		

FLOOD ZONE DETERMINATION
 FIRM: CITY OF TROY-OAKLAND COUNTY-MICHIGAN
 PANEL# 261250-0553G (NORTH PART OF PROPERTY)
 PANEL# 261250-0561G (SOUTH PART OF PROPERTY)
 MAP REVISED JANUARY 16-2009
 PROPERTY DOES LIE WITHIN A MINIMAL OR NO IMPACT FLOOD ZONE.

TOPO NOTES
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BM#1 (CITY OF TROY BM0977)
 TOP OF ARROW ON HYDRANT #25-2
 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH.
 ELEV.=643.62 (DATED 07/08/2005)

BM#2 (CITY OF TROY BM0979)
 TOP OF ARROW ON HYDRANT #25-3
 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH.
 ELEV.=640.04 (DATED 07/08/2005)

PRE-DEVELOPMENT		POST-DEVELOPMENT	
DETENTION CALCULATIONS: 10-YEAR STORM		DETENTION CALCULATIONS: 25-YEAR STORM	
AREA UNDER DEVELOPMENT = 19,930 SFT.			
IMPERVIOUS AREA = 4,288 SFT.			
GRASS/LANDSCAPE = 15,642 SFT.			
C = 4.288 (0.9) + 15.642 (0.2) = 0.35		C = 12.220 (0.9) + 7.710 (0.2) = 0.63	
19,930		19,930	
Qa = 0.20 SFT.		Qa = 0.20 SFT.	
Qa = 0.20 = 0.57		Qa = 0.20 = 0.32	
0.57		0.63	
T = -25 + (6.5625 / 0.57) = 82.32 MIN.		T = -25 + (16.0625 / 0.32) = 133.73 MIN.	
Vs = 10,500 (82.32) - 40(82.32)(0.57) = 6,177.15		Vs = 12,900 (133.73) - 40(133.73)(0.32) = 9,157	
82.32 + 25		133.73 + 25	
Vt = VsaC = (6,177.15)(0.46)(0.35) = 995 CFT. REQ'D.		Vt = VsaC = (9,157)(0.46)(0.63) = 2,654 CFT. REQ'D.	
REQUIRED NET DETENTION VOLUME			
Vnet = 2,654 - 995 = 1,659 CFT. REQ'D.			

DETENTION VOLUME PROVIDED

$V_p = (A^2 + A + 27A^2 + V_a)^{1/3} + 1/3$

$V_{net} = (A^2 + 3,500A + 27A^2 + 3,500)^{1/3} + 0.5/3 = 584$ SFT.

$V_{net} = (3,500A^2 + 11,600A + 27A^3 + 3,500)^{1/3} + 0.5/3 = 2517$ SFT.

$V_p = 584 + 2,517 = 3,101$ SFT. TO BE DETAINED.

AREA	STRUCTURE	FROM MH TO MH	AREA A	C	EQUIV. AREA CA	TOTAL AREA CA	TIME MIN	INTENSITY I	FLOW C.F.S.	DIA PIPE INCH	SLOPE PER 100	LENGTH FT	VELOCITY FT/SEC	TIME MIN	CAPACITY C.F.S.
1	CB2	CB3	0.24	0.66	0.16	0.24	15	4.38	0.69	12	0.32	177	2.57	1.15	2.02
2	CB3	EX-MH	0.10	0.56	0.06	0.34	16.15	4.25	0.91	12	0.32	250	2.57	1.62	2.02

3 FULL WORKING DAYS BEFORE YOU DIG, CALL MISS DIG 1-(800)-482-7171 FOR LOCATION OF UNDERGROUND FACILITIES

PRELIMINARY GRADING PLAN
 SCALE: 1"=40'

J.A.D. Engineering Services, Inc.

4197 Court Anthony
 Waterford, MI 48328

Telephone: (248) 739-9955
 JAD222@SBCGLOBAL.NET

CLIENT:
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2440-44 EAST BIG BEAVER ROAD
 CITY OF TROY, MICHIGAN
 TELEPHONE: 248-689-4242
REVEREND MONSEIGNOR ZOUHAIR TOMA KAIBOU
 TELEPHONE: 248-528-3676
 FACSIMILE: 248-524-1957

SHEET TITLE:
PRELIMINARY GRADING PLAN
 PROJECT TITLE:
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2440-44 EAST BIG BEAVER ROAD
 NW 1/4 OF SEC. 25, T.2N., R.11E.
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN

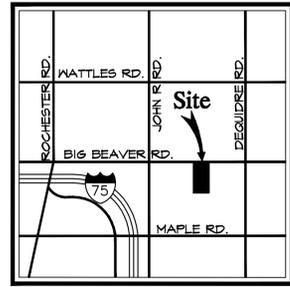
PROJECT NO.: 1007
 DRAWN JAD
 CHECKED JAD
 APPROVED JAD

ISSUED FOR DATE
 TOPO SURVEY 10-03-10
 PRELIM SITE PLAN 11-01-10
 PRELIM SP-REVI 01-10-11
 PRELIM SP-REV2 01-14-11
 BZA 02-09-11

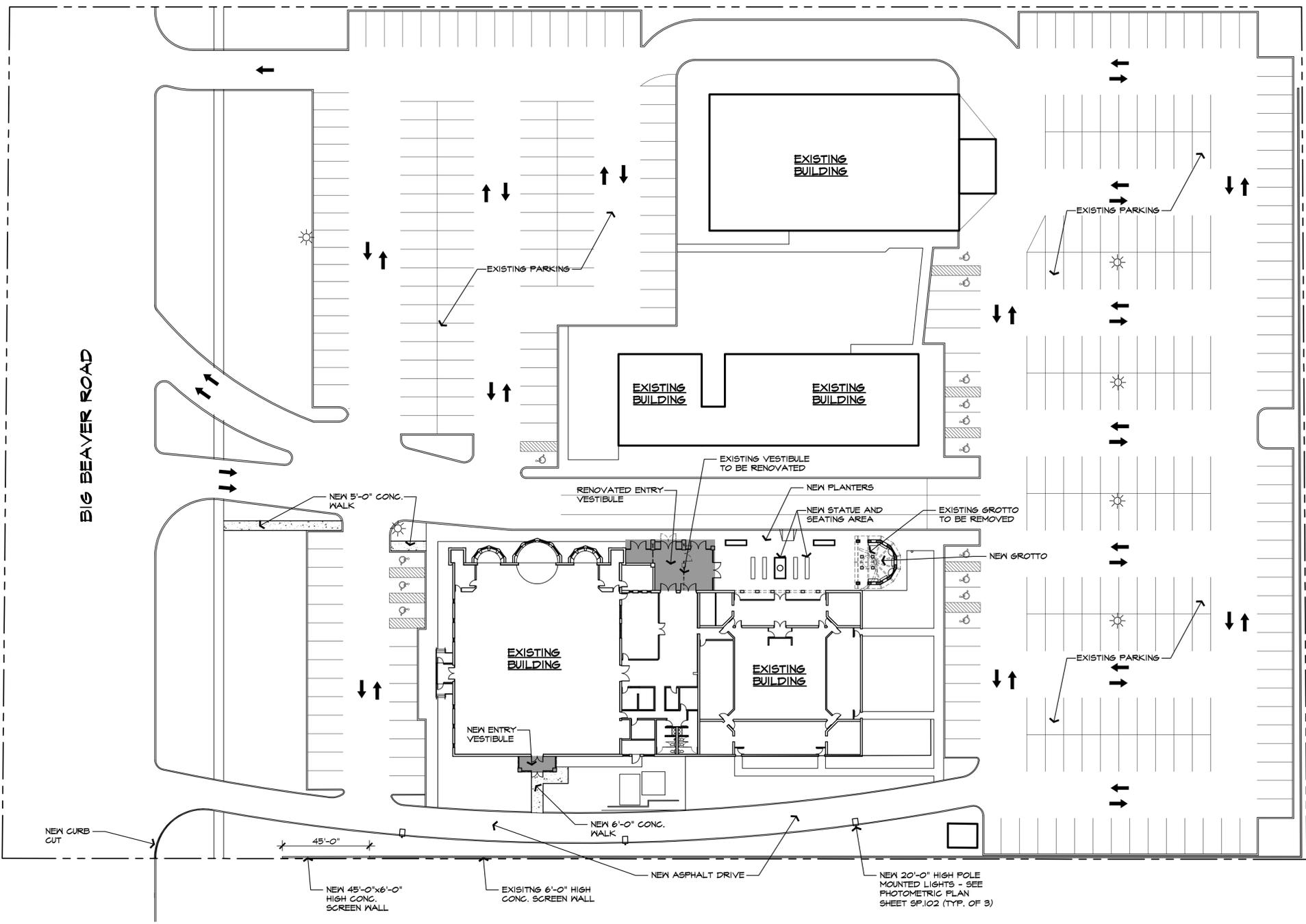
SCALE: 1"=40'
 SHEET NO: **PC-3**

SITE & BUILDING DATA:	
ZONING - "RI-E" ONE FAMILY RESIDENTIAL DISTRICT	
FOR OTHER SITE/BUILDING DATA SEE SHEET C-4	

ISSUED FOR	DATE
REVIEW	8-11-10
PRELIMINARY SPA	12-2-10
PRELIMINARY SPA	1-11-11
BZA	2-4-11



ARCHITECTURAL DESIGN
RESIDENTIAL COMMERCIAL INDUSTRIAL
 G.A.V. & ASSOCIATES, INC.
 31471 NORTHWESTERN HWY., SUITE #2
 FARMINGTON HILLS, MI. 48334
 (248) 985-9101
 FAX (248) 985-9105
 EMAIL: GAV@GAVASSOCIATES.COM



SITE PLAN
 SCALE: 1" = 30'-0"

