

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

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, Donald L. Edmunds
William Fisher, A. Allen Kneale

February 15, 2011

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – January 18, 2011
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.
SECTIONS: 1) and 2) 30.20.01, 3) 41.45.00
 - 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
 - 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

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. HEARING OF CASES

- A. **VARIANCE 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

- 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.

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

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

SECTION: 39.10.01

5. COMMUNICATIONS

6. PUBLIC COMMENT

7. MISCELLANEOUS BUSINESS

8. ADJOURNMENT

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The Board of Zoning Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on January 18, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Kenneth Courtney
Donald L. Edmunds
David Lambert

Absent:

Glenn Clark
William Fisher
A. Allen Kneale

Also Present:

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

Resolution # BZA 2011-01- (withdrawn)

Moved by Courtney
Seconded by Lambert

MOVED, To excuse Members Clark, Fisher and Kneale from attendance at tonight's meeting.

Discussion on the motion on the floor.

After a brief discussion on the policy to excuse absent members, it was the consensus of the Board to discuss the matter under Miscellaneous Business, Agenda item 7.

Mr. Courtney withdrew the motion on the floor.

2. APPROVAL OF MINUTES

Resolution # BZA 2011-01-001

Moved by Courtney
Seconded by Edmunds

MOVED, To approve the December 21, 2010 Regular meeting minutes as presented.

Yes: All present (4)
Absent: Clark, Fisher, Kneale

MOTION CARRIED

Chair Lambert announced the petitioners for Agenda items 4A and 4B have requested to postpone the items to the February 15, 2011 meeting in order for the items to be heard before a full Board.

At the request of Chair Lambert that anyone in the audience identify their presence to speak on either Agenda item, it was acknowledged that no one was present for the Public Hearings scheduled.

3. POSTPONED ITEM

- 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

Chair Lambert informed the petitioner that a minimum of four votes, all those present, are required for approval. He asked if the petitioner would like to postpone the item until such time that a full Board was present.

Paul Sugameli of Sugameli & Sugameli, P.L.C., 2833 Crooks Road, Troy, was present to represent the petitioner. Mr. Sugameli said the petitioner would like to proceed with the matter due to financial issues.

Mr. Courtney expressed the petitioner might want to reconsider. Mr. Courtney said that although he maintains an open mind on the matter, his position at the January meeting was not favorable.

Mr. Sugameli requested some time to address the matter with the petitioner, and asked for confirmation from the Board that all members received and reviewed the revised proposal submitted. All Board members indicated they had.

Resolution # BZA 2011-01-002

Moved by Bartnik

Seconded by Edmunds

MOVED, To change the order of Agenda items and to advance to Agenda items 4A and 4B.

Yes: All present (4)

Absent: Clark, Fisher, Kneale

MOTION CARRIED

4. HEARING OF CASES

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

SECTION 30.10.01

- B. VARIANCE REQUEST, LOUIS PAULL, 1396 COUNTRY DRIVE – 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

Note: There were no representatives present for either Agenda item.

Resolution # BZA 2011-01-003

Moved by Courtney
Seconded by Edmunds

MOVED, To postpone Agenda items 4A and 4B to the February 15, 2011 Regular meeting, at the request of the petitioners.

Yes: All present (4)
Absent: Clark, Fisher, Kneale

MOTION CARRIED



Resolution # BZA 2011-01-004

Moved by Courtney
Seconded by Bartnik

MOVED, To change the order of Agenda items and advance to Agenda item 7A.

Yes: All present (4)
Absent: Clark, Fisher, Kneale

MOTION CARRIED



7. MISCELLANEOUS BUSINESS

A. POLICY ON EXCUSING ABSENT MEMBERS

Mr. Courtney said the policy should be discussed with the full Board, or at least more than four members present. He stated the policy has no relation to the postponed Agenda items this evening because of a lack of a full Board.

Mr. Bartnik said that after further review of the policy, he agrees that motions to excuse absent members are not necessary. He stated that tonight's meeting is a prime example how a lack of a full Board affects petitioners and their property rights.

Mr. Edmunds asked the Assistant City Attorney if the City Charter requires absent members to be excused.

Mr. Forsyth replied there are Charter provisions for excusing City Council members only. He said neither the City Charter nor the Zoning Enabling Act requires this Board to excuse members.

Discussion on:

- Motion not necessary to act on policy.
- Obligation to notify Planning Department of absences.
- Alternate methods to address excused absences.
- Authentication of absences.

Resolution # BZA 2011-01-005

Moved by Bartnik
Seconded Edmunds

MOVED, To instruct Staff to remove from future Agendas motions to excuse or not excuse absent members.

Yes: Bartnik, Edmunds, Lambert
No: Courtney
Absent: Clark, Fisher, Kneale

MOTION CARRIED

3. POSTPONED ITEM (continued from page 2)

- 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. Sugameli stated his appreciation for the Board's candor and honesty on the matter. He asked on behalf of the petitioner for the Board's consideration to postpone the matter to the February meeting.

Resolution # BZA 2011-01-006

Moved by Courtney

Seconded Bartnik

MOVED, To postpone the item to February 15, 2011 Regular meeting.

Yes: All present (4)

Absent: Clark, Fisher, Kneale

MOTION CARRIED

5. COMMUNICATIONS

Mr. Evans announced the City's Draft Zoning Ordinance is posted on the website. He indicated to date that no public hearings are scheduled.

Mr. Edmunds said it was a privilege to serve on the Board as Planning Commission representative. He announced that with the expected appointment by City Council, Thomas Strat would be the Planning Commission representative at the next meeting.

Mr. Forsyth said it is being proposed to appoint two alternate members at large for the Board, and eliminate the appointment of a Planning Commission Alternate BZA Representative.

Everyone thanked Mr. Edmunds for his commitment to the Board and planning perspective on matters.

6. PUBLIC COMMENT

There was no one present who wished to speak.

8. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 7:55 p.m.

Respectfully submitted,

David Lambert, Chair

Kathy L. Czarnecki, Recording Secretary

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3. POSTPONED ITEM

- 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.

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

ZONING ORDINANCE 43.73.00 EXPANSION OF NONCONFORMING USES OR STRUCTURES:

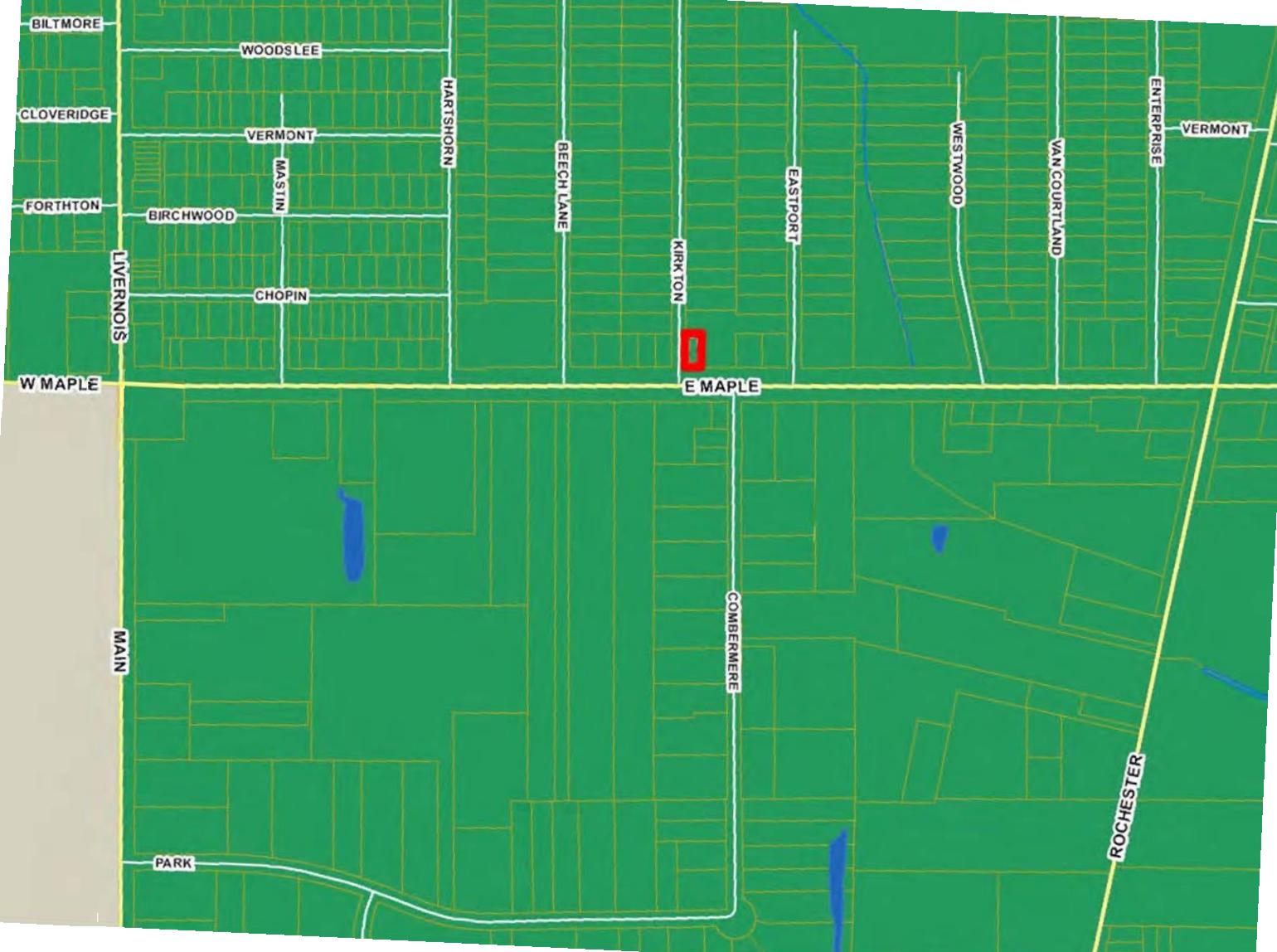
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The provisions of this Section do not apply, and the expansion of nonconforming uses is expressly prohibited if the uses on all abutting properties are within a use category different than that of the subject use. For the purpose of this Section, use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



BILTMORE

WOODSLEE

HARTSHORN

BEECH LANE

KIRKTON

EASTPORT

WESTWOOD

VAN COURTLAND

ENTERPRISE

VERMONT

CLOVERIDGE

VERMONT

MASTIN

BIRCHWOOD

CHOPIN

LIVERNOIS

FORTHTON

W MAPLE

E MAPLE

MAIN

COMBERMERE

ROCHESTER

PARK



1664

1653

1661

16

1633

343

369

395

415

405

435

455

E MAPLE

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430

COMBERMERE

440

510

KIRKTON

EASTPORT



1664

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415

EASTPORT

343

(O-1)

369

395

405

435

455

020

KIRKTON

E MAPLE

COMBERMERE

(M-1)

430

386

440

510

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.

1. ADDRESS OF THE SUBJECT PROPERTY: 405 E. MAPLE ROAD
LOT NO. 3 SUBDIVISION COUNCIL HEIGHTS
LOCATED ON THE NORTH SIDE OF (ROAD) MAPLE RD.
BETWEEN ROCHESTER RD. AND LIVERNOIS RD.
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-27-378-018
3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: SECTION 30.20.00
MIN. YARD SETBACKS
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: UNKNOWN

6. APPLICANT INFORMATION:

NAME CAMELIA Sandulache
COMPANY All Macomb Dentistry
ADDRESS 15760 19 Mile Rd suite A
CITY Clinton Twp STATE MI ZIP 48038
TELEPHONE 1 586 412 1144
E-MAIL info @ Allmacombdentistry.com

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

PENDING OWNER

8. OWNER OF SUBJECT PROPERTY:

NAME RONALD ROBOVITSKY
COMPANY _____
ADDRESS 2561 JUDAH RD.
CITY ORION STATE MI ZIP 48359
TELEPHONE 248-736-4116
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, RONALD ROBOVITSKY (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 *Camelia* DATE 10-11-2010

PRINT NAME: Camelia Sandulache

SIGNATURE OF PROPERTY OWNER *Ronald Robovitsky* DATE 10-11-2010

PRINT NAME: RONALD S. ROBOVITSKY

"ALPHA DENTAL CENTER"

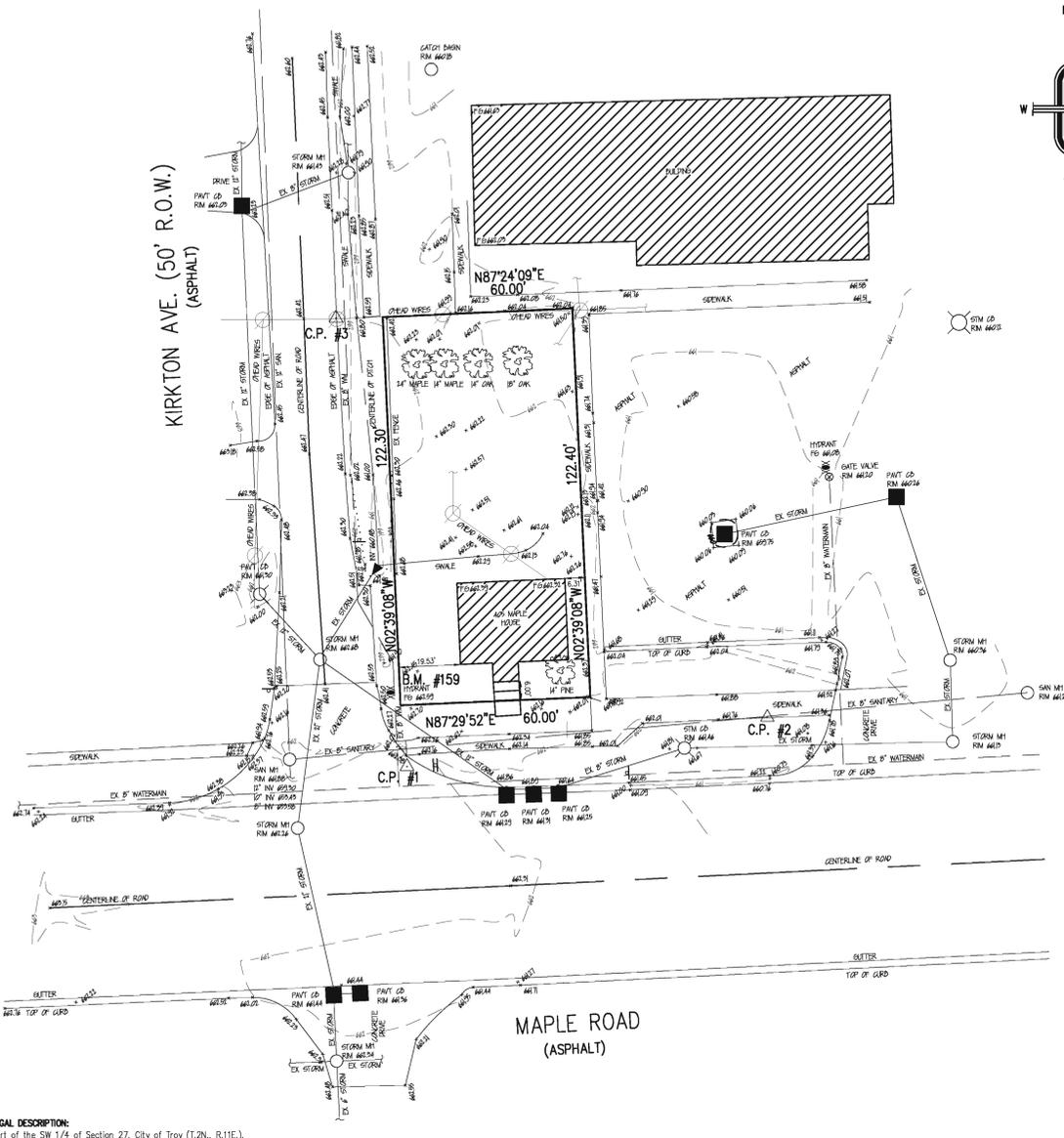
PART OF THE SW 1/4 OF SECTION 27,
T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN.



JJ ASSOCIATES, INC.
Civil Engineering and Surveying
44444 Mound Road - Suite 100, Sterling Heights, MI 48314
Telephone: (586) 726-9111 Fax: (586) 726-9112
Website: www.jjassociates.net

| DATE | REV. DATE | DESCRIPTION |
|------------|-----------|-------------|
| 09/15/2010 | | |
| DRAWN BY | | |
| CHECKED BY | | |

"ALPHA DENTAL CENTER"
PART OF THE SW 1/4 OF SECTION 27,
T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN.
TOPOGRAPHIC SURVEY



- LEGEND**
- △ CONTROL POINT
 - XX FIRE HYDRANT
 - GATE VALVE
 - MANHOLE - AS INDICATED
 - ⊠ CATCH BASIN
 - PAVEMENT CATCH BASIN
 - ↑ SIGN
 - TOP OF BANK
 - OF DRAIN
 - EXISTING WATERMAIN
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER
 - TREE
 - EXISTING PAVEMENT

811 Know what's below.
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXISTENCE AND EXACT LOCATION OF ALL EXISTING UTILITIES (WHETHER SHOWN OR NOT SHOWN ON THIS DRAWING) BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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PRIMARY BENCHMARK
ARROW ON TOP OF HYDRANT LOCATED AT THE NORTHEAST CORNER OF MAPLE ROAD AND KIRKTON AVE. ELEVATION 664.65

BENCHMARKS:

| NUMBER | NORTHING | EASTING | ELEVATION |
|--------|----------|-------------|-----------|
| 159 | 384573 | 13454040.73 | 664.65 |

CONTROL POINTS: △

| NUMBER | NORTHING | EASTING | ELEVATION |
|--------|-----------|-------------|-----------|
| 1 | 384549.79 | 13454044.59 | 661.86 |
| 2 | 384565.27 | 13454158.41 | 661.55 |
| 3 | 384690.90 | 13454040.73 | 664.65 |

LEGAL DESCRIPTION:
Part of the SW 1/4 of Section 27, City of Troy (T.2N., R.11E.), Oakland County, Michigan, described as follows:
Lot 3, "Supervisors Re-Plat of Lots 1 to 8, 51 to 55, 69 to 74, and 117 to 128, all inclusive, Council Heights" as recorded in L52, P-15 of Plats, Oakland County Records.

| | |
|---------|----------|
| SCALE | 1" = 20' |
| CITY # | |
| DRAWING | C-1 |
| | 1 of 1 |

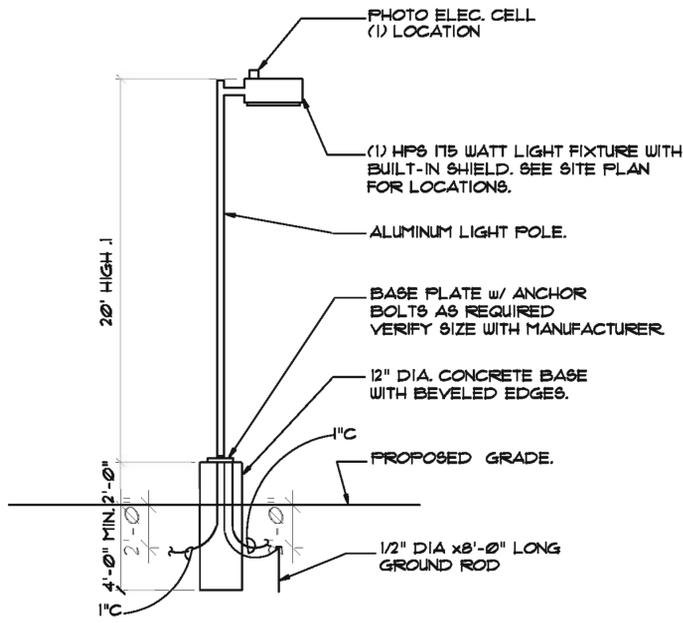
| Symbol | Label | Qty | Catalog Number | Description | Lamp | Fils | Lumens | LLF | Watts |
|--------|-------|-----|--------------------|---|---|-------------|--------|------|-------|
| WB | WB | 1 | LITHONIA #WB17 17W | ARCHITECTURAL SCIENCE WITH WIDE THROW DISTRIBUTION WITH CLEAR, FLAT GLASS LENS, CLEAR LAMP. | ONE 17W-WATT CLEAR ED-17 METAL HALIDE, HORIZONTAL POSITION. | LTL-1107JES | 12000 | 0.78 | 210 |
| HB | HB | 1 | LITHONIA #HB17 17W | AREA LIGHT WITH HIGH PERFORMANCE SBMC OPTICS, CLEAR FLAT GLASS. | ONE 17W-WATT CLEAR ED-17 METAL HALIDE, HORIZONTAL POSITION. | HB462Jes | 12000 | 0.78 | 210 |

| Description | Symbol | Avg | Max | Min | Min/Min | Avg/Min |
|--|--------|--------|--------|--------|---------|---------|
| PARKING & DRIVE AREA - VALUES AT GRADE | X | 1.1 fc | 5.0 fc | 0.4 fc | 0.01 | 2.8:1 |
| SITE VALUES AT GRADE | + | 0.5 fc | 5.0 fc | 0.0 fc | N/A | N/A |

| No. | Label | X | Location Y | Z | MH | Orientation | TR |
|-----|-------|--------|------------|------|------|-------------|-----|
| 1 | WB | -78.0 | 1223.0 | 18.0 | 18.0 | 270.0 | 0.0 |
| 2 | HB | -148.1 | 1223.2 | 22.5 | 20.0 | 0.0 | 0.0 |

- NOTES
- SEE MH COLUMN OF LUMINAIRE LOCATIONS FOR MOUNTING HEIGHTS.
 - SEE LUMINAIRE SCHEDULE FOR LIGHT LOSS FACTORS.
 - CALCULATIONS ARE SHOWN IN FOOTCANDLES AT GRADE SURFACE.

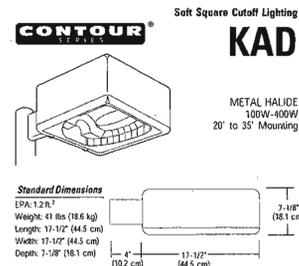
THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP. GBA DOES NOT ACT AS THE CIVIL OR STRUCTURAL ENGINEER AND DOES NOT DETERMINE BASE REQUIREMENTS. POLES SPECIFICATIONS ARE NOT INCLUDED WITH EXTERIOR LIGHTING PHOTOMETRIC ANALYSIS. THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.



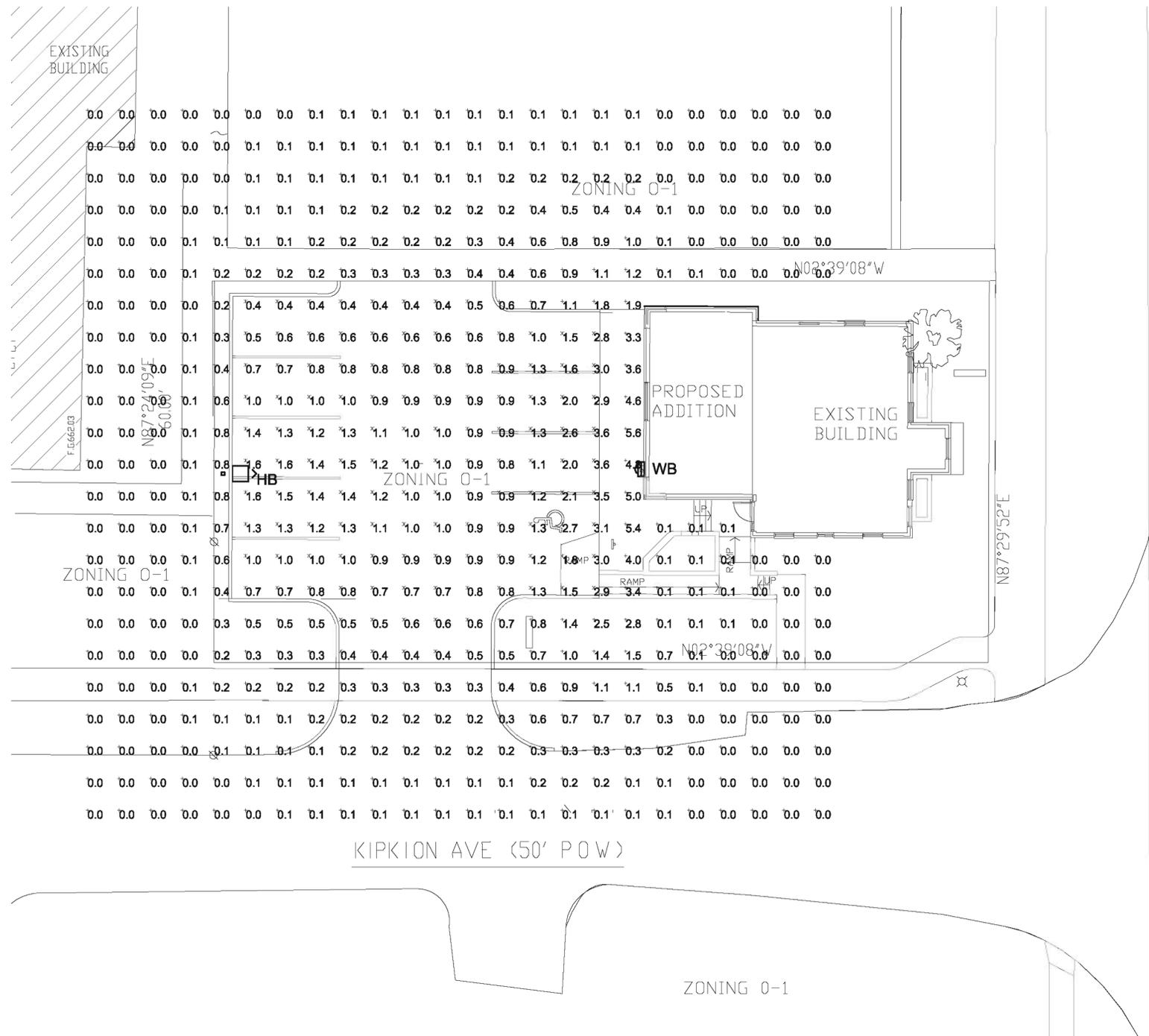
TYPICAL PARKING LOT LUMINAIRE DETAIL
SCALE: NOT TO SCALE



LIGHT FIXTURE TYPE-WB
NOT TO SCALE



LIGHT FIXTURE TYPE-HB
NOT TO SCALE



PHOTOMETRIC SITE PLAN
SCALE: 10"=1'-0"

SITE PARKING LOT LTG VALUES AT GRADE
PREPARED FOR:
ARTHUR E. KALAJIAN & ASSOCIATES
GASSER BUSH ASSOCIATES
Designer LAK/JAB Date OCT 06 2010
Drawing No. GBA10-24711-V1

ARTHUR E. KALAJIAN & ASSOC. INC. ARCHITECTS
1671 AUSTIN DRIVE
TROY MICHIGAN 48063
OFFICE: 248-824-8616
FAX: 248-824-0217
akalajian@aboglobal.net

PROPOSED DENTAL CLINIC RENOVATION AND ADDITION TO EXISTING BUILDING

OWNER AND CONTACT PERSON

CAMILIA SANDULACHE
586-412-1144
586-873-0455

ALPHA DENTAL CENTER
405 E MAPLE
TROY MI 48063

DESCRIPTION:
PHOTOMETRIC SITE PLAN

JOB NO.
ADC-1010

SEAL:

| DATE | ISSUE | DESIGN | DRAWN |
|----------|-------|--------|-------|
| 10-09-10 | RVL | AEK | MA |

SHEET NO.

SP-2

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Arthur E. Kalajian & assoc. inc, architects 1871 AUSTIN ST., TROY, MI.
48083

248-524- 3616 (FAX) 248-524- 0217 (E MAIL) aekalajian@sbcglobal.net

November 24, 2010

City of Troy
500 W. Big Beaver Rd.
Troy, Mi.48084

Attn: Zoning Board of Appeals

Re: Proposed Dental Office , “Alpha Dental Center”, 405 E. Maple Rd. Troy, Mi.

Applicant : Alpha Dental Center, Camelia Sandulache

Project Architect : Arthur kalajian

**Subject : Proposed Addition & Renovation To Existing Building
Parcel ID# 20-27-378-018**

The following outline is an explanation of our request and the impact to the neighboring area:

- A. Our proposal meets all of the site plan requirements including parking and landscaping, other than the proposed building addition with the exterior ramp, front and side setbacks.
- The proposed addition will match the existing building west setback of 19.5', and requires a 10.5' setback variance.

The proposed addition also requires a 16' variance on the east side, which will project approximately 2'-4" beyond the existing building east side. This east side building setback encroachment backs up towards the adjacent property off street parking lot and facility which is of similar use.

The existing building front setback is proposed to be cut back from 0' to 6' back from the property line.

The exterior barrier free accessible ramp is integral with the adjacent barrier free accessible space and stairs and needs to be approximately 24' long in order to provide handicap accessibility into the existing and proposed building addition. The ramp will have a curb and railing above grade and incorporate an exterior landscape planter and seat as a decorative feature. Placing the ramp 10' further into the site is not feasible due to the required parking area width and sidewalk clearance.

The overall appearance will enhance and dramatize the new entrance yet not be obtrusive to the site.

If the ramp is considered part of the porch structure per section 41.45.00, then a 10' variance in the front setback would be required.

- The site is only 60.0' in width and being a corner site has (2) front, 30' wide setbacks and 20' side setback. When applying all the required setbacks, there is only a 10' wide building possible which this makes any addition functional and economical impractical.

- Without any significant addition, the project would not be feasible because of its size of only 915 gsf. and requires variances to the building setbacks to make it more viable. The intended Dental use requires a minimum of (4) treatment rooms to be functional.

The following outline, are reasons justifying the request for the setback variances and expansion to a non-conforming existing building setback:

- A. The proposal is not contrary to the public interest
- The proposed building is similar in height to the existing and is designed architecturally to enhance the existing residential building and transform the site to a more appropriate office type development that will enhance the property.
 - The site directly to the north and east is a O-1 medical office building. The site across the street to the west is a residential type building also a O-1 office.
- B. The project is not a prohibited use within the zoning of the site.
- This proposal is a dental medical facility which is within the allowed O-1 zoning use.
 - The Applicant desires to be relocated within the City of Troy.
- C. This proposal should not cause substantial adverse effects to the properties in the immediate vicinity and zoning district.
- The proposed building addition and the renovation of the existing building will complement each other and enhance the surrounding area and add a positive influence to the neighborhood area by improving the tired, rundown deteriorating structure.
 - There are no significant natural features or resources on the site. The 4 existing trees along the rear will be replaced with 5 trees which are to be planted along the front landscaped greenbelt. The proposed landscaping will more effectively enhance the property and its surroundings.
 - This project will have minimal impact to the area and will be a positive use to the property which is severely restrictive in its current state.

Sincerely,

Arthur E. Kalajian R.A, NCARB.

