

Standards for Non-Use Variances

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

RECOMMENDED FORM FOR MOTIONS GRANTING
OR DENYING REQUESTS FOR DIMENSIONAL VARIANCES

MOVE TO GRANT THE VARIANCE REQUESTED:

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

II. SPECIAL FINDINGS:

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

AND

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

ALTERNATIVE TO A AND B

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

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

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

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

Or

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

MOVE TO DENY VARIANCE REQUESTED

I. PRELIMINARY FINDINGS

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

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

OR

II. SPECIAL FINDINGS

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

OR

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

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

MOVE TO GRANT EXPANSION OF NONCONFORMING USE:

I. PRELIMINARY FINDINGS: Expansion would

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

II. SPECIAL FINDINGS:

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

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

OR

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

OR

- 3. Expansion is necessary to accomplish substantial justice because

AND

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

III. CONDITIONS:

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

MOVE TO DENY EXPANSION OF A NONCONFORMING USE:

I. PRELIMINARY FINDINGS:

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

OR

II. SPECIAL FINDINGS:

- A. The petitioner has not demonstrated a hardship;

OR

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

OR

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

ZONING ORDINANCE 43.73.00 EXPANSION OF NONCONFORMING USES OR STRUCTURES:

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

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

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

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

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

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

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

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

A. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

B. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

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

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

BOARD OF ZONING APPEALS

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

PROCEDURE

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

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

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

INTRODUCTIONS

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



BOARD OF ZONING APPEALS
MEETING AGENDA
REGULAR MEETING

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

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

April 19, 2011

7:30 P.M.

Council Chamber

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

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

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

SECTION: 30.10.02

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

4. HEARING OF CASES

- A. **VARIANCE REQUEST, TIMOTHY J. LeROY, SUBURBAN MOTORS COMPANY, INC. 1810 MAPLELAWN** – Permission to place a temporary sales trailer on the site while the permanent building is undergoing renovations.

SECTION: 43.80.00 (C)

- B. **VARIANCE REQUEST, ALEJANDRO M. NOGOY for A. M. NOGOY CONSTRUCTION, 4951 SOMERTON DRIVE** – In order to remove the existing deck and build an addition to the home in the same location, a 5 foot variance to the required 40 foot rear yard setback.

SECTION: 30.10.04

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 March 15, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present

- Michael Bartnik
- Glenn Clark
- Kenneth Courtney
- William Fisher
- David Lambert
- Thomas Strat

Also Present

- Paul Evans, Zoning and Compliance Specialist
- Christopher Forsyth, Assistant City Attorney
- Recording Secretary Stuart Filler

2. APPROVAL OF MINUTES

Resolution #BZA 2011-03-15

- Moved by Clark
- Seconded by Fisher

MOVED, To approve the February 15, 2011, Regular meeting minutes as presented.

Vote on the motion on the floor.

Yes: All present (6)

MOTION CARRIED 6-0

3. HEARING OF CASES

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

ORDINANCE SECTIONS: 1), 2), and 3: 10.30.04 (B), 10.30.04 (E), 10.30.04 (F)

Mr. Evans said the appellant has asked to postpone this Item because only six Board members are present tonight. Deputy City Attorney Forsyth recommended also postponing consideration of any comment until then.

Resolution #BZA 2011-03-16

Moved by Courtney
Seconded by Bartnik

MOVED, To postpone action on the case to the April 19, 2011, meeting.

Discussion on the motion on the floor.

The Board discussed whether to allow partial discussion tonight, with no actual hearing and the appellants absent.

Deputy City Attorney Forsyth said under Roberts Rules, a postponement postpones everything; but someone might need to speak who is unable to speak at a future time; that would be a matter of necessity.

Chair Lambert established, by a show of hands, that five members of the public present to hear this case believe they could attend next month's meeting. Mr. Evans advised said that parties who cannot attend next month's meeting can forward comments to the Board via e-mail. Mr. Forsyth advised there would be no additional public hearing notices.

Further discussion ensued. Mr. Courtney called the previous question.

Vote on the motion on the floor.

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

MOTION CARRIED 5-1

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

ORDINANCE SECTION: 39.10.03

Mr. Evans presented the facts, visuals and requested variance. The Board allowed a 35 foot segment of 6 foot wooden fence to substitute for a portion of the required screen wall in 2004, renewed in 2005 for three years, and again in 2008. A photo shows the white wood segment wood fence between two segments of presumed gray concrete masonry; the wood portion might be a few inches taller than the masonry.

Mr. Courtney said the relief seems to be because of a 20 foot wide pipeline easement; Mr. Evans confirmed for Mr. Bartnik that the initial approval was denied, and then allowed on reconsideration.

Appellant Harry Kwon said he has applied for a permanent variance instead of periodic renewals of the relief because the wooden portion of the screening is due to the unavoidable necessity created by the 1940s private easement to Sun Oil Company. The appellant explained in some detail how, if the periodic renewals are inevitable, a variance will save wasted time and expense for all concerned.

The appellant added that the compliant masonry portion is prison like and unpleasing, both when compared to the foot white wooden fence portion--shown as 35 feet in length in previous Board minutes--and when compared to how it might look if painted to be more attractive.

The appellant said the original and existing arrangement was a compromise deemed necessary by the City's Legal Department and satisfactory to the City and to Sunoco, to all concerned and arises out of the easement document and an Oakland County deed showing the County owns a right of way across his property, which incorporate any "permanent structure" above the easement. The wood portion is removable, you can swing it out, and the brick or concrete portion is "permanent." The then City Attorney coordinated the resolution of the issues.

Mr. Courtney questioned why the wood portion, if necessary, should not be limited to the approximately 20 foot portion transected by the 20 foot easement. Board members and staff discussed the definition of "permanent structure" and alternatives to wood fencing like demountable masonry or the "fence footer" solution Chair Lambert said one neighbor suggested.

Assistant City Attorney Forsyth noted that the application does not contain copies of the controlling agreement referred to by the applicant.

Mr. Bartnik said the pipeline goes under the road and under buildings, asking what happens to the easement at 2950 Dequindre and 3960 Wardlow, etc. Mr. Strat agrees it goes under Wattles.

The appellant said the easement holder's assertion of its right involves their catching up on their enforcement after periods of inattention.

PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted there are 3 letters from neighbors opposed to the request.

PUBLIC HEARING CLOSED

Mr. Courtney said the temporary extensions of the relief are a hedge against the easement holder at some point changing their mind, and said that as a representative of the citizens, acknowledging how the appellant feels about the aesthetics of the masonry, he would need to see documentation that gives full confirmation to the assumptions and conclusions that have been cited regarding the pipeline, etc.

Chair Lambert asked how a developer could get authorization put houses over the pipeline easement. Mr. Forsyth said the City's situation with regard to the private easement is in some ways analogous to the City's situation with regard to the covenants of private homeowner associations.

Mr. Strat said title companies and title searches are part of the process, with attendant liability for undiscovered existing easements and agreed that the Board lacks the information to justify a permanent variance for what some affected people might regard as unsightly. The Board needs to see the older easement and related document and the City's own record.

Deputy City Attorney Forsyth said he would research, verifying the City's due diligence and repeating some of the work of six years ago if the Board needs it. On the face of it, an ordinance cannot override a private easement unless there is a public benefit. The current relief could go on year by year forever.

The appellant said in earlier discussions, Sun Oil said to get rid of the entire brick wall, not just a segment. Mr. Bartnik said the wall should be able to extend up to the easement without a reason not to. The appellant said the spirit of the ordinance is to provide protection to the residences abutting a commercial entity.

Chair Lambert suggested the appellant meet with the neighbors affected by the screen wall and fence to find out what they could live with, and referred to the letter one of them sent that contains suggestions.

Resolution #BZA 2011-03-17

Moved by Clark

Seconded by Courtney

MOVED, To postpone the hearing to April 19, 2011, for the petitioner to provide more information.

Vote on the motion on the floor.

Yes: All present (6)

MOTION CARRIED 6-0

- C. **VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS** - In order to split the subject parcel into 3 separate parcels, a 15 foot

variance to the required 100 foot lot width requirement for 2 of the proposed parcels.

ORDINANCE SECTION: 39.10.02

Mr. Evans presented the facts, visuals and the requested variance.

Mr. Bartnik asked if staff confirmed the information in the spreadsheet analysis provided by the applicant; Mr. Evans advised they did not, but could if desired by the Board.

Mr. Courtney asked if the site could be split into two lots without a variance; Mr. Evans confirmed it could.

Chair Lambert asked whether the property, or the proposed southern 170 feet, is too small for a condo plan.

The appellants, Ms. Gada and Mr. Manek, were accompanied by Bob Lind of Urban Land Consultants LLC., 8800 23 Mile Rd Shelby Township. Appellant Manek said he moved to Troy in 2005 and bought the unique property in 2007 and that the proposed two southern lots resulting from a division into three meet the square footage and other requirements except for the 15 foot lot width deficit. It was part of a farm subdivided in two phases in the 1950s, when requirements were different and lots were larger, exceeding zoning requirements. Water and sewer enabled the homebuilding in the 1980s.

The existing farmhouse was built in 1901; its gravel driveway some 35 feet to the south turns north from the proposed middle lot.

The appellant said the land division would be no detriment to the surrounding area, with trees and brush to the east and more traditional, 1990s platted homes across Livernois.

Mr. Courtney asked whether there is enough square footage for site condos. Mr. Lind said they worked with City staff and looked at different scenarios. This one is the simplest; all would require variances, and condos would not be feasible. Appellant Manek thanked Mr. Evans and staff for their help.

In response to a question by Mr. Bartnik, the applicant attempted to clarify the lot frontage on nearby properties across Livernois Road.

Mr. Strat asked about the existing storage shed on the property, in what would be the center lot, and appellant Manek said they will move it to comply with the code. Mr. Strat said a site condominium appears possible and he feels would make more sense. It could use the existing curb cut and split the existing drive with a turnaround. This would work and allow two homes without a variance,

even if a cul de sac, which the appellants have considered and rejected, would not.

Mr. Courtney agreed as that condominiums might be a viable alternative. Chair Lambert asked about the rendering showing two new homes and the gambrel roof farmhouse, intent to avoid more curb cuts, and agreed with as to the need to consider alternatives such as site condominiums.

PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted there was no written correspondence from the public.

PUBLIC HEARING CLOSED

Resolution #BZA 2011-03-17

Moved by Courtney
Seconded by Bartnik

MOVED, To postpone the hearing to April 19, 2011, so that the appellants can research the viability of alternatives, including a condominium plan alternative.

Discussion of the motion on the floor.

Chair Lambert gave appellant Manek leave to speak further, and the appellant asked whether Board members are suggesting consideration of a site condo served by the existing drive. Mr. Strat said the configuration is at the appellant's discretion.

The appellant said that, eight months ago, Planning said for some reason they could not do condos; he forgets the details, but it included two units as well as four; they were against rezoning. Chair Lambert said if there is a firm denial from Planning, the Board will take up the lot split proposal.

Vote on the motion on the floor.

Yes: All present (6)

MOTION CARRIED 6-0

4. **COMMUNICATIONS**

Mr. Evans said Board members have the latest information from the Michigan Chapter of the American Planning Association.

5. **PUBLIC COMMENT**

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

Chair Lambert thanked Assistant City Attorney Forsyth for his service with the City of Troy and wished him well in his new endeavor; the Board has enjoyed working with him this year. His departure is the City's loss. Mr. Strat concurred. Assistant City Attorney Forsyth said he has enjoyed working here in various capacities.

In response to Mr. Strat's brief comment on agenda item 3B, Assistant City Attorney Forsyth reminded the Board that it postponed consideration of the item to next month.

7. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 8:58 p.m.

Respectfully submitted,

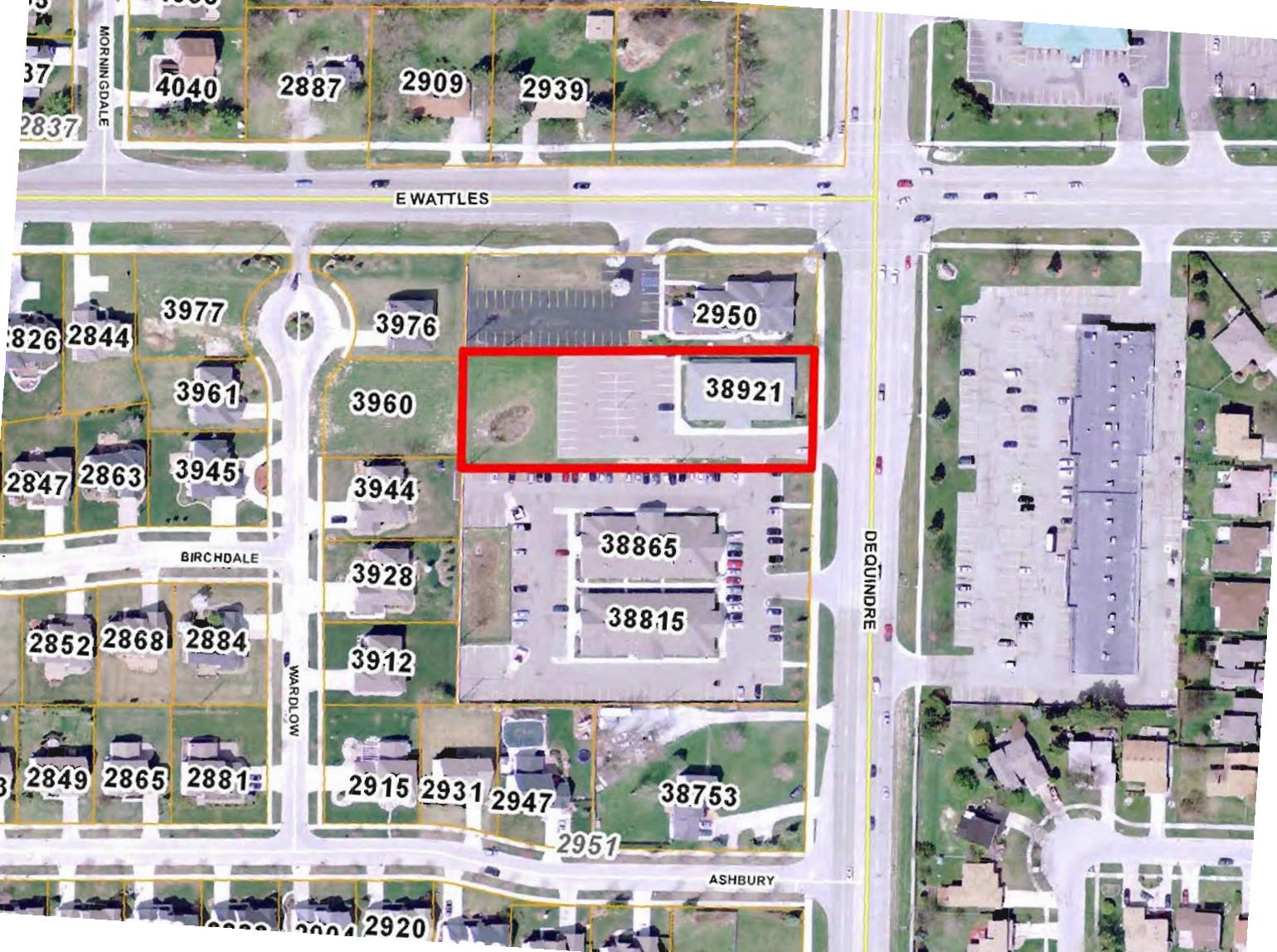
David Lambert, Chair

/sf

3. POSTPONED ITEMS

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

SECTION: 39.10.03



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E WATTLES

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WARDLOW

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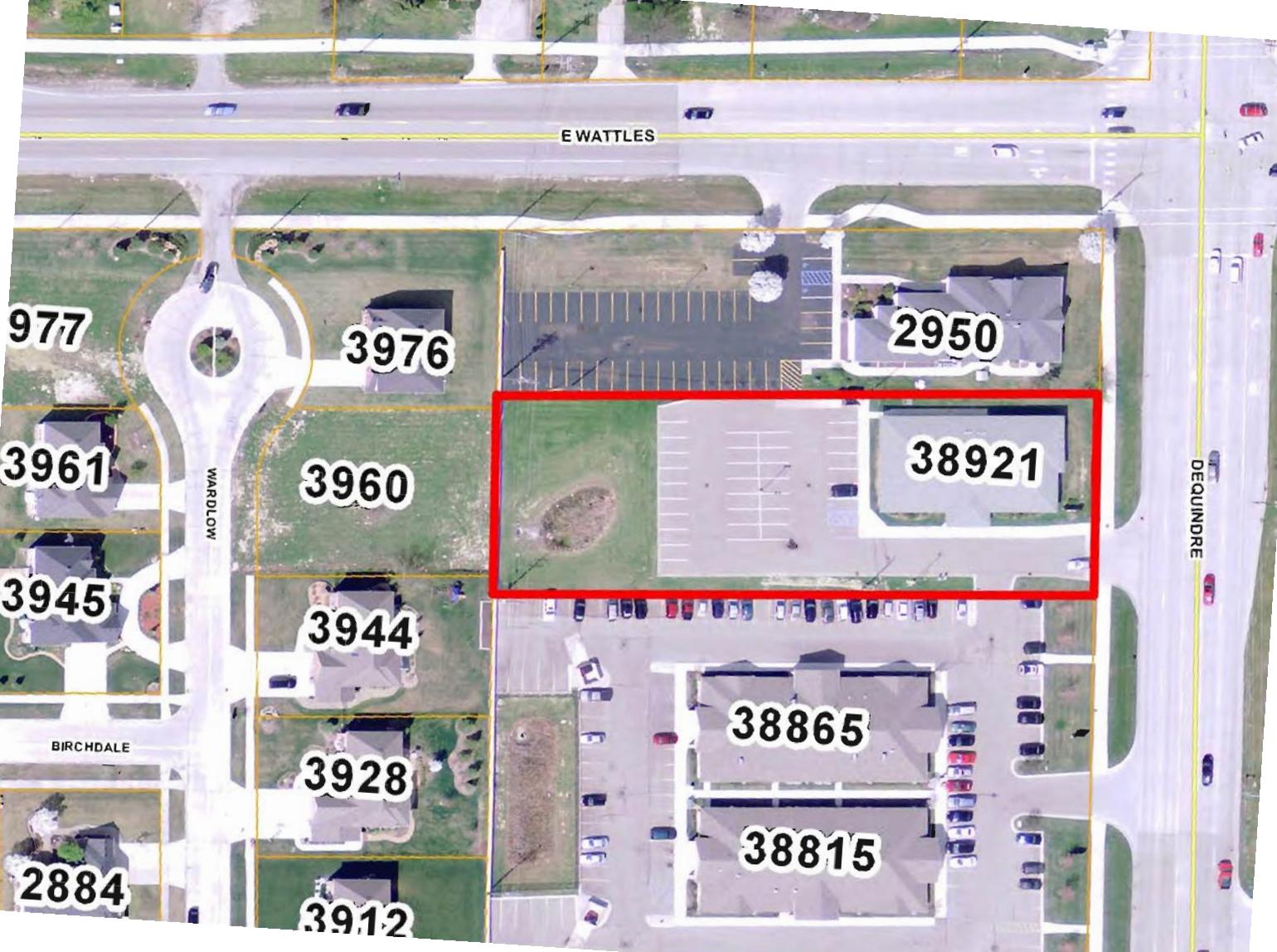
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ASHBURY

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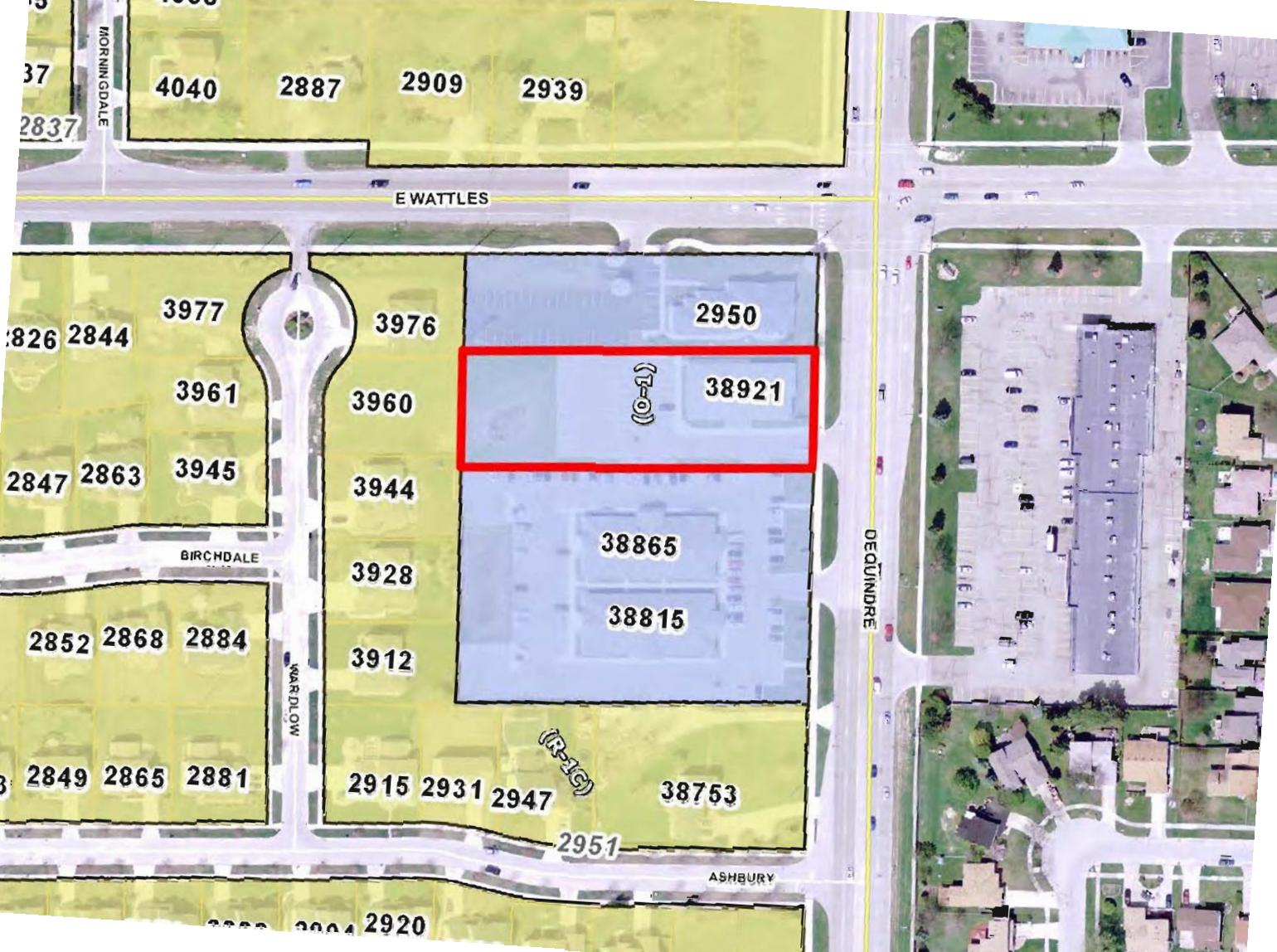
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DEQUINDRE

WARDLOW

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2915 2931 2947

(R-1G)

38753

2849 2865 2881

2951

ASHBURY

2899 2904 2920

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

6. APPLICANT INFORMATION:

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

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

SELF

8. OWNER OF SUBJECT PROPERTY:

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

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

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

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

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

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

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

Justification for the Variance Appeal Application

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

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

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

Your thoughtful consideration will be greatly appreciated.