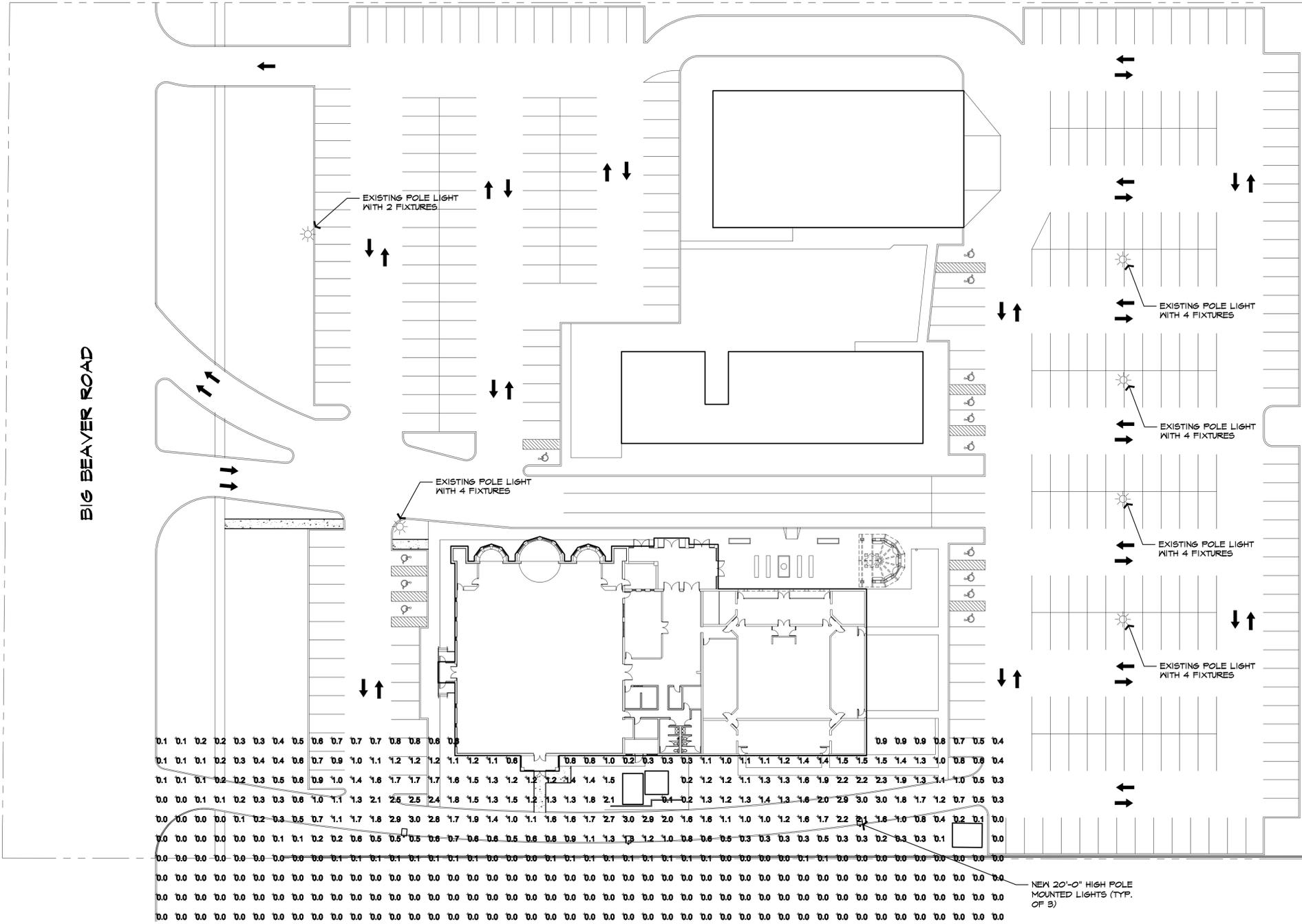
NOTE:
 SEE CIVIL DRAWINGS
 FOR DIMENSIONS
 AND LANDSCAPING

RENOVATIONS AND ADDITIONS TO:
2442 E. BIG BEAVER ROAD
TROY, MICHIGAN

DRAWN:	DESIGNED:	CHECKED:
DS	GA	GA
SCALE : 1" = 30'-0"		
FILE NAME : 10070_SP.101		
JOB # : 10070		
SHEET TITLE		
SITE PLAN		
SHEET #		
SP.101		

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	3	AR3400HPS-E18H8	ARCHETYPE FULL CUTOFF LUMINAIRE DIE CAST ALUM. REFLECTOR SYSTEM WITH HIGH SPECULAR PANELS DIE CAST ALUM. HOUSING AND LENS FRAME CLEAR FLAT GLASS LENS	400 WATT CLEAR, HPS E18 LAMP, HORIZONTAL POSITION, RATED AT 61000 INITIAL LUMENS	ar3-400-ha.lse	61000	1.00	400

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.6 fc	3.0 fc	0.0 fc	N/A	N/A



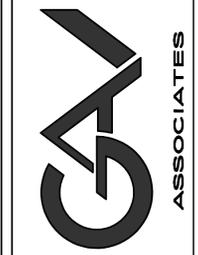
BIG BEAVER ROAD

NORTH

PHOTOMETRIC PLAN
 SCALE: 1" = 30'-0"

ISSUED FOR	DATE
BZA	2-4-11

ARCHITECTURAL DESIGN
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RENOVATIONS AND ADDITIONS TO:
 2442 E. BIG BEAVER ROAD
 TROY, MICHIGAN

DRAWN:	DESIGNED:	CHECKED:
DS	GA	GA
SCALE : 1" = 30'-0"		
FILE NAME : 10070_SP.102		
JOB # : 10070		
SHEET TITLE PHOTOMETRIC PLAN		
SHEET # SP.102		

KIM LIGHTING
The Archetype®
revision 9/19/08 • ar.pdf

Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
Catalog number:

1A / AR3 / 400HPS120 / DB / HS

Mfg. Fixture Electrical Module Finish Options See pages 1-4
Optional Vertical Slipfitter Mount See page 5

Select pole from Kim Pole Catalog. If pole is provided by others indicate O.D. for arm fitting.

Specifications

150 to 400 watt
Mogul Base Lamps
Maximum Fixture weight (400HPS) = 45 lb

Housing: One-piece die-cast, low copper ($\leq 0.6\%$ Cu) aluminum alloy with integral cooling ribs over the optical chamber and electrical compartment. Solid barrier wall separates optical and electrical compartments. Double-thick wall with gussets on the support-arm mounting end. Housing forms a half cylinder with 55° front face plane providing a recess to allow a flush single-latch detail. All hardware is stainless steel or electro-zinc plated steel.

Lens Frame: One-piece die-cast, low copper ($\leq 0.6\%$ Cu) aluminum alloy lens frame with 1" minimum depth around the gasket flange. Integral hinges with stainless steel pins provide no-tool mounting and removal from housing. Single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber by a one-piece extruded and vulcanized silicone gasket. Clear 3/8" thick tempered glass lens retained by eight steel clips with full silicone gasketing around the perimeter.

Reflector Module: Specular Alzak® optical segments are rigidly mounted within a die-cast aluminum enclosure that attaches to the housing as a one-piece module. Reflector module is field rotatable in 90° increments. HPS and PMH sockets are porcelain 4kV pulse rated mogul base with molded silicone lamp stabilizer. All reflector modules are factory prewired with quick-disconnect plug and include silicone seal at the penetration of the internal barrier wall in the luminaire housing.

Electrical Module: All electrical components are UL and CSA recognized, mounted on a single plate and factory prewired with quick-disconnect plugs. Electrical module attaches to housing with no-tool hinges and latches, accessible by opening the lens frame only. All ballasts are high power factor rated ≥ 0.9 starting.

Support Arm: One-piece extruded aluminum with internal bolt guides and fully radiused top and bottom. Luminaire-to-pole attachment is by internal draw bolts, and includes a pole reinforcing plate with wire strain relief. Arm is circular cut for specified round pole.

Optional Wall Mounting: Fixture mounted to poured concrete walls only. A modified support arm is provided with side access to allow field splices within the arm. A wall embedment bracket is provided to accept draw bolts, and a trim plate covers the wall-embedded junction box. All wall mount components are finished to match the fixture.

Finish: Super TGIC thermost polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Light Gray, Stealth Gray®, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Electrical Module
HPS = High Pressure Sodium
PMH = Pulse Start Metal Halide

Lamp Lamp Line
Watts Type Volts
400 HPS 277

Listings and Ratings		
UL cUL 1598*	CE	IP66 Rated 25C Ambient

*Suitable for wet locations
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.

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KIM LIGHTING
The Archetype®
revision 9/19/08 • ar.pdf

Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
Page: 2 of 5

Standard Features

Mounting
3Y configuration is available for round poles only.

Plan View:
EPA: 1.2 2.4 2.0 3.2 3.2 3.9 n/a
Cat. No.: 1A 2B 2L 3T 3Y 4C 1W

Fixture
Cat. No. designates fixture and light distribution.
See the Kim Site/Roadway Optical Systems Catalog for detailed information on reflector design and application.

Electrical Module
Cat. Nos. for Electrical Modules available:
High Pressure Sodium
 150HPS120 250HPS120 400HPS120
 150HPS208 250HPS208 400HPS208
 150HPS240 250HPS240 400HPS240
 150HPS277 250HPS277 400HPS277
 150HPS347 250HPS347 400HPS347
 150HPS480 250HPS480 400HPS480

Lamp E-23 1/2, Clear E-18, Clear E-18, Clear
Socket Mogul Base Mogul Base Mogul Base
ANSI Ballast S-55 S-50 S-51

Pulse Start Metal Halide
 320PMH120 350PMH120 400PMH120
 320PMH208 350PMH208 400PMH208
 320PMH240 350PMH240 400PMH240
 320PMH277 350PMH277 400PMH277
 320PMH347 350PMH347 400PMH347
 320PMH480 350PMH480 400PMH480

Lamp ED-28, Clear BT-28, Clear ED-28, Clear
Socket Mogul Base Mogul Base Mogul Base
ANSI Ballast M-138 M-132, M154, or M170 M-131, M171 M-135

NOTE: Due to the Energy Independence and Security Act (EISA) of 2007, Kim Lighting can no longer supply pulse start metal halide ballasts with its luminaires, effective January 1, 2009. Contact Kim Lighting for availability of replacement ballasts for warranty service claims.
(Visit www.aboutlightingcontrols.org or the Library of Congress website for more details.)

Finish
Super TGIC powder coat paint over a titanated zirconium conversion coating.
Color: Black Dark Bronze Light Gray Stealth Gray® Platinum Silver White Custom Color*
Cat. No.: BL DB LG SG PS WH CC
*Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description:

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KIM LIGHTING
The Archetype®
revision 9/19/08 • ar.pdf

Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
Page: 3 of 5

Optional Features

Wall Mounting
Cat. No. 1W
 No Option

Select from Mounting on page 2.

Photocell Receptacle
Cat. No. A-25
 No Option

Mounting (see page 2)
* - Fixture with Photocell Receptacle
S - slave unit(s)

Allowable wattage per fixture:
150-400W 150-250W 400W

Convex Glass Lens
Cat. No. CGL
 No Option

Polycarbonate Lens
Cat. No. LS
 No Option

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KIM LIGHTING
The Archetype®
revision 9/19/08 • ar.pdf

Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
Page: 4 of 5

Optional Features

Houseside Shield
Cat. No. No Option
 See right

Neighbor Friendly Shield
Cat. No. NFS
 No Option

Tamper-Resistant Latch
Cat. No. TL
 No Option

Horizontal Slipfitter Mount
Cat. No. HSF
 No Option

(Types II, III, and IV only) Fixtures with the standard flat glass lens are available with stamped aluminum louvers that pass streetside light and block houseside light, and a blackened panel added to the reflector to reduce houseside reflections. Fixtures with the optional convex glass lens are available with a formed aluminum shield that passes streetside light and blocks houseside light, and a black anodized panel added to the reflector to reduce houseside reflections. Use with clear lamps only, as coated lamps reduce effectiveness.

Cat. No. HS Recommended for use with clear lamps only. Effectiveness is reduced for coated lamps. Not for use with Type V light distributions.
 HSC For use with all fixtures with convex glass lens. Not for use with Type V light distributions.

(Type IV only) Stamped internal shield and blocking panels are used to direct and redirect lighting into a forward throw distribution. The amount of light directed and redirected toward the back of the luminaire is dramatically reduced to create extremely low glare behind the pole. Only available on the Type IV reflectors.

Standard die-cast latch is provided with a captive 10-32 stainless steel flat socket-head screw to prevent unauthorized opening.
NOTE: Required only for vandal protection in locations where fixtures can be reached by unauthorized persons.

Replaces standard mounting arm with a slipfitter which allows fixture to be mounted to a horizontal pole davit-arm with 2" pipe-size mounting end (2 3/4" O.D.). Cast aluminum slipfitter with set screw anti-rotation lock. Bolts to housing from inside the electrical compartment using mounting holes for the standard support arm. Davit-arm must be field drilled at a set screw location to insure against fixture rotation. Finished to match fixture.