PRELIMINARY SITE PLAN REVIEW

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 965) – Proposed Alpha Dental Center, 405 E. Maple Road, Northeast Corner of Maple and Kirkton, Section 27, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the proposed Preliminary Site Plan application for Alpha Dental Center. He addressed the variances relating to the nonconforming setbacks that the petitioner is required to obtain prior to Preliminary Site Plan approval. Mr. Branigan noted the photometric plan appears to exceed the minimum lighting limitation. He indicated the concern could be addressed prior to Final Site Plan approval, or the petitioner might address it prior to coming back before the Planning Commission.

Mr. Branigan expressed support for the proposed project. He recommended the Planning Commission take no action on the site plan this evening, to allow the applicant to pursue the required setback variances.

There was a brief discussion on the building design and parking layout with respect to the existing trees on site. Mr. Branigan said the design layout is the best possible, given the small property size. Mr. Branigan confirmed there would be no berm on the north side.

It was noted that the landscape plan appeared to have a label error on the types of trees provided.

The petitioner, Dr. Carmelia Sandulache, was present.

Chair Hutson stated the item would be scheduled on a Board of Zoning Appeals agenda.



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

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

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

Date: November 4, 2010

Preliminary Site Plan Review For City of Troy, Michigan



Applicant: Camelia Sandulache
Project Name: Alpha Dental Center
Plan Date: October 10, 2010
Location: 405 East Maple Road
Zoning: O-1, Office Building District
Action Requested: Preliminary Site Plan Approval
Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a preliminary site plan which includes a site plan, landscaping plan, topographic survey, lot survey, photometric plan, perspective drawing, proposed floor plan, and exterior elevations.

Location of Subject Property:

The property is located on the north side of Maple Road between Rochester Road and Livernois Road, on the corner of Maple Road and Kirkton Avenue.

Size of Subject Property:

The parcel is 0.17 acres in size.

Proposed Uses of Subject Parcel:

The applicant proposes to build an addition to an existing building for the purpose of housing a new dental office with its own parking lot. The building is currently 915 square feet, and the proposed addition would add 522 square feet.

Current Use of Subject Property:

The subject property is currently an existing single family home.

Current Zoning:

The property is currently zoned O-1, Low Rise Office.

Zoning Classification of Adjacent Parcels and Current Land Use:

North: O-1, Low Rise Office; office building

South: (across Maple Road) M-1, Light Industrial District; single family home, industrial building (former U.S. Computer Exchange)

East: O-1, Low Rise Office; office building

West: O-1, Low Rise Office; office building

BUILDING LOCATION AND SITE ARRANGEMENT

The existing building is located at the corner of the site near the street, with a typical residential rear yard behind. The proposed layout adds square footage to the rear (north) side of the building, and a parking area in what is currently the rear yard. This rear yard parking area would have access to Kirkton Avenue and cross access to the existing office building complex that wraps around the property on the north and east sides. The preservation of the existing building necessitates this design, which effectively uses the small area available on this site.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

Section 30.20.00 requires the following setbacks and height limits:

For this project, there are two front yards, on Kirkton Avenue and Maple Road, both of which require a front yard setback. Given that this single family home was rezoned for office use, there are legal existing nonconformities with regard to setbacks. The front yard setback on Maple Road is unaffected, given that no improvements are proposed along that frontage. However, the Kirkton Avenue front yard and the side yard along the east property boundary will be affected by the proposed addition. Consequently, all the setback requirements are not met. The applicant must obtain variances for the new addition, which encroaches into the front yard setback on the west side and the side yard setback on the east side.

| | <u>Required:</u> | <u>Provided:</u> |
|--|----------------------------------|--|
| Front (to Maple Road R.O. W) | 30 Feet | 6 feet (previously existing legal nonconformity) |
| Front (existing building) (to Kirkton Drive R.O.W) | 30 Feet | 19 Feet, 6 inches 6 feet (previously existing legal nonconformity) |
| Front (addition) (to Kirkton Drive R.O.W) | 30 Feet | 25 Feet, 6 inches |
| Rear (to north property line) | 20 Feet | 67 Feet, 6 inches |
| Side (to east property line) | 20 Feet | 4 Feet |
| Building Height | Maximum of 3 stories or 36 feet. | 1 story; 14 feet, 6 inches |

Items to be Addressed: Obtain variances for nonconforming setbacks.

PARKING

Proposed Parking:

The site plan shows 9 parking spaces, including a barrier free space.

Parking Calculations:

The parking calculations provided by the applicant are as follows.

| <u>Required</u> | <u>Provided</u> |
|---|--|
| One (1) space per 100 S.F. of Usable Area 817/100=8 spaces | 8 spaces plus (1) Barrier Free space= 9 spaces |

The applicant has provided an extra parking space. The proposed plan meets minimum parking requirements.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Proposed Circulation:

The site will be accessed from two proposed entrances; one on Kirkton Avenue and a second, which will access the existing parking area for the adjacent office property to the east and north. This configuration is acceptable and provides adequate access to the small parking area in a challenging space.

Sidewalks:

The applicant is proposing two sidewalks around the west (Kirkton Avenue) and south (Maple Road) frontages. The south sidewalk is 8 feet in width, as required, and the west sidewalk is 5 feet, also as required. These sidewalks continue existing sidewalks in the vicinity and provide sufficient pedestrian access across the site. The site plan also includes new paved area and a walkway connecting the main entrance of the office to the parking area and the Kirkton Avenue sidewalk.

Items to be Addressed: None.

NATURAL RESOURCES

The site is an existing single family home with typical residential landscaping. The rear yard does have four existing trees that would be removed in order to allow for the installation of the parking lot. The landscape plan includes the installation of 5 new trees to meet minimum landscaping requirements. The proposed plan would not impact any protected natural features.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been provided identifying how Ordinance requirements are being met in accordance to the City of Troy Landscape Design and Tree Preservation Standards.

Article 39.20.02 states “All land use buffers, landscaping, screening and open space areas required under the terms of this Chapter shall be reviewed by the Planning Department as to compliance with the intent of this Chapter, and by the Department of Parks and Recreation as to compliance with the Landscape Design and Tree Preservation Standards.”

Trees:

The landscape plan appears to show 5 existing trees, one of which is along Maple and does not appear to be proposed for removal, although it is not identified on the “existing tree schedule” on sheet L-1. There are 4 existing trees that will be removed for the new parking area, but 5 new trees will be installed to meet minimum landscaping requirements for the street frontage requirements for Kirkton Avenue and Maple Road. The 5 proposed trees, paired with the single existing tree to be preserved (mentioned above) meet the minimum frontage tree requirements.

Greenbelt:

A ten (10) foot wide greenbelt has been provided along the public street frontages.

Minimum landscaped area:

The proposed landscape plan provides 810 total square feet of landscaped area, and 562 square feet are required. The plan exceeds Ordinance requirements.

Items to be Addressed: None.

LIGHTING

The applicant has provided a photometric plan and detail of proposed lighting and indicated the proposed location for parking lot luminaires on site plan. Lighting is sufficient for the site as shown in the preliminary plan, although we are concerned that some light levels appearing on the photometric plan which encroach into the adjacent property to the north and east may be excessive. This encroachment would need to be eliminated prior to final site plan review to comply with Section 40.25.11, which states:

All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed only onto the parking area and the property which it serves. Parking structures shall be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety.

Items to be Addressed: Eliminate lighting encroachment prior to final site plan approval.

ELEVATION

Proposed floor plans and elevations have been provided by the applicant. Building materials include brick veneer, typical residential shingles, and E.I.F.S. or saddle siding for a small detail over entrances. Materials are suitable to this type of building.

Items to be Addressed: None.

SUBMITTAL REQUIREMENTS

Section 3.43.01 establishes the requirements for preliminary site plan approval. Required elements and detail sufficient to review the preliminary site plan have been provided.

Items to be Addressed: None.

RECOMMENDATIONS

We support the proposed project, however there are two variances required to permit the project to proceed as designed. We recommend the Planning Commission take no action on the site plan as submitted to allow the applicant to pursue these variances and resubmit a site plan addressing our comments noted above.

Alpha Dental, November 4, 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

#225-02-10125



Arthur E. Kalajian & assoc. inc, architects 1871 AUSTIN ST., TROY, MI.
48083
248-524- 3616 (FAX) 248-524- 0217 (E MAIL) aekalajian@sbcglobal.net

January 14, 2011

City of Troy
500 W. Big Beaver Rd.
Troy, Mi.48084

Attn: Zoning Board of Appeals

Re: Proposed Dental Office , “Alpha Dental Center”, 405 E. Maple Rd. Troy, Mi.
Applicant : Alpha Dental Center, Camelia Sandulache
Project Architect : Arthur kalajian

Subject : Alternate Proposed Addition & Renovation To Existing Building

The following outline is an explanation of and alternate and modified design considering the Zoning Board and the adjacent neighbor’s opinions

After having several discussions with the adjacent neighbor, they submitted a list of 6 items of concern which they felt must be met in order to obtain their consent to our proposal. Several options were explored from which we derived the enclosed alternate floor plan site plan and landscape plans for consideration which address most of their concerns.

Also enclosed is the adjacent neighbors e-mails (dated 12-22-10 & 1-4-11) stating their 6 items of concern and their firm stance to them, for the Boards record.

The following outline is our comments to these 6 items and how we have addressed them within this alternate floor plan and site plan scenario.

Item 1. The neighbors request for parking space reduction as an option to our current proposal is not possible under the present Zoning Request because any modification of the parking dimensions from the City standards would require an additional variance which not permissible under the current petition and a new petition and application with fees would have to be implemented.

Any screening of the parking lot will need to be performed by the neighbor on their property that can occur along the north side of their sidewalk where there is ample space to plant scrubs. There is no required screening to abutting O-1 zoned properties therefore this item should not be an issue or even entertained.

Item 2. Our alternate building plan shows the proposed addition reduced by 2'-21/2” on the east side and matches the existing building location. The east setback variance request will also reduced by this amount.

Item 3. Any proposed on grade air condensing units will have evergreen shrubs screening them from the adjacent property.

Item 4. We are not planning on having any other structures along the eastern side of the property. The location of any electrical transformers will be up to the Utility Company.

Item 5. The proposed total number of treatment rooms remains as (4), which should not be an issue since the required parking is met. The request by the adjacent neighbor for the reduction of a treatment room is not warranted and is not acceptable by the Petitioner. The intended Dental use requires a minimum of (4) treatment rooms to be functional and economically viable.

Item 6. A trash enclosure has been added along the west side of the building screened from view with gates.

Our proposal meets all of the site plan requirements including parking and landscaping other than the proposed building addition required front and side setbacks.

This modified proposed addition will not extend beyond the existing building setbacks along west and the east sides and are within the confines of the present structure.

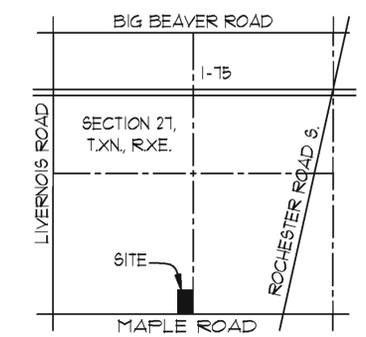
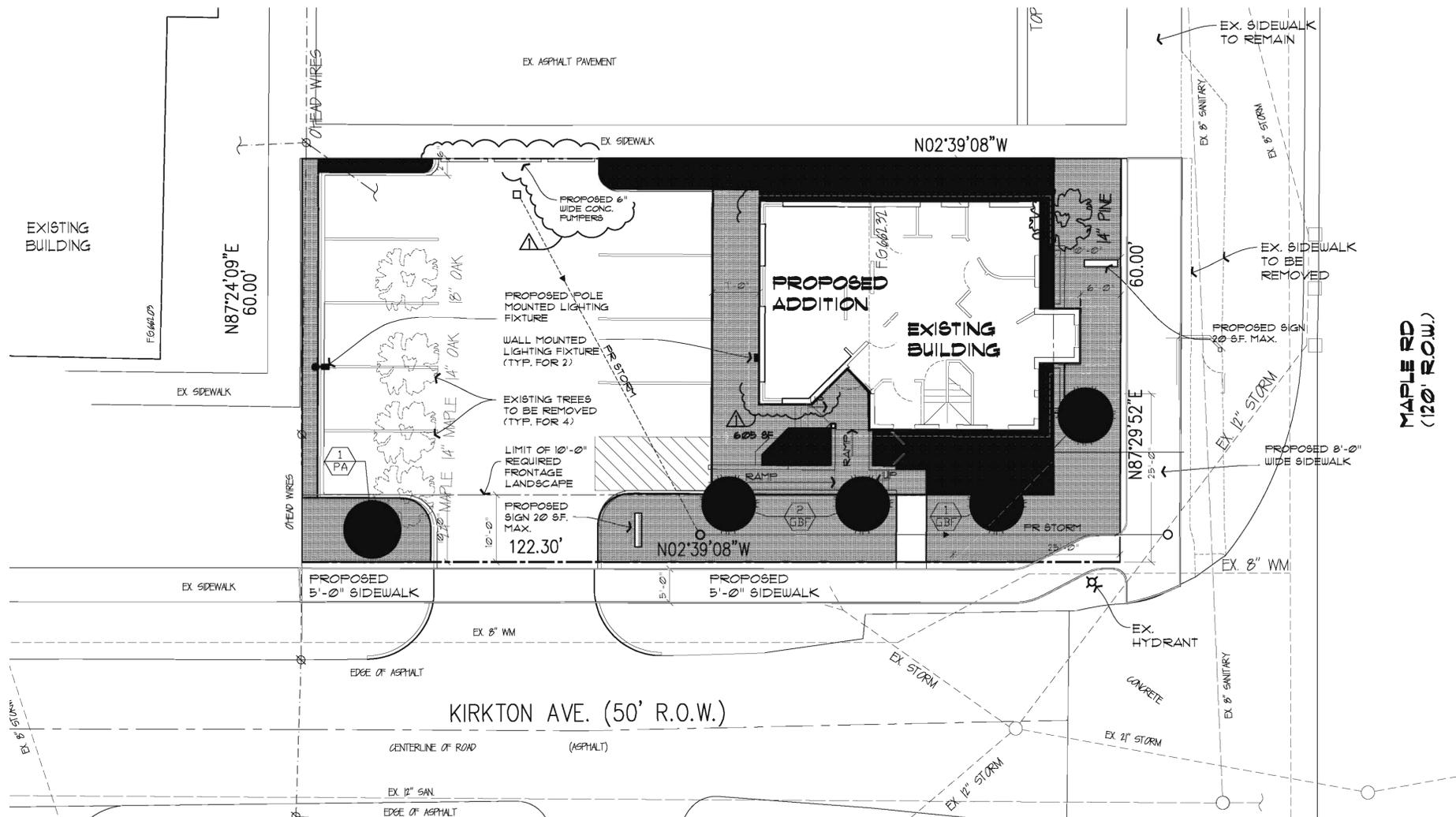
We also added pre-fab 6" concrete bumpers at the end of the parking aisle along the east property line to ensure no cross trafficking between the adjacent parking lots.

The new proposal meets the legitimate concerns of the adjacent neighbor and should not cause substantial adverse effects to their property and therefore the building setback variances which are the only issues that are being requested, should be granted.

Sincerely,

Arthur E. Kalajian R.A, NCARB.

Cc: Camelia Sandulache



LOCATION MAP
NOT TO SCALE

- PROPOSED ORGANIC LANDSCAPED AREA
- REQUIRED FRONTAGE LANDSCAPED AREA
- NON ORGANIC PART OF LANDSCAPED AREA
- NON ORGANIC AREA
- BUILDING

LANDSCAPE AREA REQUIREMENT

- TOTAL SITE AREA 1,341 SF.
- NET SITE AREA (MINUS 10' FRONTAGE) 56112 SF.
- REQUIRED LANDSCAPE AREA = 10% OF SITE NET AREA 562 SF.
- TOTAL PROP. ORGANIC AREA 148 SF.
- TOTAL NON ORGANIC AREA 605 SF.
- 9% REQUIRED LANDSCAPE AREA TO BE NON ORGANIC AREA 102 SF.
- TOTAL LANDSCAPED AREA PROVIDED = 148+102 = 250 SF.

- TREE REQUIREMENT**
- NUMBER OF REQUIRED FRONTAGE TREES = FRONTAGE (FT) / 30 PER CITY OF TROY ZONING ORDINANCE SEC 39.10.02
 - SOUTH FRONTAGE = 60'-0" / 30 = 2 TREES REQUIRED
 - WEST FRONTAGE = 122'-4" / 30 = 4 TREES REQUIRED
 - TOTAL NUMBER OF TREES REQUIRED = 6 TREES
 - TOTAL NUMBER OF TREES PROVIDED = 6 TREES (1 EXISTING + 5 PROPOSED)
- NOTE**
- NO EXISTING TREES TO BE PRESERVED BETWEEN 4" - 10" CALIPER PER CITY OF TROY LANDSCAPE DESIGN & PRESERVATION STANDARD SECTION 204-A1 AND 2.

LANDSCAPE NOTES AND PLANTING SPECIFICATIONS:

1. ALL REQUIRED LANDSCAPE AREAS SHALL BE COMPLETELY PLANTED WITH GRASS, GROUND COVER OR OTHER LANDSCAPE MATERIAL.
2. ALL LANDSCAPE MATERIAL EXCEPT TREES SHALL BE MAINTAINED SO AS NOT TO EXCEED (3) FEET IN HEIGHT.
3. ALL PLANT AND GRASS MATERIALS TO BE IN COMPLIANCE WITH THE CITY ORDINANCE AND CONFORM TO THE STANDARDS OF THE MICHIGAN ASSOC. OF NURSERYMEN.
4. ALL PLANT MATERIAL SHALL RECEIVE (3) PARTS TOPSOIL TO (1) PART PEAT MOSS PLANTING MIX.
5. ALL PLANTING BEDS SHALL RECEIVE A 4" LAYER OF SHREDDED BARK MULCH. ALL BEDS SHALL RECEIVE A PRE-EMERGE WEED KILLER PRIOR TO INSTALLATION OF MULCH. ALL BEDS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24 HR. PERIOD AFTER PLANTING.
6. PLANT MATERIAL (C & B & B) SHALL BE BALLED WITH ORIGINAL SOIL, INTACT WITH THE FIBROUS ROOTS TO INSURE MAX. RECOVERY AFTER PLANTING.
7. ANY BARE AREAS OF 12" OR LARGER DIA. SHALL BE RESEEDED AND INCLUDED IN MAINTENANCE PERIOD.
8. ALL NURSERY STOCK SHALL BE PLANTED PER APPLICABLE STANDARDS INCLUDING THE INSTALLATION STANDARDS BY THE MICHIGAN STATE HIGHWAY DEPT. AND SIZED AS SHOWN IN THE PLANTING SCHEDULE.
9. LANDSCAPING SHALL BE PLANTED IN A SOUND WORKMAN LIKE MANNER AND ACCEPTED GOOD PLANNING PROCEDURES. THE LANDSCAPE AREAS TO BE PROTECTED FROM VEHICULAR ENCROACHMENT.
10. MAINTENANCE TO THE LANDSCAPING SHALL BE PERFORMED SUCH AS TO KEEP THE LANDSCAPE IN GOOD CONDITION WITH A HEALTHY, NEAT AND ORDERLY APPEARANCE FREE OF REFUSE AND DEBRIS. ALL UNHEALTHY AND DEAD MATERIAL SHALL BE REPLACED WITHIN (1) YEAR OR PART OF THE NEXT PLANTING PERIOD WHICHEVER IS FIRST.
11. SEE SHEET A FOR LOCATION OF PLANT MATERIAL.

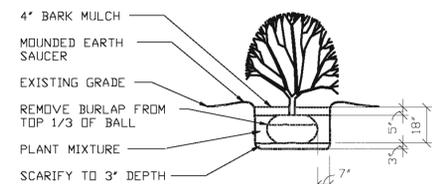
PROPOSED SITE PLAN
SCALE: 10"=1'-0"

PLANT SCHEDULE

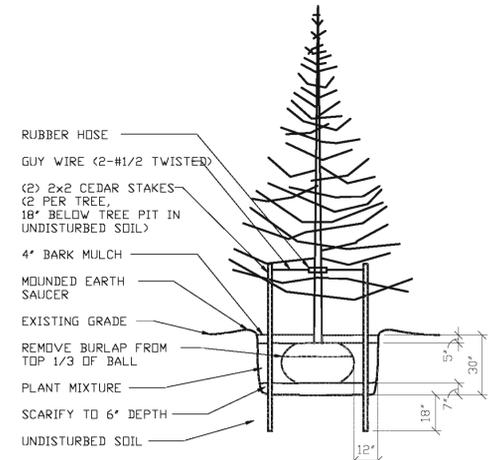
| QTY. | TYPE | COMMON NAME | BOTANICAL NAME | SIZE | REMARKS |
|------|------|----------------------------|--|-------------|---------------|
| 2 | PA | NORWAY SPRUCE | Picea abies | 6'-8' H. | |
| 3 | GBF | FASTIGIATE MAIDENHAIR TREE | Gingko biloba 'FASTIGIATA' (male only) | 3' cal. B&B | 20' DN CENTER |

EX. TREE SCHEDULE

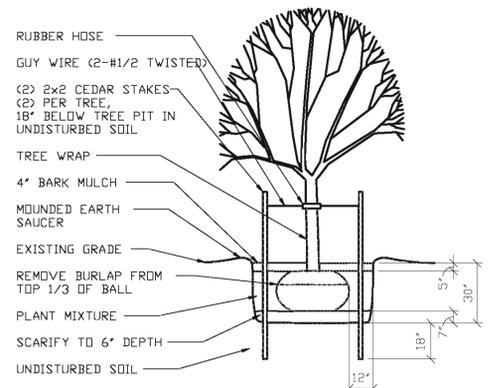
| ID. NO. | SIZE | TREE TYPE | CONDITION | NOTES |
|---------|------|-----------|-----------|---------------|
| 1 | 18" | OAK | GOOD | TO BE REMOVED |
| 2 | 14" | OAK | GOOD | TO BE REMOVED |
| 3 | 14" | MAPLE | GOOD | TO BE REMOVED |
| 4 | 24" | MAPLE | GOOD | TO BE REMOVED |



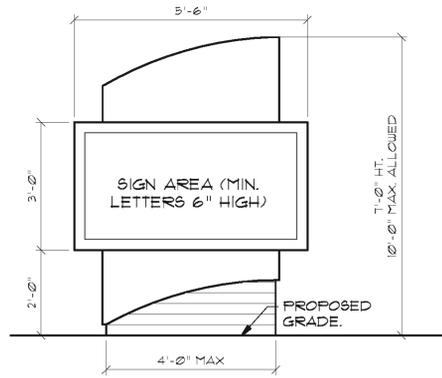
SHRUBS



EVERGREEN TREES



DECIDUOUS TREES



GROUND SIGN DETAIL
SCALE: NONE

NOTE: MAX. SIZE GRD SIGN 20' SQ. FT., 10' HIGH PROPOSED 20 SQ. FT., 5' HIGH

LEGEND

- DETAIL NO.
- SHT. NAME
- QUANTITY
- COMMON NAME
- PROPOSED DECIDUOUS SHRUBS
- PROPOSED DECIDUOUS TREES
- PROPOSED EVERGREEN TREES OR SHRUBS

ARTHUR E. KALAJIAN & ASSOC. INC. ARCHITECTS
1671 AUSTIN DRIVE TROY MICHIGAN 48068
OFFICE: 248-624-9816 FAX: 248-624-0217 akalajian@sigjobs.net

PROPOSED DENTAL CLINIC TO EXISTING BUILDING

OWNER AND CONTACT PERSON

CAMILIA SANDULACHE
586-412-1144
586-873-0455

ALPHA DENTAL CENTER
105 E MAPLE TROY MI 48063

DESCRIPTION: LANDSCAPE SITE PLAN AND DETAILS

JOB NO. ADC-1010

SEAL:

| DATE | SCALE | DESIGN | DRAWN |
|----------|-------|--------|-------|
| 02-25-10 | REV | AEK | MA |
| 01-11-11 | Δ | AEK | MA |

SHEET NO.

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From: raseyeguy@aol.com
Sent: Wednesday, December 22, 2010 11:21 PM
To: aekalajian@sbcglobal.net
Cc: Taubman, Richard
Subject: 405 E. Maple

Hi Mr. Kalajian,

We are sorry to have surprised you and Dr. Sandaluche last night at the ZBA meeting. Our meeting this past Sunday (at our request) was primarily to learn more about the project. We had not been contacted by Dr. Sandaluche prior to our requesting a meeting.

Our main concern with the project is we feel it is simply too large for the parcel of land. We purchased our property with the belief that zoning laws would keep the property similar to what it currently is, without structures and parking lots right on top of us. We also did not intend, or want other businesses using our parking lot.

We feel we could agree to Dr. Sandaluch's plans expanding the structure if the following conditions are met:

1. The parking spaces need to be reduced one foot in length, adding two feet to the North green belt area. With this added space, we would ask that tall shrubs or small shade trees be planted.
2. The addition must be in line with the current structure on the Eastern side.
3. The air conditioning units need to be surrounded by shrubs.
4. There can be no other structures located in the East green belt area, including, but not limited to garbage collection units and power transformers.
5. 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 can not be space made for a future fourth patient/treatment room. We want an assurance that there will be no more than three treatment/patient rooms.
6. There shall be a trash enclosure located on the Western side of the building.

If the following terms are satisfactory to both you and Dr. Sandaluche, we will support the project.

Thank you,

Robert Sklar and Brenda Moskovitz
415 E. Maple, Troy, MI

From: Macomb Dentistry [amdentistry@yahoo.com]
Sent: Saturday, January 08, 2011 6:07 PM
To: aekalajian; camelia lucian
Subject: Fw: appointment on 1/9/2011 about the property on 405 Maple Rd.

----- Forwarded Message -----

From: "raseyeguy@aol.com" <raseyeguy@aol.com>
To: Macomb Dentistry <amdentistry@yahoo.com>
Sent: Sat, January 8, 2011 1:10:00 PM
Subject: Re: appointment on 1/9/2011 about the property on 405 Maple Rd.

Dear Dr. Sandulache,

Unfortunately, we will be out of town this weekend and will be unable to meet. As you know, we have been in contact with your architect concerning your project. As we stated to him, we would be happy to support the project provided all our conditions stated in the letter were met. We feel that these conditions are most reasonable given the size of the property, and from the description of your practice, these changes should leave you with a great building that you will enjoy.

Respectfully,

Dr. Sklar and Dr. Moskowitz

-----Original Message-----

From: Macomb Dentistry
To: RAS
Subject: appointment on 1/9/2011 about the property on 405 Maple Rd.
Sent: Jan 7, 2011 5:58 PM

Hello, Dr. Sklar

As we discussed on Dec 21,2010 we should have an appointment with you on 1/9/2011 to discuss any other concerns that you have about our office.

Please let us know what time is good for you; for us 2:30pm is a good time.

Please e-mail at (amdentistry@yahoo.com) or call me to confirm the appointment.

Thank You,

Dr. Sandulache



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

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

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

Date: January 17, 2011

Preliminary Site Plan Review For City of Troy, Michigan

Applicant: Camilia Sandaluche
Project Name: Alpha Dental Center
Plan Date: January 11, 2011
Location: 405 East Maple Road
Zoning: O-1, Office Building District
Action Requested: Preliminary Site Plan Approval
Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a revised preliminary site plan which includes a site plan, landscaping plan, and floor plan. Although the building and site plan have been revised, we have not received a revised topographic survey, lot survey, photometric plan, perspective drawings, or exterior elevations, though these were included in the past. Therefore, we reserve the right to make additional comment upon submission of these revised items. It is our understanding, however, that these items have not been revised at this time given that the applicant is still seeking only the variances required to allow the project to move forward. If the variances are granted and the project moves forward, a full preliminary site plan application, fully updated, will be required.

Location of Subject Property:

The property is located on the north side of Maple Road between Rochester Road and Livernois Road, on the corner of Maple Road and Kirkton Avenue.

Size of Subject Property:

The parcel is 0.17 acres in size.

Proposed Uses of Subject Parcel:

The applicant proposes to build an addition to an existing building for the purpose of housing a new dental office with its own parking lot. The building is currently 915 square feet, and the proposed addition would add 470 square feet.

Current Use of Subject Property:

The subject property is currently an existing single family home.

Current Zoning:

The property is currently zoned O-1, Low Rise Office.

Zoning Classification of Adjacent Parcels and Current Land Use:

North: O-1, Low Rise Office; office building

South: (across Maple Road) M-1, Light Industrial District; single family home, industrial building (former U.S. Computer Exchange)

East: O-1, Low Rise Office; office building

West: O-1, Low Rise Office; office building

BUILDING LOCATION AND SITE ARRANGEMENT

The existing building is located at the corner of the site near the street, with a typical residential rear yard behind. The proposed layout adds square footage to the rear (north) side of the building, and a parking area in what is currently the rear yard. This rear yard parking area would have access to Kirkton Avenue and would provide a stub drive and cross access to the existing office building complex that wraps around the property on the north and east sides; however, access from the existing adjacent project is not proposed at this time and would not be connected. The connection on the adjacent parcel, off the project site, is not required at this time. The preservation of the existing building necessitates this design, which effectively uses the small area available on this site.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

Section 30.20.00 requires the following setbacks and height limits:

For this project, there are two front yards, on Kirkton Avenue and Maple Road, both of which require a front yard setback. Given that this single family home was rezoned for office use, there are legal existing nonconformities with regard to setbacks. The front yard setback on Maple Road is unaffected, given that no improvements are proposed along that frontage. However, the Kirkton Avenue front yard and the side yard along the east property boundary will be affected by the proposed addition. Consequently, all the setback requirements are not met. The applicant

must obtain variances for the new addition, which encroaches into the front yard setback on the west side and the side yard setback on the east side.

| | <u>Required:</u> | <u>Provided:</u> |
|--|----------------------------------|--|
| Front (to Maple Road R.O. W) | 30 Feet | 6 feet (previously existing legal nonconformity) |
| Front (to Kirkton Drive R.O.W) | 30 Feet | 19 Feet, 6 inches |
| Rear (to north property line) | 20 Feet | 68 Feet, 4.5 inches |
| Side (to east property line) | 20 Feet | 6 Feet, 3 inches |
| Building Height | Maximum of 3 stories or 36 feet. | 1 story; 14 feet, 6 inches |

Items to be Addressed: Obtain variances for nonconforming setbacks.

PARKING

Proposed Parking:

The site plan shows 9 parking spaces, including a barrier free space.

Parking Calculations:

The parking calculations provided by the applicant are as follows.

| <u>Required</u> | <u>Provided</u> |
|---|--|
| One (1) space per 100 S.F. of Usable Area $817/100=8$ spaces | 8 spaces plus (1) Barrier Free space= 9 spaces |

The applicant has provided an extra parking space. The proposed plan meets minimum parking requirements.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Proposed Circulation:

The site will be accessed from one proposed entrances on Kirkton Avenue and a second potential future access by way of cross access to the adjacent office property to the east and north. This configuration is acceptable and provides adequate access to the small parking area in a challenging space.