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

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

Encl #1

MORTGAGE SURVEY

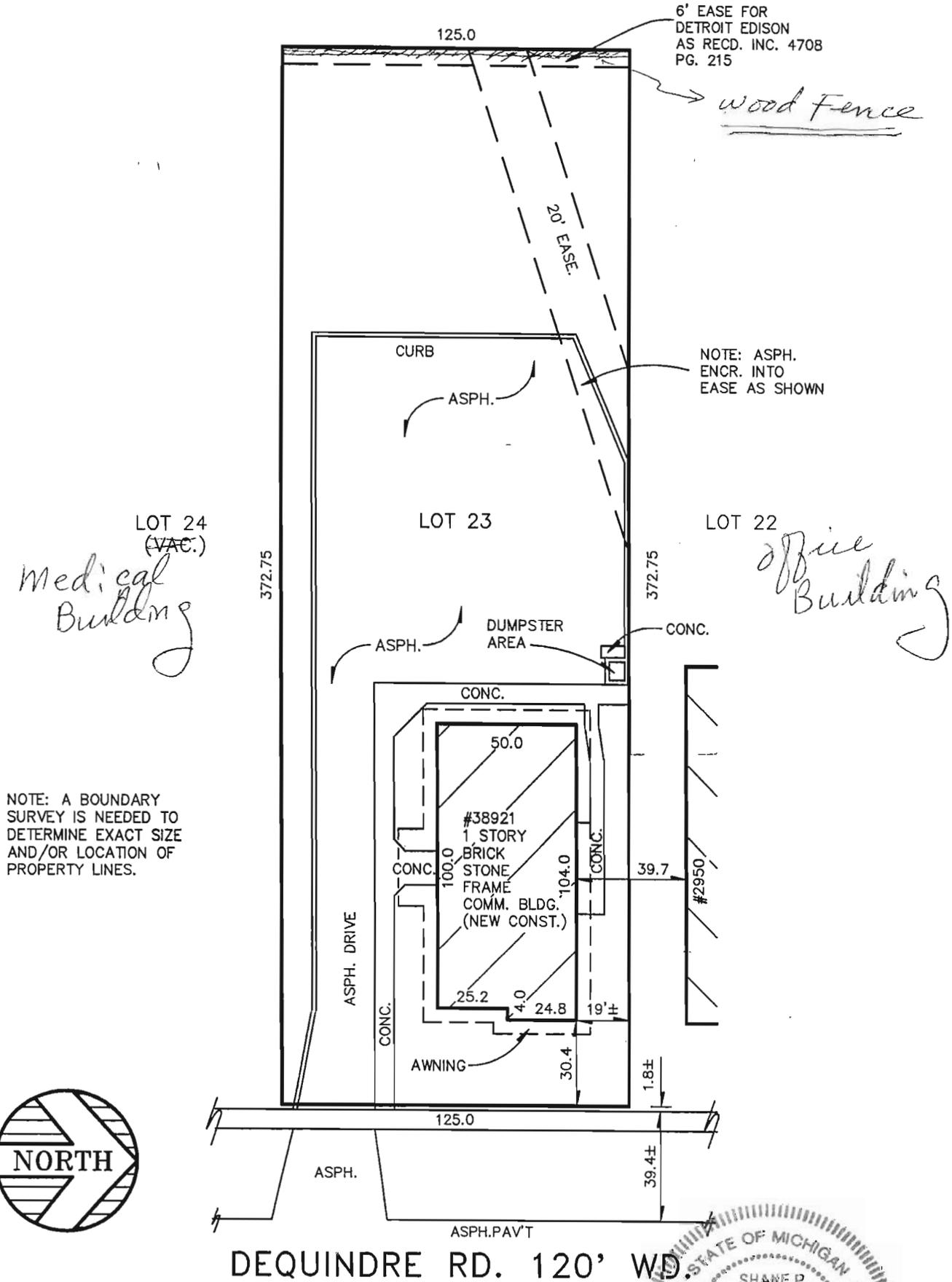
CERTIFIED TO

Comerica Bank

Applicant: HARRY H. AND SUNNIE KWON

Property Description:

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



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



DEQUINDRE RD. 120' WD.

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

Certified to all Title Companies.



Shane P. Azbell

JOB NO: 03-24424 SCALE: 1"=50'
DATE: 08/12/03 DR BY: MGD

KEM-TEC
LAND SURVEYORS

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



KEM-TEC WEST
LAND SURVEYORS

800 E. STADIUM
Ann Arbor, MI 48104-4355
(734) 994-0888 * (800) 433-8133
FAX: (734) 994-0667



Encl # 2

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.cityoftroy.org

December 14, 2004

Area code (248)

Harry & Sunnie Kwon
2135 Alfred
Troy, MI 48085

Assessing
524-3311

Bldg. Inspections
524-3344

RE: Variance Request - 38921 Dequindre

Bldg. Operations
524-3365

Mr. & Mrs. Kwon:

City Clerk
524-3316

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

City Manager
524-3330

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

Community Affairs
524-3147

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

Engineering
524-3383

Finance
524-3411

Fire Administration
524-3419

Human Resources
524-3339

Information Technology
524-3279

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

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police Administration
524-3443

Public Works
524-3370

MS/pp

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Sincerely,

Mark Stimac
Director of Building & Zoning

Handwritten notes:
SHP
JMS
K

Encl #3



E. TROY / BLOOMFIELD HILLS CENTER

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

RECEIVED

NOV 12 2003

BUILDING DEPARTMENT

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

November 12, 2003

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

Dear Mark,

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

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

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

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

Your expedited effort in this matter will be greatly appreciated.

Regards,

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

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

Encl # 4-1



Sunoco Logistics



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

October 24, 2003

Mr. Harry Kwon
38921 Dequindre Road
Troy, MI 48307

VIA FAX & U.S. MAIL

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

Dear Mr. Kwon:

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

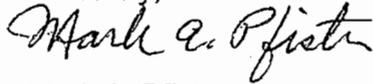
SPLP has learned that at your variance request hearing in September 2003, you produced only the original 1913 Agreement and that the City Zoning Board denied your request for a variance. The enclosed companion Agreement dated June 2, 1942, between Transit and Storage Company; and Nickolas J. Fleming,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

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

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

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

Sincerely,



Mark A. Pfister
Right of Way Specialist

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

Encl #5



September 23, 2003

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

Harry & Sunnie Kwon
2136 Alfred
Troy, MI 48085

Area code (248)

Assessing
524-3311

RE: Variance Request – 38921 Dequindre

Bldg. Inspections
524-3344

Mr. & Mrs. Kwon:

Bldg. Operations
524-3368

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

City Clerk
524-3316

The following is from the minutes of that meeting:

City Manager
524-3330

Community Affairs
524-1147

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

Engineering
524-3383

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

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Yeas: All – 7

Information Technology
619-7279

MOTION TO DENY REQUEST CARRIED

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

MS/pp

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Mark Stimac
Director of Building & Zoning



ITEM #2 – con't.

MOTION TO APPROVE RENEWAL REQUESTS CARRIED

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

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

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

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

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

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

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

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

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

ITEM #6 – con't.

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

Yeas: All – 7

MOTION TO APPROVE VARIANCES CARRIED

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

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

Motion by Courtney
Supported by Gies

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

Yeas: All – 7

MOTION TO ACCEPT WITHDRAWAL REQUEST CARRIED

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

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

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

Motion by Courtney
Supported by Fejes

ITEM #8 (ITEM #2) – con't.

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

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

Yeas: All – 7

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

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

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

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

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

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

Matthew Kovacs – Chairman

Pamela Pasternak – Recording Secretary

ITEM #6 – con't.

MOTION TO DENY REQUEST CARRIED

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

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

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

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

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

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

The Chairman opened the Public Hearing.

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

ITEM #7 – con't.

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

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

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

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

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

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

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

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

ITEM #7 – con't.

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

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

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

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

Motion by Hutson

Supported by Courtney

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

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

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

Absent: 1 – Vleck

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

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

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

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

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

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

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

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

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

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

Documents filed by petitioner on 4-10-11 follow this page



Sunoco Logistics



Sunoco Pipeline L.P.

Eastern Area Headquarters
525 Fritztown Road
Sinking Spring, PA 19608

November 13, 2003

Mr. Harry Kwon
38921 Dequindre Road
Troy, MI 48307

VIA FAX & U.S. MAIL

Re: Troy Professional Park Fence
Troy Township, Oakland County, MI
16" CMAR-CTOL, MAC-426A,
SPL FILE # 20021279

Dear Mr. Kwon:

Sunoco Pipeline L.P. (SPLP) has reviewed your faxed copy of proposed fence across the 16" pipeline from Atef Hanna of Spalding DeDecker Associates Inc., said faxes are dated 11/11/03, for the above referenced project and has the following comments pertaining to potential impact to SPLP 16" high-pressure crude oil pipeline.

The custom-built fence and corner post configuration as shown:

- The fence panel over the pipeline will be a board on board (shadow box) design 12 feet in length by 6' high. And utilize a U-hanger type connection at the inside of corner posts, for easy removal.
- No corner post will be located closer than 6 feet from the centerline of the 16" pipeline.
- Typical 8' board on board installation will be used to complete the fence across the right-of-way.
- This is acceptable.

SPLP has approved the alternate design plans. Formal approval of your project from SPLP will be in the form of an Amended Right of Way Agreement. At this time, no work will be allowed in SPLP's right-of-way and easement until SPLP has received the executed agreements. Please find enclosed three agreements and forward two signed and notarized agreements to me for further handling and execution by Sunoco Pipeline L.P.

Along with the above comments it is to be understood that no work will be permitted within or adjacent to our pipelines without the presence of a SPLP representative. It is further understood that no materials, soil stockpiles or equipment are to be stored over or near SPLP's pipeline. Should heavy equipment be operated over our pipeline, additional

Mr. Harry Kwon
November 13, 2003
Page 2 of 2

protection as prescribed by SPLP's field representative may be required to prevent over stress of SPLP's pipe.

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

Sincerely,



Mark A. Pfister
Right of Way Specialist

cc: Allan Motzny - Attorney for the City of Troy w/sketch
Atef Hanna - Spaulding, DeDecker and Assoc.
Chet Kehs - SPLP Montello
Pete Heinrich - SPLP Inkster w/sketch
Crestina Torrao - SPLP Inkster w/sketch

AMENDMENT TO RIGHT-OF-WAY AGREEMENT

THIS AGREEMENT, made this _____ day of _____ 2003, by and between **Harry H. Kwon and Sunnie Kwon**, as fee owner and whose address is 2136 Alfred Driver, Troy, MI 48098, hereinafter called "KWON", and **Sunoco Pipeline L.P.**, a Texas limited partnership, with an office at 525 Fritztown Road, Sinking Spring, Pennsylvania 19608, hereinafter sometimes called "SPLP",

WITNESSETH THAT:

WHEREAS, pursuant to the terms of a certain Right-of-Way Agreement dated July 13, 1913, executed and delivered by William Dunn etux to The Imperial Oil Company and recorded in the Clerk's Office of Oakland County, State of Michigan in Liber Book 262 of Deeds, Page 11, said The Imperial Oil Company, Limited, there was granted the right of way to lay, maintain, operate and remove pipelines and erect, maintain, operate and remove a telegraph and telephone line over and through the lands of said William Dunn etux situate in the Township of Troy, County of Oakland, State of Michigan as more fully described in said Right-of-Way Agreement, which agreement is included herein by reference; and

WHEREAS, pursuant to the terms of a certain Right-of-Way Agreement dated January 2, 1914, executed and delivered by William Perkins etux to The Imperial Oil Company and recorded in the Clerk's Office of Oakland County, State of Michigan in Liber Book 2 of Miscellaneous Deeds, Page 243, said The Imperial Oil Company there was granted the right to erect, maintain and operate a telegraph line, consisting of a line of poles and wires, over and through the lands of said William Perkins etux situate in the Township of Troy, County of Oakland, State of Michigan as more fully described in said Right-of-Way Agreement, which agreement is included herein by reference; and

WHEREAS, pursuant to the terms of a certain Right-of-Way Agreement dated June 2, 1942, by and between Transit and Storage Company and Nicholas J. Fleming, Edith P. Commin and T. Gordon Scupholm as recorded in the Register's office of

Oakland County, Michigan in Liber 1410, Page 101-9, situated in Township of Troy, County of Oakland, State of Michigan as more fully described in said Right-of-Way Agreement, which agreement is included herein by reference; and

WHEREAS, pursuant to the plat of the "Eyster's Dequindre Farms Subdivision No. 5", in Troy Township, Oakland County, State of Michigan, recorded in Liber Book 55 of Plats, Page 58, with a recording date of November 16, 1944, as more fully described in said Plat, which Plat is included herein by reference; and

WHEREAS, by mesne conveyances all rights, title and interests originally granted under the aforesaid Right of Way Agreements dated July 13, 1913, January 2, 1914, June 2, 1942 and November 16, 1944, is now owned by SPLP; and

WHEREAS, KWON is the present owner of a certain tract of land consisting of lot 23, of the aforesaid "Eyster's DeQuindre Farms Subdivision No. 5" Plat, as described in the following Deed dated January 3, 2003 from Traci L. Rink, Attorney-in-fact for Verasakdi Therakulsathit, a single man and Moneta Therakulsathit, a single woman to Harry H. Kwon and Sunnie Kwon, husband and wife, recorded in Liber 29478, Page 870, in the Office of the Recorder of Deeds for Oakland County. Said tract of land is subject to the above-described Right-of-Way Agreements; and

WHEREAS, KWON has requested SPLP to limit and restrict its right-of-way and easement through, under and across said tract of land; and

WHEREAS, in order to accommodate KWON, SPLP will not object to limiting and restricting its right-of-way and easement through, under and across said tract of land; and

NOW, THEREFORE, in consideration of the premises and of the mutual advantages accruing or expected to accrue to the parties hereto by virtue of this Amendment, the parties hereto, intending to be legally bound hereby for themselves and their respective successors and assigns, covenant and agree that the aforesaid Right-of-Way Agreement dated July 13, 1913, January 2, 1914, June 2, 1942 and November 16, 1944 shall be and the same is hereby amended by reference thereto to provide as follows:

- 1) SPLP's right-of-way and easement as it traverses the land of KWON shall be thirty feet (30') in width over, upon, under and across the aforesaid lands of KWON, the centerline of which is ten feet (10') to the northerly side and twenty feet (20') to the southerly side of SPLP's existing pipeline.
- 2) SPLP shall have the right, at any time, to re-lay, replace, operate, maintain, repair, alter, relocate, change the size of, construct additional lines of pipe, and remove any of its pipelines, together with the right, at any time or times, to construct, install, test, operate, maintain, protect, repair, upgrade, replace, reinstall, relocate, remove and/or abandon underground communication system(s) consisting of, but not limited to, conduits, cables, wires, underground splicing boxes, switches, terminals and any other appurtenances thereto, for the transmission of voice, video, data or other

communications on, in, over, under, through, across and within the aforesaid Thirty feet wide right-of-way and easement.

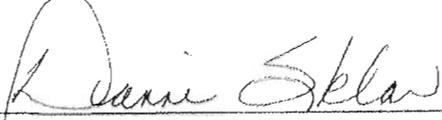
- 3) Except as otherwise specifically provided for herein, neither KWON, nor its agents, successors and assigns shall build any structure, improvement or obstruction on, construct artificial surfaces, or place bodies of water, permit or plant trees, excavate within, change the grade of, or use SPLP's rights-of-way or any part thereof, in any way which will interfere with SPLP's immediate and/or unimpeded access to SPLP's pipeline and communications system facilities located therein or otherwise interfere with SPLP's proper and safe use, operation, enjoyment and lawful exercise of any of the rights herein granted or confirmed without first having obtained SPLP's approval in writing.
- 4) SPLP shall have the right, but not the obligation, at SPLP's sole cost and expense, to clear the rights-of-way and easement of brush, trees and overhanging limbs which have grown or encroached thereon, to maintain immediate and/or unimpeded access to SPLP's pipeline and communication system located therein. SPLP shall not be liable for damages to any trees, brush or tree limbs occasioned upon the rights-of-way and easement during the exercise of any of the rights herein granted or confirmed.
- 5) KWON, their successors and assigns, are required to submit plans in accordance with the current issue of SPLP's General Engineering Restrictions for any proposed Improvements in, on or about the right-of-way and easement of SPLP, or any proposed Improvements to said tract of land which will have the effect of interfering with the rights of SPLP, and must obtain SPLP's formal approval of plans and consent in writing (such consent not to be unreasonably withheld), to said Improvements before any work of any kind is done on said right-of-way and easement and that construction of said Improvements shall be subject to the following conditions:
 - a) Any deviation, change, or revision to the above referenced drawings is strictly prohibited without SPLP having first given its written approval (such consent not to be unreasonably withheld).
 - b) The construction, installation, maintenance and/or reconstruction of the Improvements in, on or about the right-of-way and easement of SPLP are and shall be subject to the prior rights of SPLP.
 - c) KWON, its agents, contractors, successors and assigns shall at all times be obligated to promptly maintain, repair, alter and renew those certain Improvements upon notice in writing from SPLP requiring them to do so for the purpose of protecting and safeguarding SPLP's pipeline and communication system from damage or injury, all at KWON's sole cost and expense.
 - d) SPLP, in the exercise of any of its rights, shall not be liable in any manner or respect whatsoever for any damages occasioned to those certain Improvements located along and in its right-of-way and easement, and KWON, its successors

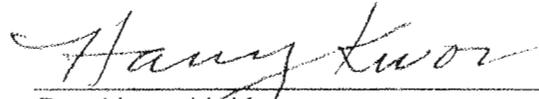
and assigns shall and do assume all risk and expense which may be involved in any repair, replacement and/or reconstruction of said Improvements. SPLP may temporarily barricade and seal off from public use all or any portion of KWON land that it deems necessary for reasons of safety and to facilitate performance of its work.

- e) It is further agreed that should any of the Improvements constructed pursuant to the above provisions be dedicated to any governmental body of the State of Michigan, including county or municipality, said dedication will be subject to all prior rights and privileges of SPLP contained herein and in the aforesaid Right-of-Way Agreement.
 - f) KWON, its successors and assigns covenant and agree to and shall at all times indemnify, protect, defend and save harmless SPLP from and against all cost or expense, including attorney's fees, resulting from any and all losses, damages, detriments, suits, claims, demands or charges which SPLP may directly or indirectly suffer, sustain or be subjected to by reason of or on account of the construction, use, maintenance, repair, alteration, renewal or removal of the aforesaid Improvements in, on or about the right-of-way and easement of SPLP whether such losses and damages be suffered or sustained by SPLP directly or by its employees, agents, servants, contractors or licensees, or be suffered or sustained by other persons or corporations representing KWON, their employees, servants, contractors, agents or others who seek to hold SPLP liable.
 - g) KWON, and their agents, contractors, successors and assigns shall give SPLP not less than seventy-two (72) hours notice prior to any proposed excavation, drilling, boring, grading, construction or installation of utilities over or near SPLP's pipeline, communication system and right-of-way by contacting the at .
- 6) All other terms, conditions, provisions and restrictions of the Right-of-Way Agreements dated July 13, 1913, January 2, 1914, June 2, 1942 and November 16, 1944, except as modified and amended by this Agreement, are hereby ratified and confirmed and shall remain in full force and effect.
- 7) The terms, conditions and provisions of this Amendment to Right-of-Way Agreements shall extend to and be binding upon the heirs, executors and administrators, personal representative, successors and assigns of the parties hereto.

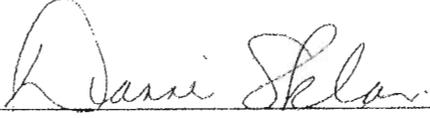
IN WITNESS WHEREOF, the parties have caused these presents to be duly executed the day and year aforesaid.

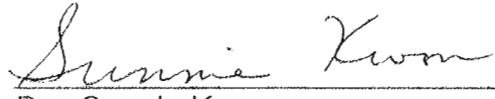
Witness


By: DIANNE SKLAR


By: Harry H. Kwon
Title: Fee Owner

Witness


By: DIANNE SKLAR


By: Sunnie Kwon
Title: Fee Owner

Witness

SUNOCO PIPELINE L.P.
By: Sunoco Logistic Partners Operations GP LLC
its General Partner

By: _____

By: David A. Justin, its Vice President

Prepared by and return to:
Mark A. Pfister
Sunoco Pipeline L.P.
525 Fritztown Road
Sinking Spring, PA 19464

From: [Brenda Bradford](#)
To: [Planning](#)
Subject: Public Hearing on March 15, 2011
Date: Tuesday, March 15, 2011 11:22:33 AM

March 15, 2011

Location: 38921 Dequindre
Zoning Ordinance Sections: 39.10.03
Parcel No: 20-24-226-087
Property Owner and Applicant: Harry H. and Sunnie Kwon

My name is Karl F. Kolbe, M.D., and I am the President of the Dequindre Professional Association which is located at 38865 and 38815 Dequindre, south of the 38921 Dequindre Property. The wood fence on 38921 Dequindre property is an "eye sore" and is unacceptable. A cement wall will also have less maintenance and will last longer. All of the businesses have conformed to the ordinance of a cement wall and it should be uniform, across the board.

Please take my view into consideration tonight during the Public Hearing.
Thank you in advance for your time.

Karl F. Kolbe, M.D.
President of Dequindre Professional Association

Date: March 11, 2011

To: Troy Planning Department
500 W. Big Beaver
Troy, MI 48084
planning@troymi.gov
248-524-3364

From: Chris and Cindy Oesterling
3928 Wardlow Ct. (Lot #4)
Troy, MI 48083
88-20-24-230-007
chris@icircuits.com
248-561-9390 (cell)

Subject: City of Troy Zoning Appeals - Variance from the requirement that the required obscuring wall along the west property line be constructed of common or face brick, or of poured or precast masonry or decorative block, in order to maintain the existing wood fence.

Location: 38921 Dequindre
Zoning Ordinance Sections: 39.10.03
Parcel No. : 20-24-226-087
Property Owner and Applicant: Harry H. and Sunnie Kwon

Dear Troy,

Thank you for the opportunity to voice our concerns over the variance request by the business located at 38921 Dequindre. Our backyard (Lot #4) faces the cast wall so we can easily see the wood fence at the back of Lot #2. It is also very visible from the Wardlow Street since there is not a home built on Lot #2.

We strongly suggest the business be **required** to follow zoning requirements as the rest of the businesses already have.

- Aesthetically the wood fence is much less attractive than the existing cast wall
- The wood fence is not consistent with the existing cast wall so it "sticks out"
- The wood fence is less secure than the cast wall
- The wood fence requires a lifetime of maintenance (e.g. painting and replacement of the rotting wood)
- We have attached three photos to illustrate these points

My wife recently spoke with our subdivision builder Mike and he confirmed that even though the fence does sit on top of a buried gas line there is a fence footer solution for the cast wall. We feel it is an obligation of the business owners to follow the zoning rules.

My next door neighbor Sam Ahmad (Lot #3) and I are in full agreement on this matter. If requested I can get a signed petition from Sam and the other homeowners in the Birchwood Estates subdivision.

Please feel free to contact me anytime with questions or comments.

Thank you.

Chris Oesterling







From: [Troymd1](#)
To: [Planning](#)
Subject: public hearing 3-15-2011
Date: Tuesday, March 15, 2011 1:54:24 PM

To whom it may concern:

Re: Variance for parcel 20-24-226-087

I am the neighbor in the adjacent lot. I am opposed to giving the variance. The wood fence has an unacceptable appearance and lowers property values.