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KIM LIGHTING
The Archetype®
revision 9/19/08 • ar.pdf

Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
Page: 5 of 5

Optional Features

Special Options for Street Lighting
Cat. No. (See right)

Terminal Block
85AMP, 600V box clamp terminal block mounted to the housing inside the electrical compartment. Accepts #14-4 wire. Factory prewired to electrical module quick-disconnect plug.
 TB
 No Option

Air Filter
Allows for ventilation through the optical chamber, filtering all air particles above 500 microns. Mounted on solid wall between optical compartment and latch cavity.
 AF
 No Option

Vertical Slipfitter Mounts
Cat. No. includes Mounting
Cat. No. (See right)
 No Option

Allows fixture with standard support arm to be mounted to poles having a 2" pipe-size tenon (2 3/4" O.D. x 4 1/2" min. length). All mounting configurations can be used (1A, 2B, 2L, 3T, 3Y, 4C). 4" square or round die-cast aluminum with flush cap, secured by four 3/8" stainless steel set point allen screws, finished to match fixture and arm.
NOTE: 3Y only available on round slipfitter.

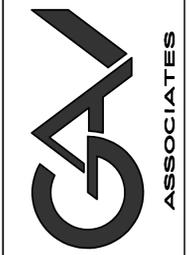
Cat. No. <input type="checkbox"/> VSF-1A <input type="checkbox"/> VSF-2B <input type="checkbox"/> VSF-2L <input type="checkbox"/> VSF-3T <input type="checkbox"/> VSF-3Y <input type="checkbox"/> VSF-4C	Stainless steel set screws Round	Cat. No. <input type="checkbox"/> SVSF-1A <input type="checkbox"/> SVSF-2B <input type="checkbox"/> SVSF-2L <input type="checkbox"/> SVSF-3T <input type="checkbox"/> SVSF-4C	Mounting Configuration 1A - single arm mount 2B - 2 at 180° 2L - 2 at 90° 3T - 3 at 90° 3Y - 3 at 120° 4C - 4 at 90°
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ISSUED FOR	DATE
BZA	2-4-11

ARCHITECTURAL DESIGN
RESIDENTIAL
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31471 NORTHWESTERN HWY., SUITE #2
FARMINGTON HILLS, MI, 48334
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EMAIL: GAV@GAVASSOCIATES.COM

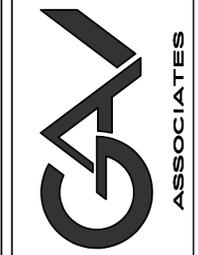


RENOVATIONS AND ADDITIONS TO:
2442 E. BIG BEAVER ROAD
TROY, MICHIGAN

DRAWN:	DESIGNED:	CHECKED:
DS	GA	GA
SCALE : NO SCALE		
FILE NAME : 10070_SP.103		
JOB # : 10070		
SHEET TITLE LIGHTING CUT SHEETS SHEET #		
SP.103		

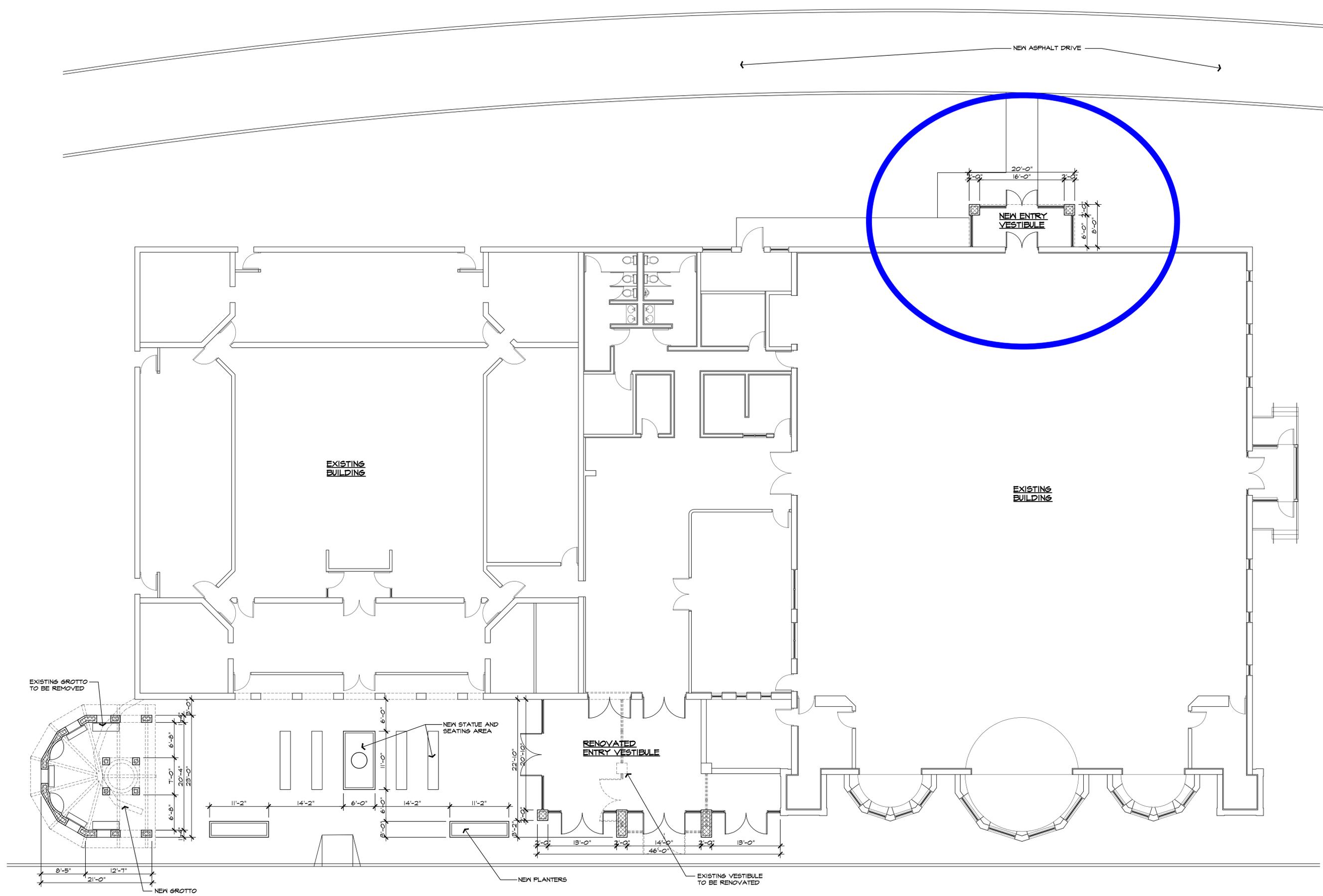
ISSUED FOR	DATE
REVIEW	8-11-10
PRELIMINARY SPA	12-2-10
PRELIMINARY SPA	1-11-11
BZA	2-4-11

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RENOVATIONS AND ADDITIONS TO:
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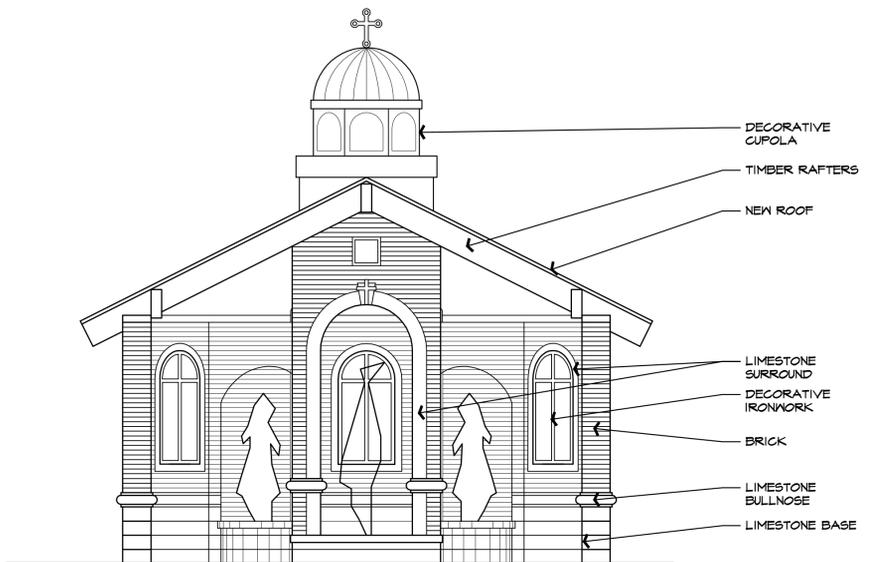
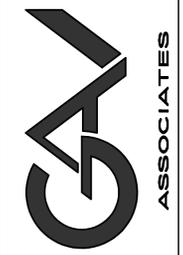
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DS	GA	GA
SCALE: 1/8" = 1'-0"		
FILE NAME: 10070_A.101		
JOB #: 10070		
SHEET TITLE		
FLOOR PLAN		
SHEET #		
A.101		



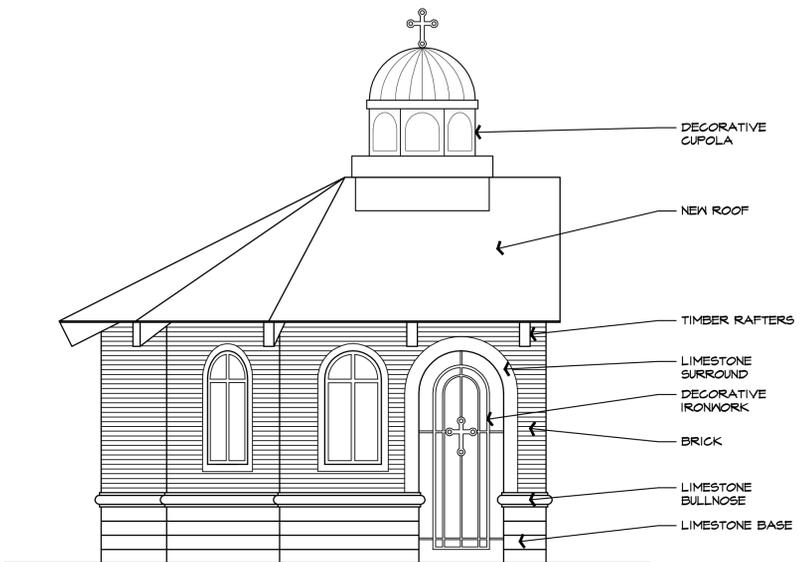
FLOOR PLAN
 SCALE: 1/8" = 1'-0"