Sidewalks:

The applicant is proposing two sidewalks around the west (Kirkton Avenue) and south (Maple Road) frontages. The south sidewalk is 8 feet in width, as required, and the west sidewalk is 5 feet, also as required. These sidewalks continue existing sidewalks in the vicinity and provide sufficient pedestrian access across the site. The site plan also includes new ramp and paved area and a walkway connecting the main entrance of the office to the parking area and the Kirkton Avenue sidewalk.

Items to be Addressed: None.

NATURAL RESOURCES

The site is an existing single family home with typical residential landscaping. The rear yard does have four existing trees that would be removed in order to allow for the installation of the parking lot. The landscape plan includes the installation of 5 new trees and the retention of one existing tree to meet minimum landscaping requirements. The proposed plan would not impact any protected natural features.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been provided identifying how Ordinance requirements are being met in accordance to the City of Troy Landscape Design and Tree Preservation Standards.

Article 39.20.02 states “*All land use buffers, landscaping, screening and open space areas required under the terms of this Chapter shall be reviewed by the Planning Department as to compliance with the intent of this Chapter, and by the Department of Parks and Recreation as to compliance with the Landscape Design and Tree Preservation Standards.*”

Trees:

The landscape plan shows 5 exiting trees, one of which is along Maple and does not appear to be proposed for removal, although it is still not identified on the “existing tree schedule” on sheet L-1. There are 4 existing trees that will be removed for the new parking area, but 5 new trees will be installed to meet minimum landscaping requirements for the street frontage requirements for Kirkton Avenue and Maple Road. The 5 proposed trees, paired with the single existing tree to be preserved (mentioned above) meet the minimum frontage tree requirements.

Greenbelt:

A ten (10) foot wide greenbelt has been provided along the public street frontages.

Minimum landscaped area:

The proposed landscape plan provides 850 total square feet of landscaped area, and 562 square feet are required. The plan exceeds Ordinance requirements.

Items to be Addressed: None.

SUBMITTAL REQUIREMENTS

Section 3.43.01 establishes the requirements for preliminary site plan approval. Required elements and detail sufficient to review the preliminary site plan have been provided, although not all materials were updated for this review, as noted previously.

Items to be Addressed: None.

RECOMMENDATIONS

We support the proposed project, however there are two variances required to permit the project to proceed as designed. We recommend the applicant pursue these variances and resubmit a site plan addressing our comments noted above.



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

#225-02-10125

3. POSTPONED ITEMS

- 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

5232

5210

5188

5166

5173

2817

VINEYARDS

SERENA

0700



5232

5210

5188

5166

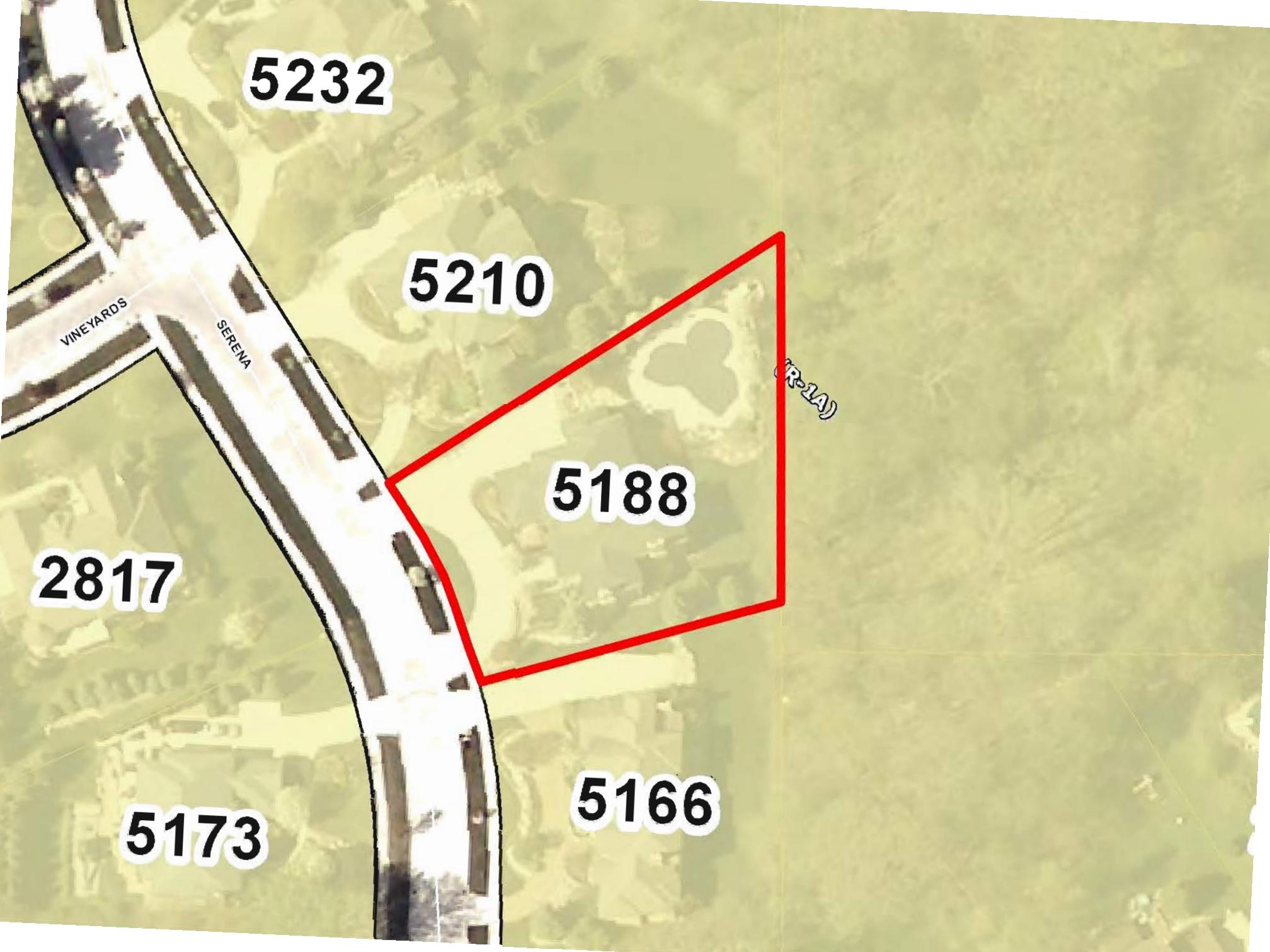
2817

5173

VINEYARDS

SERENA

(R-1A)



CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

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



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

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST **TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.**

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

- ADDRESS OF THE SUBJECT PROPERTY: 5188 SERENA DR.
 LOT NO. 10 SUBDIVISION BAILEYS VINEYARDS SUBDIVISION
 LOCATED ON THE EAST SIDE OF (ROAD) ADAMS
 BETWEEN LONG LAKE AND SOUTH BLVD.
 ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
- PROPERTY TAX IDENTIFICATION NUMBER(S): 88 - 20 - 07 - 305 - 004
- ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: _____
- 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 DAN IVANOVIC
COMPANY IVANOVIC CONSTRUCTION INC.
ADDRESS 54245 QUEENSBOROUGH DR.
CITY SHILBY TOWNSHIP STATE MI ZIP 48317
TELEPHONE (586) 530-0573
E-MAIL ICL@IVANOVICDESIGNBUILD.COM

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

CONTRACTOR

8. OWNER OF SUBJECT PROPERTY:

NAME EVAN AND NICKOLE BLACK
COMPANY _____
ADDRESS 5188 SERENA DR.
CITY TROY STATE MI ZIP 48098
TELEPHONE (586) 781-9061
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, [Signature] (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 [Signature] DATE 10/27/2010

PRINT NAME: DAN IVANOVIC

SIGNATURE OF PROPERTY OWNER [Signature] DATE 10/25/2010

PRINT NAME: EVAN H. BLACK

12211 Hiawatha
Shelby Township, MI 48315

December 14, 2010

Mr. Paul Evans
Zoning & Compliance Specialist
Planning Department
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mr. Evans:

This letter will confirm our discussion concerning Dr. Evan Black, my son-in-law, who is petitioning for approval to expand from a three-car to a four-car garage.

Mr. Dan Ivanovic, the builder erred in the "Reason for Appeal". The four-car garage is required for doctors who come from Europe and other parts of the U.S. for eye surgery training *provided by Dr. Black at the Detroit Eye Institute*. When in training, these doctors stay at Dr. Black's residence from one day to as long as two weeks. The addition to the garage would alleviate vehicle congestion while the doctors are in training especially in the winter months.

I have contacted the neighbors about the expansion and they have no objections.

You may contact to discuss this request at (586) 781-9061.

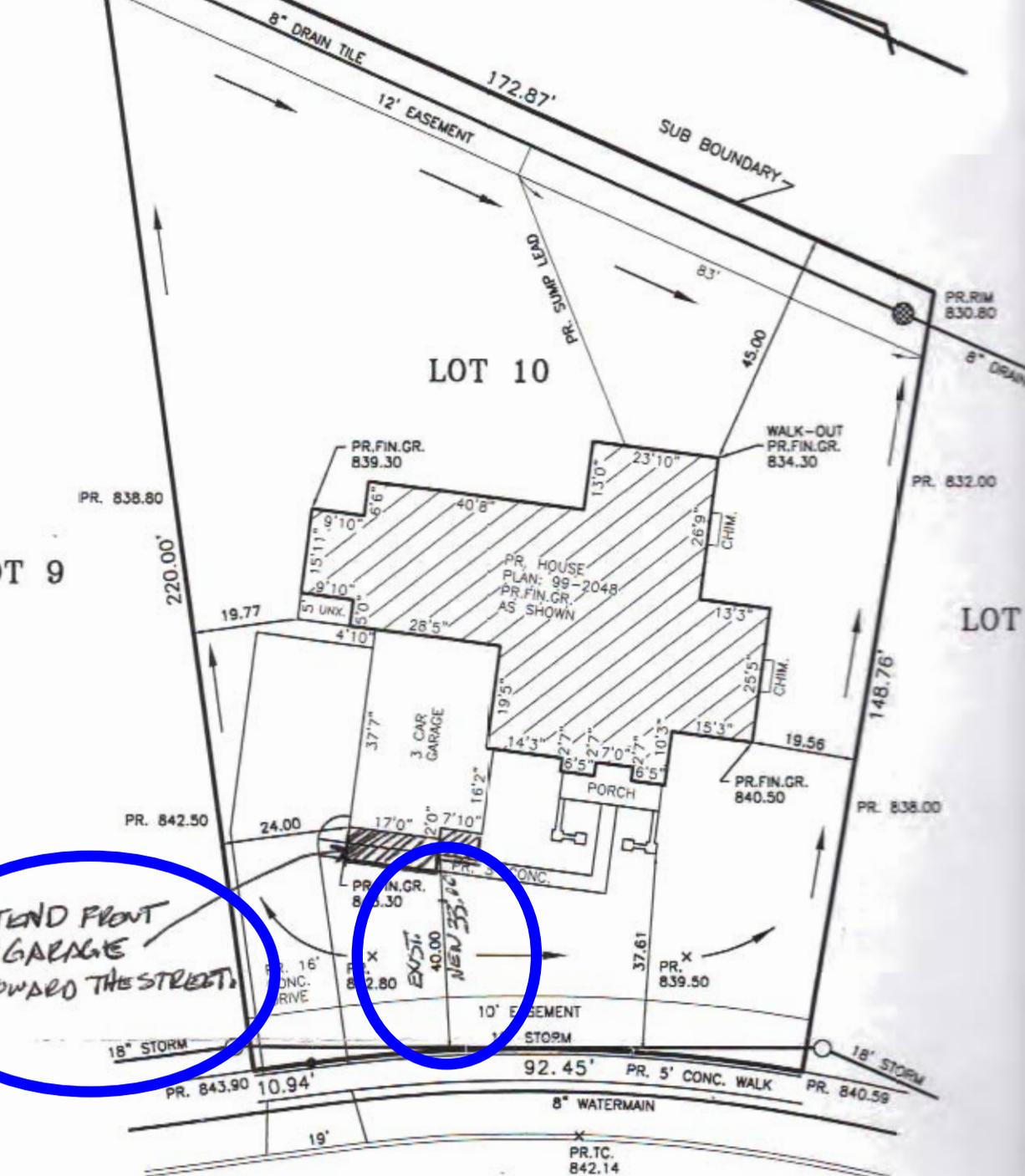
Sincerely,

Mikulas (Nick) Kuzdak

Cc: Dr. Evan Black, Dan Ivanovic

Note: Paul Evans: evanspm@troymi.gov

PR. 832.70



LOT 9

LOT 10

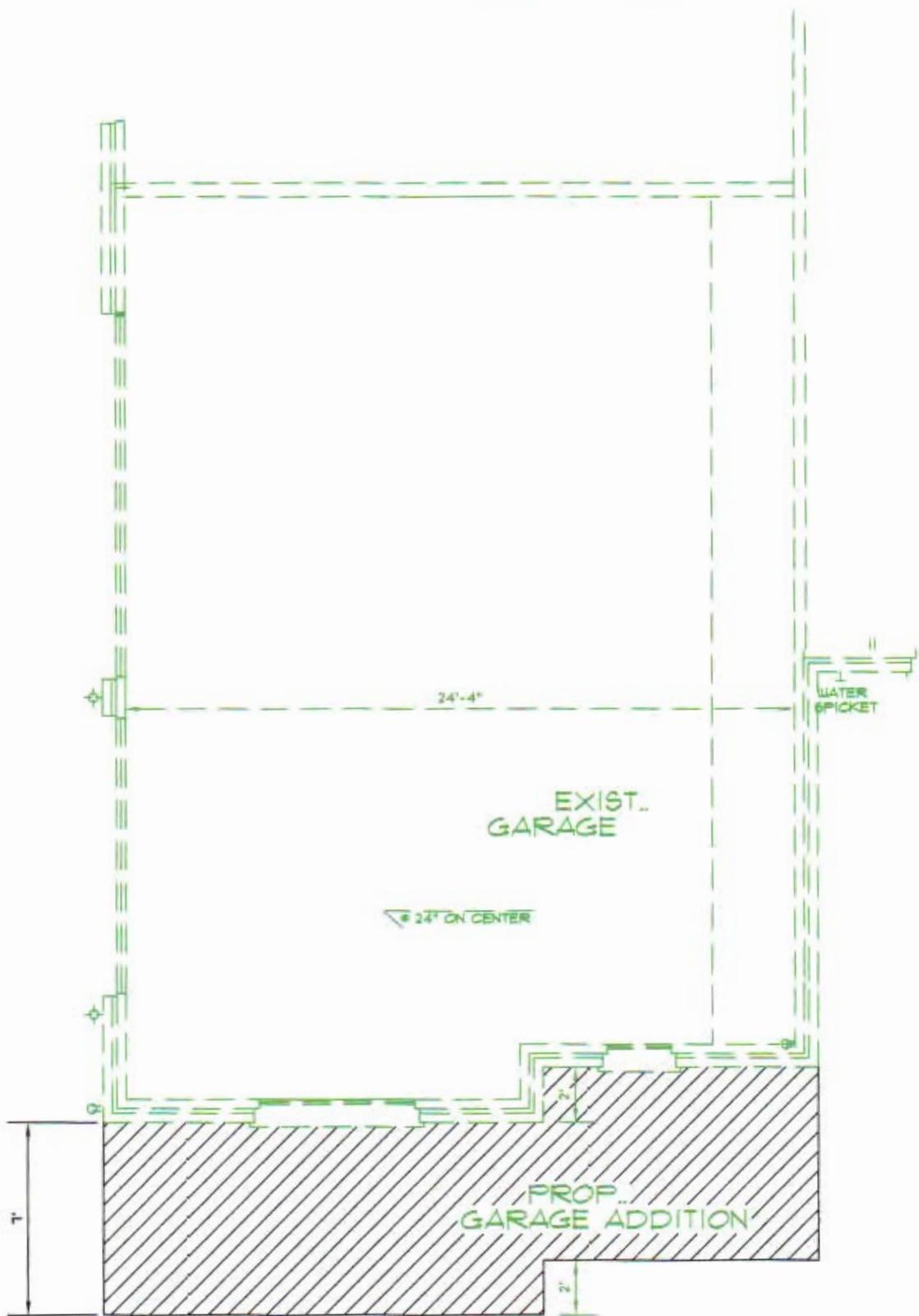
LOT 11

**EXTEND FRONT
OF GARAGE
7' TOWARD THE STREET.**

SERENA DR. 60' WD.

REVISIONS
4-20-99 ADJUST PR GRADES,
PER CITY.

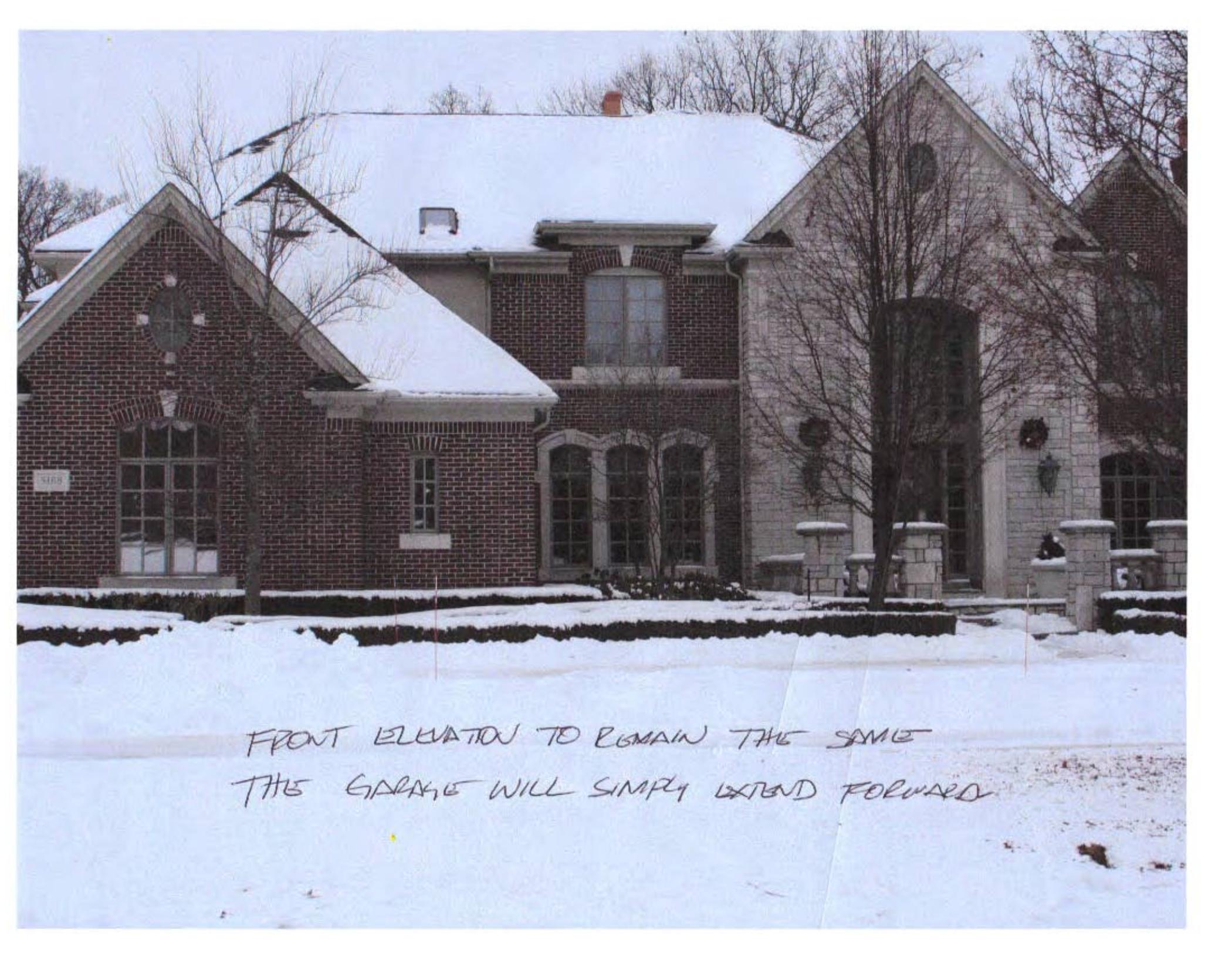
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PROP. GARAGE ADDITION

NORTH





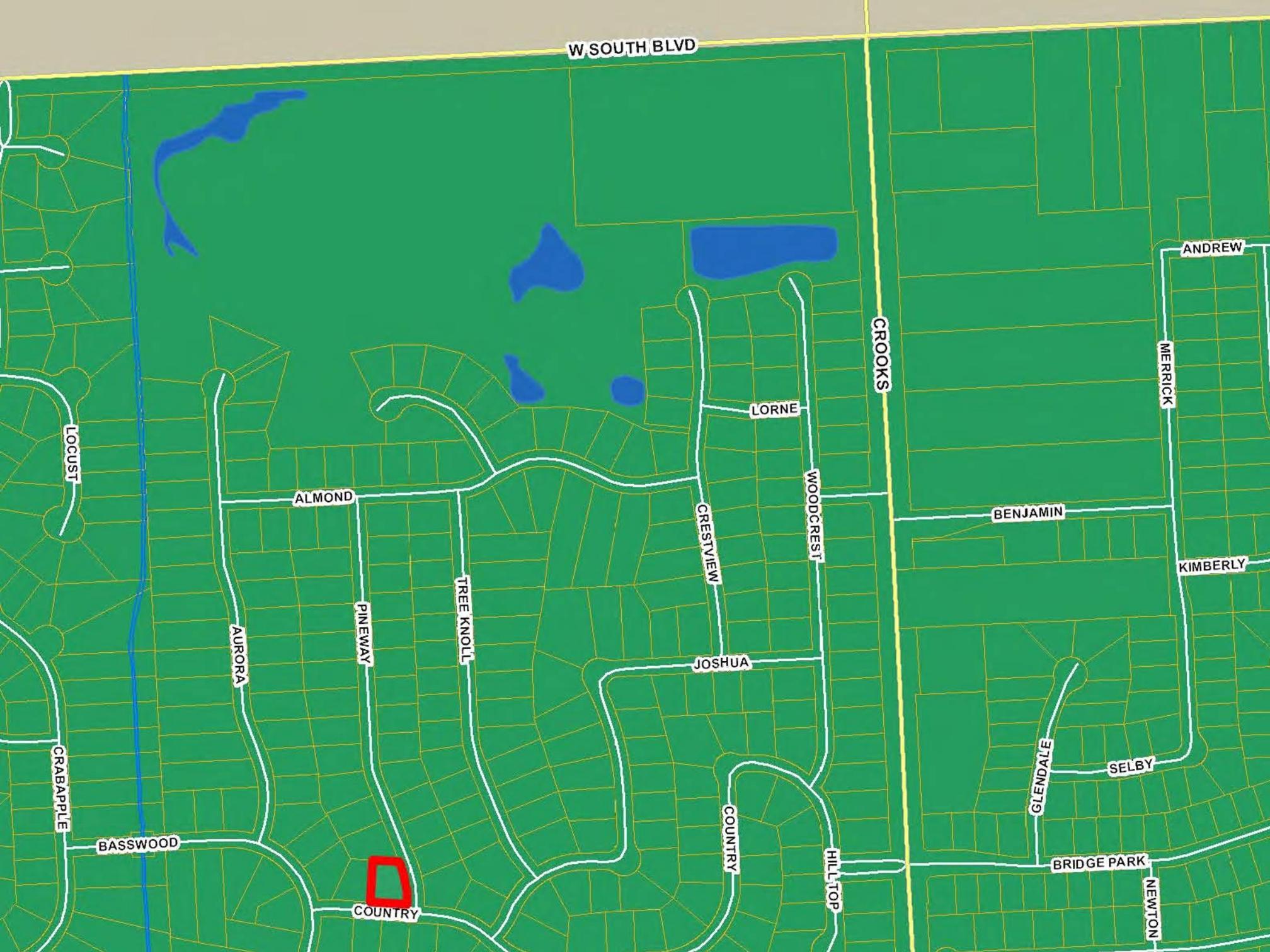
FRONT ELEVATION TO REMAIN THE SAME
THIS GARAGE WILL SIMPLY EXTEND FORWARD

3. POSTPONED ITEMS

- 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

W SOUTH BLVD



ANDREW

MERRICK

CROOKS

LORNE

WOODCREST

BENJAMIN

KIMBERLY

ALMOND

CRESTVIEW

JOSHUA

TREE KNOLL

PINEWAY

AURORA

COUNTRY

HILL TOP

GLENDALE

SELBY

BRIDGE PARK

NEWTON

BASSWOOD

CRABAPPLE

LOCUST

COUNTRY





6586

6611

6584

6573

6574

6593

6566

6566

1412

1396

6558

130

1308

COUNTRY

6559

JOSHUA

1419

1403

1387

1371

1355

6545

BASSWOOD

6530

1339

29



6586

6611

6584

6573

6574

6593

6566

6566

1412

1396

6558

1308

130

3

559

COUNTRY

JOSHUA

545

1419

1403

1387

1371

1355

(R-1B)

1339

29

6530

CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

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



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

NOTICE TO THE APPLICANT

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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: 1396 COUNTRY DRIVE
 LOT NO. 286 SUBDIVISION CRESCENT RIDGE SUB NO 2
 LOCATED ON THE LEFT SIDE OF (ROAD) PINE WAY DRIVE
 BETWEEN PINE WAY DRIVE AND AURORA DRIVE
 ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
- PROPERTY TAX IDENTIFICATION NUMBER(S): 88-24-05-203-018
- ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: 41.45.00
- 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: _____

6. APPLICANT INFORMATION:

NAME LOUIS PAULL

COMPANY _____

ADDRESS 1396 COUNTRY DRIVE

CITY TROY STATE MI ZIP 48098-6537

TELEPHONE 248-879-1198

E-MAIL LOUIS PAULL36@COMCAST.NET

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

OWNER

8. OWNER OF SUBJECT PROPERTY:

NAME LOUIS PAULL

COMPANY _____

ADDRESS 1396 COUNTRY DRIVE

CITY TROY STATE MI ZIP 48098-6537

TELEPHONE 248-879-1198

E-MAIL LOUIS PAULL36@COMCAST.NET

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, LOUIS PAULL (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 Louis Paull DATE 10-05-2010

PRINT NAME: LOUIS PAULL

SIGNATURE OF PROPERTY OWNER Louis Paull DATE 10-05-2010

PRINT NAME: LOUIS PAULL

1396 Country Drive
Troy, MI 48098-6537

October 5, 2010

City of Troy Planning Department

500 W. Big Beaver Road

Troy, Michigan 48084

Dear Sir/Madam,

My wife and I are requesting approval for a variance by your Board of Zoning Appeals to allow the patio to be constructed as designed. We were not aware of the set back constraints when our home was constructed. Thus we need your approval to proceed with construction. Our reasons are outlined below to support our request.

- 1) The location of the door wall presents the only location for access to the proposed patio.
- 2) The patio will be constructed to match the same quality of materials used in constructing our home.

Lastly, my wife and I desire the authorization to build the patio to complete our vision of having the luxury of a patio for outdoor enjoyment.

Sincerely,

A handwritten signature in cursive script that reads "Louis Paull".

Louis Paull

att.

Crescent Ridge/Parc Homeowners Association
Board of Directors

October 13, 2010

Mr. Lou Paull
1396 Country Drive
Troy, Michigan 48098

Re: Request for variance approval

Dear Mr. Paull,

The Crescent Ridge/Parc Homeowners Association Board of Directors has reviewed your plans for construction of a patio adjacent to your home which requires variance approval from the City of Troy. These plans are from Robert W. Summers dated 9/16/2010.

If the Troy Board of Zoning Appeals approves your variance request, and there are no issues or concerns from the neighbors who will be contacted as part of the city approval process, then the Crescent Ridge/Parc Homeowners Association Board would have no additional objections with the construction of the patio as shown.

Please feel free to contact any Board Member if you have any questions.



Crescent Ridge/Parc Homeowners Association, Board of Directors
Jan Towey, President

1396 Country Drive
Troy, MI 48098-6537

November 16, 2010

City of Troy Planning Department

500 W. Big Beaver Road

Troy, Michigan 48084

Dear Sir/Madam,

Preliminary analysis to move the East side patio proposal to the North side of our home entail substantial alteration of the current landscaping and other installation features requiring either removal or relocation. The expense to make those alterations are considerable. Outlined is a listing of factors which need to be addressed.

Install

- Two to three steps from door wall to pathway to patio
- Hand rail/banister for walk down body support to reach pathway to rear patio

Relocate

- Two sprinkler control valve manifolds
- Affected sprinkler lines
- One downspout
 - * Replace gutter based upon relocation of downspout
- Underground downspout discharge lines and in ground emitters
- AC condenser
- Sill cock

Remove

- 15 shrubs
- One columnar maple tree
- One clump maple tree
- All decorative stone and landscape fabric (redistribute stone to other locations on property)
- Edging

Glass blocks

Potential obstruction of daylight entering basement

Security

Grade and rear hall doors must always be locked when using a North side patio.