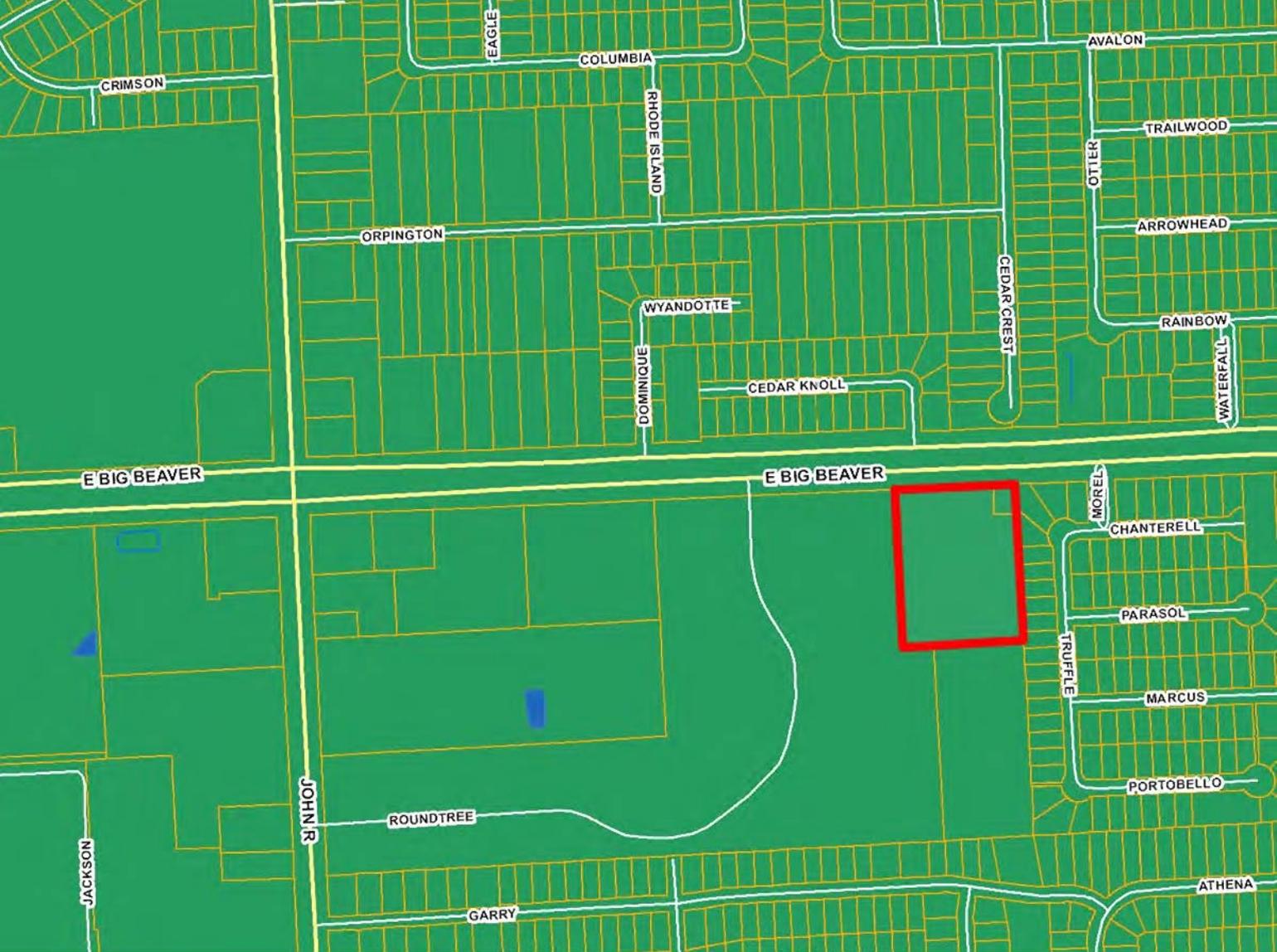
Sincerely,
Robert Saieg
38815 Dequindre
Troy, Mi 48083

3. POSTPONED ITEMS

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

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

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



CRIMSON

EAGLE

COLUMBIA

AVALON

RHODE ISLAND

TRAILWOOD

ORPINGTON

OTIER

ARROWHEAD

WYANDOTTE

CEDAR CREST

RAINBOW

WATERFALL

CEDAR KNOLL

E BIG BEAVER

E BIG BEAVER

MOREL

CHANTERELL

PARASOL

TRUFFLE

MARCUS

PORTOBELLO

JOHN R

ROUNDTREE

JACKSON

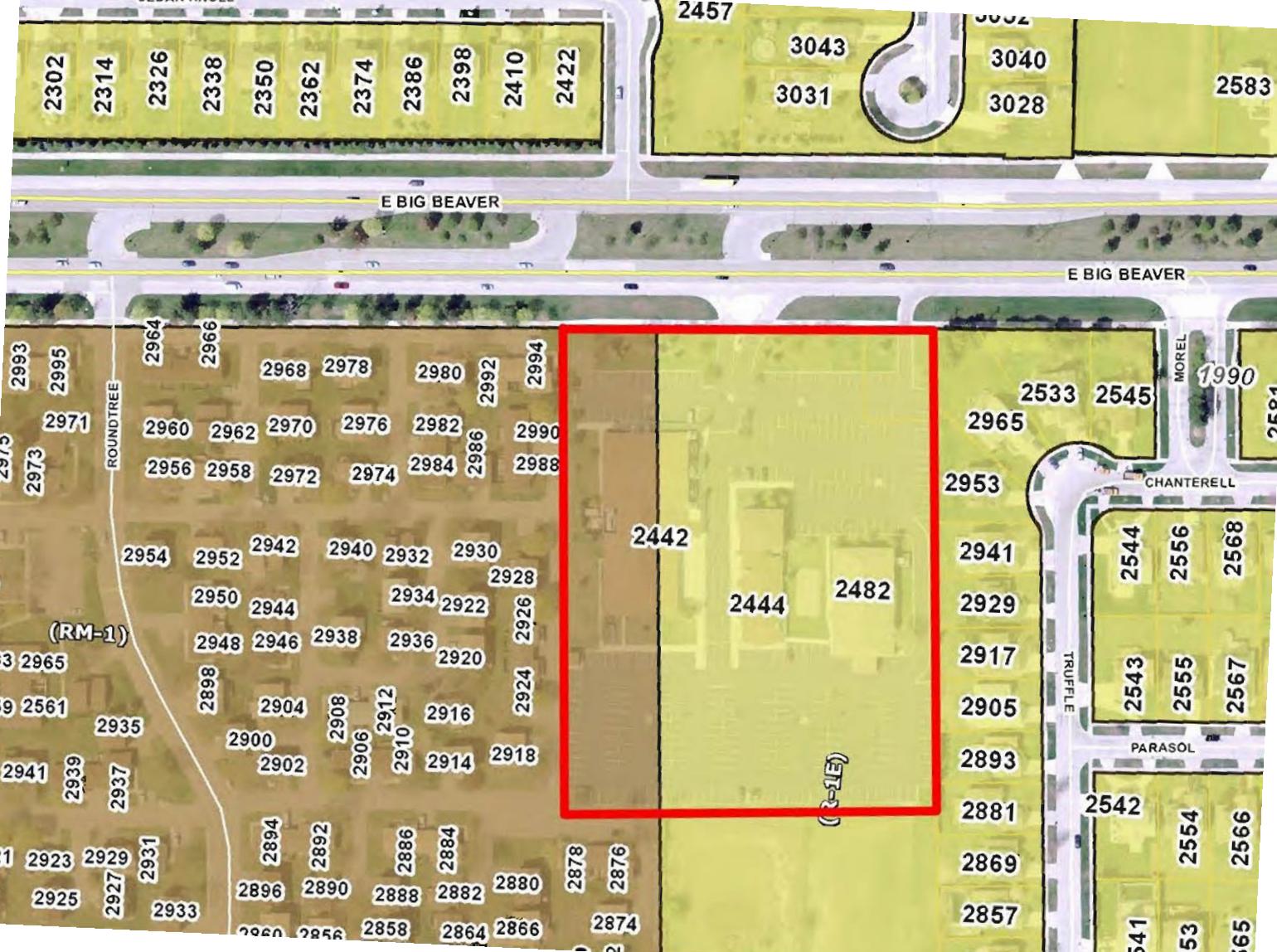
GARRY

ATHENA

E BIG BEAVER

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2958 2972 2974 2984 2986 2990 2988
2952 2942 2940 2932 2930 2928
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2900 06 2910 2918

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2482



E BIG BEAVER

E BIG BEAVER

ROUNDTREE

TRUFFLE

MOREL

CHANTRELL

PARASOL



2302 2314 2326 2338 2350 2362 2374 2386 2398 2410 2422

2457 3043 3031 3040 3028 2583

2993 2995 2971 2973 2964 2966 2968 2978 2980 2992 2994 2960 2962 2970 2976 2982 2990 2956 2958 2972 2974 2984 2986 2988 2954 2952 2942 2940 2932 2930 2928 2950 2944 2934 2922 2926 2948 2946 2938 2936 2920 2898 2904 2908 2912 2916 2924 2926 2900 2902 2906 2910 2914 2918 2941 2939 2937 2935 2904 2902 2906 2910 2914 2918 2894 2892 2886 2884 2880 2878 2876 2923 2929 2931 2894 2892 2886 2884 2880 2878 2876 2925 2927 2931 2896 2890 2888 2882 2880 2874 2925 2927 2931 2896 2890 2888 2882 2880 2874

2533 2545 1990 2584 2965 2953 2941 2929 2917 2905 2893 2881 2869 2857 2544 2556 2568 2543 2555 2567 2542 2541 2554 2566

(RM-1)

(C-1E)



REC'D

CITY OF TROY

FEB 11 2011

BOARD OF ZONING APPEALS APPLICATION

PLANNING DEPT.

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



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

ST JOSEPH CHALDEAN CATHOLIC CHURCH

NOTICE TO THE APPLICANT

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

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

1. ADDRESS OF THE SUBJECT PROPERTY: 2442 E. BIG BEAVER ROAD, TROY, MI 48083

LOT NO. SUBDIVISION

LOCATED ON THE SOUTH SIDE OF (ROAD) BIG BEAVER ROAD

BETWEEN DEQUINDRE ROAD AND JOHN R. ROAD

ACREAGE PROPERTY: Attach legal description if this an acreage parcel

2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-25-126-024

3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: SECTION 6.21 E AND F

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

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

6. APPLICANT INFORMATION:

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

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

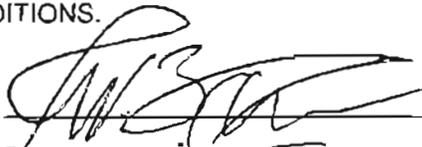
8. OWNER OF SUBJECT PROPERTY:

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

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

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

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

SIGNATURE OF APPLICANT  DATE 2/11/2011

PRINT NAME: Msgn Zouhair Toma

SIGNATURE OF PROPERTY OWNER _____ DATE _____

PRINT NAME: _____



**Residential
Commercial
Industrial**

Architects / Engineers / Planners

February 10, 2011

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

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

Mr. Paul Evans,

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

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

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

Respectfully submitted,

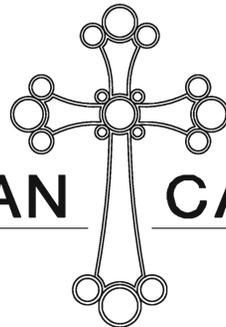
Dan Swiontoniowski
Project Manager

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

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

Website: GAVASSOCIATES.COM

ST. JOSEPH CHALDEAN CATHOLIC CHURCH



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

JAD JOB NO.:1007

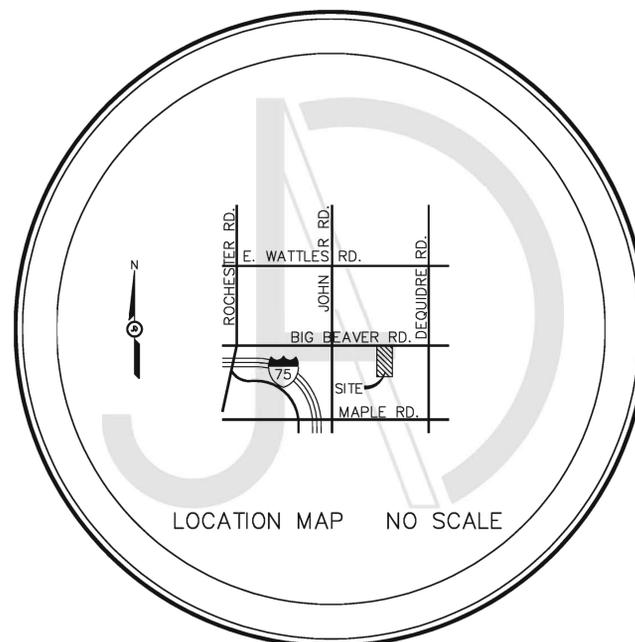
ZONING: R1-E: ONE FAMILY RESIDENTIAL DISTRICT
LEGAL DESCRIPTION:

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

PROJECT DIRECTORIES:

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

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



LOCATION MAP NO SCALE

SHEET INDEX:

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

TERMS AND CONDITIONS FOR ELECTRONIC DATA:

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



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

NOTES TO CONTRACTORS:

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

PROPERTY OWNER

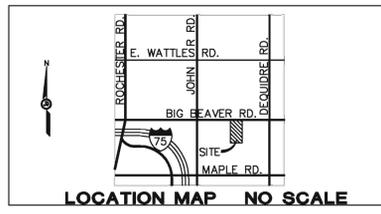
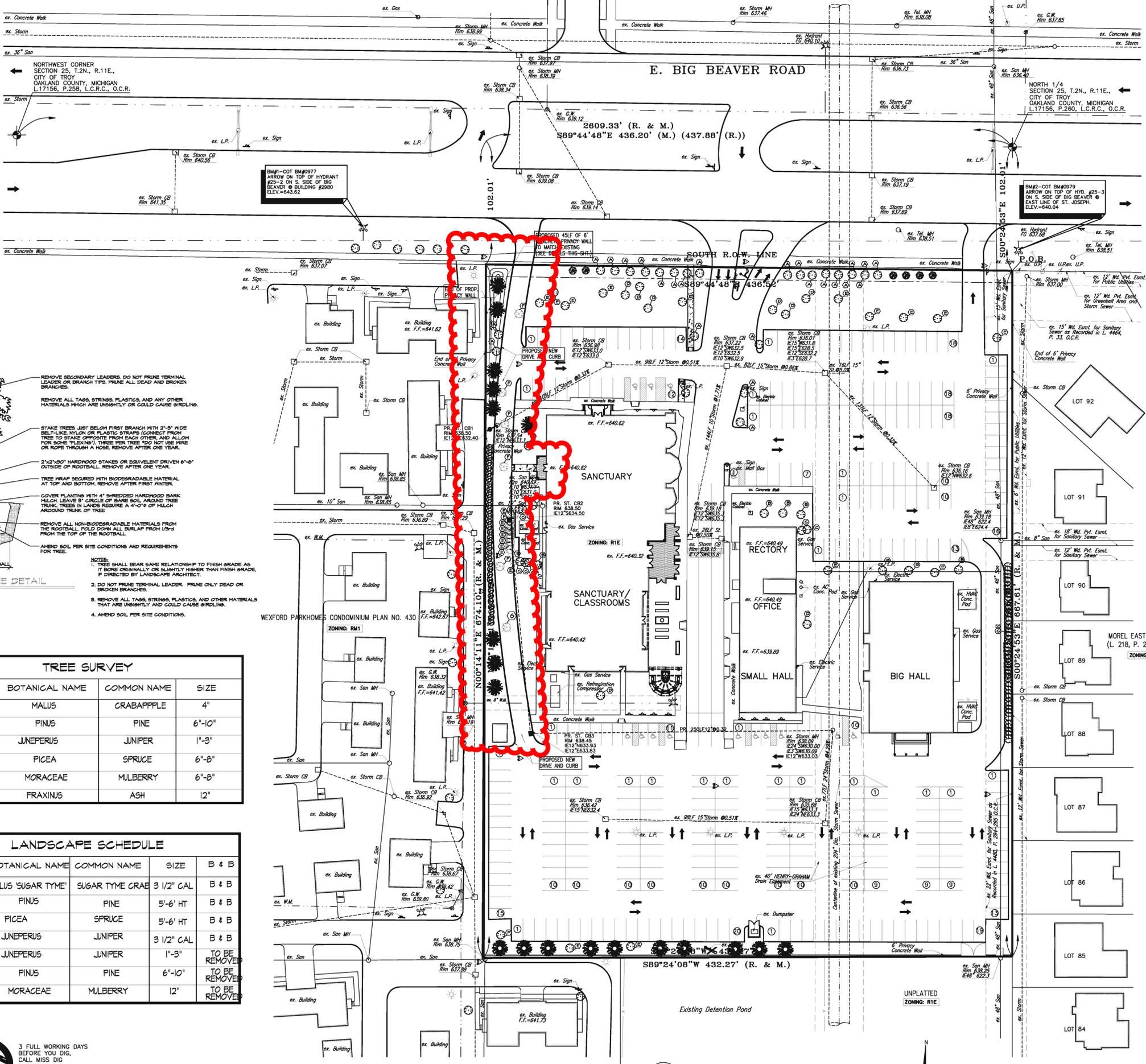
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2442 E. BIG BEAVER ROAD
 TROY, MICHIGAN 48083
 CONTACT PERSON:
REVEREND MONSIGNOR ZOUHAIR TOMA KAJBOU
 TELEPHONE: 248-528-3676
 FACSIMILE: 248-524-1957

ARCHITECT



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

CITY OF TROY FILE NUMBER: SU 385



LEGAL DESCRIPTION
 A PARCEL OF LAND BEING PART OF THE NORTHWEST CORNER OF SECTION 25, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; S.07°24'53".102.01 FEET ALONG THE N.-S. 1/4 LINE TO THE P.O.B.; THENCE CONTINUING ALONG SAID LINE S.07°24'53".102.01 FEET; THENCE S.89°44'48".437.88 FEET; THENCE N.07°14'11".572.10 FEET TO THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (102.00' 1/2 WD.); THENCE ALONG SAID S. R.O.W. LINE S.89°44'48".437.88 FEET (M.) TO THE P.O.B. CONTAINING 5.712 ACRES OF LAND, SUBJECT TO ANY AND ALL EASEMENTS OF RECORDS, IF ANY. ALSO KNOWN AS PARCEL IDENTIFICATION NUMBER: 20-25-126-024.

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

FLOOD ZONE DETERMINATION
 FIRM CITY OF TROY-OAKLAND COUNTY-MICHIGAN PANEL# 261250-0530 (NORTH PART OF PROPERTY) PANEL# 261250-0510 (SOUTH PART OF PROPERTY) MAP REVISED JANUARY 16-2009
 PROPERTY DOES LIE WITHIN A MINIMAL OR NO IMPACT FLOOD ZONE.

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

LANDSCAPE REQUIREMENTS
ZONING ORDINANCE-SEC. 39.80.02
 1. STRIP OF LAND 10' IN WIDTH ADJACENT ANY PUBLIC STREET/FRONTAGE OR R.O.W. LANDSCAPED WITH A MINIMUM OF ONE (1) TREE FOR EACH (20) LINEAR FEET OF PROPERTY ABUTTING SAID R.O.W. TREE REQUIREMENTS IN 10' STRIP ABUTTING R.O.W.: 10' STRIP=38.52'20" TREES=21.83 TREES (USE 22 TREES REQUIRED) (TREES PROVIDED: 15 TREES)

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

ZONING ORDINANCE-SEC. 39.80.04
 1. SCREENING WALLS SHALL BE PROVIDED BETWEEN PARKING AREAS AND ADJACENT RESIDENTIAL PROPERTIES IN ACCORDANCE WITH SECTION 39.10.00 (PROVIDED)

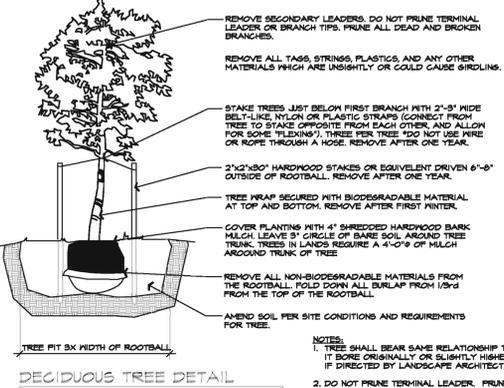
ZONING ORDINANCE-SEC. 39.80.05
 1. IN ADDITION TO ANY LANDSCAPE BUFFER REQUIRED BY SEC. 39.80.02, TEN (10) PERCENT OF THE NET SITE AREA SHALL BE DEVELOPED AS LANDSCAPED OPEN SPACE. SAID LANDSCAPED OPEN SPACE SHALL BE LOCATED ONLY WHEN LOCATED IN THE FRONT OR SIDE YARDS, PEDESTRIAN WALKS, PLANTERS, AND OTHER DECORATIVE ELEMENTS MAY BE INCLUDED IN SUCH LANDSCAPED AREAS, NO MORE THAN TWENTY (20) PERCENT OF THE REQUIRED LANDSCAPED AREA MAY CONSIST OF DURABLE NON-LIVING LANDSCAPED MATERIAL.

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

ZONING ORDINANCE-SEC. 40.21.31 BANQUET ROOM
 ONE (1) FOR EACH TWO (2) PERSONS WITH THE SEATING CAPACITY OF THE ESTABLISHMENT, PLUS ONE (1) EMPLOYEE PARKING SPACE FOR EACH TEN (10) SEATS WITHIN THE SEATING CAPACITY ON ONE (1) FOR EACH TWENTY (20) SQUARE FEET OF BANQUET AREA, WHICHEVER IS GREATER.

ZONING ORDINANCE-SEC. 40.21.71 BUSINESS AND PROF. OFFICES
 ONE (1) FOR EACH TWO HUNDRED (200) SQUARE FEET OF USABLE FLOOR AREA, AS INDICATED IN SECTION 04.20.03.
 REQUIRED PARKING SPACES FOR GUESTS = 1,000/200 = 5 SPACES.

ZONING ORDINANCE-SEC. 40.21.12 ONE-FAMILY ATTACHED
 TWO (2) FOR EACH DWELLING UNIT.
 MAXIMUM PARKING REQUIREMENT FOR SINGLE USE = 287 SPACES
 EXISTING PARKING PROVIDED = 321 SPACES



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

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE
A	22	MALUS	CRABAPPLE	4"
B	9	PINUS	PINE	6'-10"
C	62	JUNEPERUS	JUNIPER	1'-3"
D	8	PICEA	SPRUCE	6'-8"
E	14	MORACEAE	MULBERRY	6'-8"
F	1	FRAXINUS	ASH	12"

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

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



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

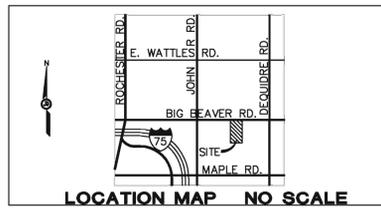
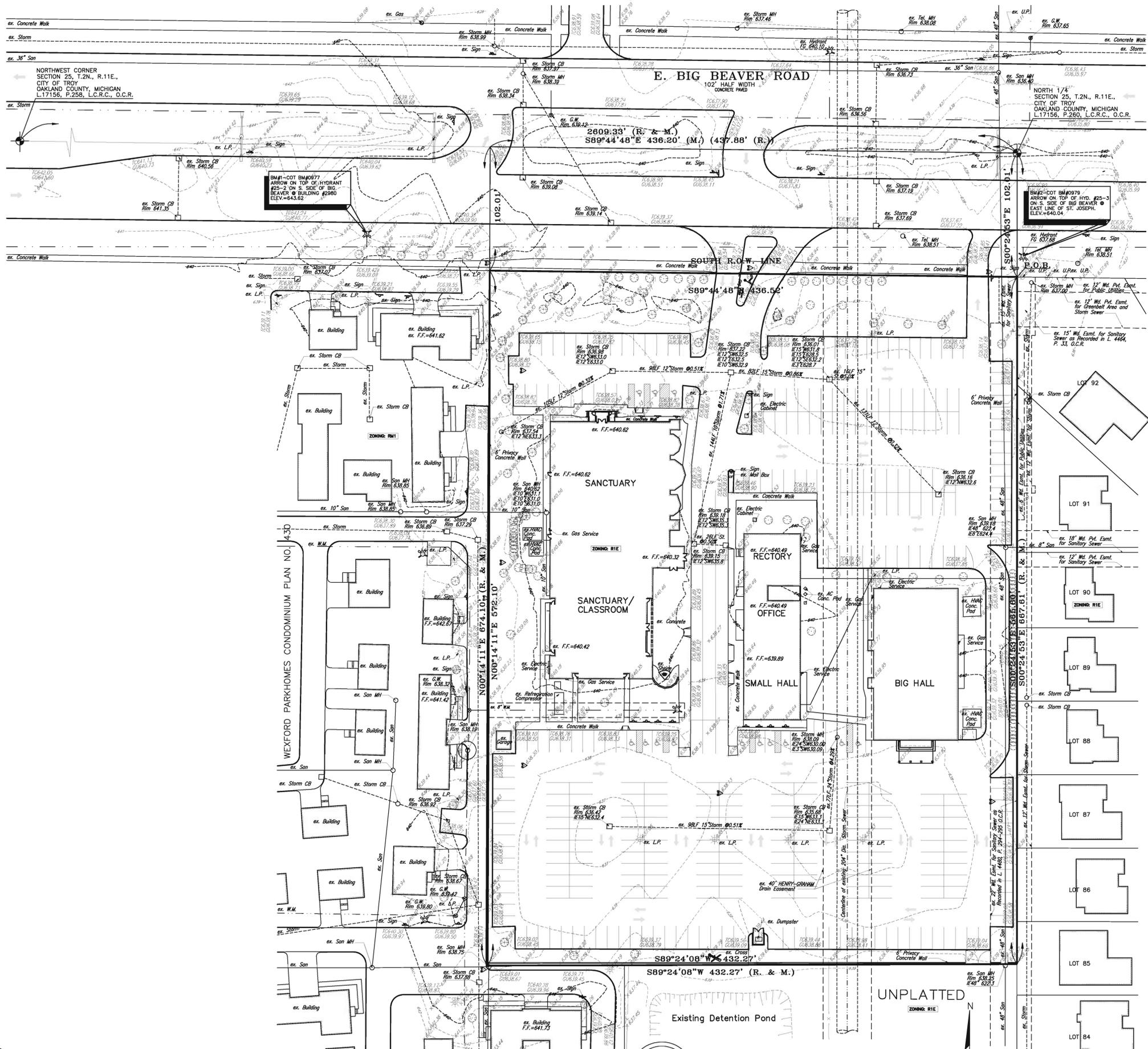
CLIENT:
ST. JOSEPH CHALDEAN CATHOLIC CHURCH
 2440-44 EAST BIG BEAVER ROAD
 CITY OF TROY, MICHIGAN
 TELEPHONE: 248-689-4242
REVEREND MONSIGNOR ZOUHAIR TOMA KAIBOU
 TELEPHONE: 248-528-3676
 FACSIMILE: 248-524-1957

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

PROJECT NO.:
 1007
DRAWN JAD
CHECKED JAD
APPROVED JAD

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

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



ZONING: R1-E: ONE FAMILY RESIDENTIAL DISTRICT

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE NORTHWEST CORNER OF SECTION 25, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; S.00°24'53"E., 102.01 FEET ALONG THE N.-S. 1/4 LINE TO THE P.O.B.; THENCE CONTINUING ALONG SAID LINE S.00°24'53"E., 565.60 FEET; THENCE S.89°24'08"W., 432.27 FEET; THENCE N.00°14'11"E., 572.10 FEET TO THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (102.00' 1/2 WD.); THENCE ALONG SAID S. R.O.W. LINE S.89°44'48"E., 437.88 FEET (M.) TO THE P.O.B. CONTAINING 5.712 ACRES OF LAND, SUBJECT TO ANY AND ALL EASEMENTS OF RECORDS, IF ANY. ALSO KNOWN AS PARCEL IDENTIFICATION NUMBER: 20-225-126-024.