ISSUED FOR	DATE
REVIEW	8-11-10
PRELIMINARY SPA	12-2-10
PRELIMINARY SPA	1-11-11
BZA	2-4-11

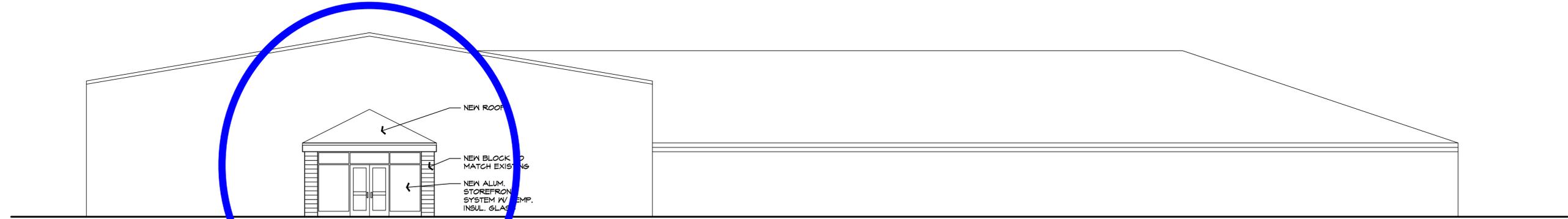
ARCHITECTURAL DESIGN
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 G.A.V. & ASSOCIATES, INC.
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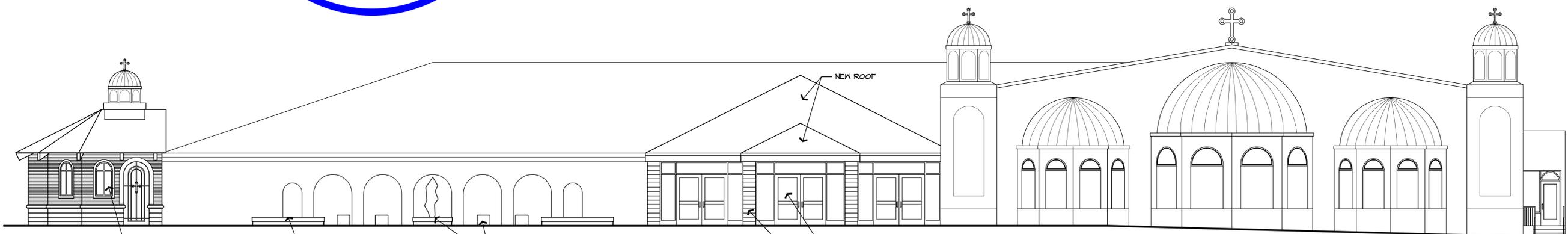
NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"



WEST ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"

RENOVATIONS AND ADDITIONS TO:
 2442 E. BIG BEAVER ROAD
 TROY, MICHIGAN

DRAWN:	DESIGNED:	CHECKED:
DS	GA	GA

SCALE : AS SHOWN

FILE NAME : 10070_A.102

JOB # : 10070

SHEET TITLE
 ELEVATIONS

SHEET #
A.102



CARLISLE/WORTMAN ASSOCIATES, INC.

Community Planners /Landscape Architects

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734-662-2200
fax 734-662-1935

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

Date: December 20, 2010

Preliminary Site Plan For City of Troy, Michigan

Applicant: Monsignor Zouhair Toma Kajbou

Project Name: St. Joseph Chaldean Catholic Church Renovations

Plan Date: Submitted to Troy Planning Department December 3, 2010

Location: 2442 East Big Beaver Road

Zoning: R1-E and RM-1

Action Requested: Preliminary Site Plan Approval

Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a preliminary site plan submittal for the renovation of an existing church property. The project proposes several significant changes, including a new access drive to Big Beaver Road, a new drop-off area and circulation route, two small building additions and renovations, and renovations to an outdoor area with a grotto.

Location of Subject Property:

The property is located on the south side of Big Beaver Road, between John R Road and Dequindre Road.

Size of Subject Property:

The parcel is 5.712 acres.

Proposed Uses of Subject Parcel:

The applicant proposes to continue using the site as a church.

Current Use of Subject Property:

The subject property is currently a church.

Current Zoning:

The property is currently split-zoned. The east portion of the site is zoned R-1E, Single Family Residential District, and the west portion is zoned RM-1, Multiple Family Residential District, Low Rise.

Zoning Classification of Adjacent Parcels and Current Land Use:

North: (across Big Beaver) R-1E, Single Family Residential District; single family homes

West: RM-1, Multiple Family Residential District, Low Rise; single and multiple family residential homes

South: RM-1, Multiple Family Residential District, Low Rise; single and multiple family residential homes; and R-1E, Single Family Residential District; vacant property and a detention basin.

East: R-1E, Single Family Residential District; single family homes

BUILDING LOCATION AND SITE ARRANGEMENT

The existing church is located on the west side of the overall site. There are two additional large buildings containing a rectory, office, small hall (central building) and a large hall (east building). The site is accessed via two driveways, one at the center of the lot and another (right-turn only) at the east end of the lot. A central driveway provides access to the majority of parking, which is located south of the buildings, although some parking also exists along Big Beaver, north of the buildings. The primary components of site arrangement are not proposed to be altered, only added to, as we will describe in the site access and circulation section of this review.

Items to be Addressed: *None*

AREA, WIDTH, HEIGHT, SETBACKS

The conditions for special use approval for a church are established in Section 10.30.04. There are several dimensional requirements that must be considered here. First, the setbacks for all sides of the project are 50 feet, which is a greater setback requirement than most uses in the R-1-E and RM-1 Districts. Second, a church requires a minimum of 120 feet of frontage on a major thoroughfare. Third, parking is not permitted in a required yard that is adjacent to a public street, nor is parking permitted adjacent to residentially zoned property.

Several elements of this site do not comply with all these requirements, but this is due to the existing church having been developed prior to the adoption of those requirements. Applicable subsections of Section 10.30.04. state:

B. Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.

E. "Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space. This landscaped yard area requirement related to parking areas adjacent to residentially zoned land shall apply to parking areas for which site plans were approved after July 1, 2000."

For the purposes of this review, we should note that parking does exist on the east, south, and west sides adjacent residential, within the required 50-foot yards (setbacks). This is a condition which predates the original site plan, however, and it is specifically exempted in the Ordinance requirements (given that it was approved prior to July 1, 2000). Therefore, this is a legal, conforming condition. However, this does not exempt future changes or additions that require site plan review from complying with this requirement.

Consequently, the proposed third access drive and drop-off area, which would cut through the landscaped area along the site's west end that does not have parking currently, would violate the Ordinance as designed. In other words, while the portions of the site that provide parking within the 50-foot setback were approved prior to July 1, 2000 and comply with the Ordinance, any new activity requiring site plan approval may not violate this setback and must comply, including the proposed. Further, while the site plan is not dimensioned, it is clear that the proposed west vestibule entry also violates the setback rule here and is also not permitted without relief from a variance. In order to permit the development of the vestibule, the access drive, and the drop off area, the applicant must appear before the Zoning Board of Appeals and obtain a variance from the minimum 50-foot setback adjacent residentially zoned properties for churches as established by Section 10.30.04.E.

While height data has not been provided by the applicant, we can confirm that, based on observation made during a site visit, that the existing buildings do not exceed maximum requirements.

Required and Provided Dimensions:

Section 30.10.02 and special use provisions for churches require the following setbacks and height limits (all dimensions are estimated, as they were not provided on the plans):

	<u>Required:</u>	<u>Provided:</u>
Setbacks		
Front (north)	50 feet	Approximately 50 feet to parking, 120 feet to building
Side (existing) (west)	50 feet	Approximately 50 feet to building, approximately 3 feet to rear yard parking (conforming as it was approved prior to July 1, 2000)
Side (proposed) (west)	50 feet	Approximately 5 feet to drive, approximately 37 to new vestibule
Side (east)	50 feet	Approximately 8 feet (conforming as it was approved prior to July 1, 2000)
Rear (south)	50 feet	Approximately 232 feet to building, approximately 10.5 feet to rear yard parking (conforming as it was approved prior to July 1, 2000)
Building Height	25 Feet, 2.5 stories	Unknown (although this proposal does not alter/impact maximum height)

Items to be Addressed: 1.) provide dimensional data. 2.) Obtain variances from dimensional deficiencies noted herein.

PARKING

Parking:

The site plan indicates a total of 321 parking spaces which includes 13 barrier free parking spaces.

Parking Calculations:

The parking calculations provided by the applicant are as follows:

<u>Required</u>	<u>Provided</u>
One (1) space per 3 seats or 6 feet of bench seating in the main worship area. This church accommodates 800 seats and requires 267 spaces	321 spaces
Banquet room requires one space for each two persons capacity plus one for each employee for each ten seats. This site's banquet facilities accommodate 325 seats, requiring 163 guest spaces and 34 employee spaces, for 196 total required spaces.	
Office space requires one space for every 200 square feet of usable area. This site has 1,000 square feet of office for 5 required spaces.	
Rectory requires two spaces	
Total required spaces is $267 + 196 + 5 + 2 = 470$ spaces	

The site is technically deficient in parking. However, the uses on the site do not occur concurrently. The banquet hall uses do not take place at the same time as services. The banquet use required 196 spaces, well under the provided 321. The Church itself requires 267 spaces, also under the provided 321. Further, the proposed improvements do not affect the capacity of the site and this is a previously existing nonconformity that functions in its current configuration. Consequently, we have no reservations with regard to parking..

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Proposed Circulation:

The site is accessed via two existing driveways. The plan would add a third at the extreme west end of the property. We do not necessarily oppose the third driveway, and defer to the City engineer in this regard. However, as noted elsewhere in this review the significant drive, vestibule, and drop-ff area in the required landscaped setback along the west side of the building violates the Ordinance and must be removed or a variance must be obtained to allow it to proceed.

Sidewalks:

The site has an 8-foot wide sidewalk along its Big Beaver Road frontage and sidewalks throughout the site. The site plan should incorporate a sidewalk connection between Big Beaver and the buildings, however.

Items to be Addressed: 1.) Remove west driveway and improvements on west side of building or obtain variance to allow development in the setback. 2.) Provide sidewalk connection to the main road sidewalks.

NATURAL RESOURCES

The site is previously developed and contains no significant natural features, although there are mature landscaping elements. The proposed plan would not impact any protected natural features, but would impact a mature landscaped area along the west side of the building. Please see our landscaping and site access and circulation sections of this review for more information in this regard.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been submitted, however it does not provide landscaping that takes into account the status of this project as a project requiring special use approval and does not take into consideration the specific use standards for churches.

While the existing parking does not need to comply, the new improvements (were they authorized by a variance) on the west side would need to follow Ordinance requirements. Whenever the off-street parking is adjacent to land zoned and developed or developable for residential purposes, the parking area shall be screened from that adjacent residential area by the placement of a four feet six inch (4' 6") high landscaped earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.

Also, developments in the R1-B District that are not single family homes require a greenbelt and greenbelt trees. They also require a minimum of 10% landscaped open space. The project meets these standards.

Items to be Addressed: Provide revised landscaping to comply with Ordinance requirements if a variance is obtained.

LIGHTING

The applicant has not provided a photometric plan for this project. Full lighting details will be provided for final site plan approval.

Items to be Addressed: None.

SPECIAL USE

In the R1-E District, churches are permitted as a special use. This project would significantly alter the conditions of the original approval of this project and would impact adjacent properties. It contemplates improvements on the site that are within required setbacks adjacent residential properties and changes the plan that was approved for this property. As such, a special use permit must be issued for the revised site plan to allow the project to move forward, in accordance with Section 03.31.00. We understand that the applicant has not submitted for special use approval at this time, but will provide the following brief comments for guidance for the applicant and Planning Commission as the project moves forward. We will provide a full review of the site's compliance with Special Use provisions once the applicant submits an application for special use approval.

For any special use, according to Section 03.31.04, the Planning Commission shall review the request, supplementary materials either in support or opposition thereto, as well as the Planning Department's report, at a Public Hearing established for that purpose, and shall either grant or deny the request, table action on the request, or grant the request subject to specific conditions.