Sincerely,

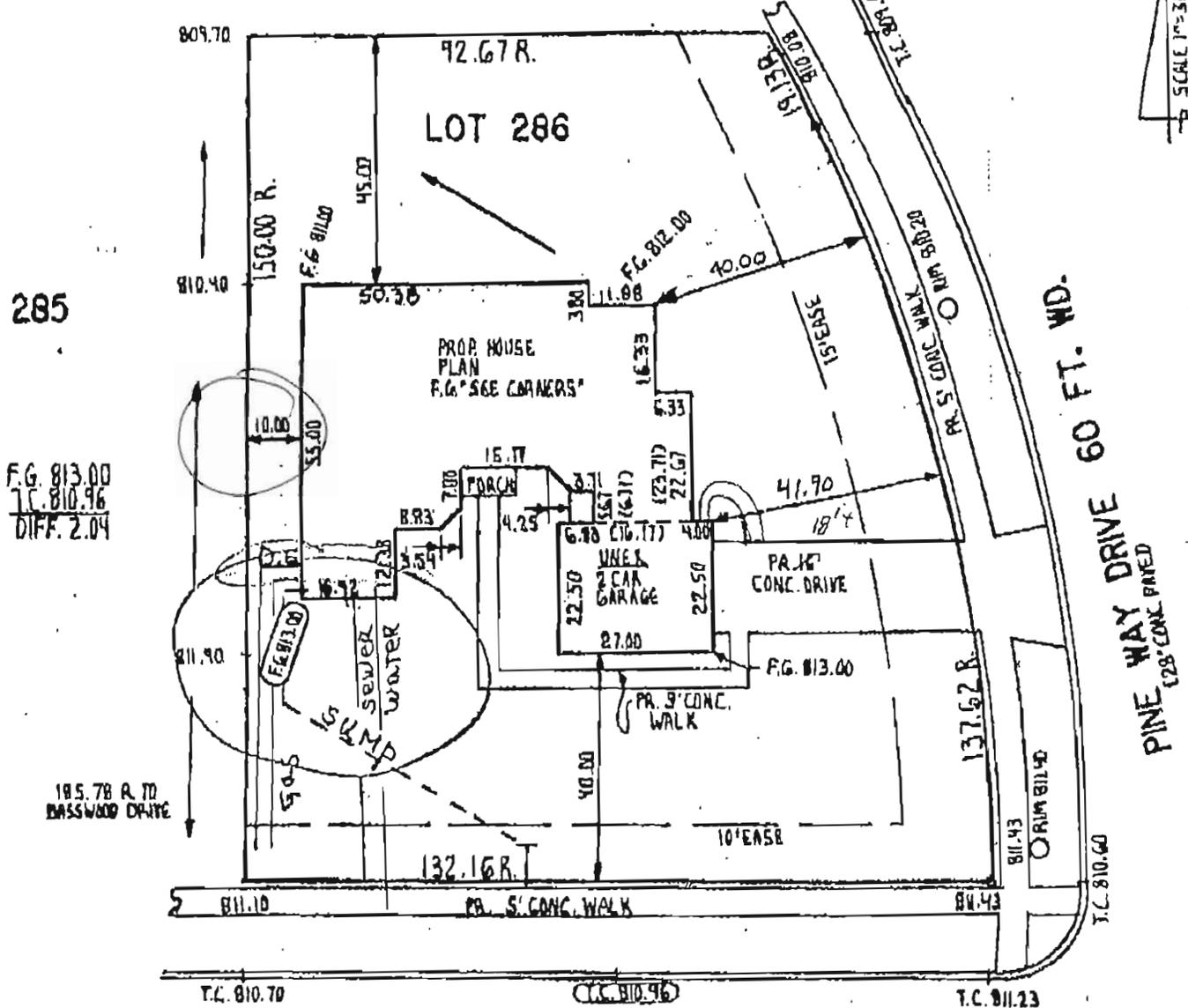
A handwritten signature in cursive script that reads "Louis Paull". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Louis Paull

att.

Mr. Paul 287

403-3671
 Low Cost - 248-879-1198



1396 COUNTRY DRIVE 60 FT. WD.
 (28' CONC. PAVED)

RIB Front 48 West side = 10
 - rear 45 Side 25

FINISH GRADE AS SHOWN IS AT ALL CORNERS OF HOUSE. FOR SEWER INFORMATION REFER TO MCS PLAN NO. P-86-423. BEFORE BEGINNING CONSTRUCTION VERIFY HOUSE LEAD LOCATION WITH CITY.

PLOT PLAN OF LOT 286
 CRESCENT RIDGE SUB. NO. 2
 CITY OF TROY
 OAKLAND COUNTY, MICHIGAN

DATE: AUGUST 12, 1993 *OP/RT*
 CLIENT: ESTATE BUILDERS, INC.
 2025 W. LONG LAKE - SUITE 100
 TROY, MI 48098
 (313) 641-1730

MCS ASSOCIATES, INC.
 CIVIL ENGINEERING & SURVEYING
 41150 TECHNOLOGY PARK DRIVE
 SUITE 102
 STERLING HEIGHTS, MI 48314
 (313) 300-2410

Louis

From: "Louis" <louispaull36@comcast.net>
Date: Wednesday, December 08, 2010 12:09 PM
To: "Louis" <louispaull36@comcast.net>
Attach: A02a alt. patio plan A 120610.pdf
Subject: Fw: Revised alt A plan

From: [Louis](#)
Sent: Wednesday, December 08, 2010 12:08 PM
To: evanspm@troymi.gov
Subject: Fw: Revised alt A plan

Subject: Fw: Revised alt A plan

Paul,

The attachment represents the best alternative to all the previous patio design proposals. I will now have the disc made which will include all the requested documents. I will call you when completed for an appointment and submission to the ZBA.

Lou

Louis

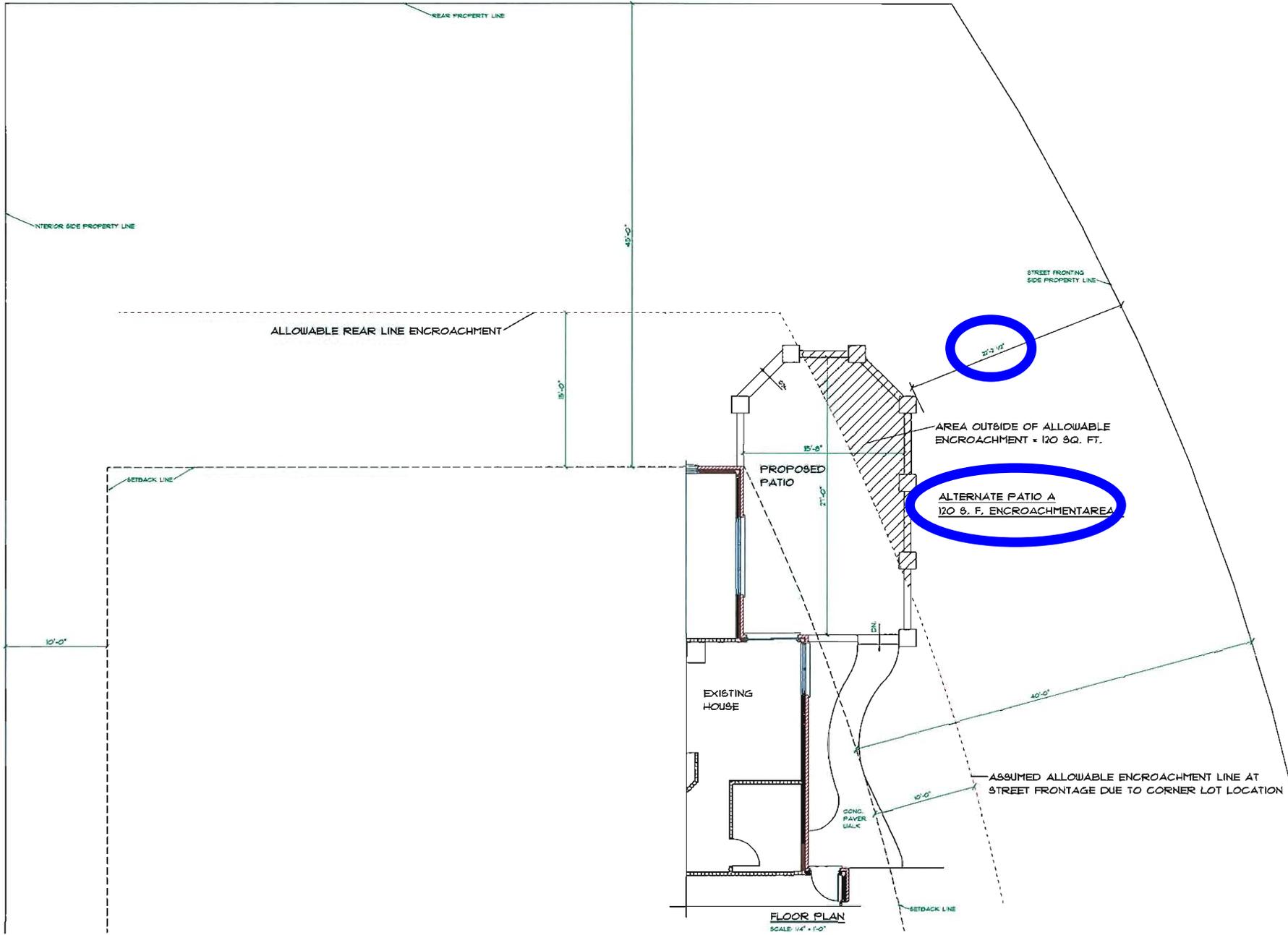
From: "Louis" <louispaull36@comcast.net>
Date: Wednesday, December 08, 2010 11:47 AM
To: <evanspm@troymi.gov>
Subject: Fw: Revised patio Designs - Update

Subject: Fw: Revised patio Designs – Update

Paul,

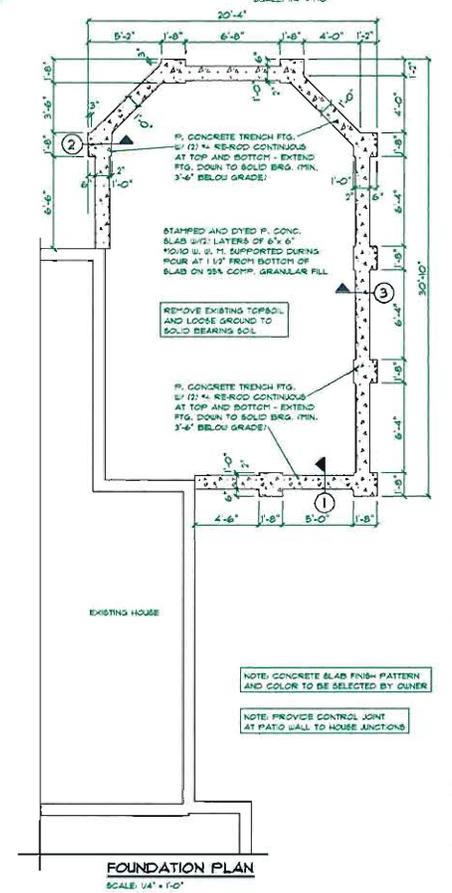
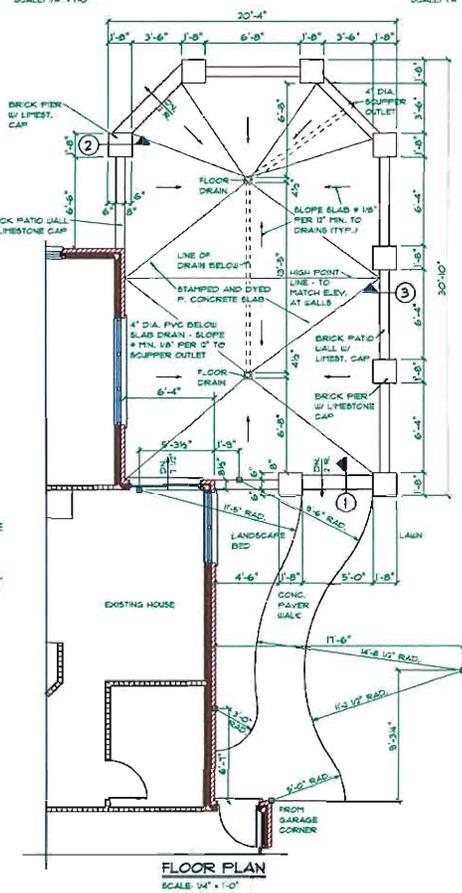
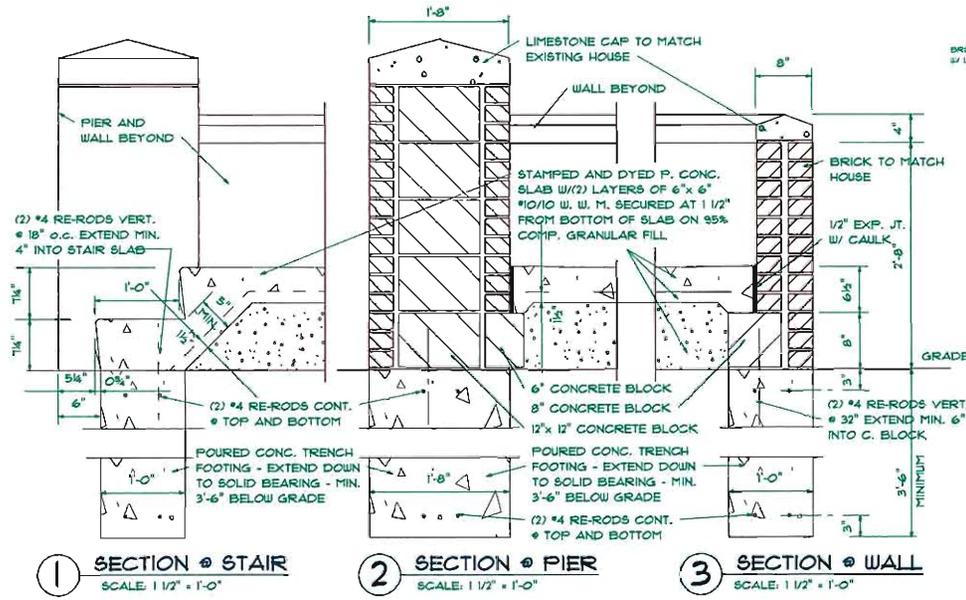
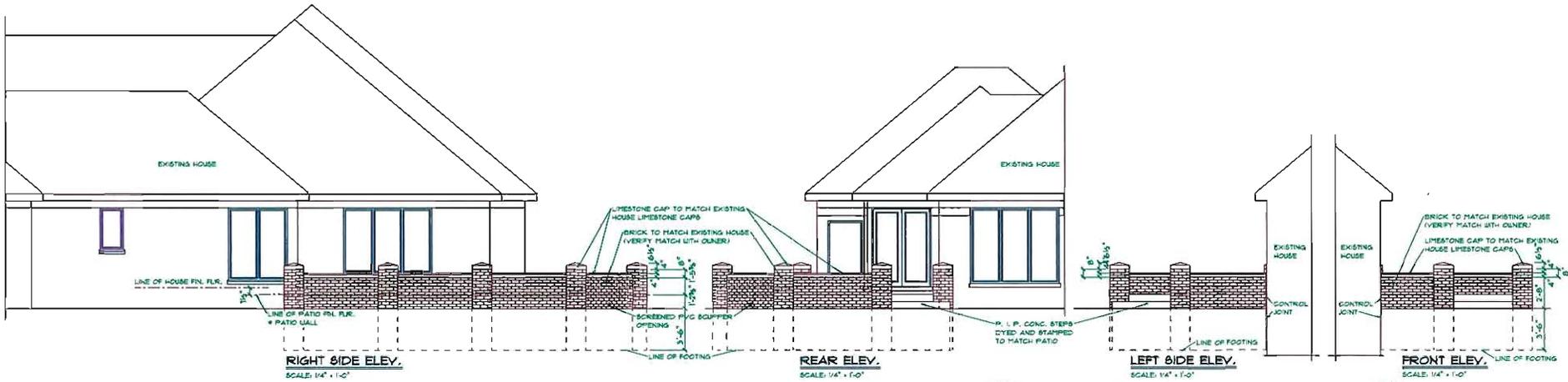
Compared to the original patio layout the attachments I sent before show varied degrees of resizing. The zero encroachment makes the patio not useful. We are not pleased with the 25 or 64 square foot penetration into the allowed 10 foot variance within the set back either. It cuts down on the full utilization of the patio. **Relative to the original 217 square foot proposal, the 120 square foot intrusion, it is the most promising. If the Zoning Board Appeals Committee agrees, we are also willing to add a third tree between two trees on the East side of the city strip which may help to partially conceal the patio. Lastly, we would also be willing add a hedgerow on the surrounding perimeter of the patio to almost obscure it from either the sidewalk or street. The type of shrubs could be boxwood or other slow growing shrubs. The selection of a specific shrub and subsequent plantings is TBD.**

Lou



| | |
|----------|--|
| Revised | |
| 11/9/10 | |
| 10/26/10 | |
| 12/16/10 | |

| | |
|----------|-------------|
| date | job |
| 09/16/10 | 10-005 |
| prelim | const. |
| shc. | A02a |

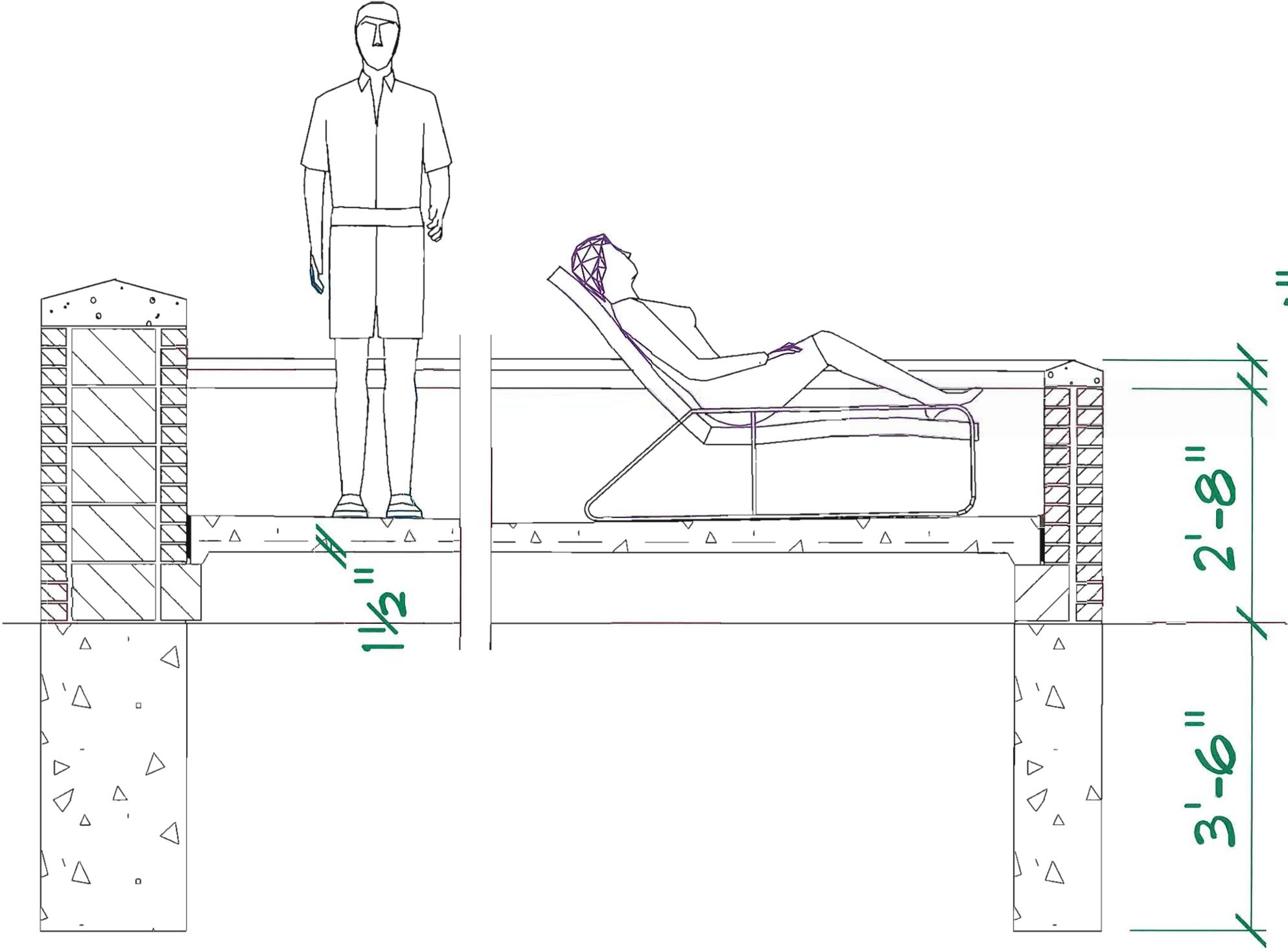


0734 692-2788
ROBERT W. SUMMERS ARCHITECTS
 PLANNERS
 8178 STOUT CROUSE I.E. # 48138

PATIO ADDITION FOR:
LOU PAULL

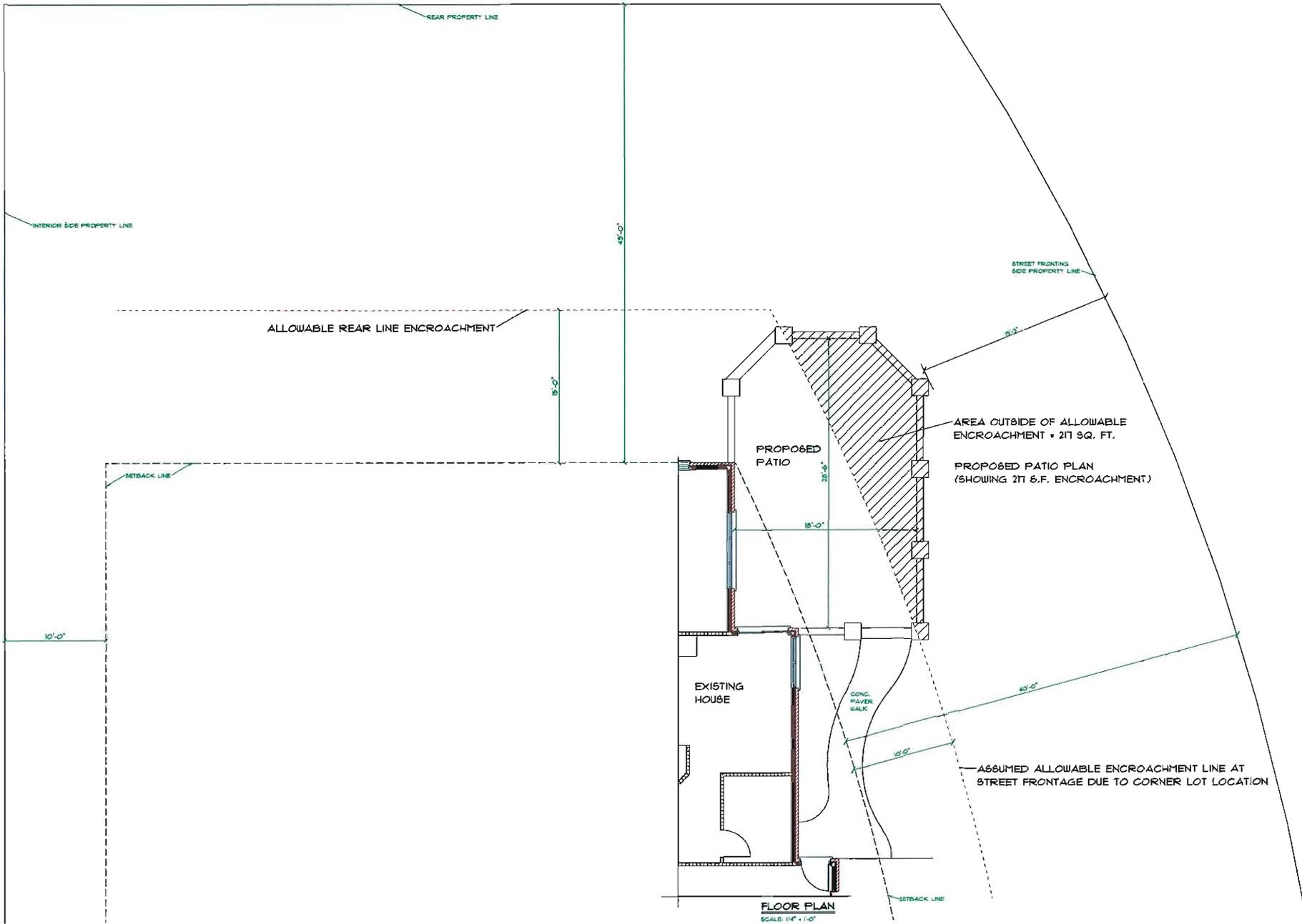
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| date | job |
| 08/16/10 | 10-008 |
| prelim | const. |
| sh. | |

AOI
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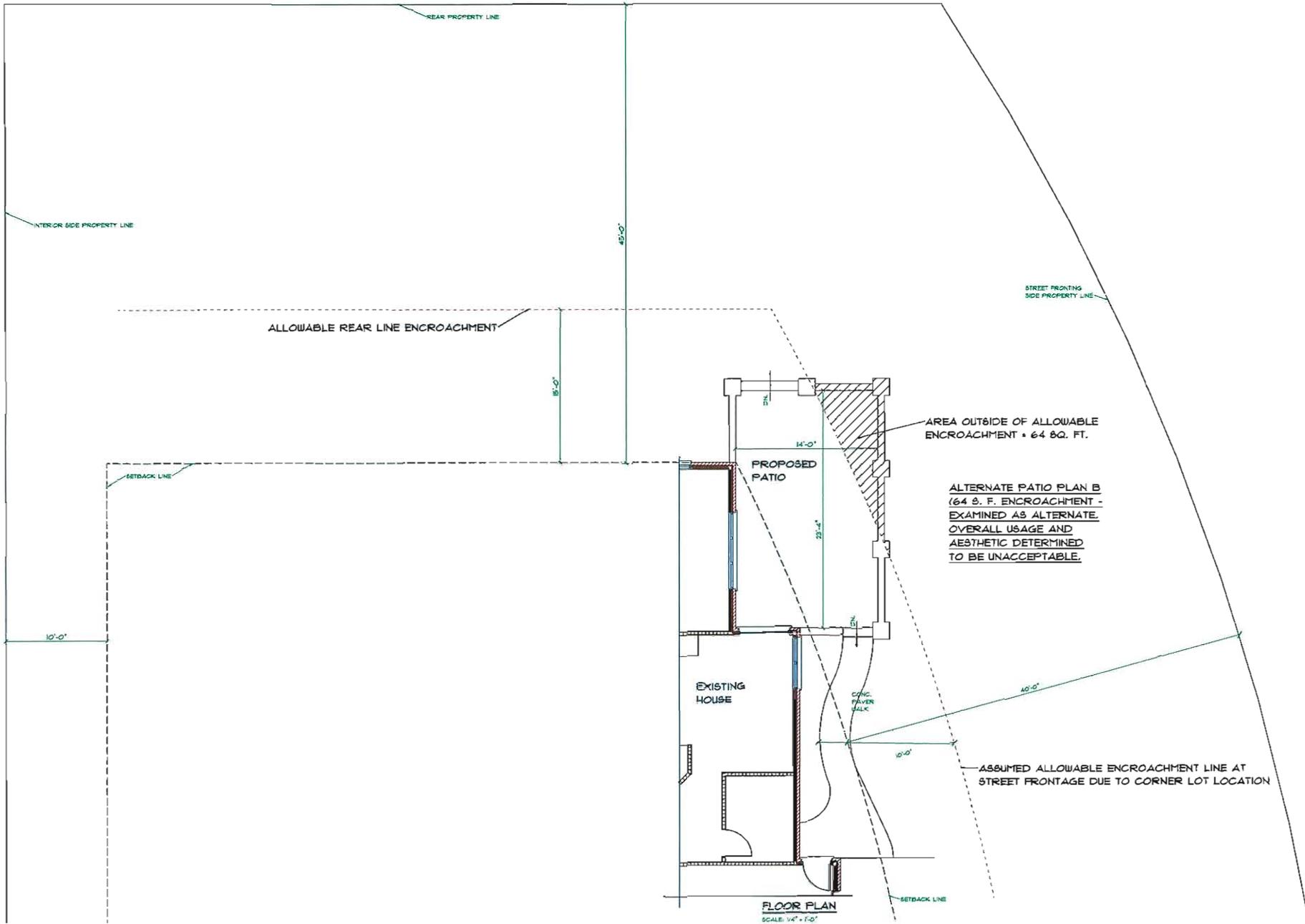
- ALTERNATE PATIO STRUCTURE PLANS PROVIDED BY THE APPLICANT FOLLOW THIS PAGE.
- THESE ARE ALTERNATIVES THE APPLICANT ADVISED STAFF HE CONSIDERED BUT CHOSE AGAINST.
- THE APPLICANT SHOULD BE WILLING TO TESTIFY TO WHY THESE ALTERNATIVES WERE NOT CHOSEN, IF THE BOARD BELIEVES IT IS NECESSARY.