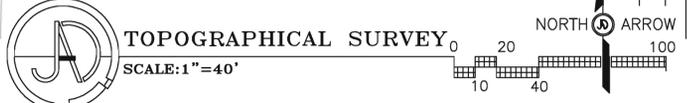
DESCRIPTION	LEGEND	
	EXISTING	PROPOSED
STORM/SEWER		
SANITARY/SEWER		
WATER LINE		
UTILITY POLE/POWER LINE		
UTILITY POLE W/GUY WIRE		
GAS LINE		
CONCRETE PAVEMENT		
SILT FENCE		
FENCE		
FABRIC FILTER FENCE		
LOT IDENTIFICATION NO.	LOT 178	LOT 178
PARCEL IDENTIFICATION NO.	11-30-277-078	11-30-277-078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

FLOOD ZONE DETERMINATION	TOPO NOTES
F.I.R.M. CITY OF TROY-OAKLAND COUNTY-MICHIGAN PANEL# 28125C-05530 (NORTH PART OF PROPERTY) PANEL# 28125C-05510 (SOUTH PART OF PROPERTY) MAP REVISED JANUARY 16-2009 PROPERTY DOES LIE WITHIN A MINIMAL OR NO IMPACT FLOOD ZONE.	THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING WERE DERIVED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS OR EXACTNESS OF LOCATION.

BENCH MARK-NAVD88 DATUM	
BM#1 (CITY OF TROY BM0977) TOP OF ARROW ON HYDRANT #25-2 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH. ELEV.=643.62 (DATED 07/08/2005)	BM#2 (CITY OF TROY BM0979) TOP OF ARROW ON HYDRANT #25-3 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH. ELEV.=646.04 (DATED 07/08/2005)

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

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



TOPOGRAPHICAL SURVEY SCALE: 1"=40'



1747 Henbert Street West Bloomfield, MI 48324

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

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

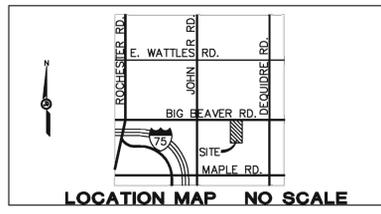
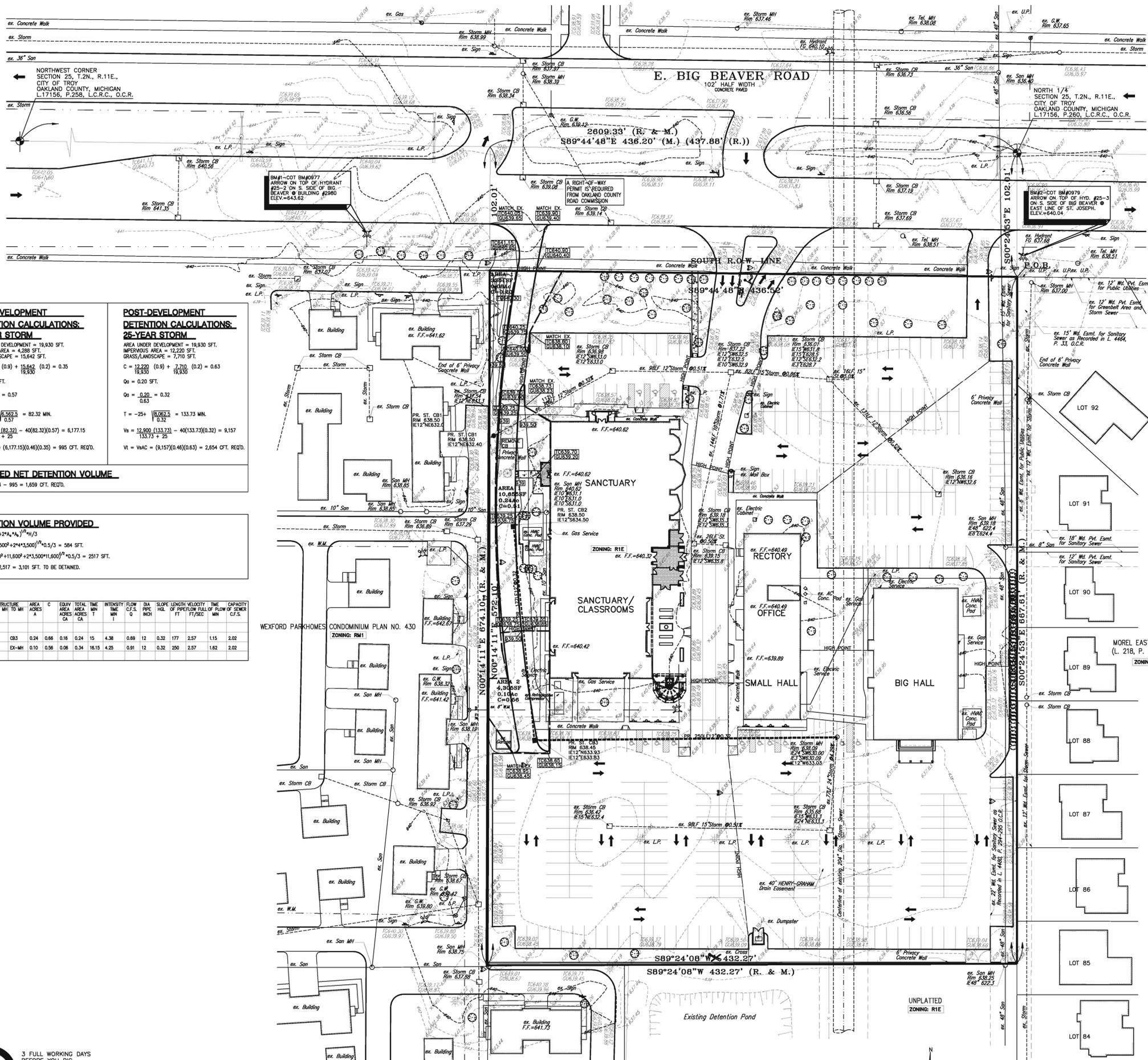
SHEET TITLE: TOPOGRAPHICAL SURVEY PROJECT TITLE: ST. JOSEPH CHALDEAN CHURCH 2440-44 EAST BIG BEAVER ROAD NW 1/4 OF SEC. 25, T.2N., R.11E. CITY OF TROY, OAKLAND COUNTY, MICHIGAN

PROJECT NO.: 1007
 DRAWN JAD
 CHECKED JAD
 APPROVED JAD

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

SCALE: 1"=40'
 SHEET NO:

PC-1



ZONING: R1-E: ONE FAMILY RESIDENTIAL DISTRICT

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE NORTHWEST CORNER OF SECTION 25, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; S.00°24'53"E., 102.01 FEET ALONG THE N.-S. 1/4 LINE TO THE P.O.B.; THENCE CONTINUING ALONG SAID LINE S.00°24'53"E., 565.60 FEET; THENCE S.89°24'08"W., 432.27 FEET; THENCE N.00°14'11"E., 572.10 FEET TO THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (102.00' 1/2 WD.); THENCE ALONG SAID S. R.O.W. LINE S.89°44'48"E., 437.88 FEET (M.) TO THE P.O.B., CONTAINING 5.712 ACRES OF LAND, SUBJECT TO ANY AND ALL EASEMENTS OF RECORDS, IF ANY. ALSO KNOWN AS PARCEL IDENTIFICATION NUMBER: 20-225-126-024.

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

FLOOD ZONE DETERMINATION	TOPO NOTES
F.I.R.M. CITY OF TROY-OAKLAND COUNTY-MICHIGAN PANEL# 281250-05530 (NORTH PART OF PROPERTY) PANEL# 281250-05510 (SOUTH PART OF PROPERTY) MAP REVISED JANUARY 16-2009 PROPERTY DOES LIE WITHIN A MINIMAL OR NO IMPACT FLOOD ZONE.	THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE DERIVED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS OR EXACTNESS OF LOCATION.

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

BM#1 (CITY OF TROY BM0977) TOP OF ARROW ON HYDRANT #25-2 LOCATED ON THE SOUTH SIDE OF BIG BEAVER AT BUILDING #2890 ELEV.=643.62 (DATED 07/09/2005)

BM#2 (CITY OF TROY BM0979) TOP OF ARROW ON HYDRANT #25-3 LOCATED ON THE S. SIDE OF BIG BEAVER AT EAST LINE OF ST. JOSEPH CHURCH ELEV.=640.04 (DATED 07/09/2005)

PRE-DEVELOPMENT DETENTION CALCULATIONS: 10-YEAR STORM	POST-DEVELOPMENT DETENTION CALCULATIONS: 25-YEAR STORM
AREA UNDER DEVELOPMENT = 19,930 SFT. INFLOW AREA = 4,288 SFT. GRASS/LANDSCAPE = 15,642 SFT. C = 4.288 (0.9) + 15.642 (0.2) = 0.35 19,930	AREA UNDER DEVELOPMENT = 19,930 SFT. INFLOW AREA = 12,220 SFT. GRASS/LANDSCAPE = 7,710 SFT. C = 12.220 (0.9) + 7.710 (0.2) = 0.63 19,930
Q ₀ = 0.20 SFT. Q ₀ = 0.20 = 0.57 0.35	Q ₀ = 0.20 SFT. Q ₀ = 0.20 = 0.32 0.63
T = -25 + (16.562 / 0.57) = 82.32 MIN.	T = -25 + (10.625 / 0.32) = 133.73 MIN.
V ₀ = 10,500 (82.32) - 40(82.32)(0.57) = 6,177.15 133.73 + 25	V ₀ = 12,900 (133.73) - 40(133.73)(0.63) = 9,157 133.73 + 25
V ₁ = V ₀ C = (6,177.15)(0.40)(0.35) = 995 CFT. REQ'D.	V ₁ = V ₀ C = (9,157)(0.40)(0.63) = 2,854 CFT. REQ'D.

REQUIRED NET DETENTION VOLUME
 V_{net} = 2,854 - 995 = 1,859 CFT. REQ'D.

DETENTION VOLUME PROVIDED
 $V_d = (A^2 + A^2 + 2A^2 + V_0^2)^{0.5} / 3$
 $V_{d0} = (4^2 + 3,500^2 + 2*4*3,500)^{0.5} / 3 = 584$ SFT.
 $V_{d1} = (3,500^2 + 11,600^2 + 2*3,500*11,600)^{0.5} / 3 = 2,517$ SFT.
 $V_d = 584 + 2,517 = 3,101$ SFT. TO BE DETAINED.

AREA	STRUCTURE	AREA FROM MH TO MH	AREA A	EQUIV. AREA CA	TOTAL AREA CA	INTENSITY I	TIME MIN	FLOW C.F.S.	DIAM. INCH	SLOPE PER 100	LENGTH OF PIPE FT	VELOCITY FT/SEC	TIME MIN	CAPACITY C.F.S.
1	CB2	CB3	0.24	0.66	0.16	0.24	15	4.38	0.89	12	0.32	177	2.57	1.15
2	CB3	EX-MH	0.10	0.56	0.06	0.34	16.15	4.25	0.91	12	0.32	250	2.57	1.62

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



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

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

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

PROJECT NO.: 1007

DRAWN	JAD
CHECKED	JAD
APPROVED	JAD

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

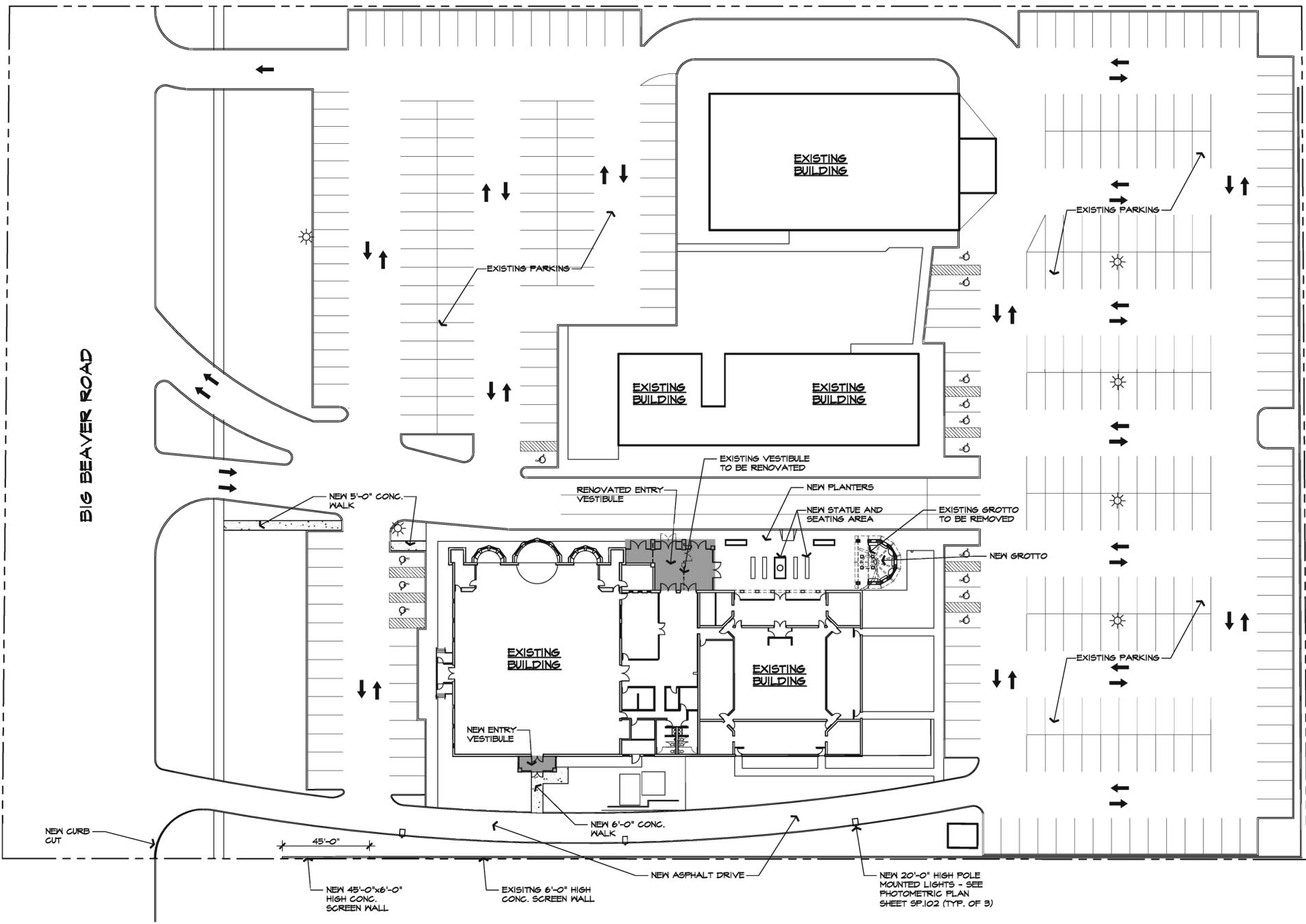
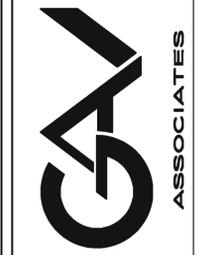
SCALE: 1"=40'
 SHEET NO: **PC-3**

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

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



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



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

NOTE:
 SEE CIVIL DRAWINGS
 FOR DIMENSIONS
 AND LANDSCAPING

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

DRAWN:	DESIGNED:	CHECKED:
DB	GA	GA

SCALE: 1" = 30'-0"

FILE NAME: 10070_SP.101

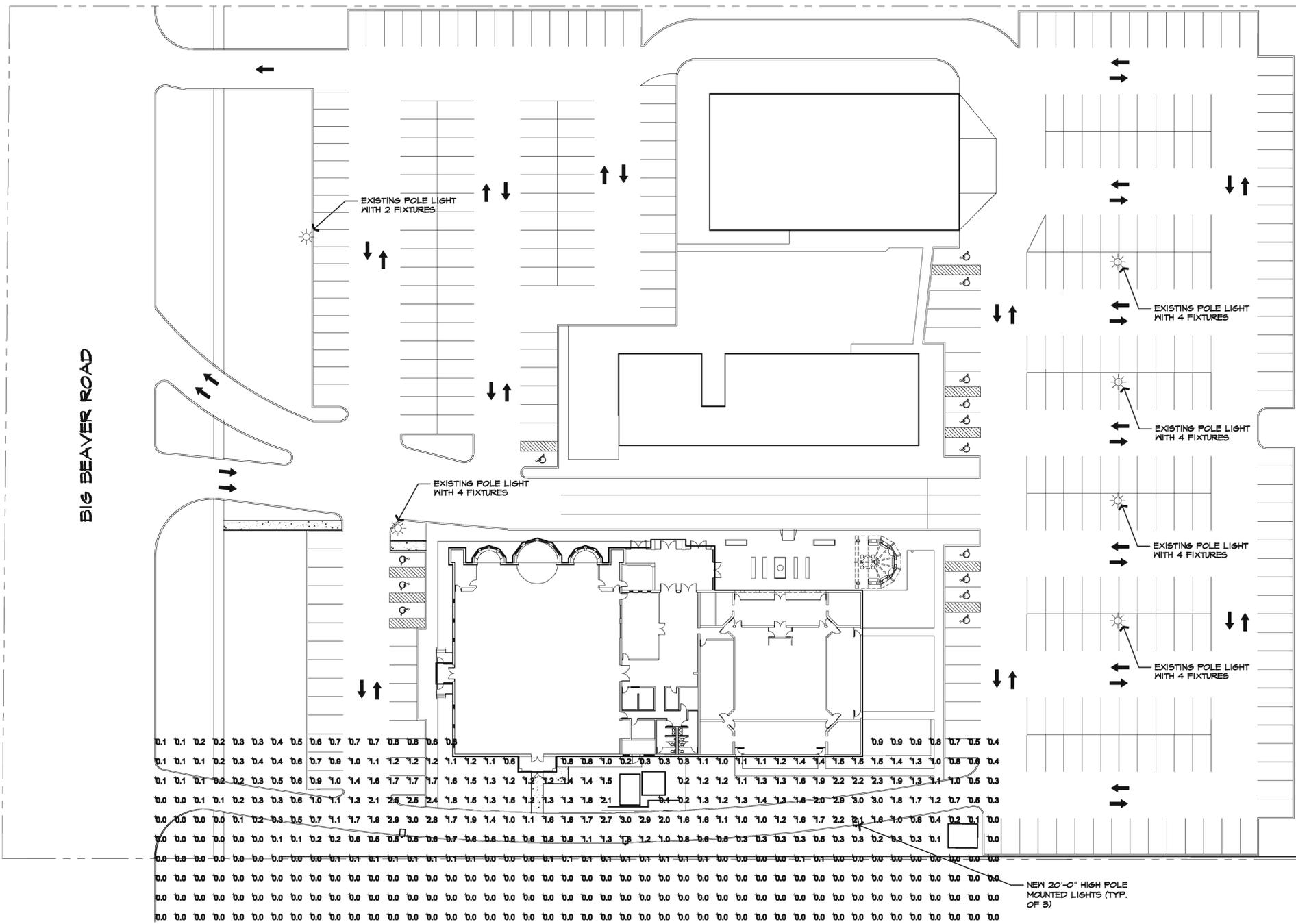
JOB #: 10070

SHEET TITLE
 SITE PLAN

SHEET #
 SP.101

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
☐	A	3	AF3400HPS-E16H9	ARCHETYPE FULL CUTOFF LUMINAIRE DIE CAST ALUM. REFLECTOR SYSTEM WITH HIGH SPECULAR PANELS DIE CAST ALUM. HOUSING AND LENS FRAME CLEAR FLAT GLASS LENS	400 WATT CLEAR, HPS E16 LAMP, HORIZONTAL POSITION, RATED AT 81000 INITIAL LUMENS	ar3-400-ha.lsc	81000	1.00	400

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



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

ISSUED FOR	DATE
BZA	2-4-11

ARCHITECTURAL DESIGN
 RESIDENTIAL
 COMMERCIAL
 INDUSTRIAL

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



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

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

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

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

1A / AR3 / 400HPS120 / DB / HS

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

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

Specifications

Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over the optical chamber and electrical compartment. Solid barrier wall separates optical and electrical compartments. Double-thick wall with gaskets on the support-arm mounting end. Housing forms a half cylinder with 35° front face plane providing a recess to allow a flush single-latch detail. All hardware is stainless steel or electro-zinc plated steel.

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

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

Electrical Module: All electrical components are UL and CSA recognized, mounted on a single plate and factory prewired with quick-disconnect plugs. Electrical module attaches to housing with no-tool hinges and latches, accessible by opening the lens frame only. All ballasts are high power factor rated >0.95, starting.

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

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

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

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

Listings and Ratings

UL cUL 1598	CE	IP66 Rated	25C Ambient
-------------	----	------------	-------------

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

Standard Features

Mounting
3Y configuration is available for round poles only.

Plan View:

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

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

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

Lamp Lamp Line Watts Type Volts
400 HPS 277

Finish
Super TGIC powder coat paint over a titanium zirconium conversion coating.

Color: Black Dark Bronze Light Gray Stealth Gray® Platinum Silver White Custom Color®
Cat. No.: BL DB LG SG PS WH CC

*Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description:

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KIM LIGHTING
Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
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Optional Features

Wall Mounting
Cat. No. 1W
 No Option

Select from Mounting on page 2.

Photocell Receptacle
Cat. No. A-25
 No Option

Fixture supplied with a fully gasketed receptacle above the electrical compartment for NEMA base photocell (by others). For all multiple-fixture pole mountings with two or three fixtures, one fixture has a receptacle to operate the others. Four fixtures (250 watt or less) also require one fixture with a receptacle. Four fixtures (400 watt) require two fixtures with receptacles.

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

Allowable wattage per fixture:

1A, 1W	2B	3T, 3Y	4C	4C
2L	3T, 3Y	4C	4C	4C

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

Convex Glass Lens
Cat. No. CGL
 No Option

The 3/8" thick clear convex tempered glass lens replaces the standard flat glass lens. Provides increased lens presence and provides a subtle improvement in uniformity where pole spacing is extreme. Increases effectiveness of houseside shielding.

Polycarbonate Lens
Cat. No. LS
 No Option

Fixture supplied with a one piece vacuum formed, clear, UV stabilized convex polycarbonate, fully gasketed, replacing the standard tempered glass lens. 250 watt maximum. May be used with 400HPS in outdoor locations where ambient air temperature during fixture operation will not exceed 85°F.

CAUTION: Use only when vandalism is anticipated to be high. Useful life is limited by UV discoloration from sunlight and metal halide lamps.

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KIM LIGHTING
Type: New Drive Lighting
Job: St. Joseph's Chaldean Catholic Church
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Optional Features

Houseside Shield
Cat. No. (See right) No Option

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

HS Recommended for use with clear lamps only. Effectiveness is reduced for coated lamps. Not for use with Type V light distributions.
 HSC For use with all fixtures with convex glass lens. Not for use with Type V light distributions.

Neighbor Friendly Shield
Cat. No. NFS No Option

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

Tamper-Resistant Latch
Cat. No. TL No Option

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

Horizontal Slipfitter Mount
Cat. No. HSF No Option

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

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

Optional Features

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

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

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

Vertical Slipfitter Mounts
Cat. No. includes Mounting No Option

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

NOTE: 3Y only available on round slipfitter.