Use Standards

The applicant should be aware that Section 10.30.04 lists several conditions for churches within the R1-E District (items labeled "not applicable" are not impacted by the application submitted and reviewed). They are as follows:

- A. *Buildings of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed. (Rev. 07-10-2000) (Not applicable.)*
- B. *Front, side and rear yard setbacks shall be a minimum of fifty (50) feet. (Deficiencies noted in the area, width, height and setbacks section of this review. Variances are required.)*
- C. *The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions: (Criteria met.)*
 1. *The Planning Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties. (Not applicable.)*
- D. *One or more of the following locational criteria may be considered by the Planning Commission as a basis for approval or denial of proposals for church development:*
 1. *Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed). (Not applicable.)*

2. *Location abutting a Freeway right-of-way. (Not applicable.)*
3. *Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets). (Not applicable.)*
4. *Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential dwellings. (Not applicable.)*

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of single-family residential development in the adjacent area.

*E. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space. This landscaped yard area requirement related to parking areas adjacent to residentially zoned land shall apply to parking areas for which site plans were approved after July 1, 2000. **(Variance required to permit proposed activities in the side yard.)***

F. Whenever the off-street parking is adjacent to land zoned and developed or developable for residential purposes, the parking area shall be screened from that adjacent residential area by the placement of a four feet six inch (4' 6") high landscaped earth berm. The top of the berm shall be landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center.

This landscaped berm requirement shall apply to parking areas for which site plans were approved after July 1, 2000. The screening for parking areas established or proposed for construction before that date is permitted to be in the form of a continuous obscuring wall, four feet six inches (4'6") in height, in accordance with the provisions of Article XXXIX, Environmental Provisions. This screenwall shall be provided at or adjacent to those sides of the parking area which lie adjacent to residentially zoned land. Such parking area screenwalls shall also be provided adjacent to residentially zoned land wherein the above-described landscaped berm requirement does not apply. (Not applicable.)

G. Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex. (Not applicable.)

1. *The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex. (Not applicable.)*

2. *Parking shall be provided for such incidental use areas at one-half (½) the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area. (Not applicable.)*
 3. *Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes. (Not applicable.)*
 4. *Active indoor recreation facilities, such as gymnasiums, shall be located at least eighty (80) feet from any residentially zoned land, other than that which is developed or committed for uses other than the construction of residential dwellings. (Not applicable.)*
- H. *All structures, appurtenances, and fixtures related to outdoor recreation purposes shall be located a minimum of one hundred (100) feet from any residentially zoned property, other than that which is developed or committed for uses other than the construction of residential dwellings. (Not applicable.)*

Standards of Approval

Section 03.31.05 states that before approving any requests for Special Use Approval, the Planning Commission, or the City Council, where indicated, shall find that:

1. *The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development or use of adjacent land and/or Districts.*
2. *The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.*

These criteria will be evaluated once an application has been submitted.

Items to be addressed: Submit an application for special use approval.

SUBMITTAL REQUIREMENTS

Section 3.43.01 establishes the requirements for preliminary site plan approval. The only outstanding element required for site plan approval is full dimensions of setbacks.

Items to be Addressed: Provide dimensions.

RECOMMENDATIONS

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 series of variances from the Zoning Board of Appeals and to provide a revised application addressing the other items noted herein, and including a new application for special use approval.

St. Joseph Church, December 20, 2010

A handwritten signature in black ink, appearing to read "Zachary Branigan", with a horizontal line extending to the right from the end of the signature.

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

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 385) – Proposed Additions to St. Joseph Chaldean Catholic Church, 2442 E. Big Beaver, South side of Big Beaver, East of John R, Section 25, Currently Zoned R-1E (One Family Residential) and RM-1 (Multiple Family Residential) Districts

Mr. Branigan presented a summary of the proposed Special Use and Preliminary Site Plan application for St. Joseph Chaldean Catholic Church. He specifically addressed the additional access drive on Big Beaver, the drive along the western portion of the property and the building improvements.

Mr. Branigan reported the proposed project could not move forward without relief from the Zoning Ordinance. Therefore, he recommended taking no action on the request to allow the petitioner to seek the appropriate variances from the Board of Zoning Appeals (BZA). Mr. Branigan further indicated a revised application addressing items noted in the review and a new application for Special Use Approval would be required should the BZA grant the variances.

Ghassan Abdelnour, project architect, of G.A.V & Associates, Inc., 31471 Northwestern Highway, Farmington Hills, and Dawad A. Defouni, project engineer, of J.A.D. Engineering Services, 4197 Court Anthony, Waterford, were present to represent the petitioner.

Mr. Abdelnour addressed the intent of the proposed plan to alleviate traffic congestion by providing better circulation and traffic flow. He also addressed the proposed building improvements.

The petitioner, Monsignor Zouhair Toma Kajbou, addressed the traffic congestion that results with church traffic, especially during holidays and special celebrations. He stated the church often uses the Troy Police Department services to assist in directing the traffic. Fr. Kajbou addressed the size and makeup of the congregation and the service schedule.

Discussion followed on:

- Traffic circulation and flow.
- Parking.
- Existing and proposed drop off areas.
- Traffic Engineer review.
- Proof of difficulty of land / hardship required for granting variances.

- Potential for deceleration lane on Big Beaver.
- Services schedule.
- Notification to public of Public Hearing.

PUBLIC HEARING OPENED

Stanley Pilchowski of 2993 Roundtree, Troy, was present. Mr. Pilchowski spoke in opposition of the proposed project. He voiced concerns relating to the traffic, the proposed driveway and drop off area on the western portion of the property, lighting, noise and the public hearing notification process.

Samuel Mitchell of 2914 Roundtree, Troy, was present. Mr. Mitchell spoke in opposition of the proposed project. He voiced concerns relating to the traffic, property values, lighting and noise.

Charles Pelzer of 2878 Roundtree, Troy, was present. Mr. Pelzer spoke in opposition of the proposed project. He voiced concerns relating to the traffic, noise and lighting. Mr. Pelzer indicated his bedroom window would face the proposed driveway on the western portion of the property and shared a photograph showing the view from his bedroom window.

Sam Daya of 2541 Marcus, Troy, was present. Mr. Daya spoke in opposition of the proposed project. He voiced concerns with traffic and the public hearing notification process.

David Livingston, City of Troy Police Lieutenant/Special Operations section, was present. Lt. Livingston addressed the traffic congestion on Big Beaver Road with respect to the church services, daily activity, holidays and special celebrations. He expressed appreciation for the efforts taken by the church to improve the flow and circulation of traffic. Lt. Livingston said the Police Department would welcome any circulation design that alleviates the congestion. Lt. Livingston briefly addressed the process to erect a traffic light.

Fr. Kajbou addressed the schedule of weekday church activities and Sunday and holiday services. He indicated the church's willingness to go to the expense necessary to alleviate existing traffic problems.

Brian King of 2884 Roundtree, Troy, was present. Mr. King spoke in opposition of the proposed project. He voiced concerns relating to the close proximity of the proposed driveway to the residential homes, lighting and property values.

PUBLIC HEARING CLOSED

Discussion continued on:

- Potential for deceleration lane.
- Special Use standards applicable to site plan.
- Photometrics plan; impact of vehicular and building lights to adjacent residential.
- Landscaping.
- City owned property to the south.

OTHER BUSINESS

6. DISTRIBUTION OF DRAFT CITY OF TROY ZONING ORDINANCE

A hard copy of the Draft Zoning Ordinance was distributed to each Board member.

Mr. Savidant briefly outlined the schedule to introduce the Draft Zoning Ordinance to other Boards and Commissions and the adoption process by the Planning Commission and the City Council.

It was the consensus of the Board to place the Draft Zoning Ordinance as an agenda item for discussion on the January 25, 2011 Special/Study meeting. Mr. Savidant asked members to submit in writing any suggestions or revisions for discussion at the meeting.

7. ELECTION OF OFFICERS FOR THE YEAR 2011

Chair Hutson asked for nominations from the floor for Chair.

Mr. Schultz nominated Michael Hutson.

Hearing no further nominations, Chair Hutson declared the nominations for the position of Chair closed.

A voice vote was taken; all ayes, no nays.

Mr. Hutson was announced as Chair.

Chair Hutson asked for nominations from the floor for Vice Chair.

Mr. Schultz nominated Mark Maxwell.

Mr. Strat nominated Donald Edmunds.

Mr. Edmunds nominated John Tagle.

Hearing no further nominations, Chair Hutson declared the nominations for the position of Vice Chair closed.

From: [Brent Savidant](#)
To: [Kathy Czarnecki](#); [Planning](#)
Subject: FW: St. Joseph Chaldean Catholic Church
Date: Monday, March 07, 2011 1:40:33 PM

From: snichols48083@comcast.net [mailto:snichols48083@comcast.net]
Sent: Monday, March 07, 2011 1:40 PM
To: Brent Savidant
Subject: St. Joseph Chaldean Catholic Church

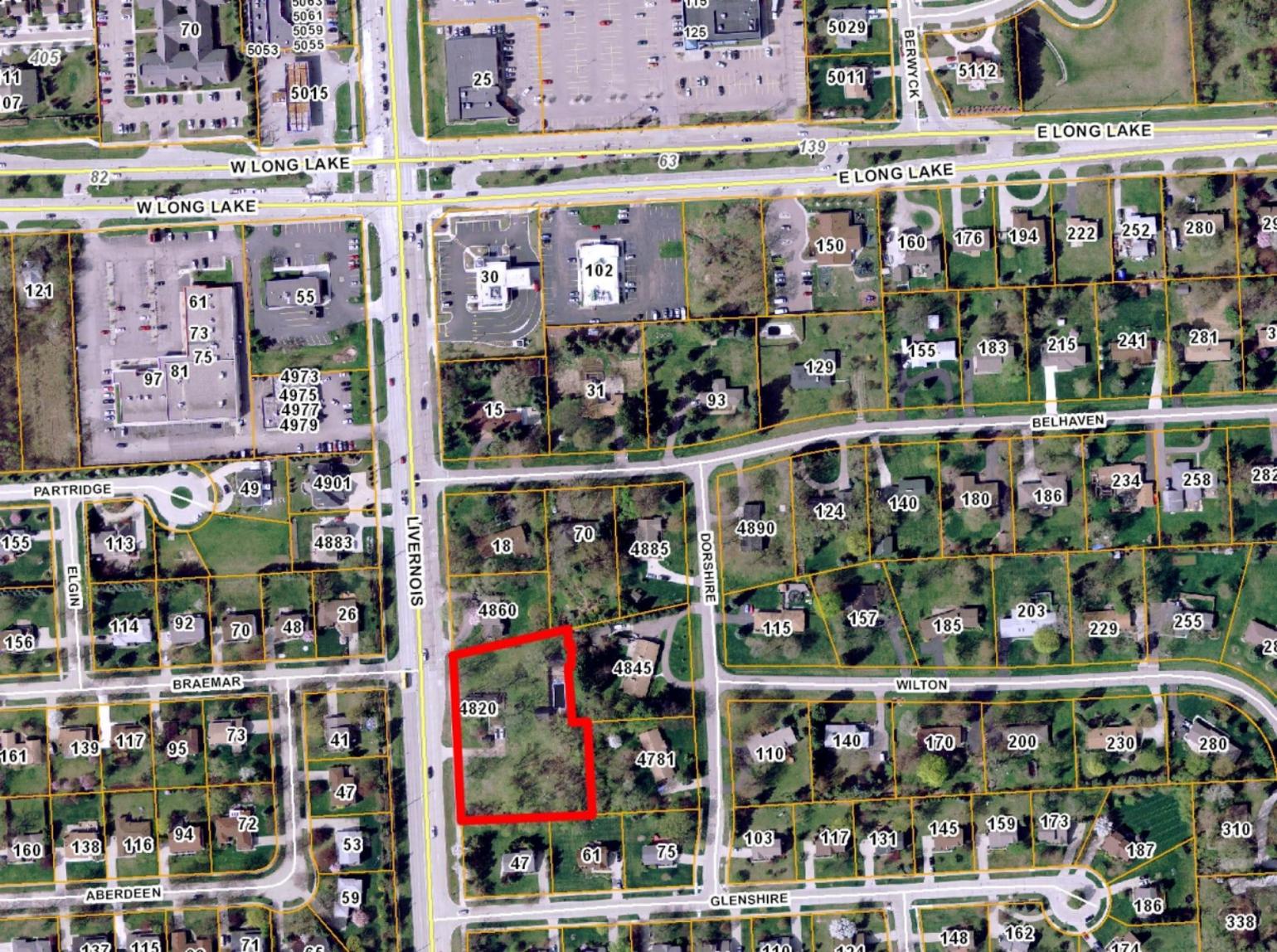
As a co-owner of Wexford Parkhomes located at 2784 Roundtree Drive for the past 32 years, I wish to express my opposition to the proposed West driveway and entrance into the church. The traffic coming in and going out of the church is very difficult to tolerate during any and all of their church services. As you are well aware, the situation on Holy Days is even worse, requiring additional security and closing off our 16 Mile entrance. I feel it is time for St. Joseph to find a large facility for their congregation.