Paul



| revised | date | job |
|----------|---------|--------|
| 1/2/10 | 05/6/10 | 10-001 |
| 10/06/10 | | |
| 12/6/10 | | |

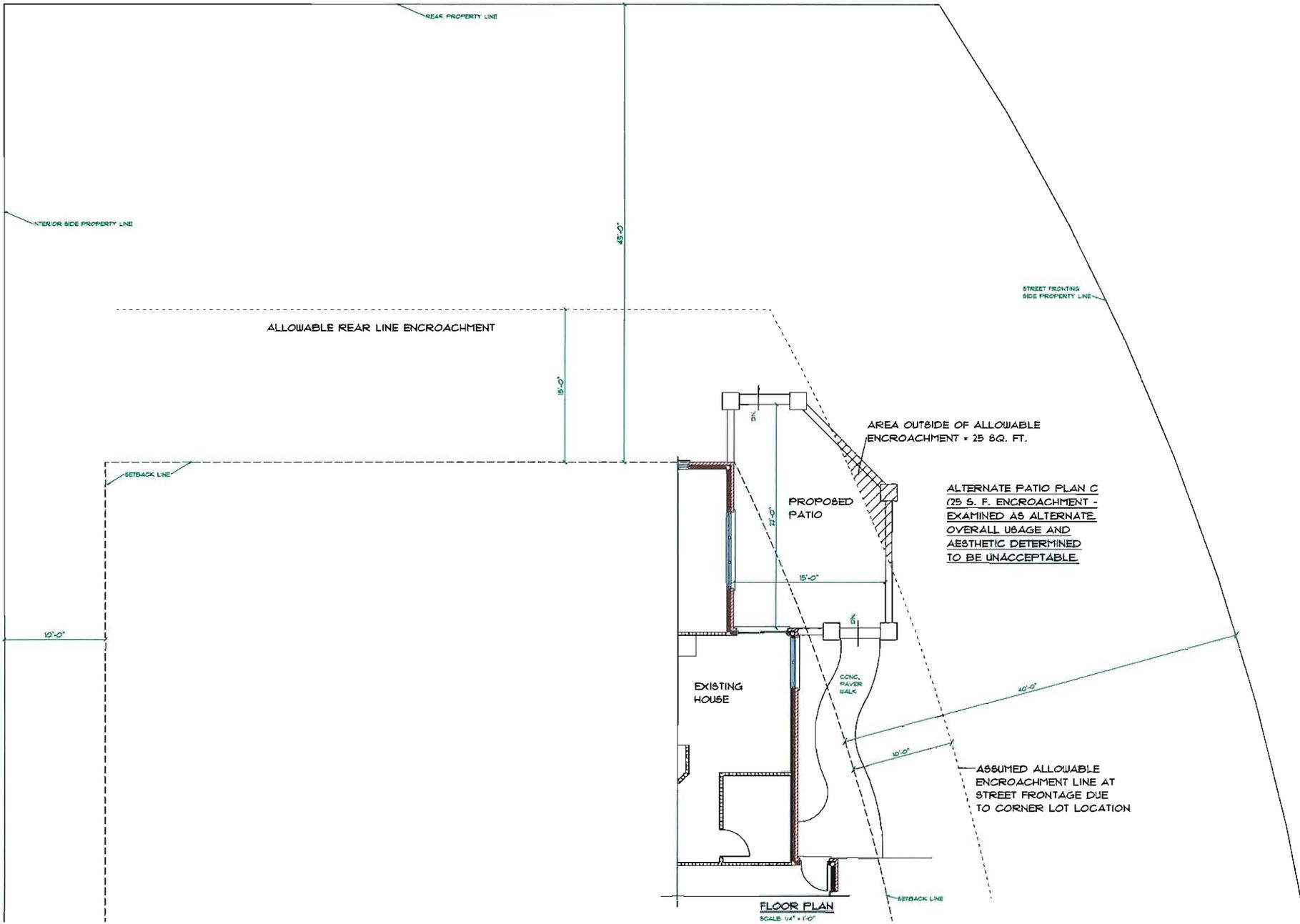
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| prelim | const. |



FLOOR PLAN
SCALE: 1/4" = 1'-0"

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| Revised | |
| 8/2/10 | 10/06/10 |

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| Date | Job |
| 09/16/10 | 10-005 |
| prelim | const. |

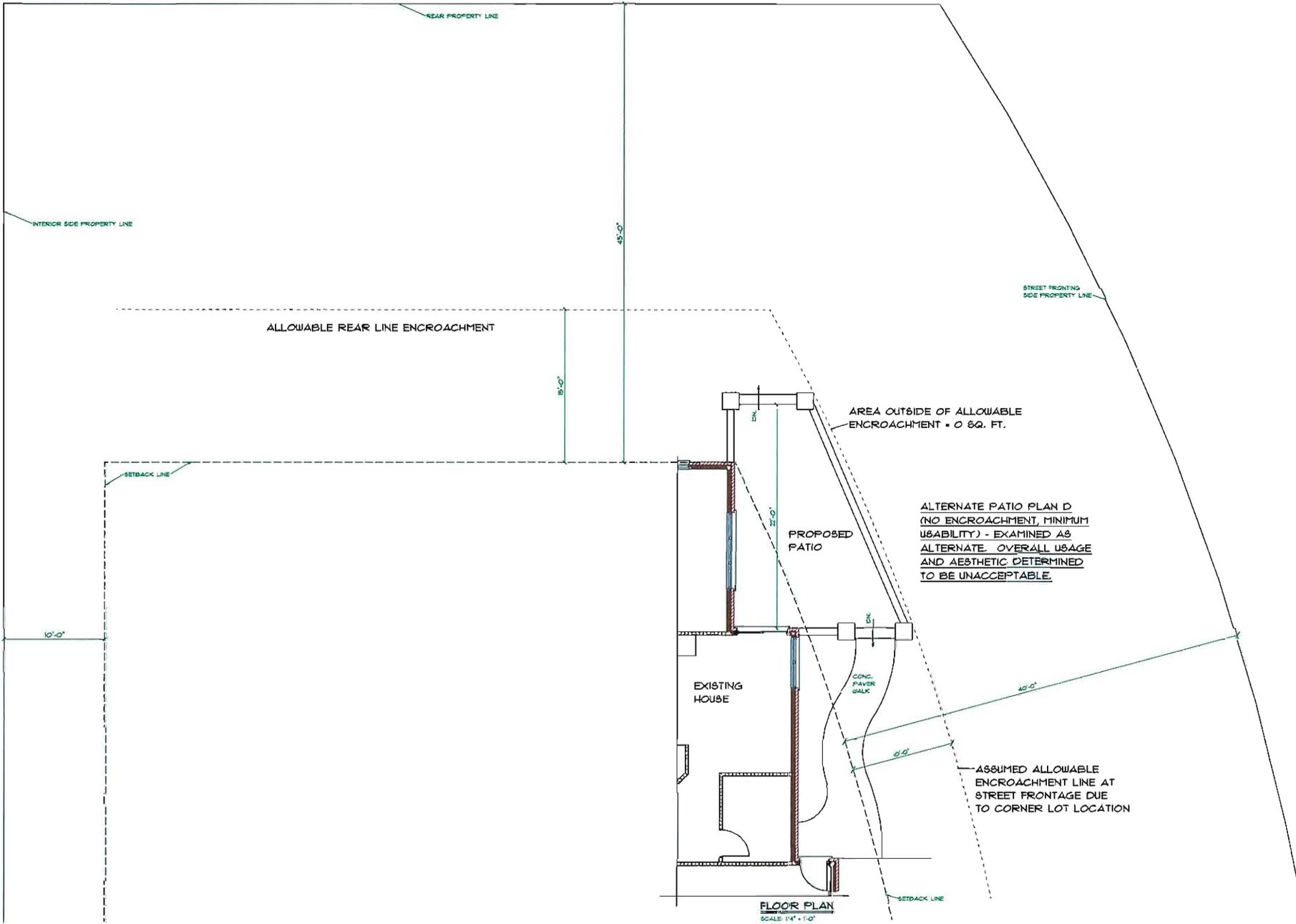


PATIO ADDITION FOR:
LOU PAULL

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| revised | |
| 11/2/10 | |
| 12/08/10 | |
| 12/16/10 | |

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|----------|--------|
| Note | Job |
| 05/18/10 | 10-025 |
| prelim | const. |

sh. **A02c**

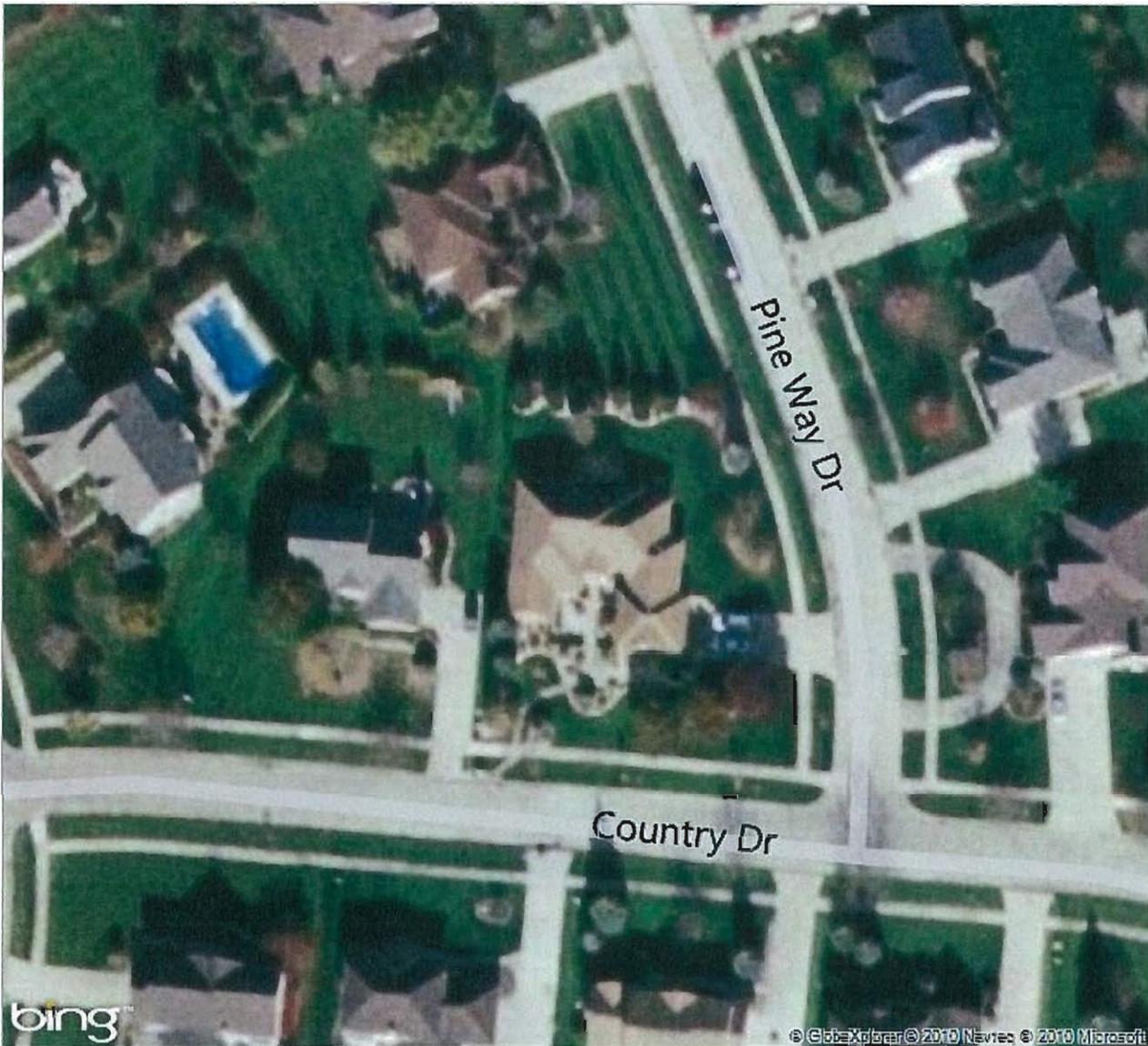


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|----------|--------|
| date | job |
| 05/18/10 | 13-008 |
| des. | const. |
| sh. | |

Bing Maps

My Notes

 **FREE!** Use **Bing 411** to find movies, businesses & more: **800-BING-411**



Bird's eye view maps can't be printed, so another map view has been substituted.



1396 COUNTRY DRIVE

Address ~~6501 Pine Way Drive~~

~~HOUSING~~
SIDE YARD

Save trees. Go green!

Download Google Maps on your phone at google.com/gmm





1396
Address ~~1308~~ Country Drive
~~Address is approximate~~
FRONT YARD

Save trees. Go green!
Download Google Maps on your phone at google.com/gmm





















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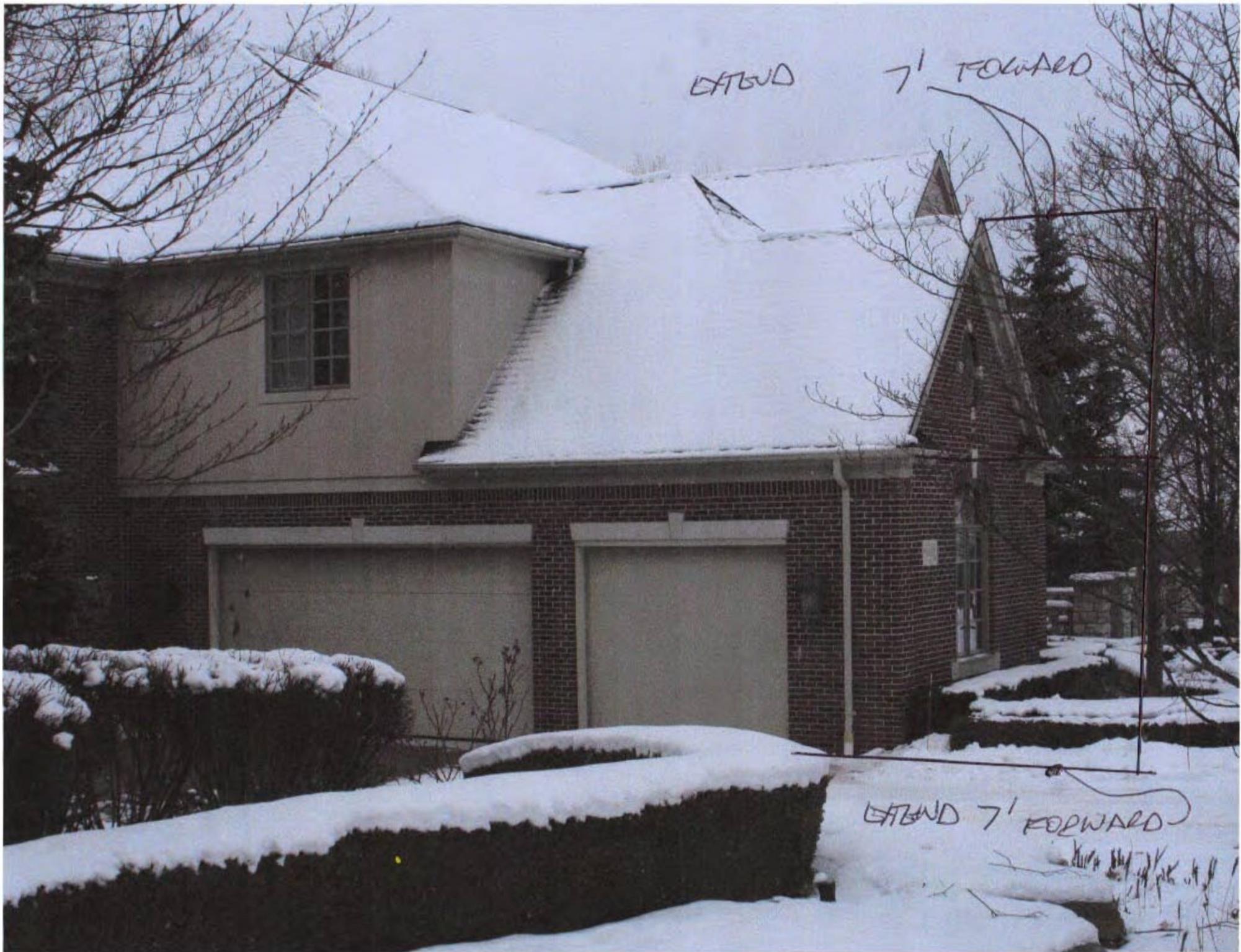
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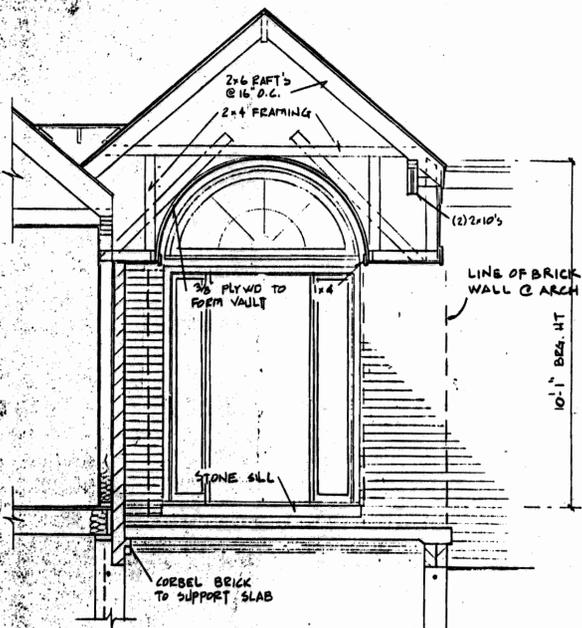
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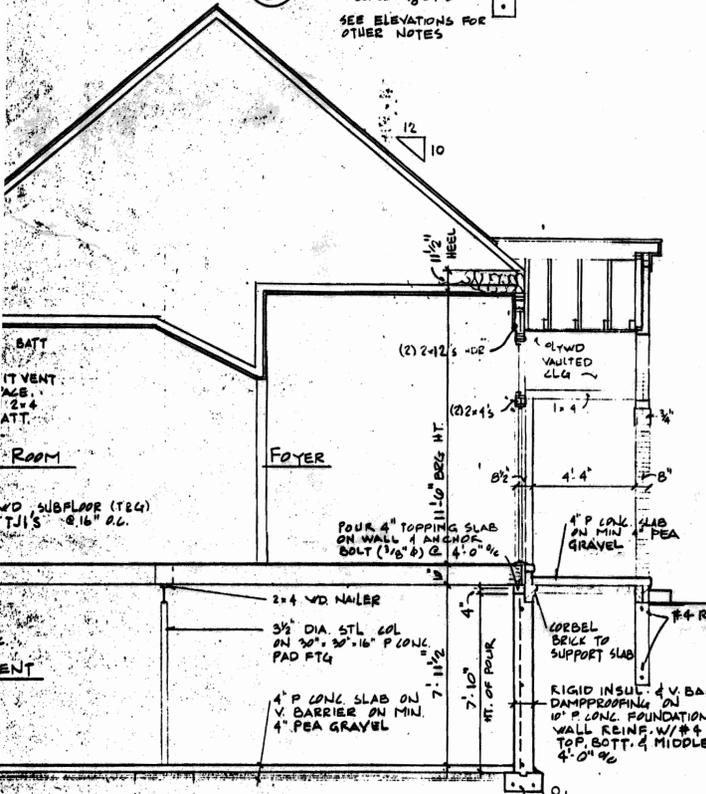
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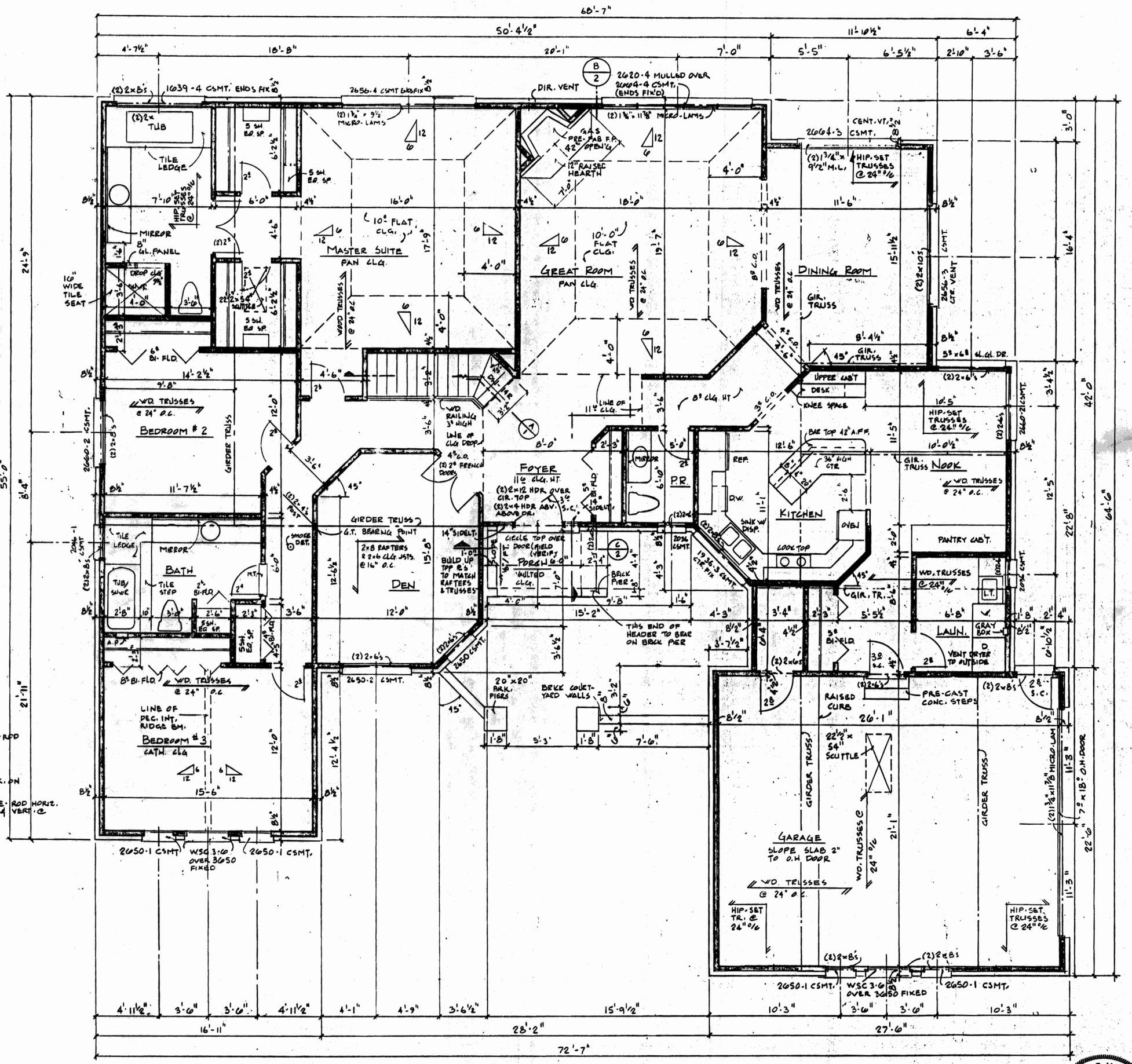




C SECTION C PORCH
 SCALE: 3/8" = 1'-0"
 SEE ELEVATIONS FOR OTHER NOTES



B SECTION
 SCALE: 1/4" = 1'-0"



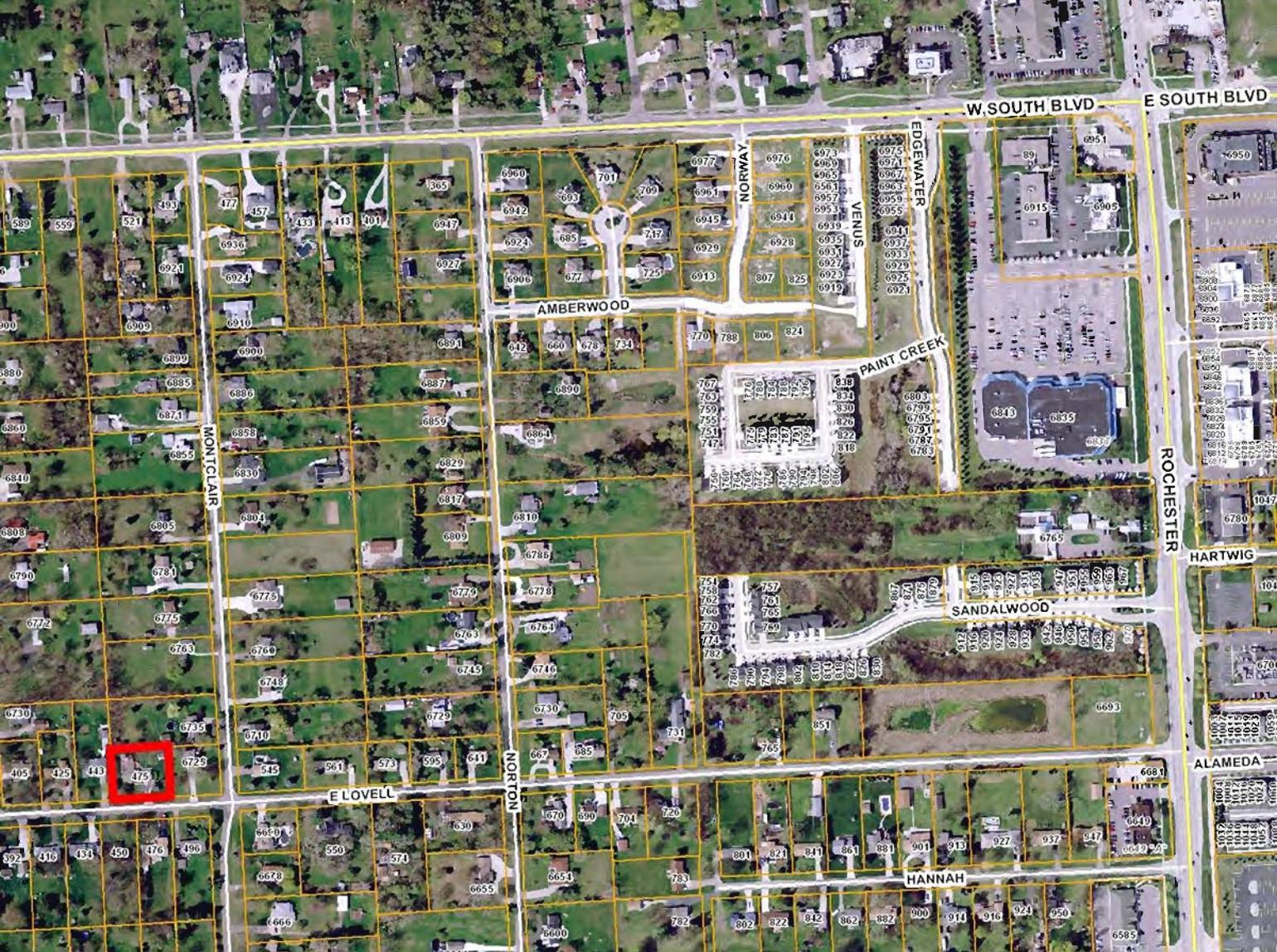
FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



4. HEARING OF CASES

- A. VARIANCE 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



W. SOUTH BLVD

E SOUTH BLVD

MONTCLAIR

NORWAY

PAINT CREEK

ROCHESTER

HARTWIG

ALAMEDA

EDGEWATER

VENUS

AMBERWOOD

SANDALWOOD

HANNAH

E LOVELL

NORTON

483

477

457

433

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401

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CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

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



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

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL. PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.

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

- 1. ADDRESS OF THE SUBJECT PROPERTY: 475 E. Lovell Dr.
LOT NO. 27 SUBDIVISION Basset & Smith Flowing Spring Acres
LOCATED ON THE North SIDE OF (ROAD) Lovell Dr
BETWEEN Liveroia AND Bonchester Rd
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-03-127-024
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 43.74.01
4. REASONS FOR APPEAL: On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO -

6. APPLICANT INFORMATION:

NAME Lary Llewellyn
COMPANY _____
ADDRESS 475 E Lovell Dr.
CITY Troy STATE mi ZIP 48085
TELEPHONE 248-879-5887
E-MAIL hll032@comcast.net

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

8. OWNER OF SUBJECT PROPERTY:

NAME Lary Llewellyn
COMPANY _____
ADDRESS 475 E. Lovell Dr.
CITY Troy STATE mi ZIP 48085
TELEPHONE 248-879-5887
E-MAIL hll032@comcast.net

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, Lary Llewellyn (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 [Signature] DATE 12-16-10

PRINT NAME: Lary LLEWELLYN

SIGNATURE OF PROPERTY OWNER [Signature] DATE 12-16-10

PRINT NAME: Lary LLEWELLYN

December 16, 2010

To Whom It May Concern:

My name is Lary Llewellyn, I am employed by Comcast Cable as a Line Technician CT-5. I am requesting a renewal of my current variance that was granted in January of 2009, allowing me to park my commercial vehicle a Ford F-450 alongside my garage, hidden by shrubbery and disguised by two large pine trees.

As you can see from the picture provided and the previous pictures that were provided that it does not create an "eyesore" for the community, nor have there been any negative complaints from my neighbors. Also, this has allowed me to service the community with quick response times to cable and phone outages. As a reminder I am required to take call for 24 hours a day seven days a week, once every four weeks, but being a home garage technician I am technically on call 365 days per year, minus vacation time, at which time the truck is not at our home, it is returned to Comcast property. Also, being a home garage technician I am marked down on my yearly review for slow response times as well as the disruption of service to the community. If allowed the variance I will again be able to assist coaching my son's baseball team, TBB.

I ask that you would consider a two year variance to this request. I want to thank you for your time and consideration.

Lary D. Llewellyn

A handwritten signature in blue ink, appearing to read "Lary D. Llewellyn", with a long horizontal line extending to the right.

CBW

Contractors

Christian Builders, B&M Builders, Woodward Willis Builders

21115 JOHN R HAZEL PARK MI. 48030

PHONE: 248.545.3720
FAX: 248.545.0167

1/12/10

Larry & Kristin Llewellyn
475 Lovell Dr
Troy, Mi. 48085
248-879-5887

Project: Garage

1. Remove existing bushes & dig 42" footing
2. Remove existing slab and install new
3. Build a 12'x24' garage with 11' wall - match house pitch
4. Install vinyl siding, trim and gutters
5. Install shingles - metal edge and felt
5. Install 10'x10' garage door with door opener
6. Brick face to match as close as possible to existing
7. Electrical - (1) switch and light, (1) outlet and opener outlet
8. Install 5/8" drywall to attached wall and ceiling
9. Haul away all job debris

Price: \$ 19,112.00
(plus cost of permit)

Option:

| | |
|---------------------------------|------------|
| Insulated garage door (add) | \$ 418.00 |
| 14'x11' concrete approach (add) | \$ 1282.00 |

Approved: _____ Date: _____







ITEM #5 – con't.

single family residences and cannot be located on a park site. The property located west of the Church would not comply as it is a park and the property located to the south of this location would also not comply as it is the site of a single family residence.

Mr. Courtney asked Mr. Haley how long it would take to construct this tower if approval is granted this evening.

Mr. Haley stated that they would have to appear before the Planning Commission and once they received a building permit, the tower could be constructed within thirty (30) days.

Mr. Bartnik stated that there is evidence of a need for this tower. The system report indicates a large number of dropped calls. Everyone wants cell phones and equipment is required to support these phones. Mr. Bartnik also stated that it is the constitutional right of the property owner to use their property any way they can within the law and can sell or lease part of their property. Mr. Bartnik indicated that he thought there would be a number of legal problems with the City's setback requirements if this variance was denied and thinks these requirements would be a problem to enforce. Cell towers do not fall down and they don't land on homes. There is no rational explanation of going five times the height of the tower.

Mr. Kempen said that the other carriers are eager to lease space on this tower which is an indicator that it is necessary in this location. Last week, people at Mr. Kempen's home had a number of dropped calls and although Mr. Kempen feels there may be some health issues connected to these towers, the Board cannot act on those concerns.

Vote on motion to approve.

Yeas: 4 – Kovacs, Lambert, Bartnik, Kempen

Nays: 3 – Clark, Courtney, Ullmann

MOTION TO GRANT VARIANCE CARRIED

Mr. Clark called for a five minute recess at 9:05 P.M.

The Board of Zoning Appeals meeting resumed at 9:10 P.M.

ITEM #6 – APPROVAL REQUESTED. LARY LLEWELLYN, 475 E. LOVELL, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

ITEM #6 – con't.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

This item first appeared before this Board at the meeting of December 15, 2009 and action on a standing motion to approve for a six month time frame was postponed to allow the petitioner to: 1) obtain a letter from Comcast indicating the use of this vehicle; and 2) to allow the petitioner the opportunity to bring in an estimate of the cost of constructing a garage.

Ms. Llewellyn was present and read a letter from her husband. Mr. Llewellyn indicated in his letter that he was required to bring the vehicle home for seven (7) days every 4 to 6 weeks as he was on call 24 hours a day. He does have alternative parking available, but it is on 16 and Van Dyke and it would take him too long to go there to pick up this vehicle. The vehicle itself is parked on the side of the house and is screened by shrubbery both on the sides of the vehicle and at the back. Mr. Llewellyn is an assistant coach for the Troy Baseball Boosters and he would have to give up coaching as he would not have enough time to get his vehicle to Sterling Heights and then drive home. Ms. Llewellyn also brought in a letter signed by fourteen of her neighbors indicating their approval of this vehicle.

Mr. Clark asked if any other information had been provided to City Staff.

Ms. Llewellyn stated that they did not look at other areas in the City to park this vehicle as there is alternative parking available. Ms. Llewellyn also brought in an estimate covering the cost of constructing an addition to the existing garage.

Mr. Bartnik asked if bringing this vehicle home was matter of choice or a condition of employment.

Ms. Llewellyn stated that he is on call every four to six weeks and if he is late for an emergency that will affect his evaluations.

Mr. Bartnik stated that Police and Fire are on call most of the time and they are not required to bring their vehicles home. Mr. Bartnik stated that he does not believe it is right for Comcast to require employees to bring trucks home. Mr. Bartnik also stated that approval is granted on a temporary basis and he can see this situation turning into a permanent situation.