Cat. No.	VSF-1A	VSF-2B	VSF-2L	VSF-3T	VSF-3Y	VSF-4C	Round	Stainless steel set screws	Cat. No.	SVSF-1A	SVSF-2B	SVSF-2L	SVSF-3T	SVSF-3Y	SVSF-4C	Mounting Configuration
																1A - single arm mount
																2B - 2 at 180°
																2L - 2 at 90°
																3T - 3 at 90°
																3Y - 3 at 120°
																4C - 4 at 90°

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ISSUED FOR	DATE
BZA	2-4-11

ARCHITECTURAL DESIGN
RESIDENTIAL COMMERCIAL INDUSTRIAL

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GAV ASSOCIATES

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

DRAWN:	DESIGNED:	CHECKED:
DS	GA	GA

SCALE : NO SCALE

FILE NAME : 10070_SP.103

JOB # : 10070

SHEET TITLE
LIGHTING CUT SHEETS
SHEET #
SP.103

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

ARCHITECTURAL DESIGN
RESIDENTIAL COMMERCIAL INDUSTRIAL
 G.A.V. & ASSOCIATES, INC.
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RENOVATIONS AND ADDITIONS TO:
2442 E. BIG BEAVER ROAD
TROY, MICHIGAN

DRAWN:	DESIGNED:	CHECKED:
DB	GA	GA

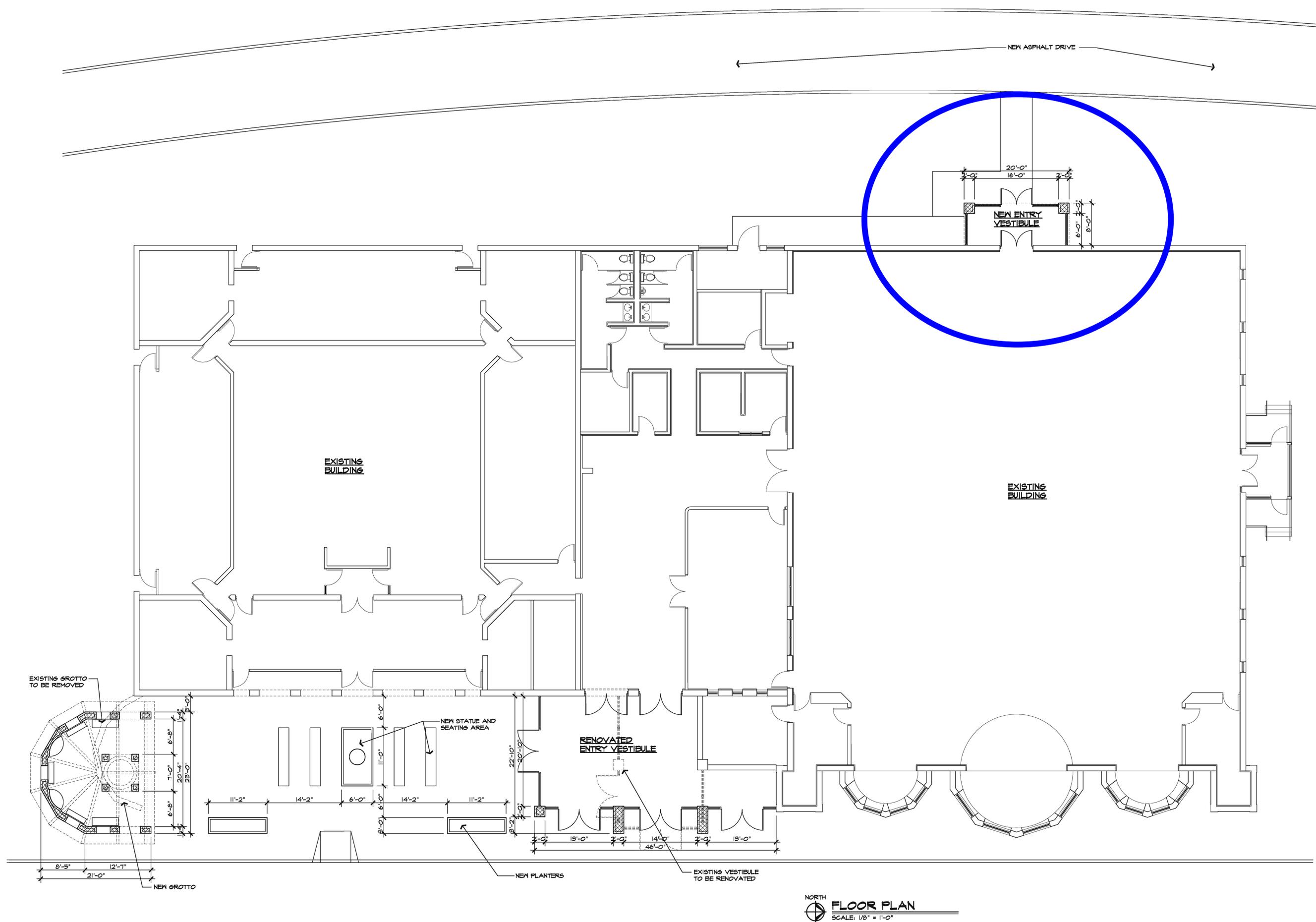
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FILE NAME: 10070_A.101

JOB #: 10070

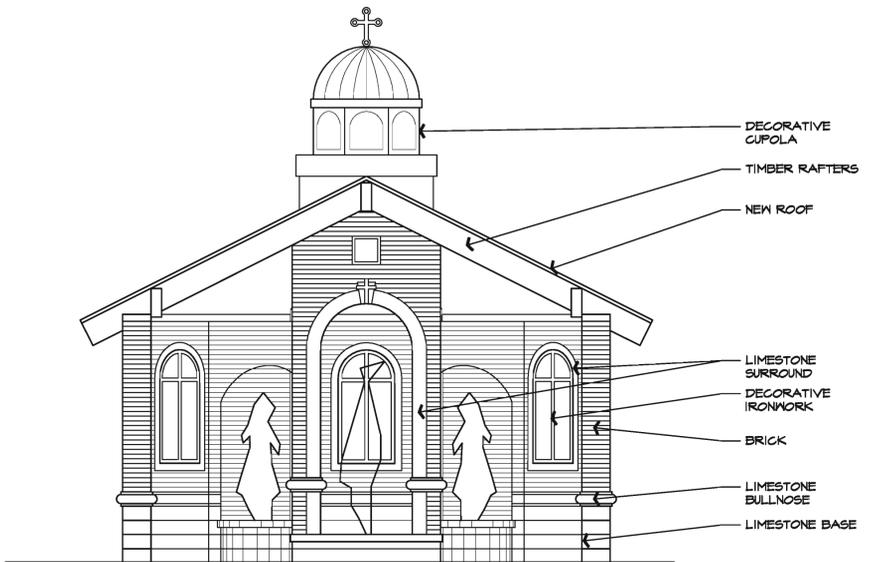
SHEET TITLE
 FLOOR PLAN

SHEET #
A.101

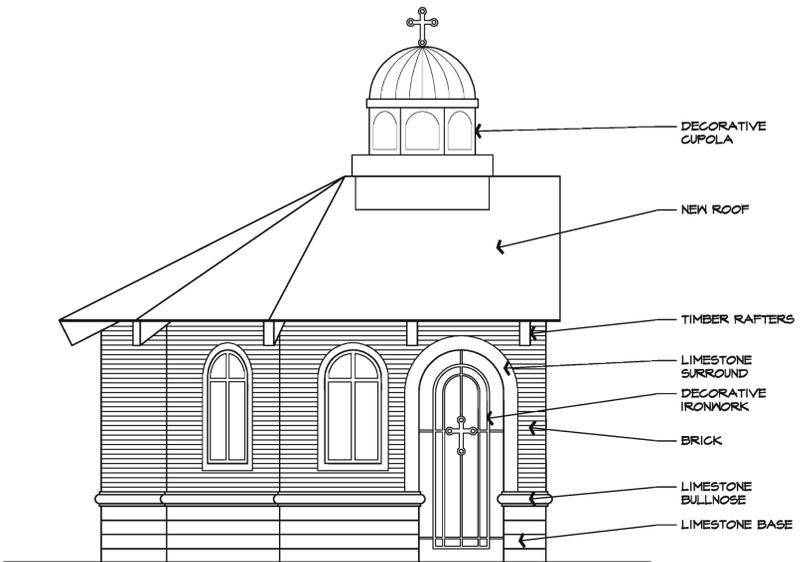


FLOOR PLAN
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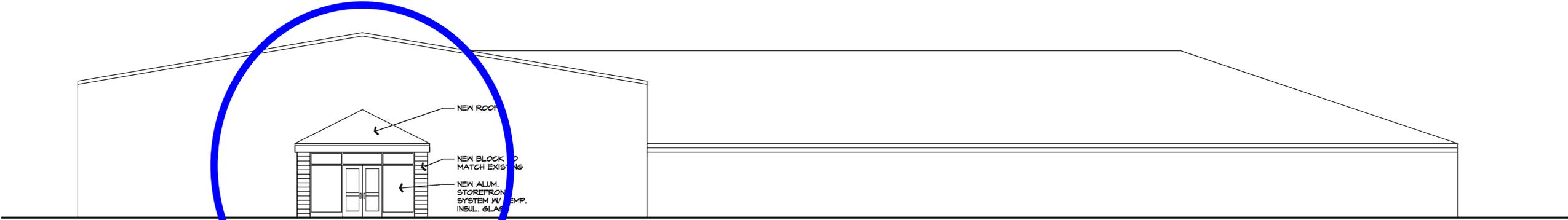
ISSUED FOR	DATE
REVIEW	8-11-10
PRELIMINARY SPA	12-2-10
PRELIMINARY SPA	1-11-11
BZA	2-4-11



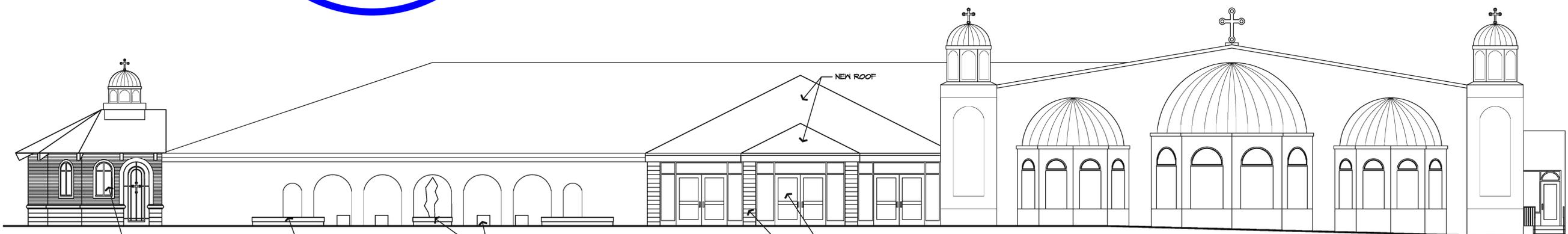
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



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



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



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

ARCHITECTURAL DESIGN
RESIDENTIAL
COMMERCIAL
INDUSTRIAL

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

DRAWN:	DESIGNED:	CHECKED:
DB	GA	GA
SCALE: AS SHOWN		
FILE NAME: 10070_A.102		
JOB #: 10070		
SHEET TITLE ELEVATIONS		
SHEET # A.102		



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Date: December 20, 2010

Preliminary Site Plan For City of Troy, Michigan

Applicant: Monsignor Zouhair Toma Kajbou
Project Name: St. Joseph Chaldean Catholic Church Renovations
Plan Date: Submitted to Troy Planning Department December 3, 2010
Location: 2442 East Big Beaver Road
Zoning: R1-E and RM-1
Action Requested: Preliminary Site Plan Approval
Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

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

Location of Subject Property:

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

Size of Subject Property:

The parcel is 5.712 acres.

Proposed Uses of Subject Parcel:

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

Current Use of Subject Property:

The subject property is currently a church.

Current Zoning:

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

Zoning Classification of Adjacent Parcels and Current Land Use:

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

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

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

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

BUILDING LOCATION AND SITE ARRANGEMENT

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

Items to be Addressed: *None*

AREA, WIDTH, HEIGHT, SETBACKS

The conditions for special use approval for a church are established in Section 10.30.04. There are several dimensional requirements that must be considered here. First, the setbacks for all sides of the project are 50 feet, which is a greater setback requirement than most uses in the R1-E and RM-1 Districts. Second, a church requires a minimum of 120 feet of frontage on a major thoroughfare. Third, parking is not permitted in a required yard that is adjacent to a public street, nor is parking permitted adjacent to residentially zoned property.

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

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

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

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

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

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

Required and Provided Dimensions:

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

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

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

PARKING

Parking:

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

Parking Calculations:

The parking calculations provided by the applicant are as follows:

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

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

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Proposed Circulation:

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

Sidewalks:

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

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

NATURAL RESOURCES

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

Items to be Addressed: None.

LANDSCAPING

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

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

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

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

LIGHTING

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

Items to be Addressed: None.

SPECIAL USE

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

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

Use Standards

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

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

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

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

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

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

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

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

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

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

Standards of Approval

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

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

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

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

SUBMITTAL REQUIREMENTS

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

Items to be Addressed: Provide dimensions.

RECOMMENDATIONS

This project cannot move forward as designed without relief from the Ordinance. Therefore, we recommend that the Planning Commission postpone action on the applicant's request until such time as they can apply for and potentially obtain a series of variances from the Zoning Board of Appeals and to provide a revised application addressing the other items noted herein, and including a new application for special use approval.

St. Joseph Church, December 20, 2010

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

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

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

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

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

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

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

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

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

Discussion followed on:

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

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

PUBLIC HEARING OPENED

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

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

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

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

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

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

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

PUBLIC HEARING CLOSED

Discussion continued on:

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

OTHER BUSINESS

6. DISTRIBUTION OF DRAFT CITY OF TROY ZONING ORDINANCE

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

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

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

7. ELECTION OF OFFICERS FOR THE YEAR 2011

Chair Hutson asked for nominations from the floor for Chair.

Mr. Schultz nominated Michael Hutson.

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

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

Mr. Hutson was announced as Chair.

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

Mr. Schultz nominated Mark Maxwell.

Mr. Strat nominated Donald Edmunds.

Mr. Edmunds nominated John Tagle.

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

From: [ritta hanna](#)
To: [Planning](#)
Subject: Hearing for St Joseph Church
Date: Monday, March 14, 2011 11:57:58 PM

Your Honor,

We would like to give you our vote for adding another driveway. We have been attending St. Joseph since it first opened. Year after year our chaldean community in the metro detroit area is growing when we go to church on Sunday at 12:30 for mass leaving and entering is a hassle it about 20 min entering the church and about 30 min leaving, we would like to give our voice all 4 members of the Hanna family. Our address is 2857 Truffle Rd, Troy. We appricate your time.

thank you for listening
Hanna

family

City of Troy Planning Department
Public Hearing, March 15, 2011
Subject: St. Joseph's Chaldean Catholic Church
Construction of a new addition and new driveway

March 9, 2011

Planning Department:

I am a resident of Wexford Park Homes. Although I do not live across from the church, the issues that we have had with the church affect all of us.

The notice gives a brief description of what the church's intentions are regarding the expansion. To my knowledge, there are at least two other churches located in the area within a ten mile radius with the intent to build another. I realize that the Arab population has settled within all of the areas around Troy. Without knowing the big picture on the request for expansion at St. Joseph's, is there not enough churches located within the surrounding areas to accommodate all of the parishioners?

The church has caused too many traffic issues since it has been there. I cannot see where building a new driveway and adding an addition is going to ease this problem, only increase it. During holidays, the City of Troy has to block our drive off of Big Beaver and the turnarounds are blocked all the way South of John R. This causes issues for us and other drivers who use Big Beaver Rd. I don't notice other churches causing the problems that St. Joseph's does. The taxpayers pay for the time that your people take to block the road. However, I am not sure if we block our own drive or if Troy does it.

Wexford Park Homes driveway had to be blocked because our requests that the parishioners not park in our complex were ignored. The church did not do a good job of notifying their parishioners that they could not park in our complex. We should not have to be inconvenienced, by closing our driveway for co-owners/visitors, every time they have large attendance on holidays, or any other time.

Whether it is a church or business, the City, church or business needs to realize that we in Wexford should be able to come and go without the business or church disrupting our right to have two driveways open for our co-owners/visitors. Also, we have the right to peace and quiet without any disruptive noise, lights glaring all night, high traffic volume or whatever issues may arise from living next to the church.

What I am asking the Planning Department to do is consider the problems that will be created by the church's request. If you deny the request, maybe some of the parishioners will attend the other churches. I know that this is speculation on my part. I do not think they need to expand in this area and cause issues for the co-owners, especially those who live on that end of the complex.

If this is approved, the berm would have to be quite high so that it would be too difficult to climb over. There will always be those people who will find a way to park in our complex and climb the berm. Rather than a berm, I would like to see a 6 foot wall constructed along the whole property line so that there is no foot traffic (there is some foot traffic now) from our complex into the church property. As far as I know, there is no proper entrance to the church from our condo complex. Also, a wall with landscaping would cut down on the noise from the church property, which includes the vehicles using the driveway. The wall would be landscaped on our side to create green space for our co-owners. Also, the lighting would need to be of a type that would not glare onto our property all night long and cause night time issues for those who live next to the church.

I would like to see that the following recommendations be adhered to if approved:

1. All requirements and standards of the Zoning Ordinance, and other City Ordinances can be met.
2. Traffic circulation features within the site, and the location of parking areas, avoid common traffic problems and can promote safety for drivers on Big Beaver Rd.
3. A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
4. The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.
5. Building and parking set back areas will be met.
6. Greenbelts will be provided.
7. Landscape requirements will be met and calculations have been submitted.
8. If installing pole and wall-mounted lighting, it shall be shielded and directed downward. Lamp bulbs and lens shall not extend below the light fixture shields. All light poles are not to be taller than 25 ft. in height. If needed, include making adjustments to any lighting that is already installed on the property to meet same requirements.
9. Any other requirements by the Planning Commission, not mentioned, to be adhered to according to any City Ordinances and Planning Commission requirements.

If the church cannot agree to the reasonable requests of the City and co-owners of Wexford, then the City has an obligation to look out for Wexford co-owners too as homeowners and taxpayers in the City of Troy.

The bottom line . . . I am against the expansion to increase the size of St. Joseph's.

Please put my comments on record.

Elena Allintore

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

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

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

Sandra L. Nichols
2784 Roundtree Drive
Troy, MI 48083

From: [Paul M Evans](#)
To: ["Edouard Piche"](#)
Cc: [Kathy Czarnecki](#)
Subject: RE: Questions for April 19 Zoning Board of Appeals Hearing
Date: Friday, March 18, 2011 8:27:50 AM

Ed:

Thanks for your comments. We will forward these to the Board for consideration at the April 19 meeting.

I recommend if at all possible, you engage the Church with these questions well before the meeting.

I can provide you contact information if desired.

Thanks.

Paul

From: Edouard Piche [mailto:dzhrzj@yahoo.com]
Sent: Thursday, March 17, 2011 6:37 PM
To: Paul M Evans
Cc: sduke2@hotmail.com; jlsep@wideopenwest.com; Gene and Jan Austin; Sam Daya; Sam Daya; Cesar Gustilo; Jim Senska
Subject: Questions for April 19 Zoning Board of Appeals Hearing

Mr. Evans:

As the principal contact for the Zoning Board of Appeals, I would ask that you send the information below to the Zoning Board members.

There were two representatives from the Morel East Homeowners' Association at the March 15 Board of Zoning Appeals hearing regarding the request for a variance by St. Joseph Chaldean Church. Unfortunately, the church was not represented at the hearing, and Mr. Lambert postponed full discussion to the April 19 meeting. In the meantime, he stated that interested parties could submit questions or comments for review at the rescheduled hearing.

On April 19, the Morel East Homeowners' Association would like to hear responses to the questions below.

1. What is the exact problem that an additional driveway is intended to solve?

2. What is the Root Cause of this problem; i.e., what is the one thing that can be changed to solve the problem and make it go away?

3. If a second entrance driveway is put in, how will we know this solves the problem? What is the go/no-go test for success?

4. If a second entrance driveway does not fix the problem, what are the proposed next steps to solve the problem? I.e., what is the backup plan?

5. Will a second entrance driveway cause worse traffic tie-ups on Big Beaver? Will drivers who wish to use the new west driveway use the right hand lane of Big Beaver, and those who wish to use the center entrance use the center lane?

6. The report from Carlisle/Wortman Associates, dated December 20, 2010 indicates there are sufficient parking spots for the church based on current occupancy of 800 in the main church. Code requires 267 parking spots minimum, and the church exceeds the minimum with 321 parking spots. Why has the church required the use of the field south of the church for overflow parking at Christmas and Easter? Use of this field has caused additional noise and disruption to the homeowners on Truffle Drive, and future use is a serious concern to the Morel East Homeowners' Association. Affected homeowners can expect to see reduced property values if this continues.

We look forward to hearing the responses to these questions at the April 19 hearing. Thank you for your consideration.

Edouard A. Piché, Secretary
Morel East Homeowners' Association

3. POSTPONED ITEMS

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

SECTION: 30.10.02





48

26

18

4885

4860

BRAEMAR

4845

DORSHIRE

4820

WILTON

41

LIVERNOIS

4781

ABERDEEN

47

53

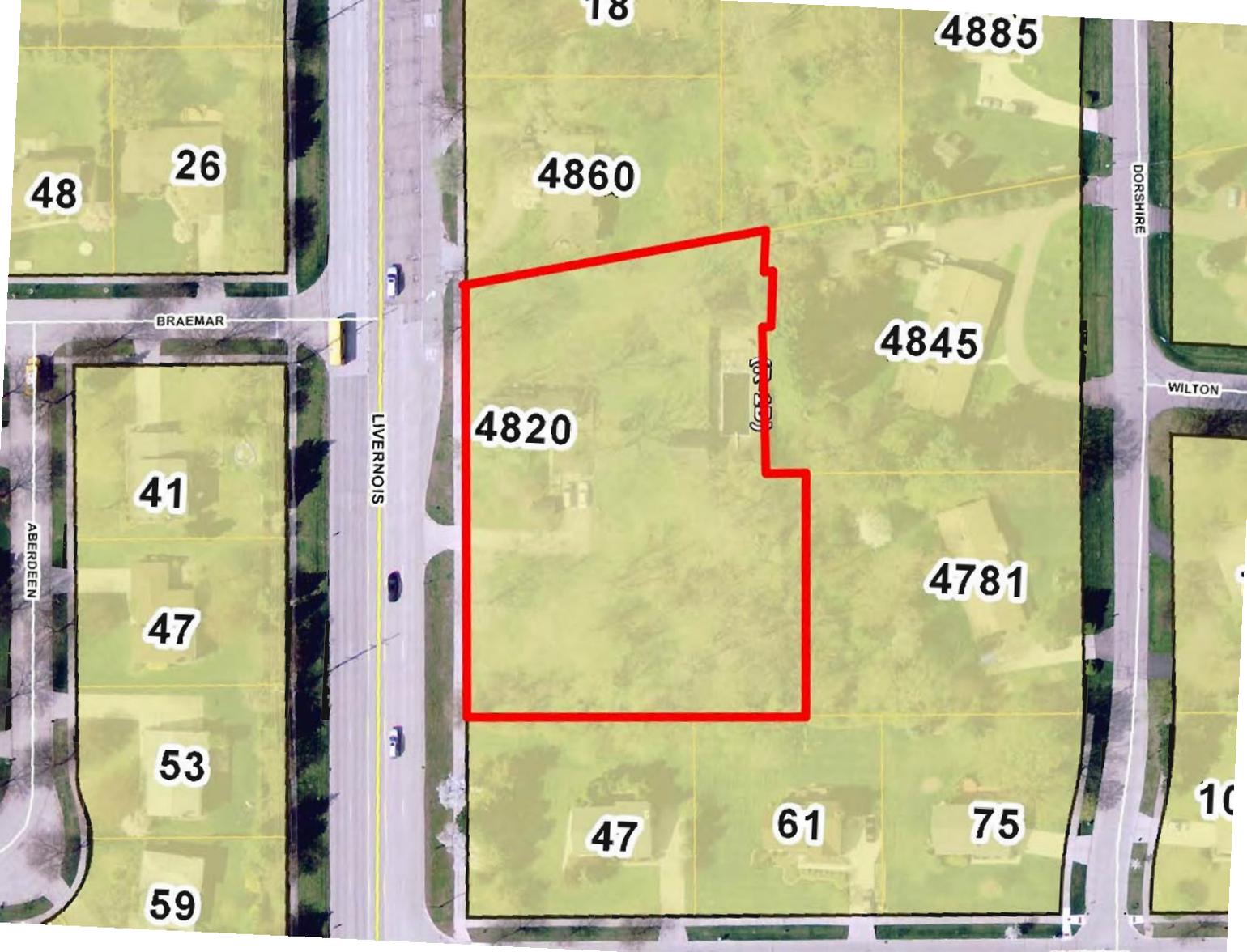
47

61

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59

10



18

4885

48

26

4860

BRAEMAR

LIVERNOIS

ABERDEN

41

47

53

59

4820

(S.S. 201)

4845

4781

DORSHIRE

WILTON

47

61

75

10

CITY OF TROY

BOARD OF ZONING APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48064
PHONE: 248-524-3364
FAX: 248-524-3382
E-MAIL: planning@troymi.gov
<http://www.troymi.gov/Planning>



FILE NUMBER 4820 Livernois
LOCATION _____
REGULAR MEETING FEE (\$150.00) pd
VARIANCE RENEWAL (\$35.00) _____
SPECIAL MEETING (\$650.00) _____

NOTICE TO THE APPLICANT

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

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

1. ADDRESS OF THE SUBJECT PROPERTY: 4820 Livernois Troy MI 48068
LOT NO. 4820 SUBDIVISION Belzair
LOCATED ON THE East SIDE OF (ROAD) Livernois Rd
BETWEEN Glenshaire Dr AND Belhaven dr
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 26-13-103-848 20-15-102-010
3. ZONING ORDINANCE SECTIONS THAT ARE APPLICABLE TO THIS APPEAL: R1-B
4. REASONS FOR APPEAL: *(On a separate sheet, please describe the reasons justifying the requested action.)*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? *If yes, provide date(s) and participants:* no

6. APPLICANT INFORMATION:

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

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

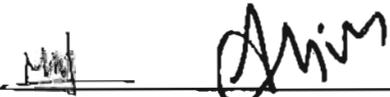
8. OWNER OF SUBJECT PROPERTY:

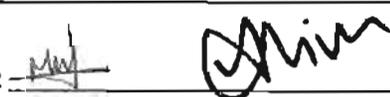
NAME Minal Gada and Ashish Manek
COMPANY _____
ADDRESS 4820 livernois
CITY Troy STATE MI ZIP 48098
TELEPHONE 248-566-1326, Cell: 614-946-4749
E-MAIL ashishmanek@yahoo.com

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

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

I, Minal Gada & Ashish Manek (PROPERTY OWNER) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

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

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

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

Date: February 4th 2011

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

Dear Sir/ Madam,

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

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

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

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

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

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

We request you to approve our application.