Sandra L. Nichols
2784 Roundtree Drive
Troy, MI 48083

3. HEARING OF CASES

- C. VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS – In order to split the subject parcel into 3 separate parcels, a 15 foot variance to the required 100 foot lot width requirement for 2 of the proposed parcels.

SECTION: 30.10.02





18

4885

4860

48

26

BRAEMAR

LIVERNOIS

4820

4845

WILTON

41

4781

ABERDEEN

47

53

47

61

75

59

GLENSHIRE

10

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 4820 Livernois
LOCATION _____
REGULAR MEETING FEE (\$150.00) pd
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: 4820 Livernois Troy MI 48098
LOT NO. 4820 SUBDIVISION Belzaire
LOCATED ON THE East SIDE OF (ROAD) Livernois Rd
BETWEEN Glenshaire Dr AND Belhaven dr
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): ~~20-15-105-040~~ 20-15-102-010
3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: R1-B
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 Minal Gada and Ashish Manek
COMPANY _____
ADDRESS 4820 livernois
CITY Troy STATE MI ZIP 48098
TELEPHONE 248-566-1326, Cell: 614-946-4749
E-MAIL ashishmanek@yahoo.com

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

8. OWNER OF SUBJECT PROPERTY:

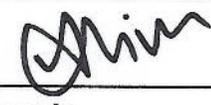
NAME Minal Gada and Ashish Manek
COMPANY _____
ADDRESS 4820 livernois
CITY Troy STATE MI ZIP 48098
TELEPHONE 248-566-1326, Cell: 614-946-4749
E-MAIL ashishmanek@yahoo.com

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, Minal Gada & Ashish Manek (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 02/07/2011
PRINT NAME: Minal Gada and Ashish Manek

SIGNATURE OF PROPERTY OWNER   DATE 02/07/2011
PRINT NAME: Minal Gada and Ashish Manek

To,
Board of Zoning Appeal,
City of Troy
Michigan.

Date: February 4th 2011

Sub: Application of Variance for Split lots B & C for current Property Location 4820 Livernois

Dear Sir/ Madam,

I, Ashish Manek and my wife Minal Gada (Current Owners) of property @ 4820 Livernois Rd, Troy, MI 48098. We are proud residents of city of troy for last 6 years and 4 years at current resident. We would like to apply to split the lot as per drawings submitted in this application.

Currently there is one house (Our residence)on this lot. This is a unique lot. Keeping the location of this house in mind, we could develop 3 lots. We don't intend to demolish or move current house.

All 3 lots meet the city of troy acreage requirement, However 2 of this lots don't meet the frontage lot requirement. Hence we are asking for variance. All this lots are unique compare to other surrounding lots as they have more depth. Please find attached document that support the following.

- 1) Average Acreage in surrounding subdivision
- 2) Average depth and width in surrounding subdivision.

As our proposed lots meets acreage requirement and as per our survey this three lots would not cause any kind of adverse effect to properties in immediate vicinity or in the zoning district. Infact they would give more revenue to city of troy in taxes.

We plan to build unique energy efficient house on this lots that meets requirement of City of Troy and State of Michigan.

We request you to approve our application.

Thank you for your cooperation.

Yours sincerely

Minal Gada and Ashish Manek

PROPOSED SPLITS A

Barn?

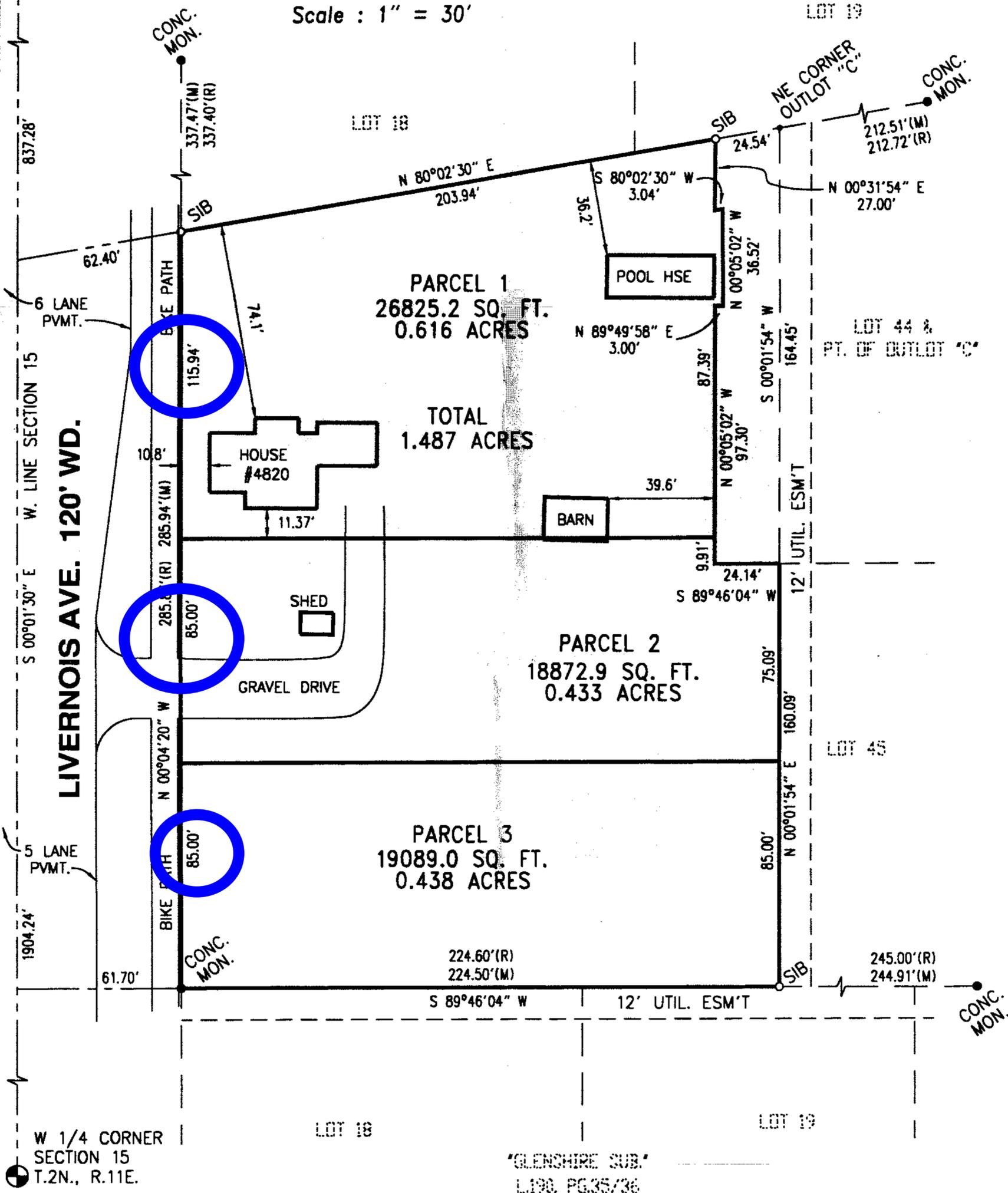
30.10.02 Lot width Proposed 85'
Required 100'
VARIANCE 15'

NW CORNER
SECTION 15
T.2N., R.11E.



'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7

Scale : 1" = 30'



URBAN LAND CONSULTANTS
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516

PHONE 586 731-8030
FAX 586 731-2805

LEGEND

- FIB = Found Iron Bar ●
- FIP = Found Iron Pipe ●
- SIB = Set Iron Bar/Cop ○
- R = Record Distance
- M = Measured Distance
- C = Calculated

JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 12-7-10
Drawn T.M.P.
Check J.L.M.
Sheet 1 of 2
Fld. Bk.
Job No.
090504-7938

CERTIFICATE OF SURVEY

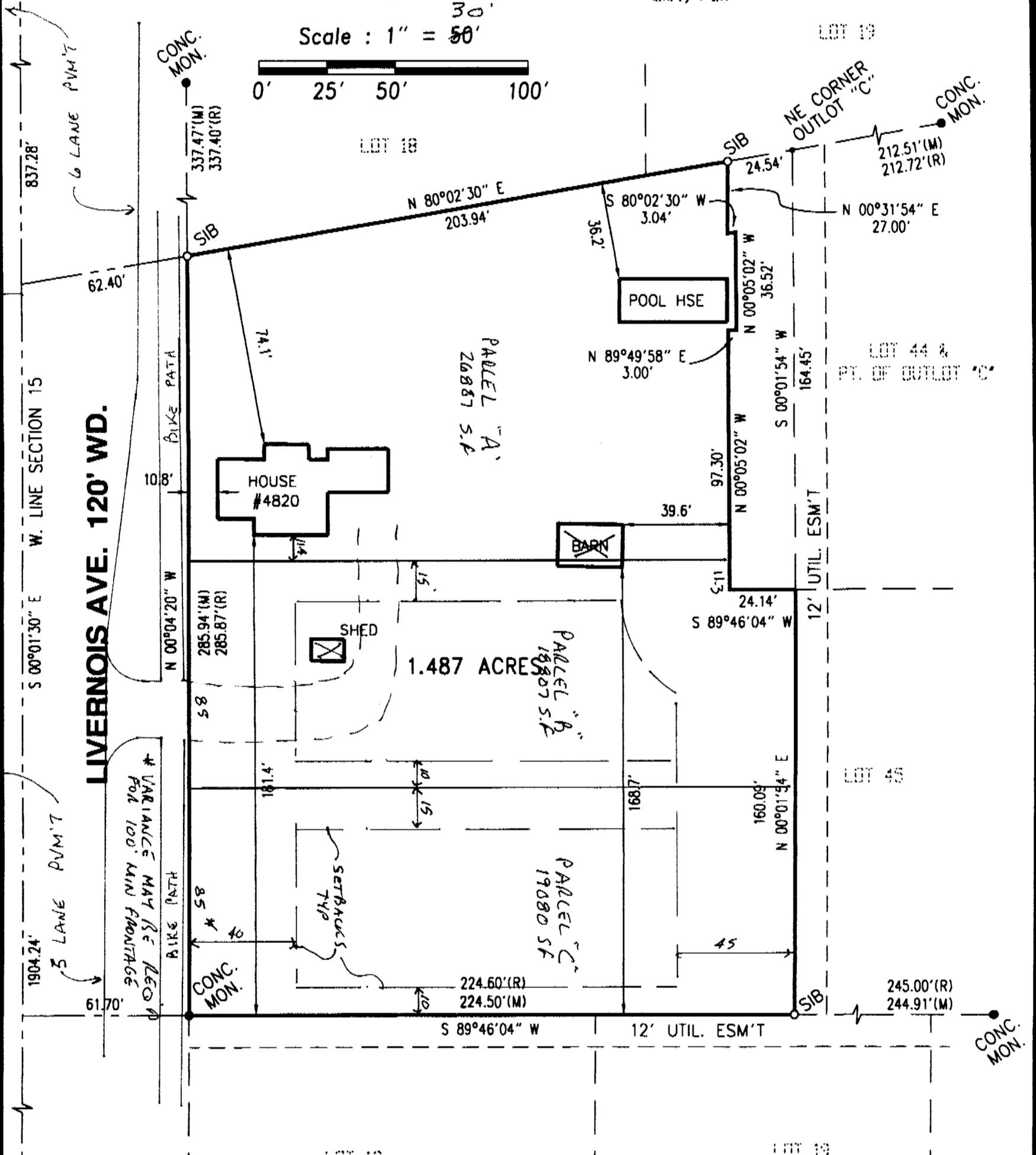
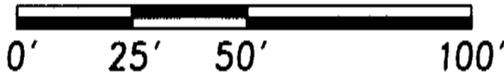
SPLIT PLAN

NW CORNER
SECTION 15
T.2N., R.11E.