Mr. Courtney stated that he does not see that this is a problem and believes that an addition to the garage would make this location more of an eyesore than the truck does. Mr. Courtney also stated that he is not worried about this becoming a permanent situation as the vehicle is very well hidden.

ITEM #6 – con't.

Motion by Kovacs
Supported by Clark

MOVED, to amend the original motion to grant Lary Llewellyn, 475 Lovell, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one year.

- Petitioner has met the criteria listed as “B” and “C”.
- Overwhelming number of neighbors have indicated approval of this request.

Mr. Clark stated that he agrees that this vehicle is very well hidden and that this is a reasonable request.

Mr. Kovacs said that based on liberal interpretation it is unreasonable to expect the petitioner to add on to his garage.

Mr. Kempen stated that it is aesthetically pleasing and the truck is well hidden, but is concerned about setting a precedent.

Vote on motion to approve as amended.

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

MOTION TO GRANT APPROVAL FOR A PERIOD OF ONE-YEAR CARRIED

ITEM #7 – VARIANCE REQUESTED. FRANCO MANCINI, 6693 ROCHESTER ROAD, for relief of the Ordinance to construct a new one-story credit union building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac stated that the petitioner is requesting relief of the Ordinance to construct a new one-story credit union building. The property to the north of this site is in zoned R-1T (One-Family Attached Residential). The property to the west of this site is in zoned R-1C (One-Family Residential). Section 39.10.01 requires a 6' high masonry screen wall between an O-1 (Office Building) zoned development and adjacent residential zoned property. The site plan submitted does not show any screening walls. The board had previously granted approval for relief of the screen walls on this site based upon a different plan to construct an office building on this site.

Mr. Kovacs asked about the history of this request.

Mr. Stimac explained that in 2008 a variance was granted to allow for the development of this parcel and was given a one-year time frame. This was intended to be enough

ITEM #3 – con't.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Variance would not have an adverse effect to surrounding property.

ITEM #4 – VARIANCE REQUEST. CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, 2784 E. SQUARE LAKE, for relief of the 4'-6" high masonry wall required along the east and west sides of off-street parking.

MOVED, to grant Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake, a three (3) year renewal for relief of the 4'-6" high masonry wall required along the east and west sides of off-street parking.

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

ITEM #5 – VARIANCE REQUESTED. WALLACE HALEY, OF HALEY LAW FIRM PLC, 1890 E. SQUARE LAKE (proposed address), for relief of the Zoning Ordinance to construct a 120' high cellular phone antenna tower within 49' of the west property line where the site abuts residentially zoned property. Paragraph C of Section 20.25.01 requires that the setback of the tower from abutting residentially zoned or used property be at least five times the height of the structure, which would mean that this tower would be required to be at least 600' setback from residentially zoned property.

The petitioner was not present.

Motion by Lambert
Supported by Kempen

MOVED, to move this item to the end of the agenda, Item #7 to allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO MOVE THIS ITEM TO ITEM #7 CARRIED

ITEM #6 – APPROVAL REQUESTED. LARY LLEWELLYN, 475 LOVELL, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

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

ITEM #6 – con't.

Mr. Llewellyn was present and stated that he parks this vehicle on the east side of his garage where it is screened by landscaping and shrubbery. Mr. Llewellyn said that he does not believe this vehicle detracts from the property surrounding his and is not aware of any objections from his neighbors. Mr. Llewellyn further stated that the reason he needs the vehicle at his home is because he is on call 24 hours a day 7 days a week and is required by Comcast to respond to an emergency call within thirty (30) minutes.

Mr. Clark asked Mr. Llewellyn to describe this vehicle.

Mr. Llewellyn stated that the body of the truck is the same as an F450 pickup truck and with the boom he believes it is approximately 9' tall.

Mr. Bartnik indicated that it would be helpful if the Board members had pictures of this vehicle.

Mr. Clark asked if Mr. Llewellyn was called out in the middle of the night.

Mr. Llewellyn said that he has been called out approximately three times. He is on call 24/7 for a week at a time.

Mr. Kovacs asked if Comcast was aware of the restrictions of the Troy Zoning Ordinance.

Mr. Llewellyn stated that he had contacted his supervisor and was told that it was up to him to appear before this Board to gain approval to keep this vehicle at home.

Mr. Kovacs asked if Comcast had made any other provisions for the parking of this vehicle.

Mr. Llewellyn said that he could park it in Sterling Heights at the Comcast facility located on Van Dyke.

Mr. Kovacs asked where most of Mr. Llewellyn's calls were.

Mr. Llewellyn stated that the bulk of his jobs are in Macomb County, but that he could be called to go anywhere.

Mr. Lambert addressed the requirements for approval of commercial vehicles as dictated by City Council and asked Mr. Llewellyn if had looked into the possibility of building a garage, or adding to the existing garage.

Mr. Llewellyn stated that right now it was not financially feasible to add another accessory building and also stated that power lines run through his property which would make the addition of a garage difficult.

ITEM #6 – con't.

Mr. Kovacs asked who owned this truck and Mr. Llewellyn stated that Comcast owns the truck but it is his option to bring the truck home.

Mr. Kovacs said that it doesn't make sense because of the fact that Mr. Llewellyn does not own this vehicle.

Mr. Stimac explained that the Zoning Ordinance does not dictate the ownership of the vehicle, but rather the owner of the property. Mr. Kovacs said that he feels this is a very unusual situation.

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 are no objections on file.

Motion by Bartnik
Supported by Courtney

MOVED, to deny approval requested by Lary Llewellyn 475 Lovell for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

- Comcast is asking permission to break the Ordinance and should be the petitioner on the request.

Mr. Bartnik stated that the reason he moved to deny this request is because he finds it offensive that Comcast requires the petitioner to bring this vehicle home rather than leave it at his work place.

Mr. Courtney stated that he believes that Comcast provides this vehicle to its employees so that they do not have to buy a second car. The bulk of the service coverage for the petitioner is in Macomb County.

Mr. Clark stated that he believes this vehicle is very well hidden. Mr. Clark also said that he has friends that have on-call jobs and he does see a problem with this vehicle. Mr. Clark also stated that he would like to see more pictures.

Mr. Bartnik said that Comcast is one of the largest corporations in the world and they should not be allowed to break the law. This is not the petitioner asking for approval it is Comcast.

Mr. Kovacs said that he agrees with what Mr. Bartnik is saying and is struggling with the vehicle in this area. Mr. Kovacs asked how far away the Comcast storage facility is.

ITEM #6 – con't.

Mr. Llewellyn stated that is approximately 7 or 8 miles and is located on Van Dyke near 15 mile.

Mr. Kovacs said that most people drive at least that far to get to work and does not believe that is a hardship. Mr. Kovacs also stated that he understands that Mr. Llewellyn is on call but thinks it is reasonable for Mr. Llewellyn to drive this distance to pick up his truck.

Mr. Llewellyn said that they are required to respond to an emergency situation within 30 minutes of the call and if it takes him longer to respond, that will be reflected at the time he receives his evaluations from Comcast.

Mr. Kovacs said that he understands where Mr. Bartnik is coming from. Comcast is the one asking the petitioner to break the law. Mr. Kovacs said that he would like to see this request postponed for thirty (30) days in order for the petitioner to either bring in a representative from Comcast or to bring in something in writing from Comcast.

Mr. Llewellyn said that he had spoken to his supervisor and was told that he was on his own regarding this appeal.

Mr. Courtney asked if Comcast requires their employees to bring their vehicles home.

Mr. Llewellyn said that he has the option to either bring it home or park it in the storage lot in Sterling Heights.

Mr. Ullmann stated that there is an alternative parking spot for this vehicle and believes this request is unreasonable. There are no Comcast people before this Board protecting their interest and believes this is Comcast's problem, not Mr. Llewellyn's.

Mr. Lambert asked how long Mr. Llewellyn has owned this home. Mr. Llewellyn stated that they have lived in Troy approximately four and one-half years. Mr. Lambert then asked if this vehicle has always been in this location and Mr. Llewellyn stated that it has.

Mr. Kempen stated that he believes Mr. Llewellyn has met the criteria listed as "C" and asked about alternative locations or adding a larger garage.

Mr. Llewellyn said that he had looked at building another garage but it is much too expensive.

Mrs. Llewellyn said that she was quite upset with this Board's reaction to this request as there are a number of very large recreational vehicles as well as other commercial vehicles parked in the area. Furthermore, there are a number of homes on this street that are not kept up.

ITEM #6 – con't.

Mr. Bartnik told Mrs. Llewellyn to call the Building Department to report these violations.

Vote on motion to deny this request.

Yeas: 2 – Ullmann, Bartnik

Nays: 5 – Kovacs, Lambert, Clark, Courtney, Kempen

MOTION TO DENY REQUEST FAILS

Motion by Bartnik

Supported by Kempen

MOVED, to grant Lary Llewellyn, 475 Lovell, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of six (6) months.

- Petitioner has met the criteria listed as “B” and “C”.

Mr. Bartnik went on to say that the reason he recommended six (6) months is because he feels it is unconscionable that Comcast would ask an employee to do this. Mr. Bartnik also stated that he feels somebody should respond from Comcast.

Mr. Courtney said that he would like to see this request postponed until January to allow Comcast to clarify its position.

Mr. Motzny stated that it is at the Board's discretion to postpone this request.

Motion by Courtney

Supported by Kovacs

MOVED, to postpone the request of Lary Llewellyn, 475 Lovell for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property until the meeting of January 19, 2009.

- To allow the petitioner to obtain a letter from Comcast indicating the use of this vehicle.
- To allow the petitioner to bring in an estimate of the cost of constructing a garage.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF JANUARY 19, 2009 CARRIED

4. HEARING OF CASES

- 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.

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

QUILL CREEK

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OTTAWA

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6407

NORTON

QUILL CREEK

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(L-1B)

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OTTAWA

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REC'D

NOV 24 2010

CITY OF TROY

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: planning@troymi.gov
http://www.troymi.gov/Planning



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

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL. PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.

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

1. ADDRESS OF THE SUBJECT PROPERTY: 691 OTTAWA, TROY
LOT NO. 14 SUBDIVISION GOLF ESTATES
LOCATED ON THE NORTH SIDE OF (ROAD) OTTAWA
BETWEEN AND

ACREAGE PROPERTY: Attach legal description if this an acreage parcel See ATTACHED

2. PROPERTY TAX IDENTIFICATION NUMBER(S):

3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: 39.40.56.03 / 39.40.55.1

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: N/A

6. APPLICANT INFORMATION:

NAME DAN Simionescu
COMPANY _____
ADDRESS 691 OTTAWA
CITY Troy STATE MI ZIP 48085
TELEPHONE (248) 828-4287 / (248) 840-2338
E-MAIL _____

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

SAME

8. OWNER OF SUBJECT PROPERTY:

NAME SAME
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, DAN Simionescu (PROPERTY OWNER) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT  DATE 11-24-10

PRINT NAME: DAN Simionescu

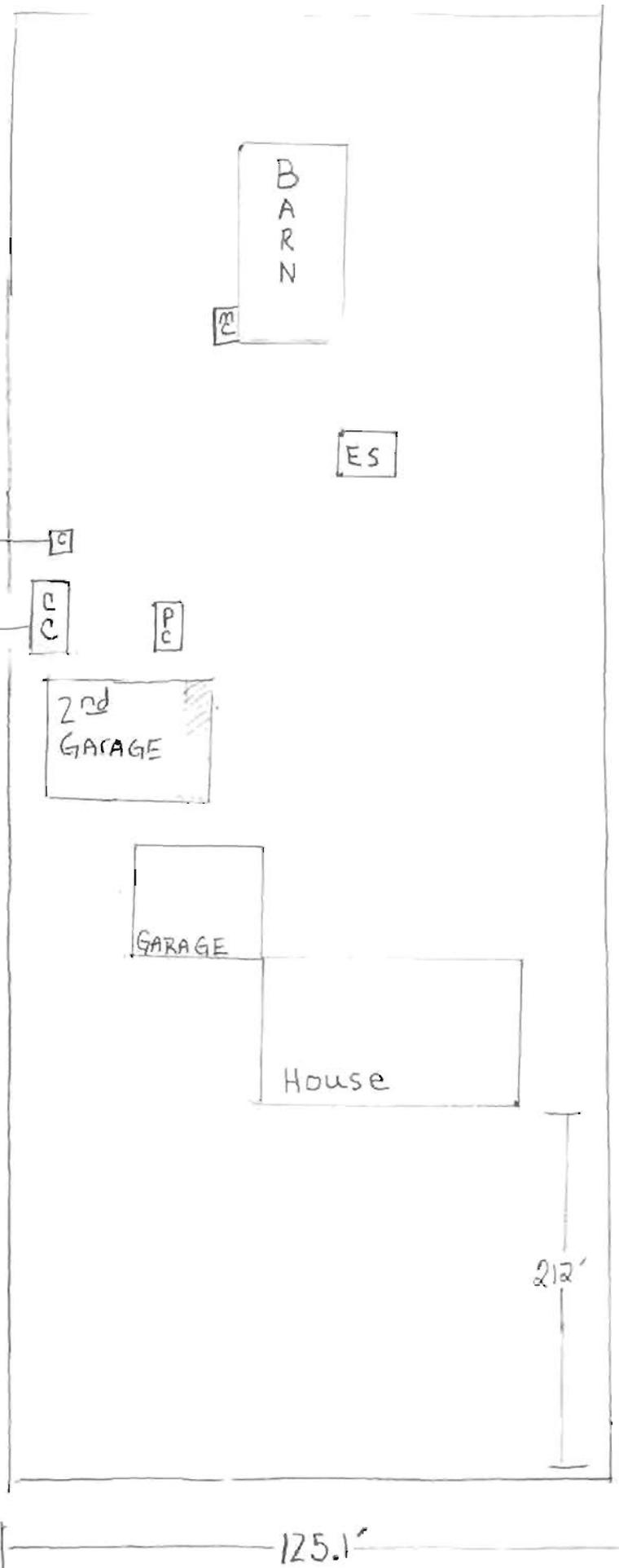
SIGNATURE OF PROPERTY OWNER _____ DATE _____

PRINT NAME: _____

distance
from
property
line

18'

4.5'



| | |
|---------------------------------|-----------------|
| BARN 30 x 48 | 1440 |
| MANURE Covering 8 x 8 | 64 10' High |
| Element Shelter 18.5 x 20 | 370 13' High |
| Chicken Coop 10 x 12 | 120 8' High |
| Pigeon Coop 4 x 7 | 28 8' High |
| Coop 4 x 5 | 20 6' High |
| 706.8' 2nd GARAGE 30 x 48 | 1440 |
| GARAGE & HOME | 3852 |

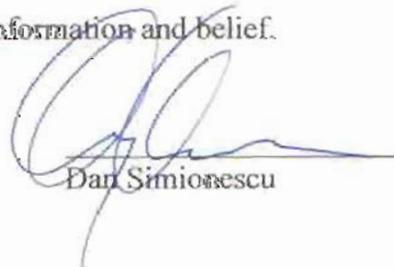
691 OTTAWA

Mr. Simionescu is requesting that a zoning variance (exceeds area requirements for Accessory Buildings) be granted for the Animal Shelter (370 sq. ft.). This Animal Shelter was erected in 1996 to provide Shade, a Dry Area to feed the horses, as well as Coverage during storms while the horse stalls are cleaned or while they are left to run/exercise.

In 2003, Mr. Simionescu appeared before this board requesting a variance to construct a Barn. At that time, the subject Animal Shelter was already constructed and in place. Several board members, as well as the adjoining neighbors all viewed the proposed Barn (with the existing subject Animal Shelter) and approved same. In fact, at the time of the Barn's approval, there also existed a Goat Shelter (80 sq. ft.). Since that time, the Goat Shelter was removed. It should be pointed out that since the time of the last variance request (Barn-2001), which was granted, there has not been any new construction or additions to the subject property. Rather, there has in fact been a reduction, due to the removal of the then existing Goat Shelter (80 sq. ft.).

There would be a significant hardship on Mr. Simionescu should this requested variance be denied. If denied, the horses would have to be removed, as it is critical to their health, safety and well being. Or, the newly constructed Barn would have to be torn down so as to conform to the total allowable sq. ft. for accessory buildings.

All of the above statements are true to the best of my information and belief.



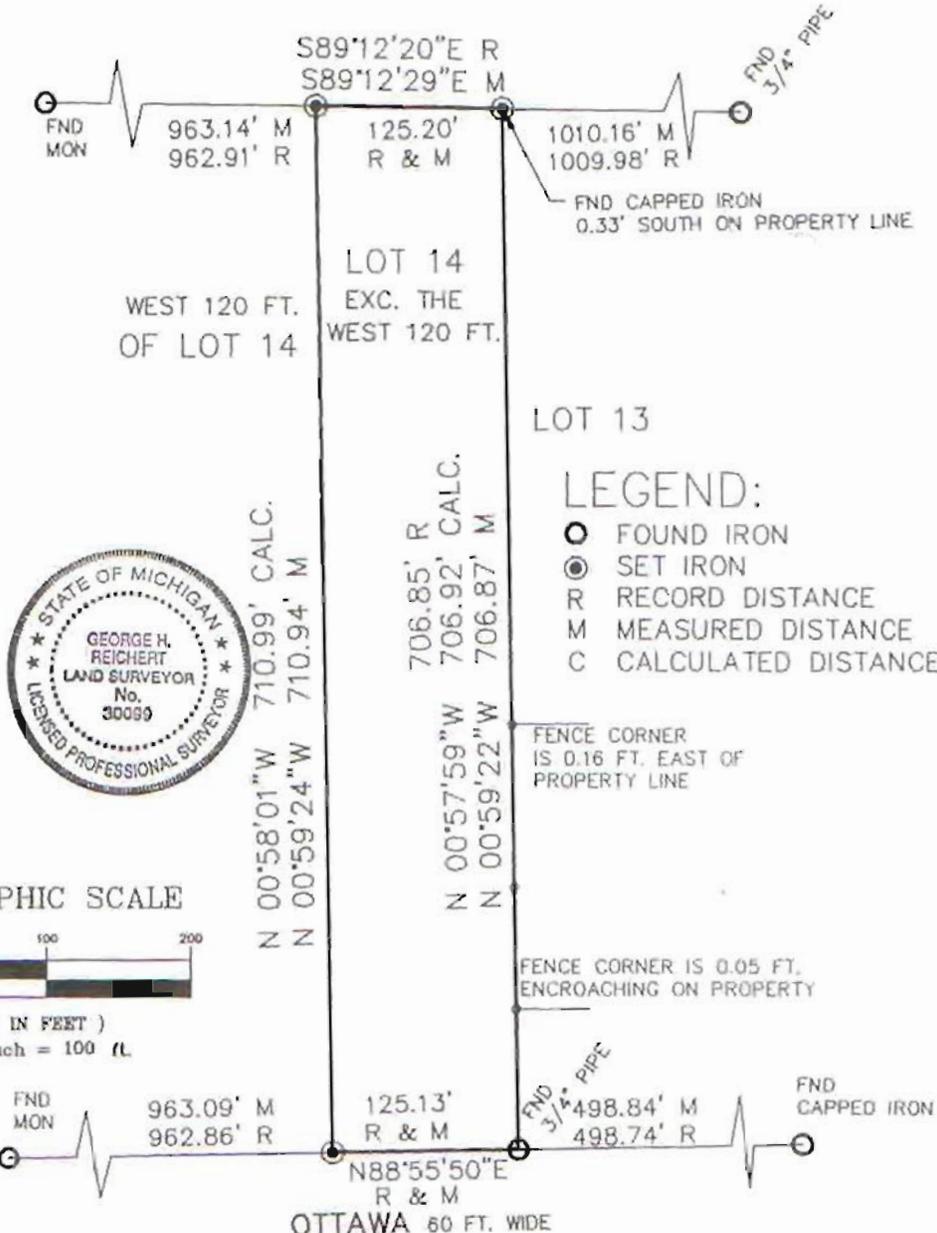
Dan Simionescu

Dated: November 24, 2010

CERTIFICATE OF SURVEY

LOT 14 EXCEPT THE WESTERLY 120 FT. OF "GOLF ESTATES"

A SUBDIVISION OF PART OF THE S.E. 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS.



I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND DESCRIBED ABOVE ON JUNE 25, 2001 AND THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS GREATER THAN 1:10,000 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

BASIS OF BEARING: NORTH LINE OF OTTTAWA RD PER PLAT

*Law Offices
of
BRIAN A. CARRIER, P.L.L.C.*
45670 Village Blvd.
Shelby Township, MI 48315
Phone (586) 566-6000
Fax (586) 532-6104

BRIAN A. CARRIER

January 12, 2011

BOARD OF ZONING APPEALS APPLICATION

500 West Big Beaver Road

Troy, MI 48084

RE: Dan Simionescu- 691 OTTAWA

ADDENDUM

Attached hereto, and made a part of Mr. Dan Simionescu's Application for Variance, dated November 24, 2010, please find:

1. Detailed drawing of all accessory buildings including:
 - a. Size;
 - b. Height;
 - c. Location from property line;

Additionally, included herewith, are photos of all accessory buildings.

Very truly yours,

Brian A. Carrier

BZA Hearing 691 Ottawa – Paul Evans note:

He actually needs less of a variance than published. See the highlighted text and spreadsheet that follows. I will point this out at the meeting.

Thanks.

ACCESSORY FLOOR AREA SUMMARY PROVIDED BY CITY

| TYPE | LENGTH | WIDTH | TOTAL | NOTES | PERMIT NUMBER |
|--|--------|-------|-------------|---|---|
| Barn | 30 | 48 | 1440 | Variance granted 7/19/01 for 38 x 40 bldg. | PB2001-0801 |
| 2ND garage | 30 | 48 | 1440 | | B96-0146 |
| Manure covering | 8 | 8 | 64 | | none (None asked for at time of construction) |
| Element shelter | 20 | 18.5 | 370 | Permit application denied & advised variance would be necessary in 2003 | NONE |
| Chicken Coop | 10 | 12 | 120 | 4.5' SETBACK (1.5 foot VARIANCE REQUIRED) | NONE |
| coop | 4 | 5 | 20 | | NONE |
| Pigeon coop | 4 | 7 | 28 | | NONE |
| TOTAL | | | 3482 | | |
| HOUSE GROUND FLOOR AREA PER ASSESSING DEPARTMENT | | | 2336 | | |
| VARIANCE REQUIRED | | | 1146 | | |
| COMBINED ALL ACCESSORY BUILDINGS ALLOWED | | | 2227 | | |
| ORIGINAL VARIANCE CALCULATION | | | 1255 | | |

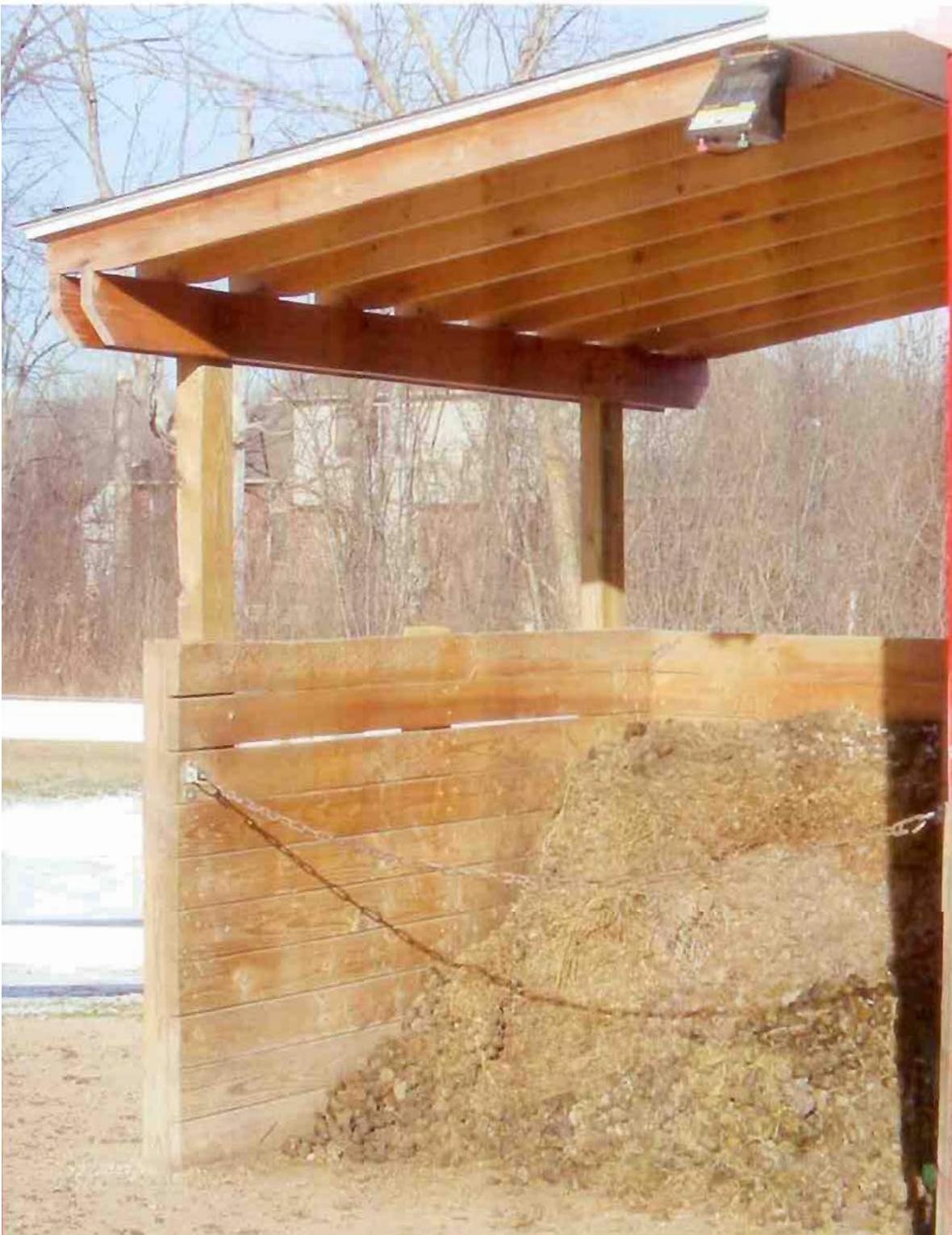
The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. **However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.**



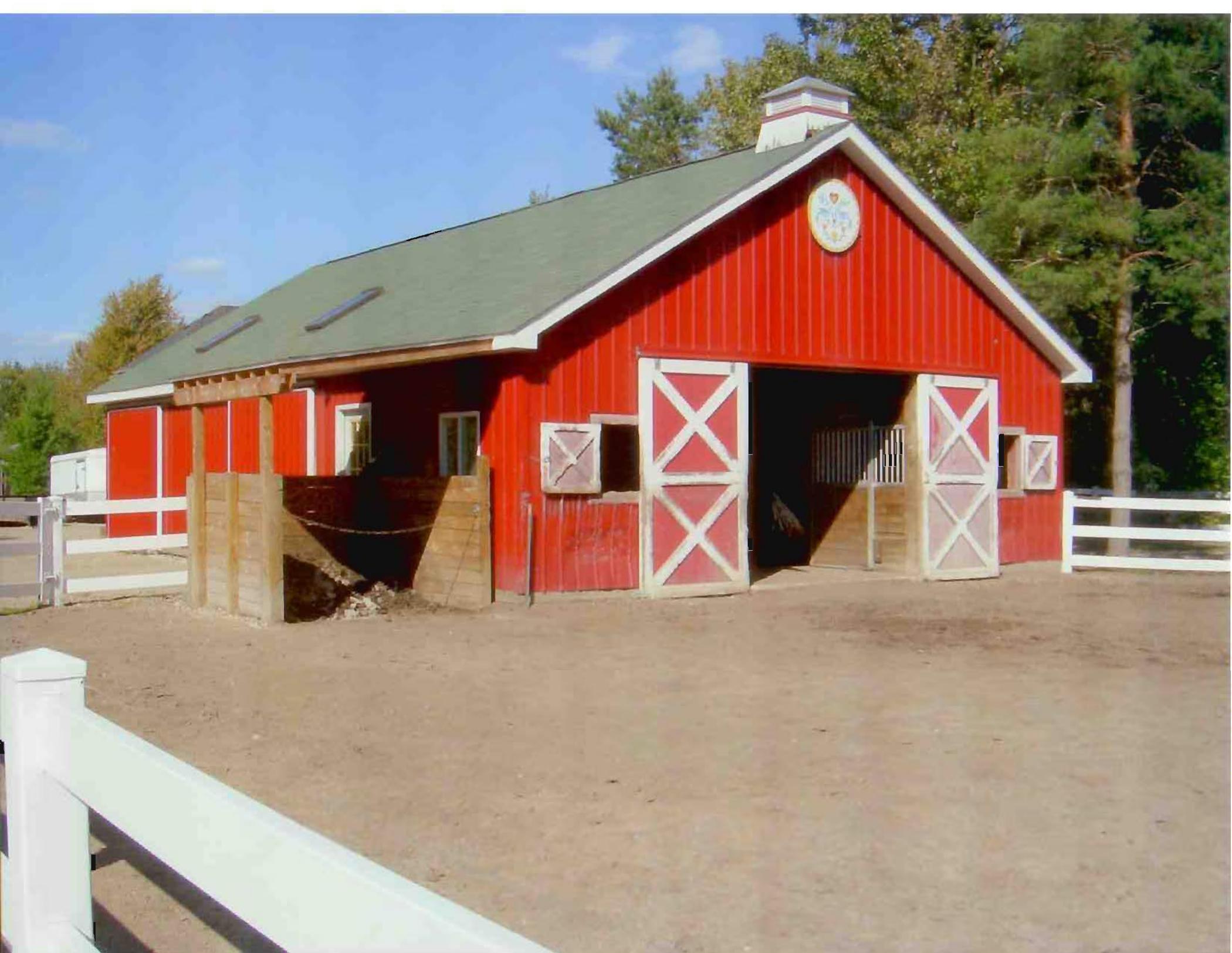


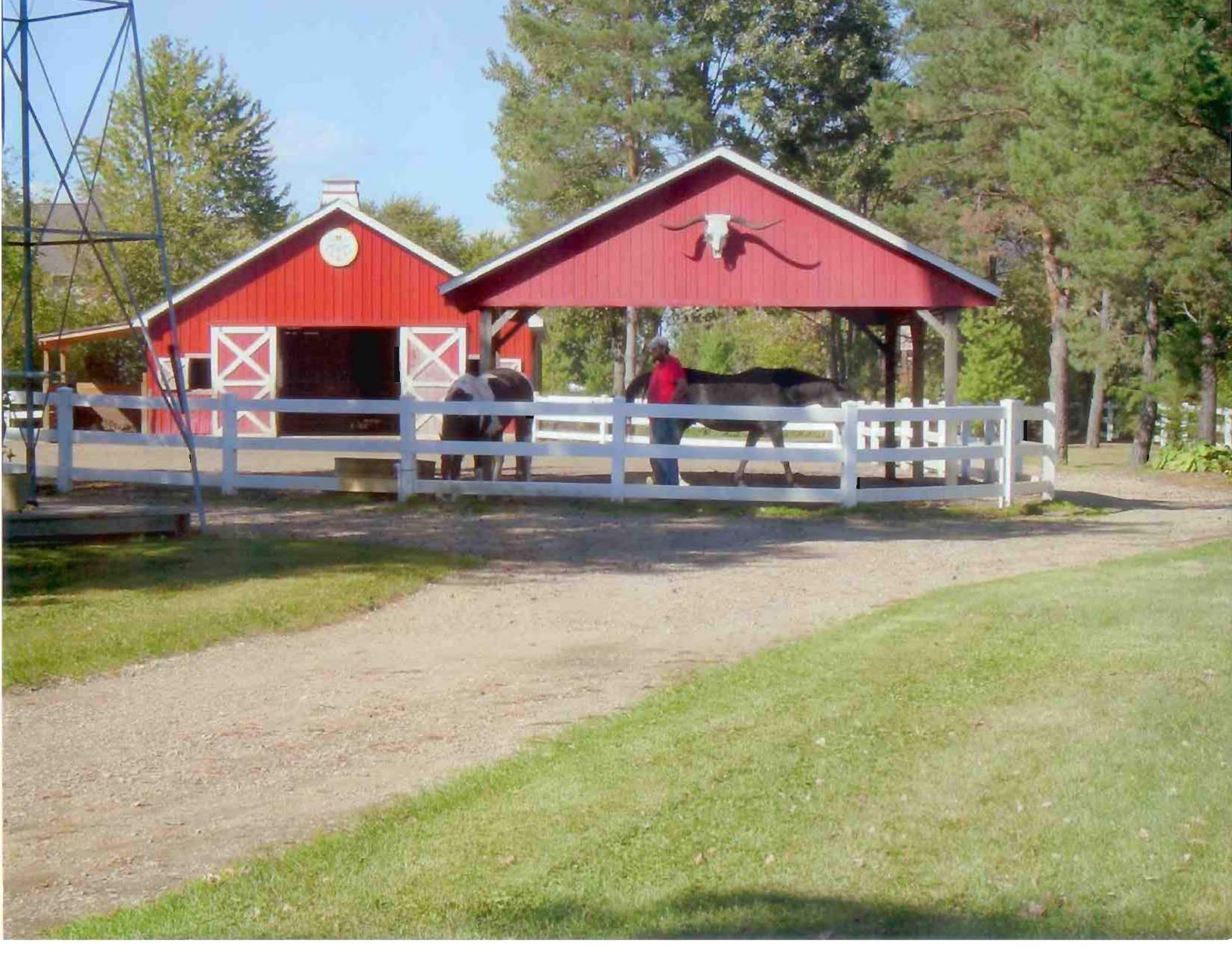












The Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, June 19, 2001.