Thank you for your cooperation.

Yours sincerely

Minal Gada and Ashish Manek

PROPOSED SPLITS A

Barn?

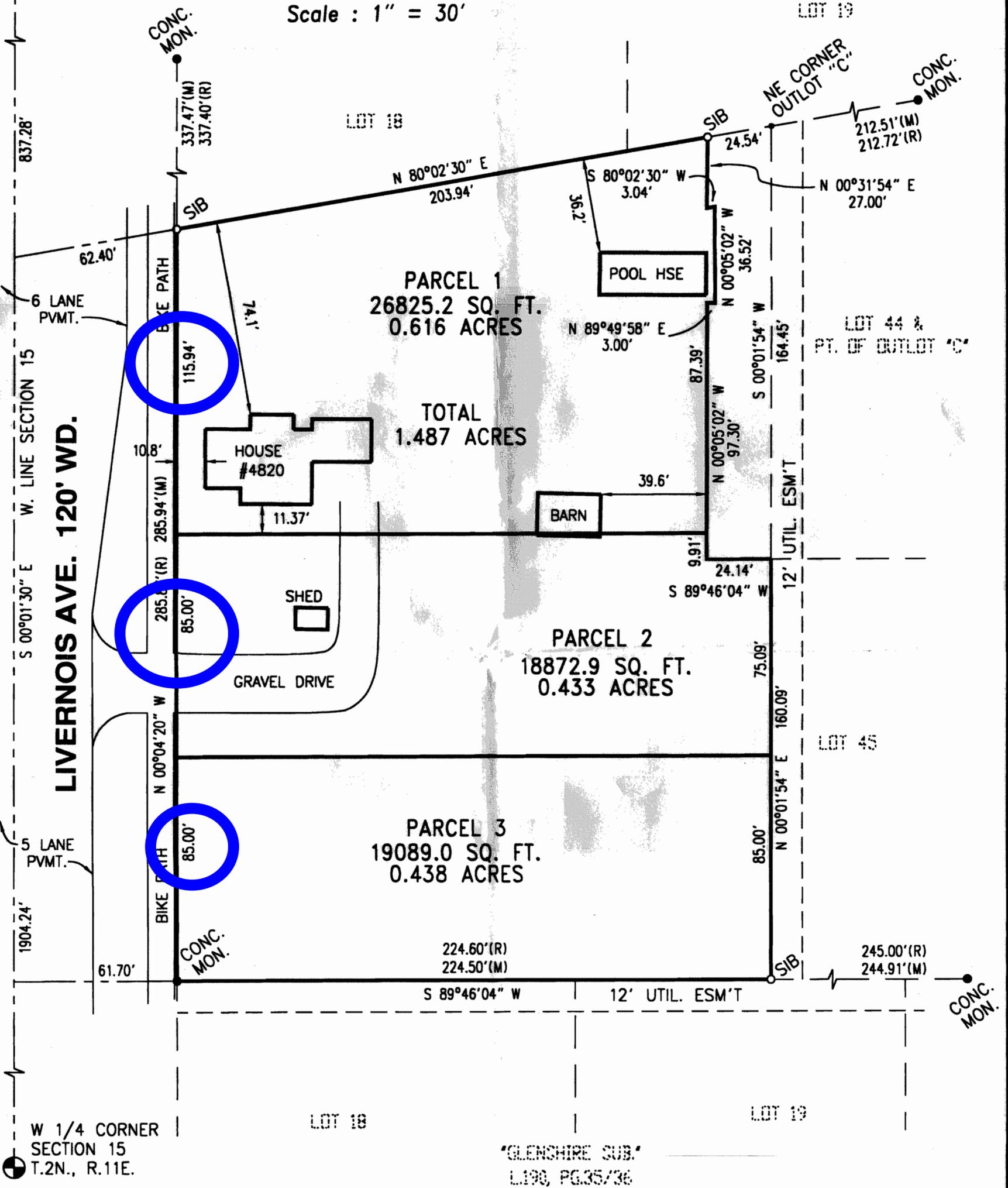
30.10.02 Lot width Proposed 85'
Required 100'
VARIANCE 15'

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



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

Scale : 1" = 30'



URBAN LAND CONSULTANTS
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516
PHONE 586 731-8030
FAX 586 731-2605

LEGEND

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

JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

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

CERTIFICATE OF SURVEY

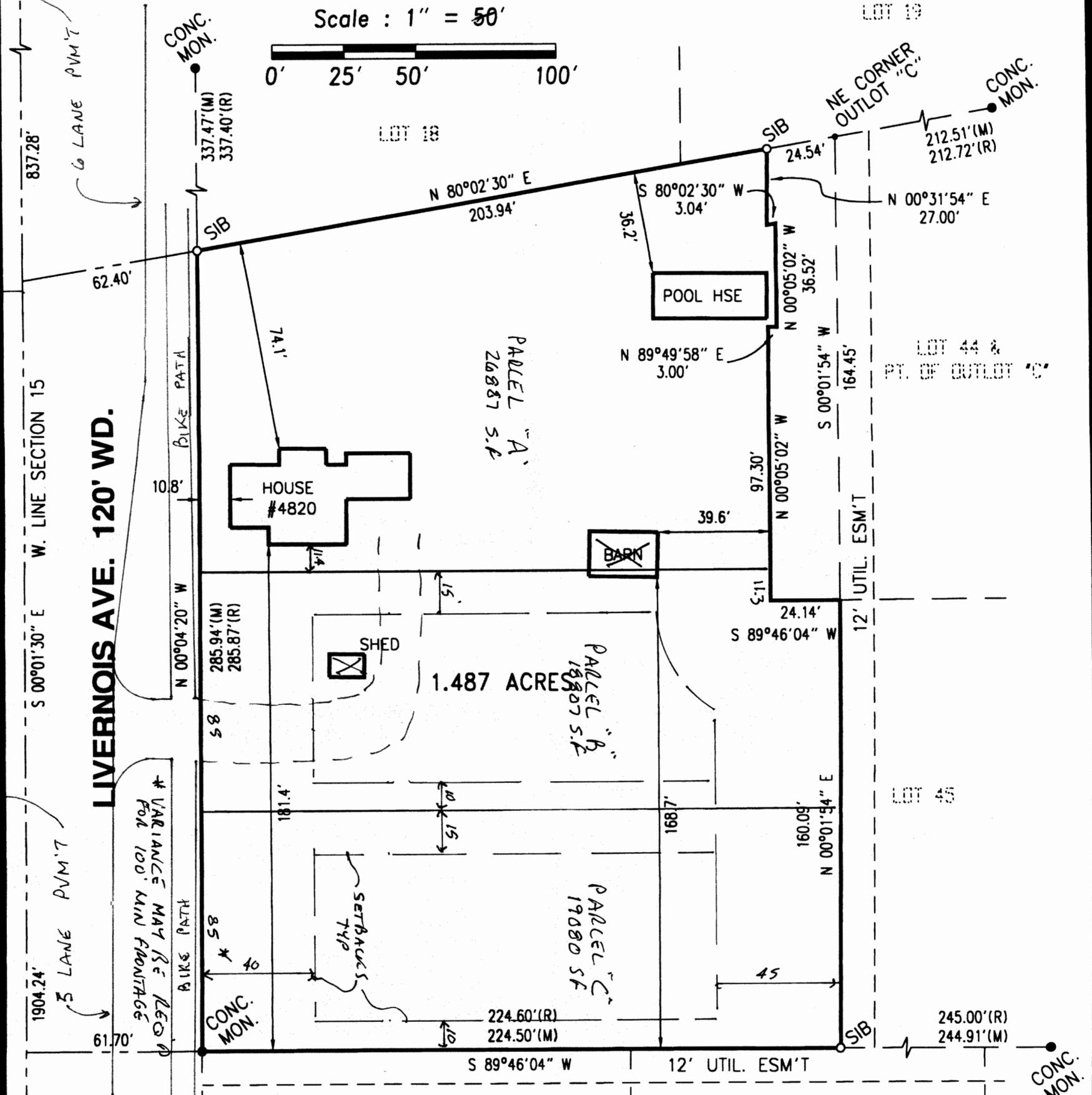
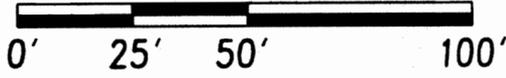
SPLIT PLAN



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

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

Scale : 1" = 30'
50'



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

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

Surveyor's Certificate

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

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

PHONE 586 731-8030
FAX 586 731-2605

LEGEND

- FIB = Found Iron Bar ●
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JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

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

4820 Livernois and Near by property Facts

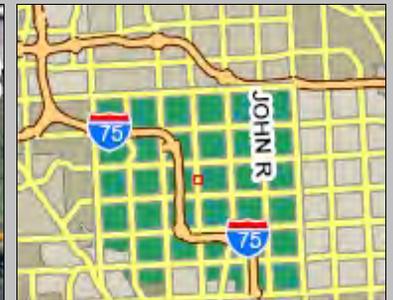
Lot Identification	City Acreage/ Frontage Requirement	Acreage	Actual Frontage	Depth	Subdivision	Construction Year	Address
26	15000/100	17250	115	150	Opposite Subdivision	1990's	Braemar Dr
48	15000/100	13500	90	150	Opposite Subdivision	1990's	Braemar Dr
70	15000/100	13500	90	150	Opposite Subdivision	1990's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

Plot A

Plot B

Plot C

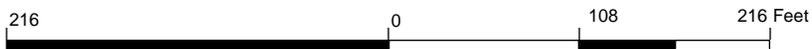




Notes

800 ft from 4820 livernois new construction compared to neighbourhood

Created: 02/10/2011



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

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

Owner's name: Minal Gada & Ashish Manek
 Signature: _____
 Address: 4860 Livernois Rd
 City State Zip: Troy, MI, 48098
 Phone (home): 248-566-1326
 Phone (work): 616-946-4749
 (each owner must be listed & sign form, use additional sheets if needed)

Date: 11/11/2010
 Parcel Number(s): _____

20-15-102-010

This request is for a :

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

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

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

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

 Signature

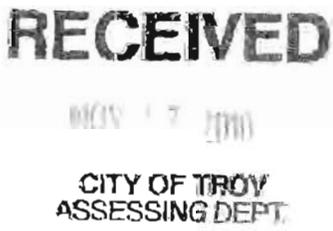
 Title

 Date

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

 Title: Deputy Assessor

 Date: 11/11/10



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

The next 3 exhibits are City-provided.

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

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

The second example comprises properties within a random “block”

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

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

Keep in mind:

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

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

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

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

From Wikipedia:

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

For further explanation here is another good source

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

Address: 47 ABERDEEN	Parcel Frontage: 97
Address: 4860 LIVERNOIS	Parcel Frontage: 137
Address: 48 BRAEMAR	Parcel Frontage: 90
Address: 41 ABERDEEN	Parcel Frontage: 115
Address: 53 ABERDEEN	Parcel Frontage: 100
Address: 4820 LIVERNOIS	Parcel Frontage: 286
Address: 4781 DORSHIRE	Parcel Frontage: 160
Address: 103 GLENSHIRE	Parcel Frontage: 118
Address: 115 WILTON	Parcel Frontage: 197
Address: 4845 DORSHIRE	Parcel Frontage: 196
Address: 75 GLENSHIRE	Parcel Frontage: 125
Address: 47 GLENSHIRE	Parcel Frontage: 150
Address: 59 ABERDEEN	Parcel Frontage: 57
Address: 64 GLENSHIRE	Parcel Frontage: 118
Address: 90 GLENSHIRE	Parcel Frontage: 104
Address: 50 GLENSHIRE	Parcel Frontage: 165

Summary Parcel Frontage

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



Parcel Variance Report



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

Summary Parcel Frontage

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



Parcel Variance Report



Address:	Parcel Frontage:
451 BELDALE	148

Address:	Parcel Frontage:
375 BELHAVEN	132

Address:	Parcel Frontage:
481 BELDALE	320

Address:	Parcel Frontage:
520 BELDALE	115

Address:	Parcel Frontage:
476 BELDALE	130

Address:	Parcel Frontage:
410 BELDALE	130

Address:	Parcel Frontage:
314 BELDALE	148

Address:	Parcel Frontage:
344 BELDALE	148

Address:	Parcel Frontage:
376 BELHAVEN	136

Address:	Parcel Frontage:
255 WILTON	125

Address:	Parcel Frontage:
185 WILTON	135

Address:	Parcel Frontage:
229 WILTON	130

Address:	Parcel Frontage:
203 WILTON	130

Address:	Parcel Frontage:
285 WILTON	150

Address:	Parcel Frontage:
280 WILTON	276

Address:	Parcel Frontage:
307 WILTON	136

Address:	Parcel Frontage:
110 WILTON	138

Address:	Parcel Frontage:
170 WILTON	155

Address:	Parcel Frontage:
140 WILTON	144

Address:	Parcel Frontage:
230 WILTON	158

Address:	Parcel Frontage:
157 WILTON	135

Address:	Parcel Frontage:
4820 LIVERNOIS	286

Address:	Parcel Frontage:
200 WILTON	158

Address:	Parcel Frontage:
4781 DORSHIRE	160

Address:	Parcel Frontage:
386 BELHAVEN	136

Address:	Parcel Frontage:
498 BELDALE	124

Address:	Parcel Frontage:
115 WILTON	197

Address:	Parcel Frontage:
4845 DORSHIRE	196

Address:	Parcel Frontage:
432 BELDALE	130

Address:	Parcel Frontage:
454 BELDALE	130

Address:	Parcel Frontage:
338 WILTON	161

Address:	Parcel Frontage:
396 BELHAVEN	135

Address:	Parcel Frontage:
310 WILTON	161

Summary Parcel Frontage

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

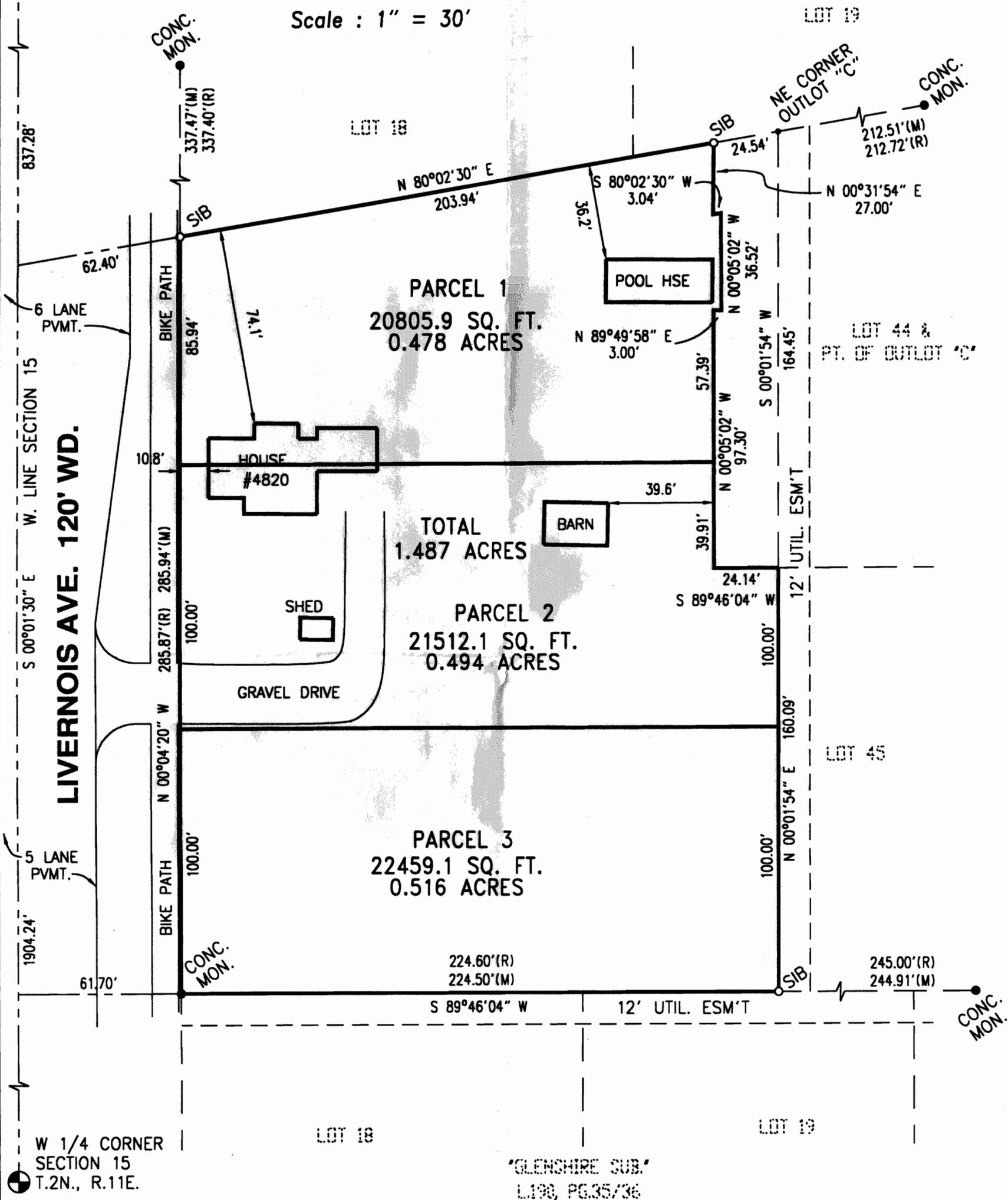
PROPOSED SPLITS B



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

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

Scale : 1" = 30'



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

PHONE 586 731-8030
FAX 586 731-2805

LEGEND

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

JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

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

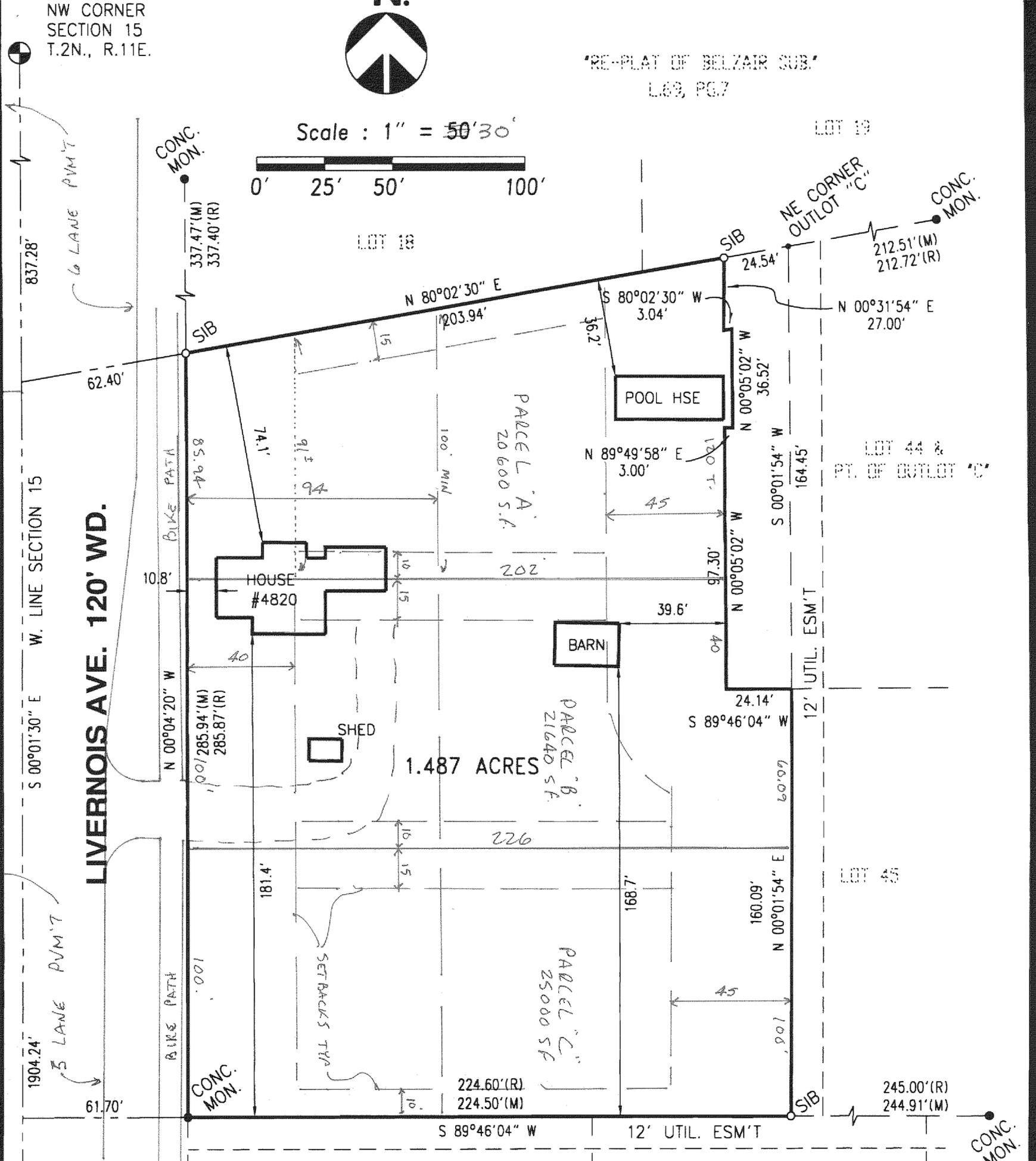
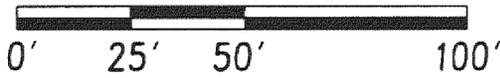
CERTIFICATE OF SURVEY

PROPOSED SPLITS



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

Scale : 1" = 50'30"



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

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

LIVERNOIS AVE. 120' WD.

'GLENSHIRE SUB.'
L.198, PG.35/36

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

Surveyor's Certificate

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

URBAN LAND CONSULTANTS
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516
PHONE 586 731-8030
FAX 586 731-2605

LEGEND

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

JARRETT L. MILLER
PROFESSIONAL SURVEYOR
No. 52454

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

From: [Karol Szymula](#)
To: [Planning](#)
Subject: April 19th zoning board meeting concerning property @ 4820 Livernois
Date: Monday, April 11, 2011 5:04:36 PM

To Whom it may concern,

The Belzair Property Owners Association would like to share some concerns about the proposed lot division and talk of site condos on this property. I am attaching deed restrictions and by-laws from our association. Mr. Manek and Ms. Gada are active members of our association, but haven't shown us any of their plans.

As president, I spoke with Mr. Evans and showed him our deed restrictions which he hasn't seen before. He has a copy of the complete restrictions. I was shown the proposed division of 85 ft frontage which doesn't comply with the city of Troy or our deed restrictions.

I have also been told his residence is a historic building and must remain so and maintained. The latter is being called into question. It needs a lot of work.

Any questions feel free to call or email me, Karol Szymula, President, Belzair Property Owner's Association, 248-250-0112.



The following covenants, conditions, restrictions, easements, reservations and agreements are hereby imposed on all lots in:

Re-Plat of Belzair Subdivision, a subdivision of part of the Northwest quarter of Section 15, Town 2 North, Range 11 East, Troy Township, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 69 of Plats, on page 7, Oakland County Records,

and shall constitute a general plan of restrictions imposed on all lots in said Subdivision and shall be binding upon the undersigned and upon their heirs, legal representatives, successors and assigns of the undersigned and upon all grantees, their heirs, legal representatives, successors and assigns.

LAND USE AND BUILDING TYPE.

(a) No lots shall be used except for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family private dwelling not to exceed one and one-half stories in height, except on lots where the topography would permit a two level house to be constructed, a private garage and only where and to the extent hereinafter provided, a private stable for the keeping of riding horses.

(b) No structure shall be erected, altered, placed or permitted to remain on any building plot containing less than one full lot as presently subdivided, unless additional land is acquired outside the confines of said Subdivision and added to the area of such lot, in which case the total lot area must be not less than 23000 square feet after division and the frontage thereof must be not less than 110 lineal feet.

ARCHITECTURAL CONTROL. ← *No longer in existence*

No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography, finish grade elevation and these restrictions. Any fence to be erected must have approval of the architectural control committee. Approval shall be as hereinafter provided.

RESIDENCE STRUCTURES.

(a) No one-story residence structure shall be erected, altered, placed or permitted to remain on any lot unless such structure shall have a square foot area at first floor level of at least 1000 square feet.