"RE-PLAT OF BELZAIR SUB."
L.69, PG.7

Scale : 1" = 30'
50'



W 1/4 CORNER
SECTION 15
T.2N., R.11E.

"GLENSHIRE SUB."
L.190, PG.35/36

Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above platted and/or described on May 21, 2009 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.

URBAN LAND CONSULTANTS
CML ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4318
PHONE 586 731-8030
FAX 586 731-2605

LEGEND

- FIB = Found Iron Bar ●
- FIP = Found Iron Pipe ●
- SIB = Set Iron Bar/Cap ○
- R = Record Distance
- M = Measured Distance
- C = Calculated

JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 05-27-09
Drawn J.L.M.
Check J.L.M.
Sheet 1 of 2
Fld. Bk.
Job No. 090504-7938

4820 Livernois and Near by property Facts

Lot Identification	City Acreage/ Frontage Requirement	Acreage	Actual Frontage	Depth	Subdivision	Construction Year	Address
26	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
48	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
70	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
92	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
114	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
139	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
117	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
95	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
73	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
41	15000/100	16100	115	140	Opposite Subdivision	1990's	Aberdeen Dr
47 Opposite to lot	15000/100	13580	97	140	Opposite Subdivision	1990's	Aberdeen Dr
47 Next to house	15000/100	19932	132	151	Same Subdivision	1980's	Aberdeen Dr
53	15000/100	7910	56.5	140	Opposite Subdivision	1990's	Aberdeen Dr
59	15000/100	7410	57	130	Opposite Subdivision	1990's	Aberdeen Dr
72	15000/100	15400	110	140	Opposite Subdivision	1990's	Aberdeen Dr
94	15000/100	13500	90	150	Opposite Subdivision	1990's	Aberdeen Dr
116	15000/100	13500	90	150	Opposite Subdivision	1990's	Aberdeen Dr
138	15000/100	13500	90	150	Opposite Subdivision	1990's	Aberdeen Dr
65	15000/100	10200	68	150	Opposite Subdivision	1990's	Aberdeen Dr
71	15000/100	8850	59	150	Opposite Subdivision	1990's	Aberdeen Dr
4781	15000/100	29600	160	185	Same Subdivision	1980's	Dorshire Dr
61	15000/100	16500	125	132	Same Subdivision	1980's	Glenshire Dr
75	15000/100	15708	119	132	Same Subdivision	1980's	Glenshire Dr
174	15000/100	13440	64	210	Same Subdivision	1980's	Glenshire Dr
187	15000/100	10132	68	149	Same Subdivision	1980's	Glenshire Dr
173	15000/100		70	132	Same Subdivision	1990's	Glenshire Dr
186	15000/100		56.05	210	Same Subdivision	1990's	Glenshire Dr
72	15000/100	17000	56.01	135.14	200 meters from Property	2004	Whitney Ct
56	15000/100	17000	56.01	158	200 meters from Property	2004	Whitney Ct
40	15000/100	16000	79	149	200 meters from Property	2004	Whitney Ct
Average	15000	15111.56	83.72	136.37	Averages		
Proposed Lot A / Parcel 1	15000	23648.88	115.96	203.94	Unique lot		
Proposed Lot B / Parcel 2	15000	19082.5	85	224.5	Variance Required		
Proposed Lot C / Parcel 3	15000	18807.01	85	221.26	Variance Required		

Plot A

Plot B

Plot C





Notes

800 ft from 4820 livernois new construction compared to neighbourhood

Created: 02/10/2011



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**CITY of TROY
ASSESSING DEPARTMENT
APPLICATION FOR DESCRIPTION CHANGE**

Owner's name: Minal Gada & Ashish Manele
 Signature: _____
 Address: 4820 Livernois Rd
 City State Zip: Troy, MI, 48098
 Phone (home): 248-566-1326
 Phone (work): 614-946-4749
 (each owner must be listed & sign form, use additional sheets if needed)

Date: 11/11/2010
 Parcel Number(s): _____
20-15-102-010

This request is for a :

SPLIT: () COMBINATION: () CORRECTION: ()

- () Survey and Description(s) of existing parcel(s) attached
- () Survey and Description(s) of each new parcel and remainder parcel(s) attached
- () Survey detailing correction(s) supplied
- () Recorded copy of Transfer document supplied, if necessary.
- () Property Taxes current (Assessing Department to verify)
- () Special Assessments current (Assessing Department to verify)
- () Name, Address, Mailing Address (if different) of each parcel supplied
- () Review and Approval by Planning Department (if necessary), submitted by Assessing Department

APPROVAL by Assessing Department:

The above referenced description change has been reviewed and approved for processing by the Assessing Department.

 Signature

 Title

 Date

DENIAL by Assessing Department

The above referenced description change has been denied by the the Assessing Department for the following reason(s):

- () Does not meet area requirements for zoning
- () Does not meet setback requirements
- () Does not meet width requirements
- () Does not meet depth requirements (24' res.)
- () Does not meet parking requirements
- () Does not meet landscape requirements
- () Does not front on a public roadway
- () Accessory building only, on land
- () Allowable site coverage exceeded

Kimberly A. Hepp
 Signature
Deputy Assessor
 Title
11/11/10
 Date

RECEIVED

NOV 13 2010

CITY OF TROY
 ASSESSING DEPT.

City of Troy
 Assessing Department
 500 W Big Beaver
 Troy, MI 48084-5285
 (248) 524-3311

The next 3 exhibits are City-provided.

The intent of this information is to give the Board a numerical idea of lot layout in the area. The exhibits show the *lot frontage* for selected lots.

The first example comprises of properties within 300 feet of the subject property.

The second example comprises properties within a random “block”

The third example comprises of all properties within the platted subdivision, excluding one lot that does not have a house (appears to be a detention pond)

At the end of each exhibit are calculations showing the average lot frontage and one standard deviation.

Keep in mind:

The information is for *lot frontage*, which is different than *lot width*. Lot frontage is the width of the front lot line. Lot frontage is not regulated by the Zoning Ordinance. Lot width is measured at the front setback line. In this district that is 40 feet back from the front lot line.

By using the map, you can estimate which lots might have a wider or narrower lot width than the frontage.

By calculating a standard deviation, you can further examine (statistically) whether the average frontage skewed by a small number of lots that are either very wide or narrow.

Applying one standard deviation to either side of the average frontage tells us where about 68% of the lots within the sample fall.

From Wikipedia:

“**The Standard deviation** is a widely used measurement of variability or diversity used in [statistics](#) and [probability theory](#). It shows how much variation or “[dispersion](#)” there is from the “average” ([mean](#), or expected/budgeted value). A low standard deviation indicates that the data points tend to be very close to the [mean](#), whereas high standard deviation indicates that the data are spread out over a large range of values.”

For further explanation here is another good source

<http://www.robertniles.com/stats/stdev.shtml>



Parcel Variance Report



Address: 76 GLENSHIRE	Parcel Frontage: 104
Address: 61 GLENSHIRE	Parcel Frontage: 125
Address: 65 ABERDEEN	Parcel Frontage: 68
Address: 4901 LIVERNOIS	Parcel Frontage: 100
Address: 4890 DORSHIRE	Parcel Frontage: 130
Address: 18 BELHAVEN	Parcel Frontage: 171
Address: 4885 DORSHIRE	Parcel Frontage: 120
Address: 70 BELHAVEN	Parcel Frontage: 120
Address: 4883 LIVERNOIS	Parcel Frontage: 100
Address: 26 BRAEMAR	Parcel Frontage: 115
Address: 110 WILTON	Parcel Frontage: 138

Address:	Parcel Frontage:
47 ABERDEEN	97

Address:	Parcel Frontage:
4860 LIVERNOIS	137

Address:	Parcel Frontage:
48 BRAEMAR	90

Address:	Parcel Frontage:
41 ABERDEEN	115

Address:	Parcel Frontage:
53 ABERDEEN	100

Address:	Parcel Frontage:
4820 LIVERNOIS	286

Address:	Parcel Frontage:
4781 DORSHIRE	160

Address:	Parcel Frontage:
103 GLENSHIRE	118

Address:	Parcel Frontage:
115 WILTON	197

Address:	Parcel Frontage:
4845 DORSHIRE	196

Address:	Parcel Frontage:
75 GLENSHIRE	125

Address:	Parcel Frontage:
47 GLENSHIRE	150

Address:	Parcel Frontage:
59 ABERDEEN	57

Address:	Parcel Frontage:
64 GLENSHIRE	118

Address:	Parcel Frontage:
90 GLENSHIRE	104

Address:	Parcel Frontage:
50 GLENSHIRE	165

Summary Parcel Frontage

Number of Parcels Selected	27
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Avg (Mean)	130
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Standard Deviation (STDEV)	46
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Parcel Variance Report



Address: 61 GLENSHIRE	Parcel Frontage: 125
Address: 18 BELHAVEN	Parcel Frontage: 171
Address: 4885 DORSHIRE	Parcel Frontage: 120
Address: 70 BELHAVEN	Parcel Frontage: 120
Address: 4860 LIVERNOIS	Parcel Frontage: 137
Address: 4820 LIVERNOIS	Parcel Frontage: 286
Address: 4781 DORSHIRE	Parcel Frontage: 160
Address: 4845 DORSHIRE	Parcel Frontage: 196
Address: 75 GLENSHIRE	Parcel Frontage: 125
Address: 47 GLENSHIRE	Parcel Frontage: 150