PRESENT: Kenneth Courtney
Christopher Fejes
Michael Hutson
Matthew Kovacs
Mark Maxwell
David Waller

ALSO PRESENT: Mark Stimac
Bob Davisson
Pam Pasternak

ABSENT: Marcia Gies

The Building Department had received a letter from Mrs. Gies stating that she would be out of town for this meeting.

Motion by Courtney
Supported by Maxwell

MOVED, to excuse Mrs. Gies from this meeting as she is out of town.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO EXCUSE MRS. GIES CARRIED

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF MAY 15, 2001.

Motion by Courtney
Supported by Maxwell

MOTION to approve the minutes of the meeting of May 15, 2001 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Courtney, Fejes
Abstain: 1 – Waller

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 15, 2001 AS WRITTEN.

ITEM #2 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance to permit 2960 square feet of accessory buildings where 1866 square feet are permitted by Section 40.57.04 and for approval to construct a barn per Section 40.57.10.



ITEM #2

Mr. Stimac explained that Mr. Simionescu is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

This item first appeared before the Board of Zoning Appeals at the meeting of May 15, 2001 and was tabled until this meeting to allow the Board members to take a closer look at this property to determine the hardship. This tabling also was to allow the petitioner to determine if he could decrease the size of his request and to allow him to present to the Board an interior layout showing why a building of this size is required.

Mr. Simionescu stated that his property is more than 2-acres and requires a large amount of lawn equipment for its maintenance. He further stated that he has a trailer, snow blowers and a tractor. He stated that he would also like to be able to use this building to store his hay. Mr. Simionescu also said that due to the placement of this barn it would not be visible to any of his neighbors, and would help to eliminate some of the mud that is created by the pen that he now keeps his animals in. Mr. Simionescu brought in pictures and a layout of the interior of the proposed barn. He stated that he had tried to work out a request for a smaller variance, but was unable to figure out how he could work everything into a smaller building.

Mr. Courtney asked Mr. Simionescu if he presently had two garages and Mr. Simionescu stated that he did. He parked cars in one and used the other for his tractor and in inclement weather, this building was used to house the animals.

Mr. Maxwell asked Mr. Simionescu to describe what kind of animals he had and Mr. Simionescu said that he has a horse, a donkey, two goats and a sheep. Mr. Maxwell then asked if Mr. Simionescu thought he could care for the animals properly without this building, and Mr. Simionescu stated that he feels they would get the best care if he had somewhere to house them in both the extreme heat and extreme cold.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Hutson stated that he did not feel there was a physical hardship with the land and Mr. Simionescu stated that he couldn't get full use of this property without this variance. Mr. Maxwell stated that he feels that this is a very unique situation and that Mr. Simionescu's property can easily support this extra accessory building. Mr. Fejes stated that he had hoped that Mr. Simionescu would have come back to the Board with a request for a lesser variance request and Mr. Simionescu said that he had attempted

ITEM #2

to develop a plan asking for a smaller building, however, he feels that he needs this size of building to store everything he has.

Motion by Maxwell
Supported by Waller

MOVED, to grant Mr. Dan Simionescu relief of the Zoning Ordinance to construct an accessory building that will result in a total of 2960 square feet of accessory buildings where 1866 square feet are permitted and relief of the Zoning Ordinance to construct a barn.

- Property is large enough to support this building.
- Variance would not have an adverse effect on surrounding property.
- Barn would not be visible to surrounding neighbors.
- This variance is not contrary to public interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes
Nays: 2 – Hutson, Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. MARC DYKES REPRESENTING HOME PROPERTIES, 2003-2281 LOVINGTON for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line where a six foot setback is required by Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct carports at Canterbury Square. Section 40.57.05 requires a 6' minimum setback from an accessory building to any side or rear property line. The site plan submitted indicates the proposed carports constructed right up to the north and east property lines.

Mr. Marc Dykes representing Home Properties was present and stated that they are attempting to update this property and also provide amenities for the people who rent the apartments at this location. Mr. Dykes stated that they plan to have the carports back up to the existing 5' high screening wall, which will help to improve the appearance of these carports. Mr. Dykes further stated that the property to the north is currently zoned multi family.

Mr. Hutson asked Mr. Dykes if there was parking along the front of the apartments and if carports are constructed in this area. Mr. Dykes stated that they did not want to put carports in the front of the apartments in order to preserve the look of the buildings, as

ITEM #3

well as to keep the landscaping intact. Mr. Hutson then asked what the physical characteristics of the property were, that would require the carports to be constructed in

ITEM #3

Mr. John Sharp, Moderator for Evanswood Church of God, and the Pastor, Paul Sober, were present. Mr. Sharp stated that this is the third renewal request they have made and that there are many mature trees growing along the berm. He also said that they would have to remove a very mature oak tree in order to put up a wall. Mr. Sharp also said that the north side of the property is surrounded by a marsh.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake, a three (3) year renewal for relief to maintain a landscaped berm in place of the 4'6" high masonry wall required along the west side of off-street parking and deletion of the 4'6" high masonry wall required along the north side of off-street parking.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Conditions remain the same.

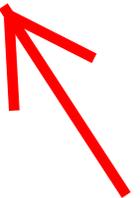
Yeas: All – 6

MOTION TO GRANT VARIANCE FOR THREE YEARS CARRIED

ITEM #4 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

Mr. Dan Simionescu was present and stated that his property covers slightly more than 2 acres of land, and he needs this barn in order to construct stalls for a horse, a donkey and two goats. Mr. Simionescu stated that the animal stay outside in the summer, however, he needs a place for them to go when the weather turns cold. He also needs the extra room for the storage of hay. Mr. Simionescu also said that this barn would be 400' from the road and at least 200' from the rear property line. Mr. Simionescu has four drivers in his family with a fifth on the way and does not have any place to park the



ITEM #4

extra cars in the winter. Mr. Simionescu further stated that he had spoken to his neighbor on the east side of his home, who stated that he has no objection to this barn.

Mr. Siomionescu also stated that in the time he has lived in this home, he has not received any complaints on his animals and has a good relationship with his neighbors.

Mr. Stimac explained that there were two items before the Board. The size of the accessory structures needs the petitioner to demonstrate a hardship as it applies to the land, however the Board only needs to approve the construction of the barn without the need for the petitioner to show a hardship. Mr. Hutson asked what there was about the land that would demonstrate a hardship. Mr. Simionescu stated that he could not put the barn in any other location, due to the fact that there is a dip in his property, which is always wet. Mr. Simionescu also said that he did not feel that his request was excessive due to the fact that his property is very large and can support a structure that is this size. Mr. Storrs asked what the height restriction was and Mr. Stimac stated that it is 14'. Mr. Storrs also questioned why the Board had to approve construction of a barn and Mr. Stimac stated that when a structure is used as a barn, to house animals, the Ordinance requires the Board approve it. Mr. Storrs also questioned Mr. Simionescu as to several large boulders which are located on the property. Mr. Simionescu stated that they are planning to use these boulders for landscaping and have a contractor who is doing the work.

Mr. Courtney asked if Mr. Simionescu could convert his detached garage to a barn and Mr. Simionescu stated that it is too far away from the existing animal pen. Mr. Simionescu wants to be able to have a structure connected to the animal pen, so that the animals can go in and out of the structure. Mr. Simionescu further stated that there is a great deal of water due to the fact that there are two culverts in this area causing this portion of his property to be wet most of the time.

Mrs. Gies asked Mr. Simionescu how he came up with the size of the barn and he stated that he had planned on four stalls, plus room for the storage of hay and his tractor.

Mr. Fejes asked what options Mr. Simionescu would have if his request for a variance were to be denied and Mr. Simionescu stated that he would probably just have to continue the way he has been doing things. Mr. Simionescu also stated that due to the fact that this building has an 8' overhang, it appears bigger than it actually is. Mr. Storrs questioned the fact that the overhang was added into the total square footage of the building, and Mr. Stimac stated that overhangs, such as what is proposed here, have always been considered in the total square footage of a building.

Mr. Maxwell questioned the size of the building and the fact that there are already two garages on the property. Mr. Simionescu stated that he had determined that this was

ITEM #4

the size of a building he would need and feels that his property should not be considered the same as a typical subdivision lot. Mr. Simionescu also said that if he had to move this structure, he would have to take out his garden and did not feel that they would be able to enjoy their property as they would lose most of their yard. Mr. Maxwell stated that he was concerned with the size of the building, due to the fact that a variance stays with the land, and he thinks there would be too many buildings on the property. Mr. Maxwell asked Mr. Simionescu if he could build a smaller structure, and Mr. Simionescu again stated that he did not believe this request was excessive and that he had researched this very carefully to determine exactly what he would need.

The Vice-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 are no objections on file.

Mr. Fejes stated that he thinks that the property can support another structure, however, he expressed concern over the size of the barn. Both Mr. Hutson and Mr. Courtney stated that they agreed that the size of the structure was of some concern to them. Mr. Simionescu again stated that he had given the size of the structure a great deal of thought, before he brought his request to the Board. Mr. Maxwell asked if he could put a stall in the accessory building and Mr. Simionescu stated that he has two stalls in this building, however, he still has to store his hay outside. Mr. Maxwell asked if the existing building could be converted to a barn and Mr. Simionescu stated that it would be very difficult for him due to the fact that he would have to move the animal pen up and therefore would lose most of his yard.

Motion by Storrs
Supported by Gies

MOVED, to grant Mr. Simionescu relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

- Variance is not contrary to public interest.
- Conforming to the ordinance is unnecessarily burdensome for the petitioner.
- Variance will not cause an adverse effect to surrounding property.
- The large size of this property is such that a building of this size would not be inappropriate.
- The amount of wooded and wet area on the property prevents the property owner from full use of the property.

Motion by Courtney
Supported by Hutson

ITEM #4

MOVED, to table the request of Mr. Simionescu, 691 Ottawa, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn until the meeting of June 19, 2001.

- To allow the Board members to take a closer look at this property to determine the hardship.
- To allow the petitioner to determine if a decrease in the request of his variance would be in order.
- To allow the petitioner to present to the Board an interior layout showing why the petitioner requires this size of a building.

Yeas: 6 – Maxwell, Storrs, Courtney, Fejes, Gies, Hutson

MOTION TO TABLE THE REQUEST OF MR. SIMIONESCU UNTIL THE MEETING OF JUNE 19, 2001 CARRIED.

ITEM #5 – VARIANCE REQUESTED. MR. MARK WHISNANT, 2106 VIRGINIA, for relief of the Zoning Ordinance regarding the square footage of accessory buildings.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. The permit application indicates the proposed construction of a 1200 square foot detached garage. Section 40.57.04 limits the size of accessory structures to 600 square feet or one half of the ground floor area of the main building whichever is greater. Because the existing house has 1,554 square feet of ground floor area, accessory buildings are limited to 777 square feet.

Mr. Mark Whisnant was present and stated that his garage is presently 24' x 24' and was built in 1943. Mr. Whisnant further stated that this garage is in need of repair and he would like a larger garage due to the fact that he has two full size pickup trucks, 2 snowmobiles, a boat and two four-wheelers. Mr. Whisnant also said that parking is not allowed on the south side of Virginia and his vehicles are placed out in his yard. Mr. Whisnant stated that he would like to be able to store his vehicles and equipment behind a closed door.

Mr. Storrs asked what type of business Mr. Whisnant was in and if he ran a business out of his home. Mr. Whisnant stated that he works for a gravel hauler and does not run a business from his home. Mr. Whisnant further stated that the trucks are parked at his place of business which is on Twenty-Three Mile and Ryan Road.

Mrs. Gies questioned Mr. Whisnant regarding his present garage. Mr. Whisnant stated that the present garage is a two-car garage, however due to the fact that it was built in 1943, it has only one door which makes it very difficult to get his pickup trucks inside. Mr. Storrs asked how long Mr. Whisnant had lived at this address and he stated that



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

July 31, 2003

Area code (248)

Dan Simionescu
691 Ottawa
Troy, MI 48085-1665

Assessing
524-3311

Bldg. Inspections
524-3344

RE: 691 Ottawa

Bldg. Operations
524-3368

Mr. Simionescu:

City Clerk
524-3316

We are in receipt of your application for a Building Permit to construct a 370 square foot detached covered animal shelter at 691 Ottawa.

City Manager
524-3330

Community Affairs
524-1147

This application does not meet the requirements set forth in the Zoning Ordinance for the following reasons:

Engineering
524-3383

A site inspection made on July 30, 2003 has revealed a total of seven (7) accessory structures; totaling 3,558 square feet exist on this property. On June 25, 2001 the Board of Zoning Appeals granted a variance for a barn, allowing for a total of 2,960 square feet total area for all accessory structures on this property.

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Technology
619-7279

Therefore, unless you revise your plans to comply, we will be unable to issue this permit. However, if you so desire, you may make application to the Board of Zoning Appeals for relief of the requirements. Applications to the Board of Zoning Appeals must be submitted in duplicate with the established filing fee to the Building Department. This must be submitted at least two full weeks before the scheduled meeting date. The date for regular meetings is the third Tuesday of the month.

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

If you have any questions regarding the above, please feel free to contact me.

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

MS/pp

Treasurer
524-3334

General Information
524-3300

Sincerely,

Mark Stimac
Director of Building & Zoning



City of Troy
Building and Inspection Division
Violation Notice

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

December 18, 2003

Assessing
524-3311

Dan Simionescu
691 Ottawa
Troy, MI 48085-1665

Bldg. Inspections
524-3344

Bldg. Operations
524-3368

Re: Accessory Buildings

City Clerk
524-3316

On July 23, 2003 you were notified of violations on your site relating to accessory structures that were constructed without obtaining the required permits. On July 31, 2003 you were sent denial of your permit application for this structure because of lack of compliance with certain Zoning Ordinance provisions relating to maximum area of accessory buildings. Our records indicate that the buildings still exist and that no permit or variance has been obtained for their existence.

City Manager
524-3330

The buildings must either be removed from the site or steps taken to obtain approval for their placement.

Community Affairs
524-1147

This is your second and final notice. Failure to comply will result in court action.

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Technology
619-7279

Law
524-3320

The above noted conditions are a violation of Section 105 of the 2000 Michigan Building Code and therefore shall be corrected and arrangements made for a re-inspection by January 5, 2004.

Library
524-3545

Parks & Recreation
524-3484

[Signature]
Gary Bowers
Building Inspector

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

MS - 1-6-04
I received this from G.B. today for enforcement. How do you want this handled?
[Signature]

recommended to take enforcement action.

4. HEARING OF CASES

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

SECTION: 39.10.01

SANDALWOOD

912
916
920
924
928
932
942
946
950
954
958
962
970

(R-1T)

(R-1C)

(O-1) 6693

E LOVELL

ROCHESTER

913
927
937
947

(R-1B)

6681
(B-1)
6649
6649 "A"

(R-1D)

(B-3) 6700

ALAMEDA

1003
1007
1011
1015
1019
1023
1059
1063
1067

ALAMEDA

(PUD-1)

1004
1008
1012
1016
1020
1024
1060
1064
1068

ALAMEDA

1032
1036
1040
1044
1048
1052
1088
1092

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: evanspm@troymi.gov
http://www.troymi.gov/CodeEnforcement#



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

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL. PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.

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

- 1. ADDRESS OF THE SUBJECT PROPERTY: 6693 Rochester Road
LOT NO. 88-20-03-226-104 SUBDIVISION
LOCATED ON THE West SIDE OF (ROAD) Rochester Road
BETWEEN Lovell AND Sandalwood Drive
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S):
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 39.10.01
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: City of Troy Approvals dated January 18, 2008, February 20, 2009 and May 6, 2010

6. APPLICANT INFORMATION:

NAME Jeff Glaser
COMPANY Our Credit Union
ADDRESS 3070 Normandy road
CITY Royal Oak STATE MI ZIP 48073
TELEPHONE 248-549-3838 x232
E-MAIL jglaser@ourcuonline.org

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

8. OWNER OF SUBJECT PROPERTY:

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

The undersigned hereby declares(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, Jeff Glaser (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 [Signature] DATE 1/10/11
PRINT NAME: Jeffrey Glaser - OUR Credit Union

SIGNATURE OF PROPERTY OWNER SAME DATE _____
PRINT NAME: _____

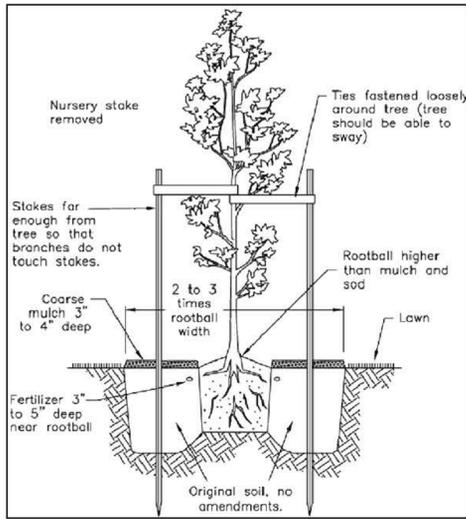
Reasons For Appeal Our Credit Union Rochester Road Branch

Regarding constructing a 6' high masonry screen wall between O-1 zoning and the adjacent R-1c zoning

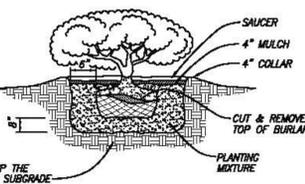
To the west of our property is an open city detention pond, not R-1C residential. This pond provides approximately a six lot buffer (based on lots across the street) between our site and any residential. We have also added numerous trees' to enhance the natural state of the area.

To the North of our property is a natural tree/shrub line that provides excellent screening from any residential areas.

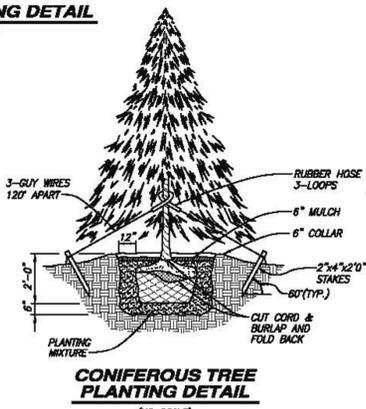
Constructing a screen wall in either of these areas would not provide any additional buffer and would dramatically disrupt the natural beauty of the area. In addition, it would actually cut into the green belt areas that we provided in our landscaping plan.



TREE PLANTING DETAIL
(NO SCALE)



SHRUB PLANTING DETAIL
(NO SCALE)



CONIFEROUS TREE PLANTING DETAIL
(NO SCALE)

PLANT SCHEDULE & COST ESTIMATE
REFER TO "LEGEND" FOR SYMBOLS USED

DECIDUOUS TREES:

| QUANTITY | BOTANICAL NAME | COMMON NAME | SIZE | UNIT PRICE | INSTALLATION COST | UNIT TOTAL |
|----------|--------------------|---------------|-----------|------------|-------------------|------------|
| 2 EACH | AMELANCHER ARBOREA | SERVICEBERRY | 1.5" CAL. | \$150.00 | \$50.00 | \$400 |
| 13 EACH | MALUS SPP. | CRABAPPLE | 2.5" CAL. | \$300.00 | \$50.00 | \$4,500 |
| 10 EACH | CORNUS KOUSA | KOUSA DOGWOOD | 2.5" CAL. | \$400.00 | \$50.00 | \$4,500 |

EVERGREEN TREES:

| QUANTITY | BOTANICAL NAME | COMMON NAME | SIZE | UNIT PRICE | INSTALLATION COST | UNIT TOTAL |
|----------|--------------------|---------------|--------|------------|-------------------|------------|
| 8 EACH | PINUS NERB | AUSTRIAN PINE | 6" HT. | \$150.00 | \$50.00 | \$1,200 |
| 8 EACH | THUJA OCCIDENTALIS | ARBORVITAE | 6" HT. | \$100.00 | \$50.00 | \$1,200 |

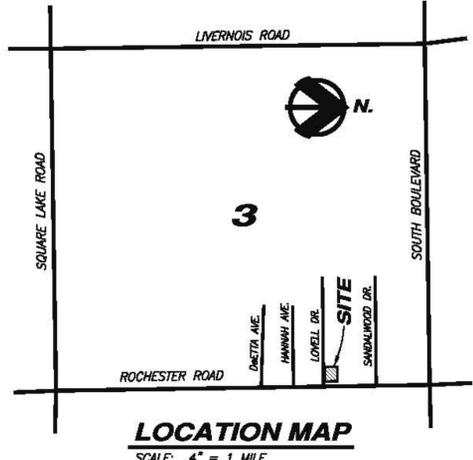
TOTAL TREES: 39

SUBTOTAL COST: \$11,800
5% CONTINGENCY: \$595.00
TOTAL ESTIMATE: \$12,495.00

TREE INVENTORY

| TAG NO. | SIZE | TYPE | CONDITION | REMOVE? |
|---------|------|-----------|------------------|--------------|
| #3762 | 14" | WALNUT | GOOD | NO (OFFSITE) |
| #3763 | 5-7" | BOX ELDER | GOOD | NO (OFFSITE) |
| #3764 | 7" | ELM | GOOD | NO (OFFSITE) |
| #3765 | 10" | BOX ELDER | GOOD | NO (OFFSITE) |
| #3766 | 8" | BOX ELDER | GOOD | YES |
| #3767 | 12" | WALNUT | GOOD | YES |
| #3763 | 15" | BOX ELDER | FAIR (LOP-SIDED) | YES |
| #3764 | 15" | BOX ELDER | FAIR (DEFORMED) | YES |

SCALE: 1"=30'



LOCATION MAP
SCALE: 4" = 1 MILE

PROPERTY DESCRIPTION

PART OF THE NORTHEAST FRAC. 1/4 OF THE NORTHEAST FRAC. 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE NORTH 01 DEGREES 46 MINUTES 00 SECONDS WEST (RECORDED AS NORTH 01 DEGREES 21 MINUTES 08 SECONDS WEST) ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET TO SOUTH 88 DEGREES 38 MINUTES 24 SECONDS WEST 80.00 FEET TO THE POINT OF BEGINNING BEING AT THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOWELL AVENUE; THENCE NORTH 01 DEGREES 46 MINUTES 00 SECONDS WEST 185.90 FEET; THENCE NORTH 88 DEGREES 38 MINUTES 24 SECONDS EAST (RECORDED AS NORTH 89 DEGREES 03 MINUTES 37 SECONDS EAST 221.00 FEET TO THE WEST LINE OF ROCHESTER ROAD; THENCE SOUTH DEGREES 46 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE, 185.90 FEET TO THE POINT OF BEGINNING, CONTAINING 0.984 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR OTHERWISE.

LANDSCAPING CRITERIA

LANDSCAPING SUMMARY

REQUIRED PERCENTAGE OF NET SITE AREA FOR LANDSCAPING: 10%, EXCLUDING BUFFER STRIPS & AREAS LESS THAN 200 S.F.

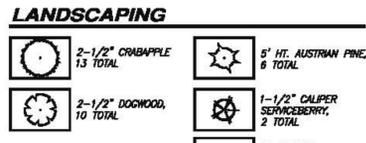
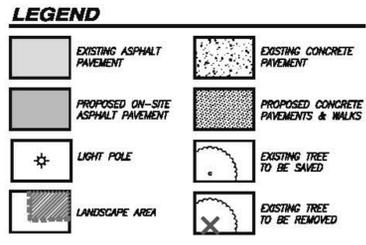
REQUIRED: (0.984 Ac.) x (43,560 S.F./Ac.) x (0.10) = 4,330 S.F.
PROVIDED: 7905.5 S.F. (15.6%)

FRONTAGE TREES (1 TREE/30 L.F.):

REQUIRED: 7
PROVIDED: 7

ADDITIONAL TREES PROVIDED:
INTERIOR PARKING LOT TREES PROVIDED: 16

ADDITIONAL PLANTINGS:
ADDITIONAL PLANTINGS, SUCH AS SMALL EVERGREEN AND DECIDUOUS SHRUBS, SHALL BE PROVIDED IN THE LANDSCAPED AREA AROUND THE BUILDING IN THE DESIGNATED PLANTING STRIP.



NOTES

- ALL UNPAVED AREAS SHALL HAVE APPROPRIATE GROUNDCOVER. AREAS ADJACENT TO THE BUILDINGS AND WITHIN THE PARKING AREAS SHALL BE COVERED WITH SHREDDED BARK MULCH BEDDING. SOIL SHALL BE USED IN THE LARGER GREENBELT AREAS ALONG THE STREET FRONTS AND SITE PERIMETER.
- GRASSED AREAS SHALL HAVE AUTOMATIC UNDERGROUND SPRINKLER SYSTEMS INSTALLED.

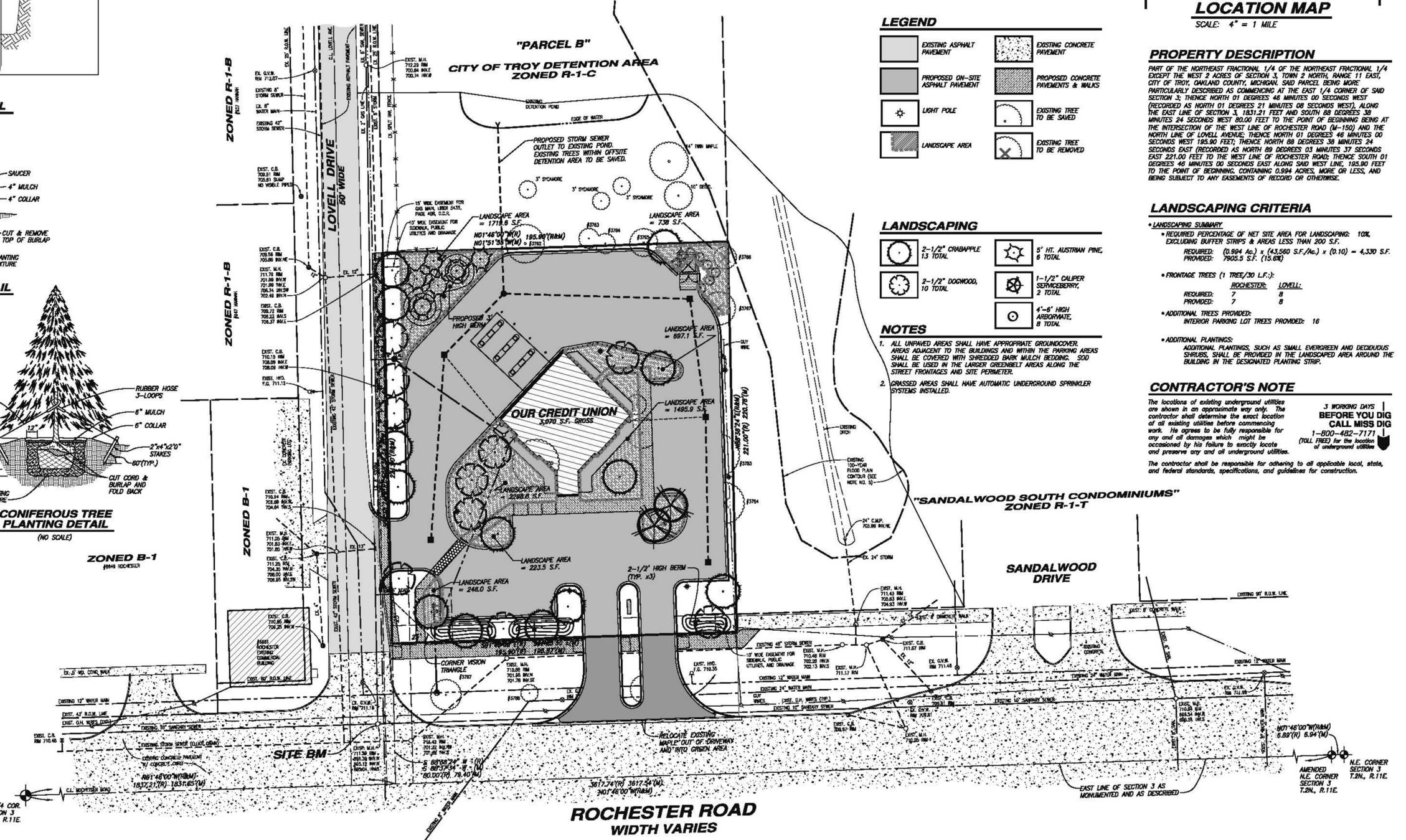
CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to properly locate and preserve any and all underground utilities.