(b) No one and one-half store residence structure shall be erected, altered, placed or permitted to remain on any lot unless such structure shall have a square foot area at first floor level of at least 850 square feet.

(c) "Square foot area" may be computed by including exterior walls, partitions, bay windows if the same reach to the floor. Garages, porches and breezeways shall not be included in computing square foot area.

(d) No old or used structure of any kind may be moved upon any lot. No structure of a temporary character, trailer, tent, shack, garage, barn or other out building shall be constructed or placed prior to the beginning of construction of the main residence structure nor shall it

GARAGES, BREEZERWAYS AND STABLES.

X (a) No garage shall have a floor area of less than 400 square feet. If garage is attached to the residence there may be one other service building on the lot not exceeding 600 square feet; if garage is detached then said garage will constitute the service building and may include space for storage other than an automobile.

(b) Where practicable oil storage tanks shall be placed inside garage or dwelling, but where impracticable to so locate such tanks, so that it is necessary to locate them outside, then proper screening shall be provided to keep such tanks from view.

(c) No private stable shall be erected or maintained on any lot unless approved by the architectural control committee.

X (d) No animals or livestock of any kind shall be raised, bred or kept on any lot, except that not more than 2 horses may be kept. Household pets may be kept on any lot provided they are not kept, bred or maintained for any commercial purpose, or provided they do not become a nuisance. Dog kennel for the use of such household pets shall be built integral with the garage. A sealed box or pit shall be provided for all animal refuse.

BUILDING AND GRADE LINES.

(a) The finish grade line shall be such as shall be established by the Architectural Control Committee giving due consideration to the topography of each lot. No structure shall be erected, altered, placed or permitted to remain on any lot

A front building line less than 60 feet from the front lot line may be established upon lots 10 to 18, inclusive, by the Architectural Control Committee after giving due consideration to the depth and topography of the lot and harmony with the building line of the then existing structures. No residence shall be constructed further than 75 feet from the front lot line.

(c) For the purpose of building line restrictions, eaves, steps and open porches extending not more than five feet beyond the main residence structure shall not be considered as part of a building.

NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

EASEMENTS

Easements for installation and maintenance of utility and drainage facilities are reserved as shown on the recorded plat.

ARCHITECTURAL CONTROL COMMITTEE > *No longer in existence*

(a) The Architectural Control Committee is composed of Maurice W. Haven, Richard J. Belz and Dorothy L. Haven. A majority of the Committee may appoint a designated representative to act for it. In case of death or resignation of any member of the Committee, the remaining members shall have full authority to appoint a successor. Neither the members of the Committee nor its designated representative shall be entitled to compensation for services performed pursuant to this covenant. At any time after five years after the date of recording of this

(b) The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to completion thereof, approval will not be required and the related covenants shall be deemed to have been complied with, provided said plans and specifications on their face are in accordance with these restrictions.

SIGNS

No signs shall be erected or permitted to remain upon any lot in said Subdivision without the consent in writing of the Architectural Control Committee.

GENERAL PROVISIONS.

(a) These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty five (35) years from and after the date of recording of this Agreement, after which date said covenants shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by the owners of record of a majority of the lots in the Subdivision has been recorded changing or modifying said restrictive covenants in whole or in part.

(b) Invalidity of any one of these covenants by judgment or decree shall in no wise affect any of the other provisions hereof which shall remain in full force and effect.

(c) These restrictions are intended to be minimum restrictions and all lots in the Subdivision must be used in full conformity with the zoning ordinances of the Township of Troy, Oakland County, Michigan, or any other applicable zoning ordinances and with the laws of the Township of Troy, County of

IN WITNESS WHEREOF, the owners in fee, of all lots in said Subdivision, Richard J. Belz; a single man, and Dorothy L. Haven, have hereunto set their hands and seals this 13th day of July, A. D. 1953.

In Presence Of:

Norman R. Bernard
Norman R. Bernard

Richard J. Belz
Richard J. Belz

Harriet K. Bernard
Harriet K. Bernard

Dorothy L. Haven
Dorothy L. Haven

State of Michigan
County of Oakland ss.

On this 13th day of July, A. D. 1953, before me, a Notary Public in and for said County, personally appeared Richard J. Belz, a single man, and Dorothy L. Haven, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Harriet K. Bernard
Harriet K. Bernard

Notary Public, Oakland County,
Michigan
My commission expires: Dec. 26, 1953.

By Laws for

"BELZAIR PROPERTY OWNERS' ASSOCIATION"

Article I--Name and Area

Section 1:

The name of this association shall be known as the Belzair Property Owners' Association.

Section 2:

The area of jurisdiction embraced by the activities of this association shall be all property within Replat of Belzair Subdivision, Belzair Subdivision Number 1 and Belzair Subdivision Number 2, as recorded in Oakland County, Michigan.

Article II--Purposes

Section 1:

The purpose of this association shall be to promote the best interests of the property owners and residents within the area named and in a broad way to foster, further, advocate and protect the best interests of the area as a residential section; to encourage all propositions that may be deemed helpful to the development of the area; to discourage and oppose all propositions that may be detrimental to residents and property owners of the area.

Section 2:

To procure the construction of necessary public improvements and to insure their proper maintenance within said area.

Section 3:

To maintain high standards of community and family progress and development.

Section 4:

To strengthen the bonds of community relationships between all property owners and residents.

Section 5:

To preserve the best interests of property owners in the subdivision, both singly and collectively, by lending support to the enforcement and maintenance of subdivision restrictions.

Section 6:

To preserve the present natural charm of wooded areas and beautiful landscapes in keeping with the ideals of modern suburban residential communities.

Section 7:

To support accredited campaigns for improved services or initiate community drives for said services, such being as schools; public transportation; mail service; public utilities; etc.

Article III--Membership

Section 1:

Each property owner and his/her spouse or joint owner within the geographical area of this association shall be entitled to one membership of this association upon payment of the annual dues of said association, together with any special assessments, approved and collected for the year in which membership is applied for.

Section 2:

The annual dues for each property owner, together with his/her spouse, shall be fifty (\$50.00) dollars. Dues may be raised only by a majority vote of the membership.

Section 3:

During the month of ~~April~~ of each year, the Secretary shall prepare and mail to all members whose names appear upon the roll of membership, an invoice specifying the dues for the current year and requesting payment thereof within twenty (20) days.

Article IV--Organization and Officers

Section 1:

The officers of this association shall consist of the following: President, Vice-President, Secretary and a Treasurer. The officers shall be elected by the members at the first meeting and shall serve for a term of one (1) year and thereafter until their successor or successors are elected. The officers thus elected shall constitute the Executive Committee and the President shall be the Chairperson thereof.

Section 2: PRESIDENT

The President shall be selected by, and from the membership of, the association. He/she shall be the chief executive officer of the association. He/she shall preside over all meetings of the board and of the members. He/she shall have general and active management of the business of the association and shall see that all orders and resolutions of the board are carried into effect. He/she shall be ex officio a member of all standing committees and shall have the general powers and duties of supervision and management usually vested in the office of president of an association.

Section 3: VICE-PRESIDENT

He/she shall perform the duties and exercise the powers of the President during the absence or disability of the President. The Vice-President has voting power.

Section 4: SECRETARY

The Secretary shall attend all meetings of the members and of the board of directors, and shall preserve in books of the association true minutes of proceedings of all such meetings. He/she shall give all notices required by stature, by-law, or resolution. He/she shall perform such other duties as may be delegated to him/her by the Board of Directors, or by the executive committee.

Section 5: TREASURER

The Treasurer shall have custody of all association funds and securities and shall keep in books belonging to the association full and accurate accounts of all receipts and disbursements; he/she shall deposit all money, securities and other valuable effects the name of the association in such depositories as may be designated for that purpose by the Board of Directors. He/she shall disburse the funds of the association as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Directors at the regular meetings of the Board, and whenever requested by them, an account of all his/her transactions as Treasurer and of the financial conditions of the association. If required by the Board, he/she shall deliver to the President of the association, and shall keep in force, a bond in form amount and with a surety or sureties satisfactory to the Board, conditioned for faithful performance of duties of his/her office, and for restoration to the association in case of his/her death, resignation, retirement or removal from office, of all books papers, vouchers, money and property of whatever kind is his/her possession or under his control belonging to the association.

Section 6: VACANCIES

Should a vacancy occur in any of said offices by death, resignation, or otherwise a successor shall be appointed by the Board of Directors to serve the unexpired term of the office so vacated.

Article V--**Meetings**

Section 1: ANNUAL MEETING OF MEMBERS

After the year 1954 (the year of organization) an annual meeting shall be held in September, the time and location of which will be determined by the Executive Committee.

Section 2: NOTICE OF ANNUAL MEETING OF MEMBERS

At least ten (10) days prior to the date fixed by Section 1 of this article for the holding of the annual meeting of members, written notice of the time and place of such meeting shall be delivered either by mail or by handout as hereinafter provided, to each member entitled to vote at such meeting.

Section 3: DELAYED ANNUAL MEETING

If, for any reason, the annual meeting of the members shall not be held on the day hereinbefore designated, such meeting may be called and held as a special meeting, provided however, that the notice of such meeting shall be the same herein required for the annual meeting, namely, not less than a ten (10) day notice.

Section 4: ORDER OF BUSINESS AT ANNUAL MEETING

The order of business at the annual meeting of the members shall be as follows:

- a) Roll Call
- b) Reading notice and proof of mailing
- c) Reading of minutes of last preceding meeting
- d) report of President
- e) Report of Treasurer
- f) Election of Directors
- g) Transaction of other business mentioned in the notice
- h) Adjournment

Provided that, in the absence of any objection, the presiding officer may vary the order of business at discretion.

Section 5: SPECIAL MEETING OF MEMBERS

A special meeting of the members may be called at any time by the President, or by a majority of the Board of Directors, or by petition to the President, signed by fifteen (15) members who are in good standing with dues fully paid. The method by which such meetings may be called is as follows: Upon receipt of a specification in writing setting forth the day and objects of a said special meeting, signed by the President or by a majority of the Board of Directors, the Secretary or an Assistant Secretary shall prepare, sign and mail the notices requisite to such meeting. Such notice may be signed, stamped, typewritten or printed signature of the Secretary or of an Assistant Secretary.

Section 6: NOTICE OF SPECIAL MEETING OF MEMBERS

At least three (3) days prior to the date fixed for the holding of any special meeting of members, written notice of the time, place and purposes of such meeting shall be delivered by mail or by handout, as hereinafter provided, to each member entitled to vote a such meeting. No business not mentioned in the notice shall be transacted at such meeting.

Section 7: REGULAR MEETINGS OF BOARD

Regular meetings of the Board of Directors shall be held no less frequently than once in every three (3) months at such time and place as the Board of Directors shall from time to time determine. No notice of regular meetings of the Board shall be required.

Section 8: SPECIAL MEETINGS OF BOARD

Special meetings of the Board of Directors may be called by the President at any time by means of written or verbal notice of the time, place and purpose thereof to each Director as the President in his discretion shall deem sufficient, but action taken at any such meeting shall not be invalidated for want of notice if such notice shall be waived as hereinafter provided.

Section 9: NOTICES AND MAILING

All notices required to be given by a provision of these By-Laws shall state the authority pursuant to which they are issued (as, "by order of the President", or "by order of the Board of Directors" as the case may be) and shall bear the written, stamped, typewritten or printed signature of the Secretary or Assistant Secretary. Every notice shall be deemed duly served when the same has been deposited in the United States mail, with postage fully prepaid, plainly addressed to the sendee at this/her last address appearing upon the membership record of this corporation.

Section 10: WAIVER OF NOTICE

Notice of the time, place and purpose of any meeting of the members or of the board of directors, may be waived in writing, either before or after such meeting has been held.

Article VI--Quorum

Section 1: QUORUM OF MEMBERS

Presence in person or by proxy of members representing fifteen (15) of the voting rights of this association shall constitute a quorum at meetings of the members.

Section 2: QUORUM OF DIRECTORS

A majority of the directors shall constitute a quorum.

Article VII--Voting, Elections, and Proxies

Section 1: PROXIES

No proxy shall be deemed operative unless and until signed by the member and filed with the association. In the absence of limitation to the contrary contained in the proxy, the same shall extend to all meetings of the members and shall remain in force until revoked by written notice to the Secretary.

Section 2: INSPECTORS

Whenever any person entitled to vote at a meeting of the members shall request the appointment of inspectors, the chairperson of the meeting shall appoint not more than three (3) inspectors. The inspectors shall receive and count the votes either upon an election or for the decision of any question and shall determine the result. Their certificate of any vote shall be prime facie evidence thereof.

Article VIII--Board of Directors

Section 1: NUMBER AND TERM OF DIRECTORS

The business, property and affairs of this association shall be managed by a board of directors consisting of the President, Secretary, Treasurer and four (4) Directors. The Directors shall be elected at the meeting of the members for a term of two (2) years except at the first meeting two (2) shall be elected for a term of one (1) year and thereafter at each annual meeting two (2) shall be elected.

Section 2: VACANCIES

Vacancies in the Board of Directors shall be filled by appointment made by the remaining Directors. Each person so elected to fill a vacancy shall remain indirector until his/her successor has been elected by the members, who may make such election at their next annual meeting or any special meeting duly called for the purpose and held prior thereto.

Section 3: ACTION BY UNANIMOUS WRITTEN CONSENT

If and when the Directors shall severally or collectively consent in writing to any action to be taken by the association, such action shall be as valid association action as though it had been authorized at a meeting of the Board of Directors.

Section 4: POWER TO APPOINT OTHER OFFICERS AND AGENTS

The Board of Directors shall have the power to appoint such other officers and agents as the Board may deem necessary for transaction of the business of the corporation, together with the right to remove such other officers, or agents, whenever in the judgment of the board the business interest of the association will be served thereby.

Article IX--Amendments

Section 1: AMENDMENTS

These By-Laws may be amended at any annual meeting of the members by a majority of those in attendance, or at any special meeting upon submission of such amendment to the Board of Directors and subject to their approval.

4. HEARING OF CASES

- A. VARIANCE REQUEST, TIMOTHY J. LeROY, SUBURBAN MOTORS COMPANY, INC. 1810 MAPLELAWN – Permission to place a temporary sales trailer on the site while the permanent building is undergoing renovations.

SECTION: 43.80.00 (C)



2385
1798
1784
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1755 B
1755 C
1755 D
1755 E
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1840

CROOKS

TEMPLE CITY

THORNCROFT
BLANEY

PREMIER

W MAPLE

STUTZ

MAPLEAWN

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1607

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1600

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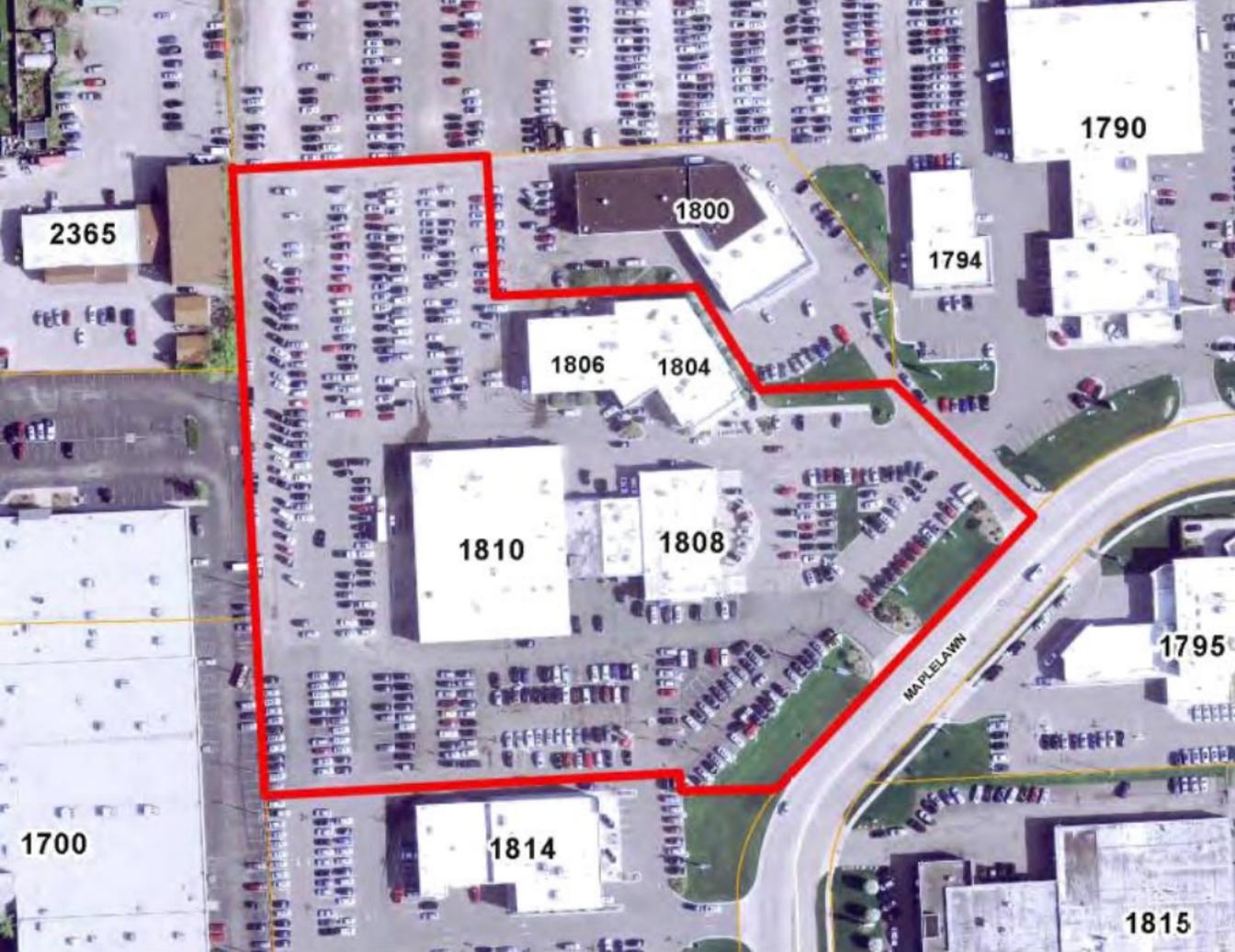
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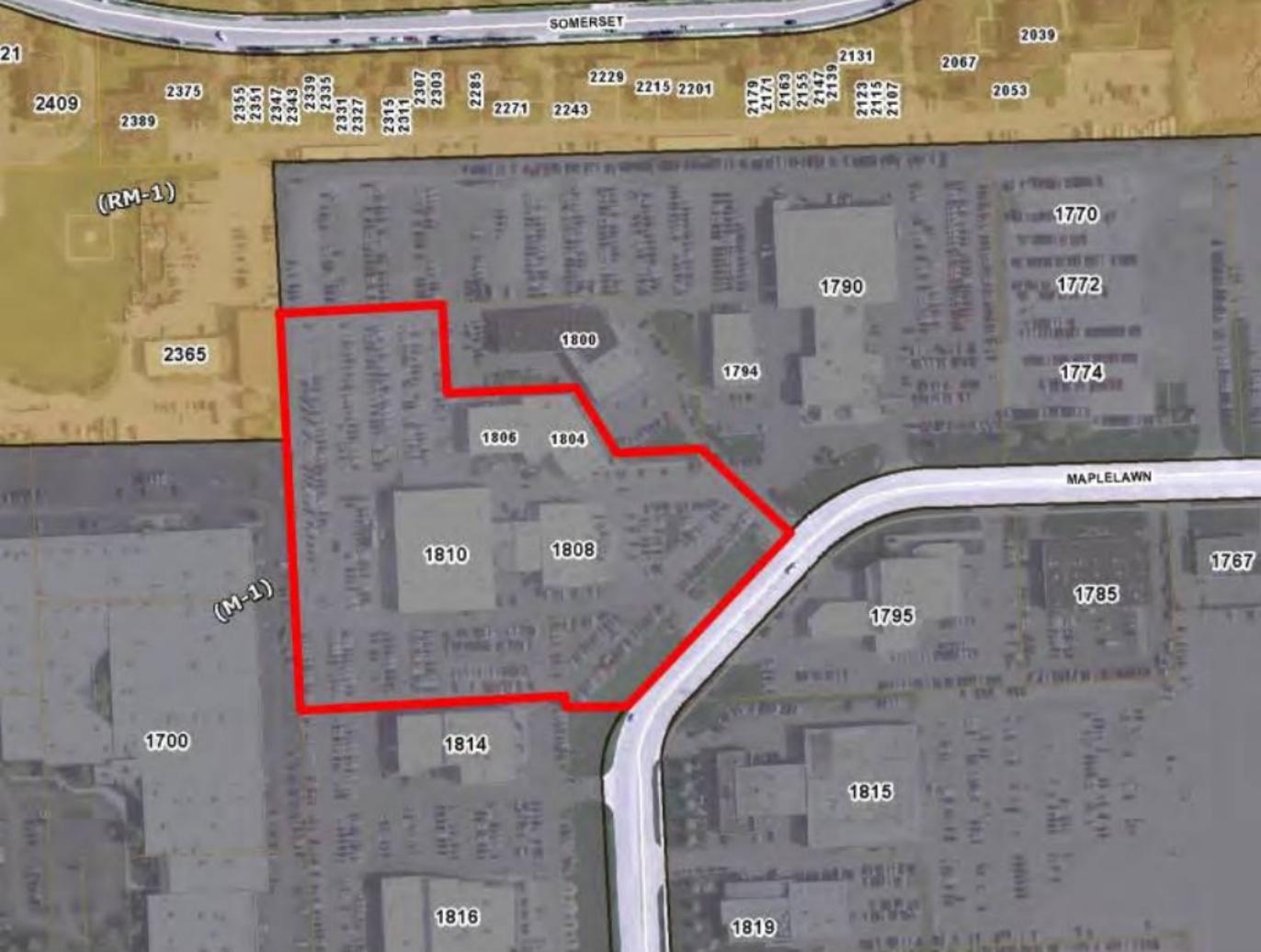
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MAPLELAWN



SOMERSET

21

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2389

2375

2355

2351

2347

2343

2339

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2331

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2311

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2303

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2243

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2201

2179

2171

2163

2155

2147

2139

2131

2123

2115

2107

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2039

2053

(RM-1)

2365

1770

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1772

1800

1794

1774

1806

1804

1785

1810

1808

1767

(M-1)

1795

1700

1814

1785

1815

1816

1819

MAPLELAWN

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: 1810 Maplelawn
LOT NO. _____ SUBDIVISION _____
LOCATED ON THE West SIDE OF (ROAD) Maplelawn
BETWEEN Maple AND Crooks
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-29-401-031
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: _____
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: N/A

6 APPLICANT INFORMATION:

NAME Timothy J. LeRoy
COMPANY Suburban Motors Company, Inc.
ADDRESS 1795 Maplelawn
CITY Troy STATE MI ZIP 48084
TELEPHONE 248-519-9888
E-MAIL tleroy@suburbancollection.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Secretary-Treasurer of Suburban Motors Company, Inc.

8. OWNER OF SUBJECT PROPERTY:

NAME David T. Fischer
COMPANY Suburban Maplelawn 7, LLC is the company that owns the property
ADDRESS 1795 Maplelawn
CITY Troy STATE MI ZIP 48084
TELEPHONE 248-519-9700
E-MAIL dclement@suburbancollection.com

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

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

I, ^{*Timothy J. LeRoy*}
David T. Fischer (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 *Timothy J. LeRoy* DATE 3/10/11

PRINT NAME: Timothy J. LeRoy Secretary-Treasurer

SIGNATURE OF PROPERTY OWNER *Timothy J. LeRoy* DATE 3/10/11

PRINT NAME: Timothy J. LeRoy Secretary-Treasurer



**The
Suburban
Collection**

P.O. Box 909
Troy, Michigan 48099

**Members of
The Suburban Collection**

Florida Locations
Saturn of Stuart
Saturn of West Palm Beach
Suburban Volvo Palm Beach

Michigan Locations

Ann Arbor
Suburban Chevrolet Cadillac
Saab Hummer

Farmington Hills/Novi
Fischer Body Refinishing
Porsche of Farmington Hills
Suburban Acura
Suburban Audi
Suburban Chrysler Jeep
Suburban Honda
Suburban Infiniti
Suburban Mazda
Suburban Nissan
Suburban Volkswagen

Southgate
Saturn of Southgate

Sterling Heights
Suburban Ford

Troy
Bentley Troy
Bugatti Troy
Fischer Body Refinishing
Lamborghini Troy
Rolls-Royce Motor Cars Michigan
Saturn of Troy
Suburban Cadillac Buick
Suburban Hummer
Suburban Hyundai
Suburban Infiniti
Suburban Mazda
Suburban Nissan
Suburban Scion
Suburban Subaru
Suburban Toyota
Suburban Volkswagen
Suburban Volvo

Waterford
Suburban Ford

Western Michigan
Saturn of Grand Rapids
Saturn of Holland
Saturn of Kalamazoo

make the choice

March 10, 2011

City of Troy Board of Zoning Appeals
Attn: Paul Evans
500 W. Big Beaver
Troy, MI 48084

RE: Letter containing details for a temporary sales office request.