Summary Parcel Frontage

Number of Parcels Selected	10
Avg (Mean)	159
Standard Deviation (STDEV)	51



Parcel Variance Report



Address:	Parcel Frontage:
451 BELDALE	148

Address:	Parcel Frontage:
375 BELHAVEN	132

Address:	Parcel Frontage:
481 BELDALE	320

Address:	Parcel Frontage:
520 BELDALE	115

Address:	Parcel Frontage:
476 BELDALE	130

Address:	Parcel Frontage:
410 BELDALE	130

Address:	Parcel Frontage:
314 BELDALE	148

Address:	Parcel Frontage:
344 BELDALE	148

Address:	Parcel Frontage:
376 BELHAVEN	136

Address:	Parcel Frontage:
255 WILTON	125

Address:	Parcel Frontage:
185 WILTON	135

Address:	Parcel Frontage:
229 WILTON	130

Address:	Parcel Frontage:
203 WILTON	130

Address:	Parcel Frontage:
285 WILTON	150

Address:	Parcel Frontage:
280 WILTON	276

Address:	Parcel Frontage:
307 WILTON	136

Address:	Parcel Frontage:
110 WILTON	138

Address:	Parcel Frontage:
170 WILTON	155

Address:	Parcel Frontage:
140 WILTON	144

Address:	Parcel Frontage:
230 WILTON	158

Address:	Parcel Frontage:
157 WILTON	135

Address:	Parcel Frontage:
4820 LIVERNOIS	286

Address:	Parcel Frontage:
200 WILTON	158

Address:	Parcel Frontage:
4781 DORSHIRE	160

Address:	Parcel Frontage:
386 BELHAVEN	136

Address:	Parcel Frontage:
498 BELDALE	124

Address:	Parcel Frontage:
115 WILTON	197

Address:	Parcel Frontage:
4845 DORSHIRE	196

Address:	Parcel Frontage:
432 BELDALE	130

Address:	Parcel Frontage:
454 BELDALE	130

Address:	Parcel Frontage:
338 WILTON	161

Address:	Parcel Frontage:
396 BELHAVEN	135

Address:	Parcel Frontage:
310 WILTON	161

Summary Parcel Frontage

Number of Parcels Selected	33
Avg (Mean)	157
Standard Deviation (STDEV)	48

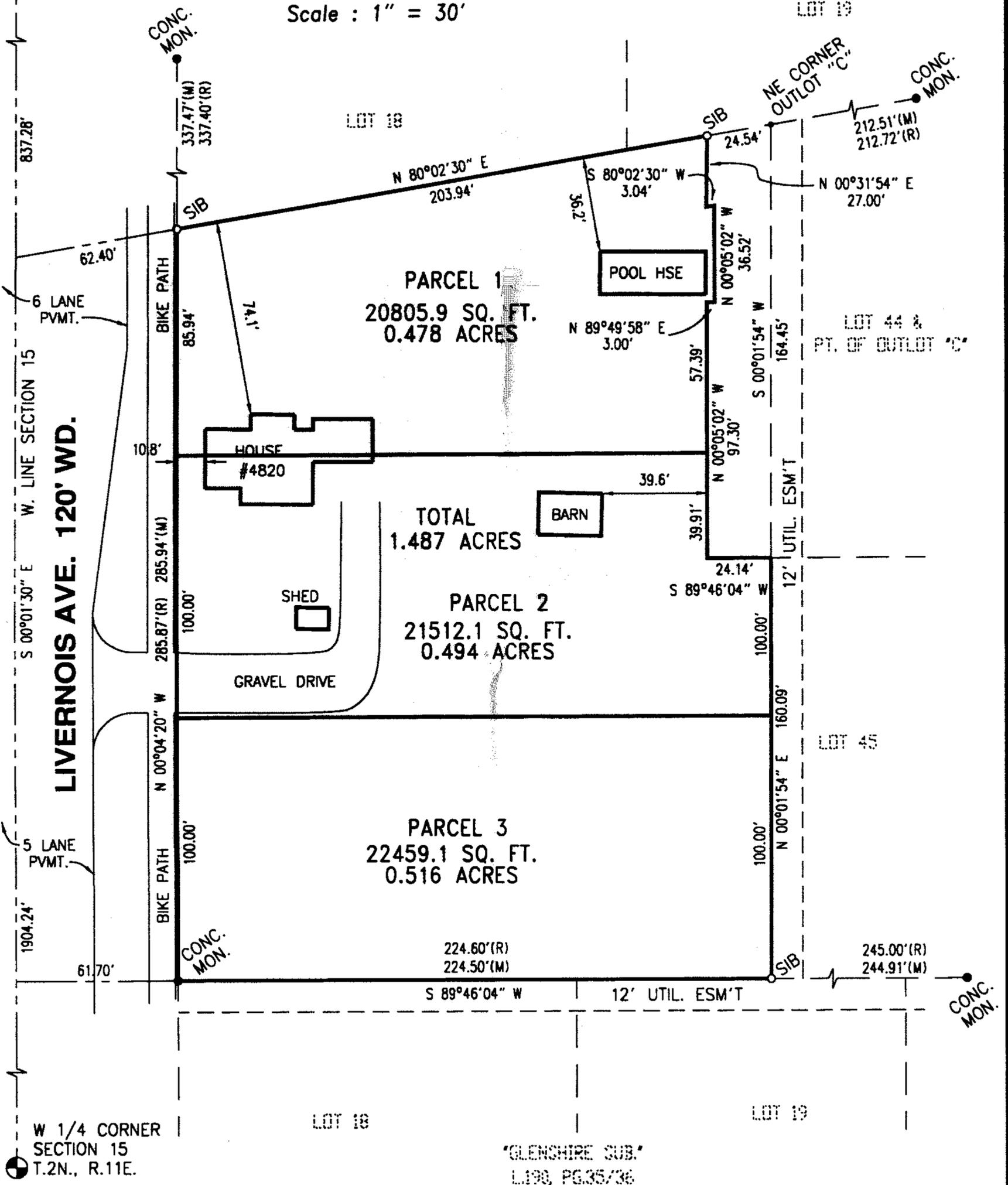
PROPOSED SPLITS B



NW CORNER
SECTION 15
T.2N., R.11E.

'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7

Scale : 1" = 30'



URBAN LAND CONSULTANTS
 CIVIL ENGINEERS PLANNERS LAND SURVEYORS
 GPS CONSULTANTS
 8800 23 MILE ROAD SHELBY TWP., MI 48316-4516

PHONE 586 731-8030
 FAX 586 731-2805

LEGEND

- FIB = Found Iron Bar ●
- FIP = Found Iron Pipe ●
- SIB = Set Iron Bar/Cap ○
- R = Record Distance
- M = Measured Distance
- C = Calculated

JARRETT L. MILLER
 PROFESSIONAL SURVEYOR
 No. 52454

Date 12-7-10
 Drawn T.M.P.
 Check J.L.M.
 Sheet 2 of 2
 Fid. Bk.
 Job No.
 090504-7938

CERTIFICATE OF SURVEY

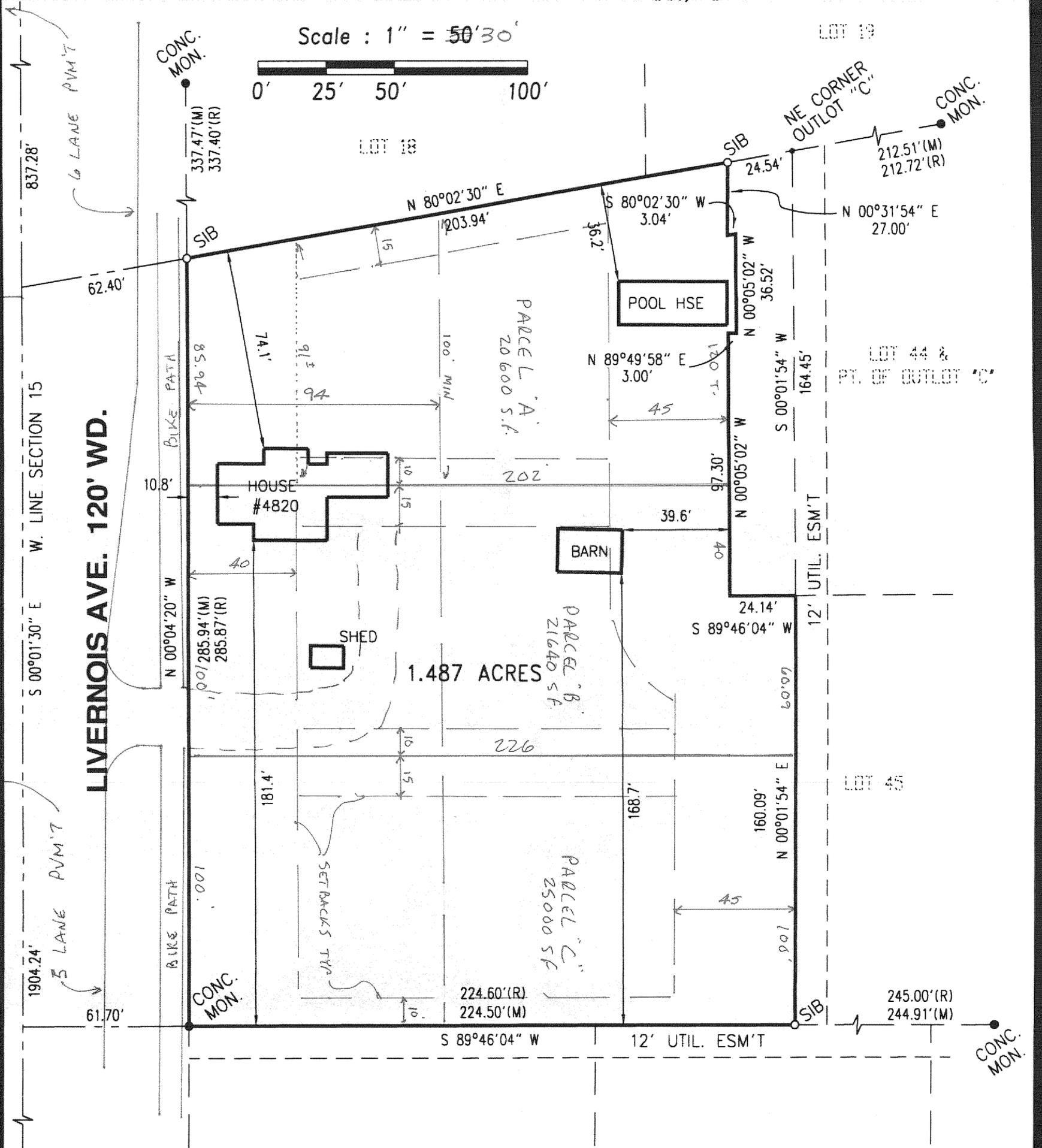
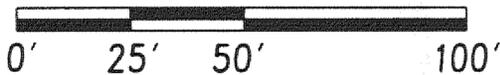
PROPOSED SPLITS

NW CORNER
SECTION 15
T.2N., R.11E.



'RE-PLAT OF BELZAIR SUB.'
L.69, PG.7

Scale : 1" = 50'30"



W. LINE SECTION 15
S 00°01'30" E
LIVERNOIS AVE. 120' WD.

W 1/4 CORNER
SECTION 15
T.2N., R.11E.

'GLENSHIRE SUB.'
L.190, PG.35/36

CRITERIA:
ZONING R-1B(W/SAN SEWER)
MIN LOT SIZE 15000 S.F.
MIN LOT WIDTH @ SETBACK 100'
MIN SIDE 10' TOTAL 25'
MIN FRONT 40'
MIN REAR 45'

Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above platted and/or described on May 21, 2009 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.

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LEGEND

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- SIB = Set Iron Bar/Cap ○
- R = Record Distance
- M = Measured Distance
- C = Calculated

JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

Date 05-27-09
Drawn J.L.M.
Check J.L.M.
Sheet 1 of 2
Fld. Bk.
Job No. 090504-7938