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

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

- PLANTING NOTES**
- ALL CONSTRUCTION AND PLANT MATERIAL LOCATIONS TO BE ADJUSTED ON SITE IF NECESSARY.
 - ANY SUBSTITUTIONS OF PLANT MATERIAL OR ALTERATION IN PLANT SIZES OR SPECIFICATIONS SHALL BE IN ACCORDANCE WITH THE ORDINANCE STANDARDS.
 - ALL LARGE TREES AND EVERGREENS TO BE STAKED, GUYED, AND WRAPPED.
 - PLANT BEDS TO BE MULCHED AND DRESSED WITH 4" OF SHREDDED HARD BARK.
 - DIG SHRUB PITS 1' LARGER THAN SHRUB ROOT BALLS AND TREE PITS 2' LARGER THAN ROOT BALLS. BACKFILL WITH ONE PART TOP SOIL FROM EXCAVATED PLANTING HOLE.
 - REMOVE ALL TWINE, WIRE, AND BURLAP FROM THE TREE AND SHRUB ROOT BALLS AND FROM TREE TRUNKS.
 - LAWN TREES TO BE MULCHED WITH A 2" WIDE MINIMUM OF 8" DEEP SHREDDED BARK RING OR APPROVED ALTERNATE DESIGN FOR TRUNK PROTECTION.
 - PROVIDE HYDRO-SEEDING AND/OR SOO FOR ALL NEW LAWN AREAS.
 - INSTALLATION OF PLANT MATERIAL SHALL BE IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF NURSERYMEN LANDSCAPE STANDARDS.
 - PLANT MATERIAL, ESPECIALLY EVERGREENS, TO BE PLANTED HIGHER THAN NORMAL WHEN HEAVY SOIL CONDITIONS (CLAY, ETC.) PREVAL.
 - ALL PLANTING AREAS TO BE PREPARED WITH APPROPRIATE SOIL MIXTURES AND FERTILIZER BEFORE PLANT INSTALLATION.
 - PLANT TREES AND SHRUBS GENERALLY NO CLOSER THAN THE FOLLOWING DISTANCES FROM SIDEWALKS, CURBS, AND PARKING STALLS:
 - SHADE TREES.....5 FT.
 - ORNAMENTAL AND EVERGREENS.....10 FT. (ORNL, PINE, SPRUCE, ETC.)
 - SHRUBS THAT ARE LESS THAN 1 FOOT TALL AND WIDE AT MATURITY.....2 FT.
 - NO TREES OR EVERGREENS TO BE INSTALLED OVER ANY PROPOSED OR EXISTING UTILITY LINES AS SHOWN ON THE OVERALL LANDSCAPE PLAN. REFER TO ENGINEERING PLANS FOR EXACT LOCATIONS OF UTILITY LINES.
 - ALL LAWN AND LANDSCAPED AREAS TO BE FULLY IRRIGATED WITH AUTOMATIC UNDERGROUND SYSTEMS.
 - FOR EXISTING TREE PROTECTION, A 4'-FOOT HIGH ORANGE SNOW FENCE SHALL BE CREATED AROUND TREE GRIP LINES PRIOR TO LAND CLEARING AND SITE CONSTRUCTION AND MAINTAINED THROUGHOUT SITE DEVELOPMENT PERIOD. NO CUTTING, FILING OR TRESPASSING SHALL OCCUR INSIDE FENCED AREAS WITHOUT PRIOR TOWNSHIP APPROVAL.



APEX
ENGINEERING & LAND PLANNING CONSULTANTS
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS
560 WHIMS LANE
ROCHESTER, MICHIGAN 48306
PHONE: 866-876-3847
EMAIL: apexengr@gmail.com

OUR CREDIT UNION, BRANCH OFFICE BUILDING
PART OF THE NORTHEAST 1/4 OF SECTION 3, CITY OF TROY, OAKLAND COUNTY, MI

CLIENT: CREDIT UNION COMPANY
222 EAST MERRILL SUITE 101
BIRMINGHAM, MI 48009
248-646-1717

JOB NO: 09-040
DATE: 10-11-09
DRAWN BY: S.T.
CHECKED BY: W.E.M. 4

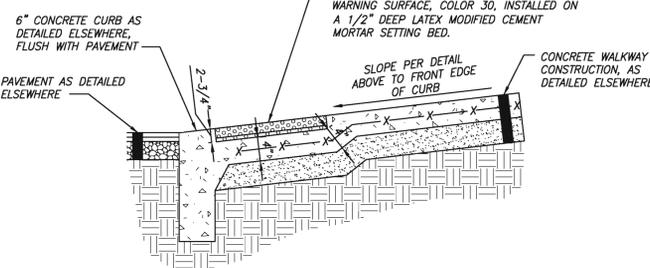
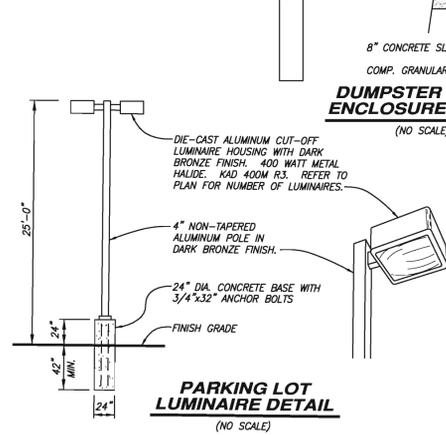
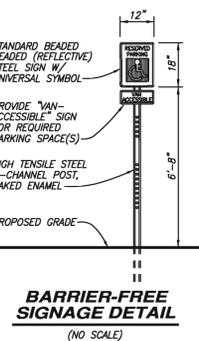
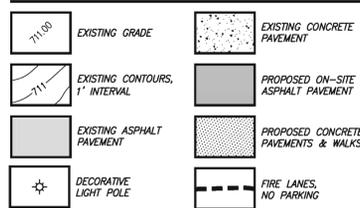
REVISIONS:

SEAL: TREE PRESERVATION & LANDSCAPE PLAN

SHEET 3 OF 4

MUNICIPAL REVIEW NUMBERS: TROY SP-

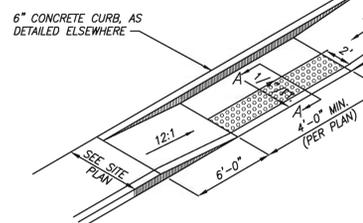
LEGEND



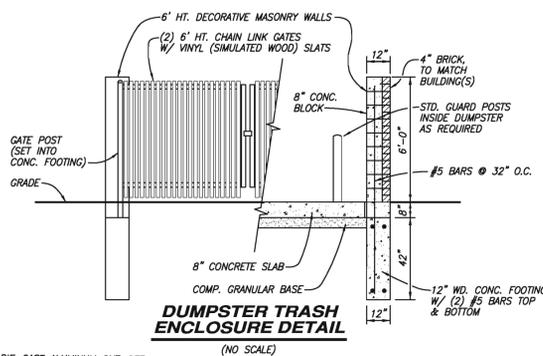
NOTES:

1. TEXTURE SHALL BE PROVIDED FOR A MINIMUM LENGTH OF 2 FEET, 6" FROM THE BACK OF CURB. THE WIDTH OF THE TEXTURE SHALL BE THAT OF THE ENTIRE RAMP AND SIDE FLARES, IF USED.
2. PURSUANT TO THE 1/1/04 STANDARDS SET BY THE AMERICANS WITH DISABILITY ACT, RAMP TEXTURING SHALL DIFFER FROM THE SURFACE COLOR BY AT LEAST 70%.

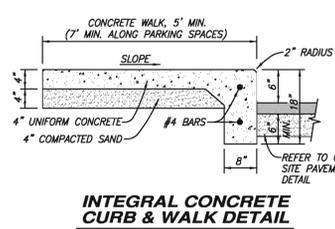
*NOTE: IF RAMP IS ADJACENT TO WALKWAY INSTEAD OF LAWN AS SHOWN ABOVE, THEN SIDE FLARES SHALL BE 6'-0" IN LIEU OF 12".



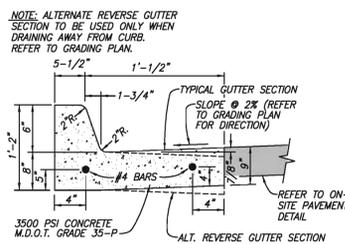
ADA COMPLIANT CURB RAMP



DUMPSTER TRASH ENCLOSURE DETAIL (NO SCALE)



INTEGRAL CONCRETE CURB & WALK DETAIL (NO SCALE)



6" ON-SITE CONCRETE CURB & GUTTER DETAIL (NO SCALE)

SCALE: 1"=30' NORTH

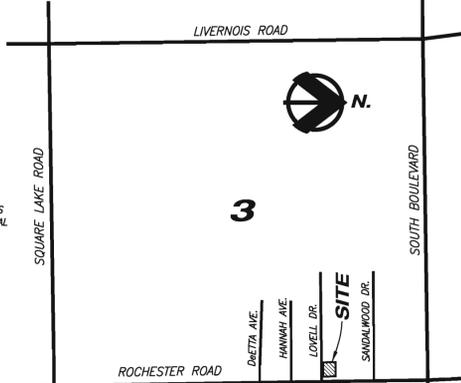
SITE CRITERIA

- PARCEL SUMMARY:**
 - PARCEL IDENTIFICATION #: 88-20-03-226-104
 - EXISTING ADDRESS: 6693 ROCHESTER ROAD
 - EXISTING ZONING: 0-1 (LOW RISE OFFICE DISTRICT)
 - ADJACENT ZONINGS: R-1-T, R-1-B, R-1-C, B-1
 - AREA OF SITE: 0.994 ACRES
 - PROPOSED USE: CREDIT UNION W/ DRIVE THRU
- BUILDING SUMMARY:**

| | | |
|----------------|-------------------------|--------------------------|
| BUILDING AREA: | GROSS TOTAL: 3,070 S.F. | TOTAL USABLE: 3,070 S.F. |
|----------------|-------------------------|--------------------------|
- PARKING SUMMARY:**
 - SPACES REQUIRED: ONE (1) SPACE PER 200 S.F. OF USABLE AREA: 3,070 S.F./200 = 16 SPACES
 - ONE (1) SPACE PER WINDOW/PEDESTAL FOR DRIVE THRU PLUS FOUR ADDITIONAL STACKING SPACES
 - TOTAL SPACES PROVIDED: 21 SPACES (INCLUDES ONE (1) BARRIER-FREE VAN ACCESSIBLE SPACE)
 - THREE (3) WINDOWS AND AN ATM = 4 SPACES PLUS 16 STACKING SPACES
- SETBACK SUMMARY:**

| | | |
|-----------------------------------|-----------|-----------|
| BUILDING: | REQUIRED: | PROVIDED: |
| FRONT (TO ROCHESTER ROAD R.O.W.): | 30' | 80.00' |
| FRONT (TO LOVELL DRIVE R.O.W.): | 30' | 63.61' |
| REAR (TO WEST PROP. LINE): | 20' | 58.31' |
| SIDE (TO R-1-T ZONING TO NORTH): | 20' | 56.38' |
- PARKING:**

| | | |
|-----------------------------------|-----------|-----------|
| FRONT (TO ROCHESTER ROAD R.O.W.): | REQUIRED: | PROVIDED: |
| FRONT (TO LOVELL DRIVE R.O.W.): | 10' | 10' |
| REAR (TO WEST PROP. LINE): | 0' | 2' |
| SIDE (TO R-1-T ZONING TO NORTH): | 0' | 5' MIN. |
- UTILITY SUMMARY:**
 - WATER MAIN: CONNECT TO MUNICIPAL WATER MAIN.
 - SANITARY SEWER: CONNECT TO MUNICIPAL SEWER.
 - STORM SEWER & STORM WATER DETENTION: ON-SITE ENCLOSED STORM SEWER PIPE WITH FULL DISCHARGE TO CITY DETENTION POND TO WEST. CITY'S POND INCLUDES THIS SITE IN ITS DRAINAGE DISTRICT. SWIRL CHAMBER TO BE PROVIDED ON SITE FOR SEDIMENT REMOVAL PRIOR TO DISCHARGE.
 - ALTERNATIVE IS TO PROVIDE ON-SITE PARKING LOT DETENTION WITH RESTRICTED OUTLET TO THE EXISTING STORM SEWER ALONG LOVELL OR ROCHESTER ROAD.
- SIGNAGE SUMMARY:**
 - FUTURE SIGN LOCATION IS INDICATED ON THE PLAN.
 - SIGNS ARE NOT PART OF THIS SUBMITTAL. SIGNAGE APPLICATIONS SHALL BE SUBMITTED AT A LATER DATE.



LOCATION MAP SCALE: 4" = 1 MILE

PROPERTY DESCRIPTION

PART OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHEAST FRACTIONAL 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE NORTH 01 DEGREES 46 MINUTES 00 SECONDS WEST (RECORDED AS NORTH 01 DEGREES 21 MINUTES 08 SECONDS WEST), ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET AND SOUTH 88 DEGREES 38 MINUTES 24 SECONDS WEST 80.00 FEET TO THE POINT OF BEGINNING BEING AT THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOVELL AVENUE; THENCE NORTH 01 DEGREES 46 MINUTES 00 SECONDS WEST 195.90 FEET; THENCE NORTH 88 DEGREES 38 MINUTES 24 SECONDS EAST (RECORDED AS NORTH 89 DEGREES 03 MINUTES 37 SECONDS EAST 221.00 FEET TO THE WEST LINE OF ROCHESTER ROAD; THENCE SOUTH 01 DEGREES 46 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE, 195.90 FEET TO THE POINT OF BEGINNING, CONTAINING 0.994 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR OTHERWISE.

CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

NOTES

1. PERMIT REQUIRED FROM THE CITY OF TROY FOR ALL WORK PERFORMED WITHIN LOVELL DRIVE AND ROCHESTER ROAD RIGHT-OF-WAYS.
2. AIR-CONDITIONING UNITS SHALL BE LOCATED ON THE GROUND ADJACENT TO THE BUILDING. THERE SHALL BE NO ROOF-MOUNTED MECHANICAL EQUIPMENT.
3. "NO PARKING-FIRE LANE" SIGNS SHALL BE INSTALLED AS DIRECTED BY THE CITY AS REQUIRED.
4. A SOIL EROSION PERMIT IS REQUIRED FROM THE CITY OF TROY.
5. 100-YEAR FLOOD PLAN CONTOUR IS AS PER SANDALWOOD CONDOS PLANS. BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
6. ZBA APPROVED A (1) ONE YEAR WAIVER OF THE REQUIREMENT FOR SCREEN WALLS ALONG NORTH AND WEST PROPERTY LINES ON JANUARY 19, 2010.

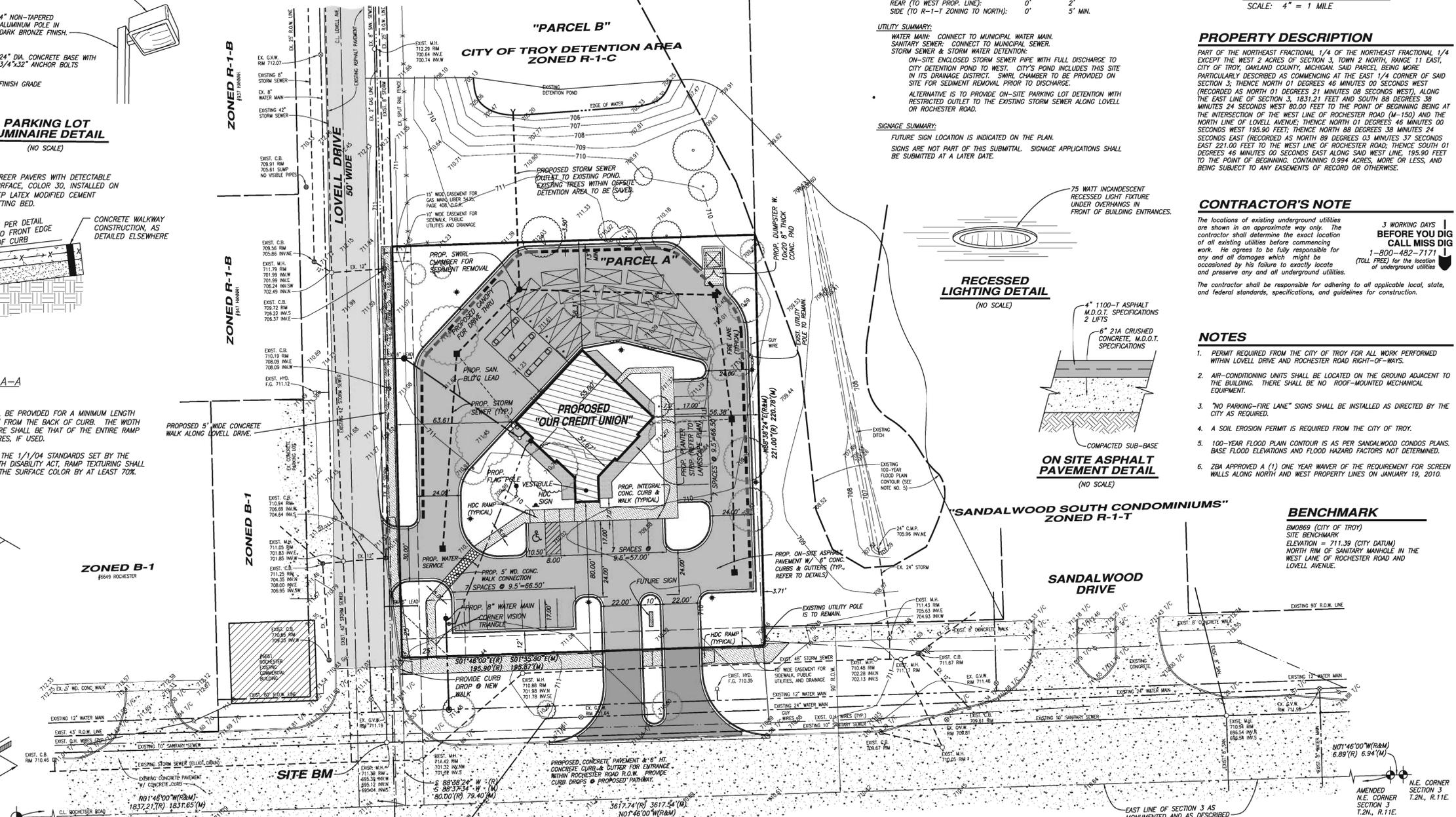
BENCHMARK

BM0869 (CITY OF TROY)
SITE BENCHMARK
ELEVATION = 711.39 (CITY DATUM)
NORTH RIM OF SANITARY MANHOLE IN THE WEST LANE OF ROCHESTER ROAD AND LOVELL AVENUE.

CONTRACTOR'S NOTE

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The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.



ROCHESTER ROAD WIDTH VARIES

APEX
ENGINEERING & LAND PLANNING CONSULTANTS
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS
560 WHIMMS LANE
ROCHESTER, MICHIGAN 48306
PHONE: 586-876-3947
EMAIL: apexengr@gmail.com

OUR CREDIT UNION, BRANCH OFFICE BUILDING
PART OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 3, CITY OF TROY, OAKLAND COUNTY, MI

CLIENT: CARY PERELLI COMPANY
222 EAST MERRILL SUITE 101
BIRMINGHAM, MI 35203-1717
JOB NO: 09-040
DATE: 10-11-09
DRAWN BY: S.T.
CHECKED BY: W.E.M.4

4-30-10 REVISED PER PLANNING COMMISSION
1-14-10 REVISED PER GREEN WALK WATER
10-05-09 REVISED PER CITY COMMENTS

SITE PLAN
SHEET 2 OF 4
MUNICIPAL REVIEW NUMBERS: TROY SP



6693 Rochester Road - West Property Line



6693 Rocheser Road - North Property Line



6693 Rochester Road - Main Entrance



OUR CU-North Lot Line

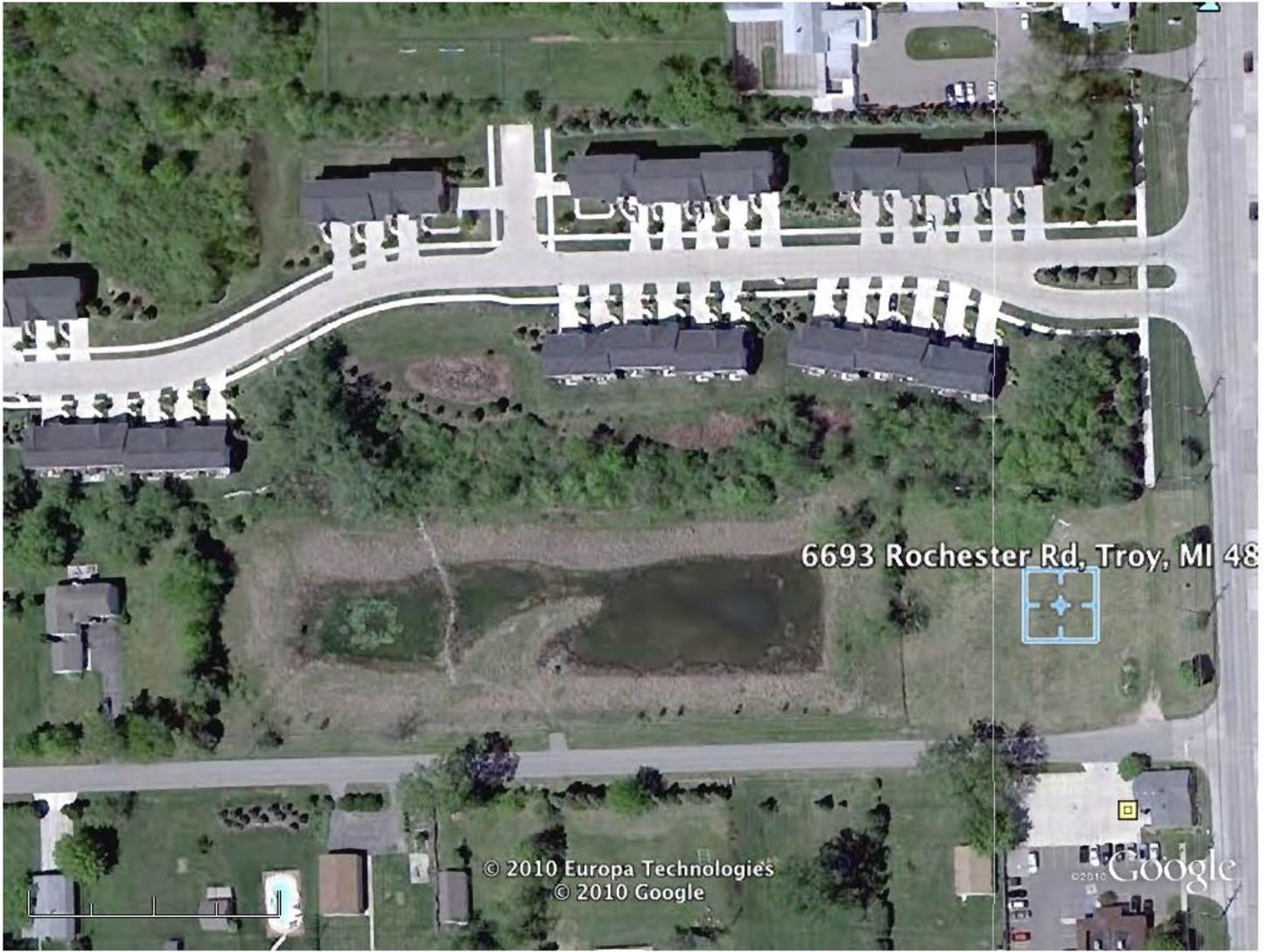


OUR CU-North Lot Line

10.08.2010



OUR CU-North Lot Line 10.08.2010



6693 Rochester Rd, Troy, MI 48

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OUR CU - West Lot Line

ITEM #6 – con't.

Motion by Kovacs
Supported by Clark

MOVED, to amend the original motion to grant Lary Llewellyn, 475 Lovell, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one year.

- Petitioner has met the criteria listed as “B” and “C”.
- Overwhelming number of neighbors have indicated approval of this request.

Mr. Clark stated that he agrees that this vehicle is very well hidden and that this is a reasonable request.

Mr. Kovacs said that based on liberal interpretation it is unreasonable to expect the petitioner to add on to his garage.

Mr. Kempen stated that it is aesthetically pleasing and the truck is well hidden, but is concerned about setting a precedent.

Vote on motion to approve as amended.

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

MOTION TO GRANT APPROVAL FOR A PERIOD OF ONE-YEAR CARRIED

ITEM #7 – VARIANCE REQUESTED. FRANCO MANCINI, 6693 ROCHESTER ROAD, for relief of the Ordinance to construct a new one-story credit union building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac stated that the petitioner is requesting relief of the Ordinance to construct a new one-story credit union building. The property to the north of this site is in zoned R-1T (One-Family Attached Residential). The property to the west of this site is in zoned R-1C (One-Family Residential). Section 39.10.01 requires a 6' high masonry screen wall between an O-1 (Office Building) zoned development and adjacent residential zoned property. The site plan submitted does not show any screening walls. The board had previously granted approval for relief of the screen walls on this site based upon a different plan to construct an office building on this site.

Mr. Kovacs asked about the history of this request.

Mr. Stimac explained that in 2008 a variance was granted to allow for the development of this parcel and was given a one-year time frame. This was intended to be enough

ITEM #7 – con't.

time to allow for the construction of the building and to see if there were any complaints generated by this construction. In 2009 the petitioner asked for an extension of that time frame as he was unable to develop the site in the time frame allowed. At that time the Board granted approval for one more year.

Mr. Stimac went on to say that there is a retention pond adjacent to west side of the site however; there is not a lot of foliage on the retention pond site.

Mr. Bill Mosher was present and stated that they are planning to add more foliage and will provide as much screening as possible to the surrounding residential sites. Mr. Mosher also stated that they are planning to add foliage that will screen this site year round.

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

There are three (3) written approvals on file. There are no objections on file.

Motion by Kovacs
Supported by Lambert

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

- One year time frame will allow for the construction of the building.
- One year time frame will allow the neighbors to determine whether or not a screen-wall would be necessary.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUESTED. BOSTICK ROCHESTER ROAD

DEVELOPMENT, 1400 ROCHESTER, for relief of the Ordinance to construct an addition to an existing industrial building resulting in; a 40'-2' front yard setback where 50' is required; lot coverage of 41.8% where 40% maximum is allowed, 17,863 square feet of countable landscape where 45,184 square feet are required; and 196 parking spaces where enough land is required for 455 parking spaces.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to an existing industrial building. A portion of the proposed addition is within 40'-2" of the front property line along Rochester, where Section 30.20.09 requires a minimum front yard setback of 50' in the M-1 (Light Industrial) Zoning District; Section

ITEM #6 – RENEWAL REQUESTED. FRANCO MANCINI, 6693 ROCHESTER, for renewal of relief granted to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

MOVED, to grant Franco Mancini, 6693 Rochester, 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 #7 – RENEWAL REQUESTED. TROY AMERICAN HOUSE, 2300 GRAND HAVEN, for renewal of relief of the 4'-6" high masonry wall required along the north and east side of the off-street parking area where it is adjacent to residentially zoned land.

MOVED, to grant Troy American House, 2300 Grand Haven, a three-year renewal of relief of the 4'-6" high masonry wall required along the north and east side of the off-street parking area where it is adjacent to residentially zoned land.

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

Motion by Courtney
Supported by Ullman

MOVED, to excuse Mr. Kovacs from voting on **Item** #4 as there may be the appearance of a conflict of interest due to the fact that Mr. Kovacs is employed by the petitioner.

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

MOTION TO EXCUSE MR. KOVACS CARRIED

Mr. Kovacs left the podium.

Motion by Bartnik
Supported by Kempen

MOVED, to have Mr. Courtney act as Chairman for the presentation of Item #4.

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

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 #5 – VARIANCE REQUESTED. VARIANCE REQUEST. 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 office building. The property to the north of this site is in zoned R-1T (One-Family Attached Residential). The property to the west of this site is in zoned R-1C (One-Family Residential). Section 39.10.01 requires a 6' high masonry screen wall between an O-1 (Office Building) zoned development and residential zoned property. The site plan submitted does not show a screening wall.

Mr. Franco Mancini was present and stated that this parcel was surrounded by heavy vegetation and a lot of natural resources. There is a detention pond to the west of the site and the property to the north has a natural wetland buffer between this site and the condo complex. There is also a lot of natural wild life that is on the site. Mr. Mancini would like to utilize the natural features rather than put up a screen wall as he feels it would have a negative effect on the wetlands.

Mr. Maxwell asked when construction would begin. Mr. Mancini said that he would like to begin by late summer.

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

There are no written approvals or objections on file.

Mr. Courtney asked if the petitioner had thought of putting a berm in on the north side of the property. Mr. Mancini stated that the parking lot would be approximately 20' from the property line to keep the natural vegetation and put in a 5' sidewalk. A berm would require that the natural features be destroyed. The natural vegetation is very thick and Mr. Mancini feels it would be sufficient to work as a buffer. Mr. Courtney asked if there was room for a berm and Mr. Mancini said that he did not believe there was.

Mr. Kovacs said that he did not believe you could grant a temporary variance on this and although traffic on Lovell may want to look at the pond, they may not want to look at a Medical Office building. Mr. Mancini said that they have designed the building to look as close to a residential home as possible.

Mr. Kovacs said that he would still like to give people enough time to decide if they would like to have a screening wall.

Mr. Stimac explained the difference between granting a temporary or permanent variance and said that basically Mr. Mancini's request was for a variance to eliminate the required screening wall. Mr. Stimac also explained that the building is approximately 20' from the north property line, and because of the location of doors on

ITEM #5 – con’t.

the north side of the building a sidewalk would be required. A 4'-6" high berm would be almost impossible to install in the remaining space.

Along the east property line the parking lot is right up to the edge and if there were a recurring waiver of a berm, the petitioner would lose required parking if he were ever required to install the berm. The petitioner is asking the Board to waive the requirement of a screen wall. If it was decided at a later time that a screen wall would be required, the Board could have him put one up without adversely effecting the development.

Motion by Kovacs
Supported by Gies

MOVED, to grant Franco Mancini, 6693 Rochester Road (proposed address), 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 for a period of one-year.

- 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.

Yeas: 6 – Kovacs, Maxwell, Wright, Courtney, Fejes, Gies

MOTION TO GRANT VARIANCE FOR ONE-YEAR CARRIED

The Board of Zoning Appeals meeting adjourned at 7:42 P.M.

Mark Maxwell, Vice-Chairman

Pamela Pasternak, Recording Secretary