Dear Mr. Evans:

The Suburban Collection in the Troy Motor Mall is planning to renovate and upgrade the Suburban Cadillac Buick dealership into the latest state-of-the-art General Motors design. In order to complete the construction project as quickly as possible, our plan, pending city approval, is to temporarily relocate the new car sales department and the service reception area to the former Suburban Hummer dealership located at 1755 Maplelawn. Due to space limitations at the former Suburban Hummer dealership, we believe that relocating the used car department to this location would negatively impact our used vehicle sales. Therefore, we are asking for approval to keep the used vehicle department on the 1810 Maplelawn lot in a temporary sales office.

Request for a Temporary Used Vehicle Sales Office

Construction on the Suburban Cadillac Buick dealership will begin soon. Until the new dealership is ready, we are requesting permission to set up a temporary used vehicle sales office on the Suburban Cadillac Buick lot located at 1810 Maplelawn.

Description and Location of the Temporary Used Vehicle Sales Office

The temporary facility will consist of a 24' x 60' trailer located on the south side of the 1810 Maplelawn lot just west of the used car inventory. See Attachment #1 for specific dimensions of the trailer.

Attachment #2 contains a site plan showing the location of the temporary sales office. The location is approximately 60 feet south of the Suburban Cadillac Buick building. There will be fencing around the construction activities at the Suburban Cadillac Buick dealership to safeguard customers going to the temporary sales office. This fencing is also shown on Attachment #2. We plan on having signage on the trailer and other signs (pending approval) to direct customers to the sales office. Power will be provided by a source 50 feet from the proposed trailer location.

Handicap access, customer restrooms, and drinking water will be accommodated by the temporary sales office. Customer restrooms will be in the sales office in a self-contained system. A sink with non-potable water will be in the restroom. Drinking water will be supplied by a standalone water dispenser serviced by a company such as Absopure Water Company.

Attachment #3 contains the specifications on the handicap ramp. Attachment #4 shows the location of the 10 tie down/anchor bolts and the proposed blocking points. Attachment #5 contains the specifications of the anchor bolts.

Project Timing

Our target date to have this temporary facility installed is March 24, 2011. We are planning to have the construction of the renovated Suburban Cadillac Buick dealership completed by February 2012. Assuming the construction of the new dealership goes as planned, the temporary sales office would be removed by March 1, 2012.

Ownership

The proposed site for the temporary sales facility, 1810 Maplelawn, is owned by Suburban Maplelawn 7, LLC. This company is privately owned by David I. Fischer. Mr. Fischer has no objection to the use of the Suburban Cadillac Buick lot for the temporary sales office.

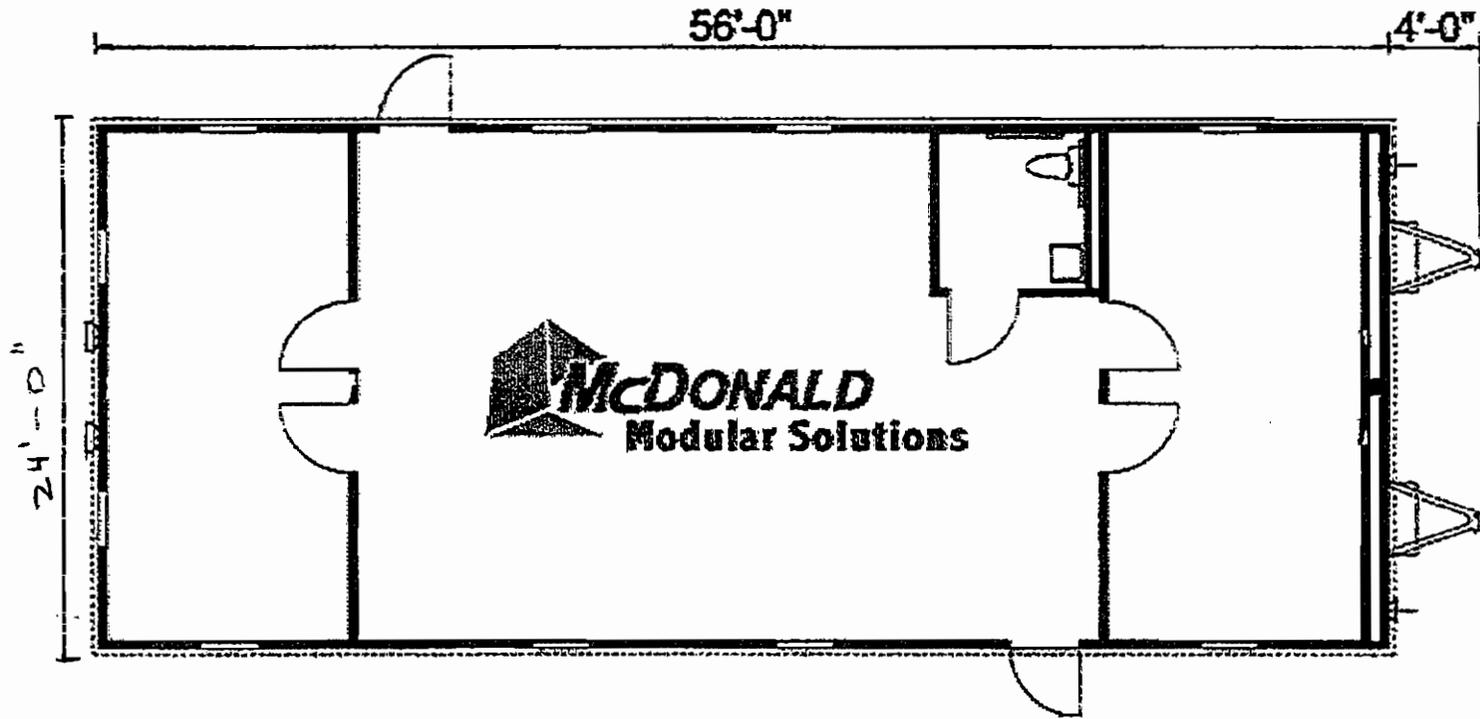
If there is any additional information needed regarding our application for a temporary sales office, please contact either Sam Gendler at (248) 939-2657 or me at (248) 505-2611

Thank you for your consideration.

Sincerely,



Timothy J. LeRoy
Secretary-Treasurer



CORPORATE OFFICE
23800 W. Eight Mile Rd.
Southfield, MI 48034

CHICAGO BRANCH
1560 AURORA AVE.
AURORA, IL 60505

Ph. 800.221.4297
Fax. 248.356.5021

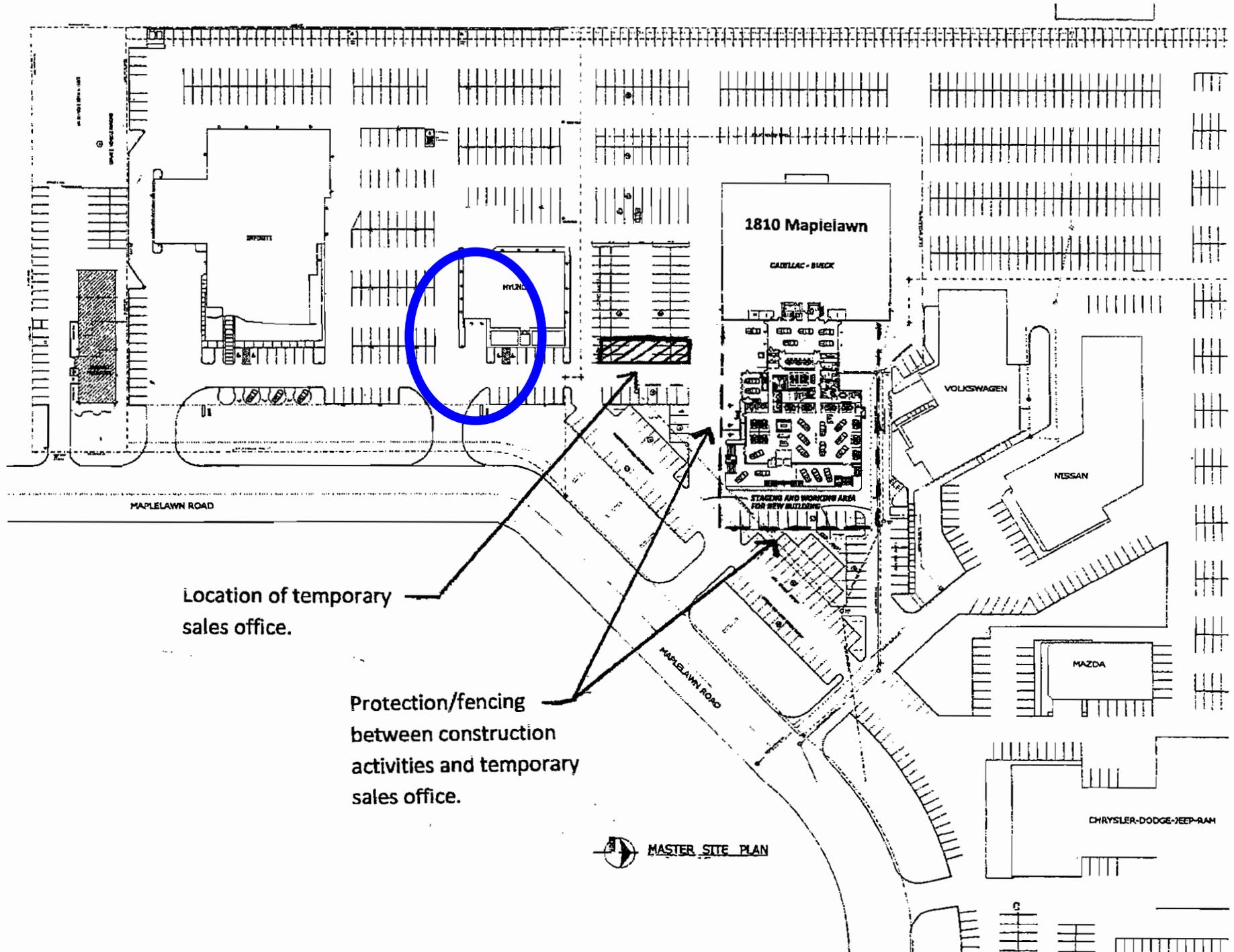
Ph. 800.221.4297
Ph. 630.966.0242
Fax. 630.966.0243

All ideas, designs, arrangements and plans indicated or represented by this document are owned by McDonald Modular Solutions. This document shall not be used or disclosed without the permission of McDonald Modular Solutions.

**24x60 MOBILE
OFFICE**

McDONALD
MODULAR SOLUTIONS

DATE: 10/18/05 UNIT NUMBER: FO-2460

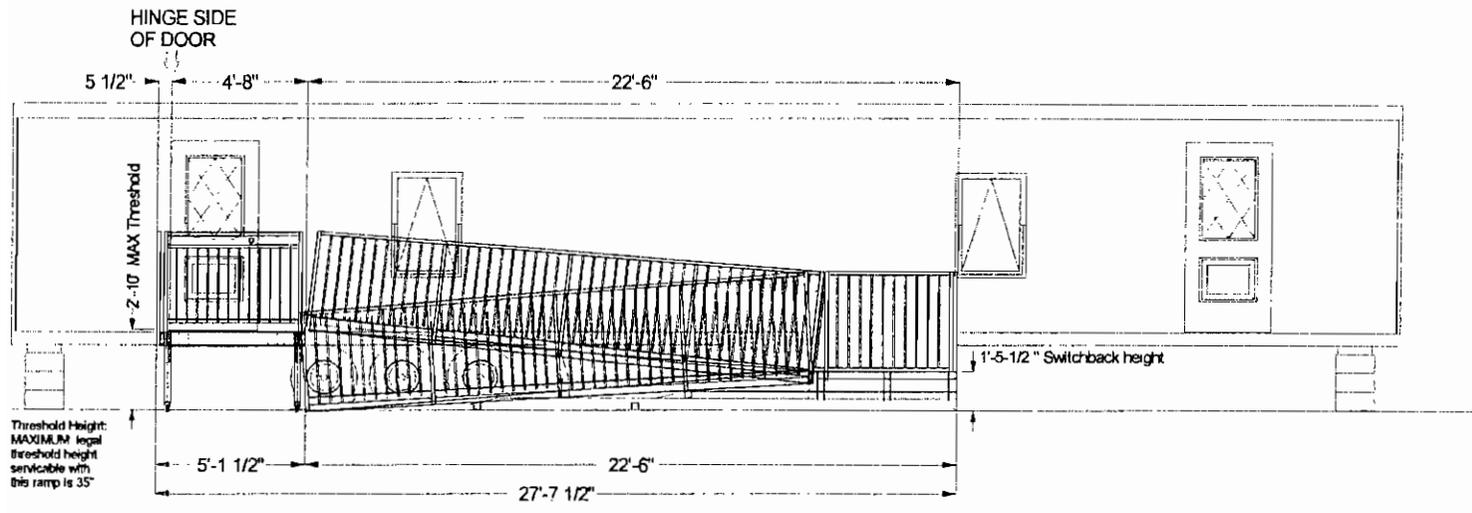


Location of temporary sales office.

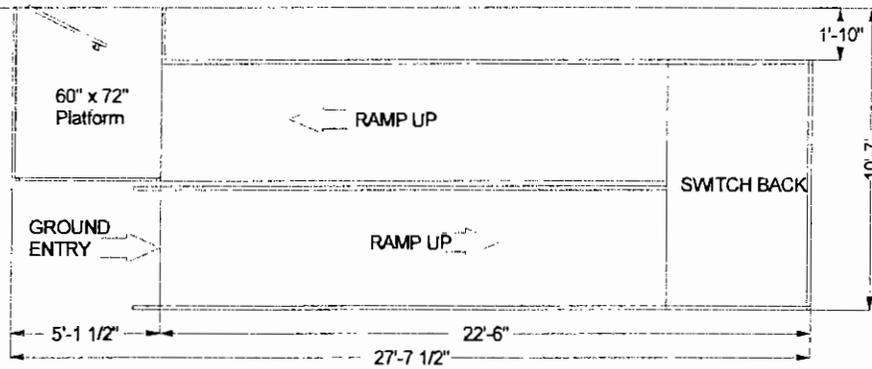
Protection/fencing between construction activities and temporary sales office.

MASTER SITE PLAN

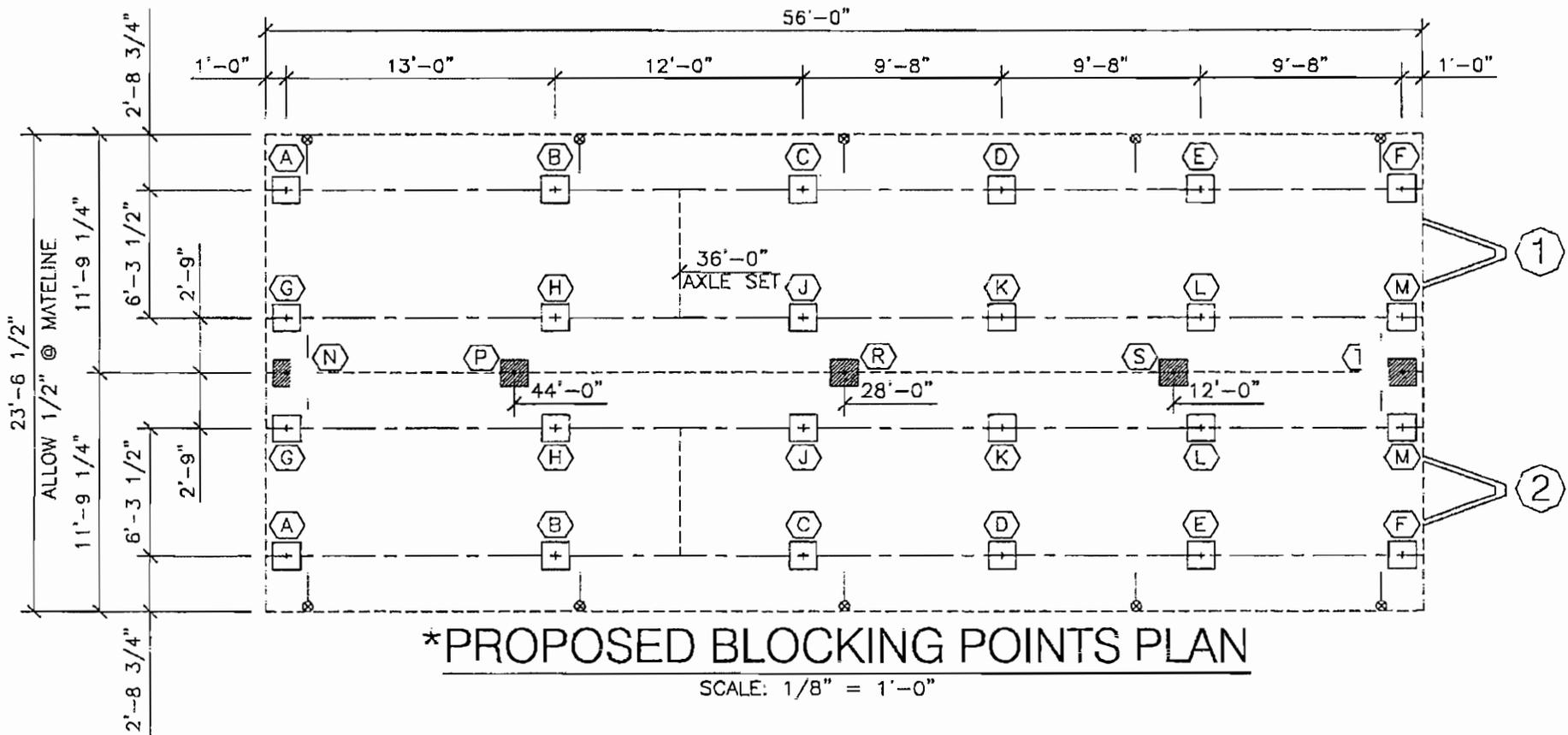
HANDICAP RAMP SPECIFICATIONS



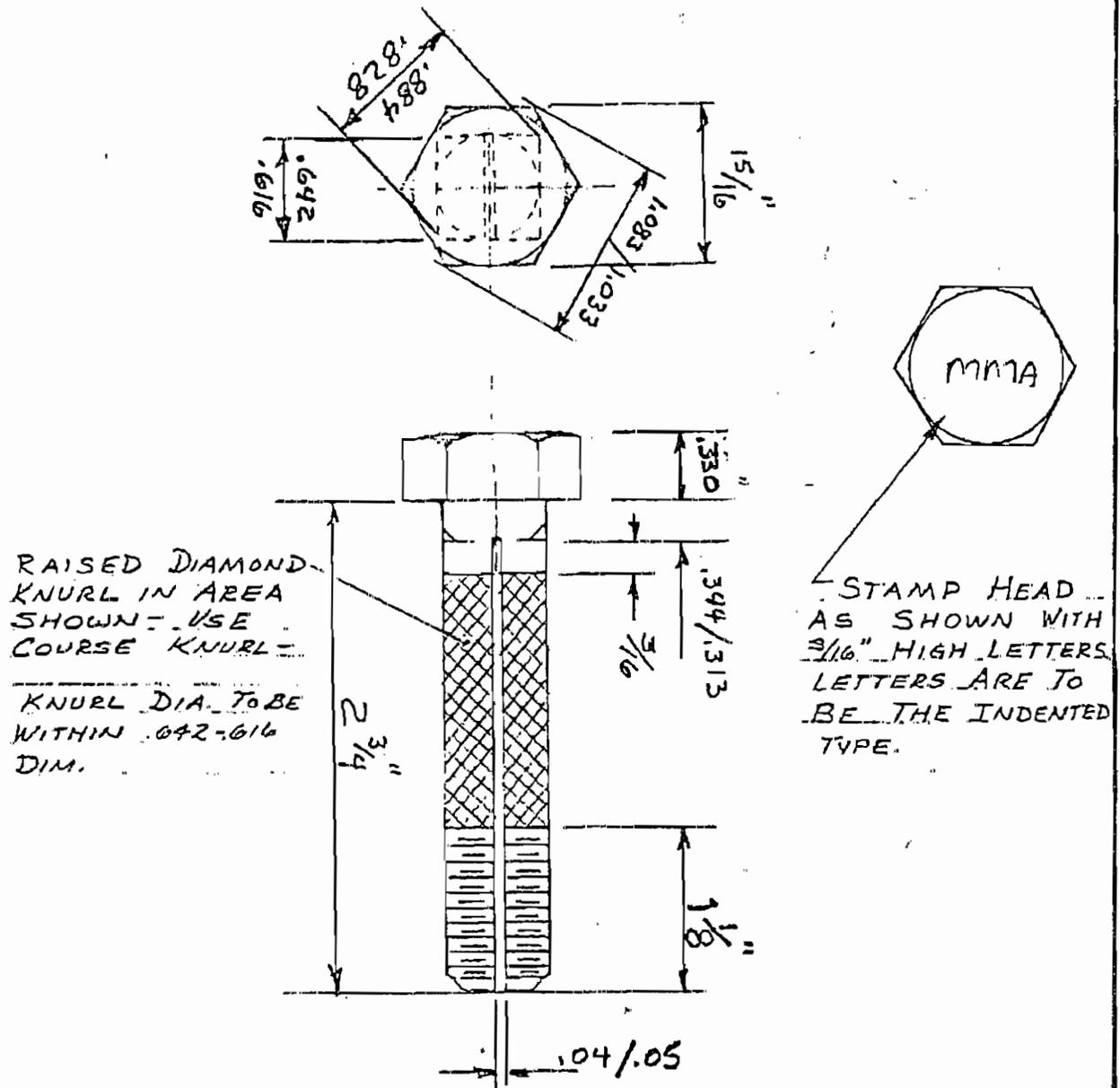
MODULAR BUILDING (PLAN VIEW)



10 ANCHOR LOCATIONS = 



ANCHOR BOLT SPECIFICATIONS

PHYSICAL DESCRIPTION OF MINUTE MAN ANCHORS TENSION BOLT

Bolts, low carbon steel (C1010), (C1008), full size body. Bolts to have indented head marks "AB".

Bolt dimensions: $5/8$ "-11 X $2\ 3/4$ " X $1\ 1/8$ " Rolled thread length.

Head dimensions: $16/16$ " across flats, $1.083/1.033$ " across corners, $.330$ height.

Neck dimensions: $.642/.616$ across flats, $.884/.828$ across corners, $.344/.313$ depth.

Slot dimensions: $.04$ slot from threaded end of bolt to neck of bolt at center line of bolt.

Zinc plating after slotting, commercial quality $.0002$ " thick.

From: [Bob Thomas](#)
To: [Planning](#)
Subject: Public Hearing on 20-29-401-031 Request
Date: Tuesday, April 05, 2011 12:35:52 PM

My business is located directly adjoining the West property line of parcel 20-29-401-031 (Suburban Motors Co). I have absolutely no problem with the request to place a temporary sales trailer on the property during renovations.

Robert Thomas, President
RJ Thomas Ltd (fine furniture & fabrics)
www.rjthomasltd.com
1700 Stutz Drive STE82, Troy, MI 48084
Office: (248) 822-1300
Cell: (248) 342-0000
Fax: (248) 822-6300

***The information contained in this message may be privileged, confidential, and protected from disclosure. If the reader of this message is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you. RJ Thomas, Ltd.*

4. HEARING OF CASES

- B. VARIANCE REQUEST, ALEJANDRO M. NOGOY for A. M. NOGOY CONSTRUCTION, 4951 SOMERTON DRIVE – In order to remove the existing deck and build an addition to the home in the same location, a 5 foot variance to the required 40 foot rear yard setback.

SECTION: 30.10.04

528

538

4979

4965

4951

4937

4923

4909

4998

4978

4964

4950

4936

4922

63

63

SOMERTON

NADA

28

4979

4978

(R-1C)

4965

4964

538

4951

4950



SOMERTON

4937

4936

4923

4922

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: levanspm@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

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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.

1. ADDRESS OF THE SUBJECT PROPERTY: 4951 Somerton Dr. Troy, MI 48085
LOT NO. 3 SUBDIVISION Covington Ridge Subdivision
LOCATED ON THE W of Somerton SIDE OF (ROAD) _____
BETWEEN S of Long Lake AND W of Rochester Road
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): PARCEL I.D. NUMBER: 88-20-15-202-003
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: _____
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: No.

6. APPLICANT INFORMATION:

NAME Alejandro M. Nogoy
 COMPANY A. M. Nogoy Construction
 ADDRESS 3232 Helena Drive
 CITY Troy STATE Michigan ZIP 48083
 TELEPHONE (248) 689-9882
 E-MAIL assumption47@aol.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Mr & Mrs. Nuvani Chandrasekhar
 COMPANY _____
 ADDRESS 4951 SOMERTON DRIVE
 CITY TROY STATE MI ZIP 48085
 TELEPHONE 248 619 0363
 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, Nuvani Chandrasekhar (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 Alejandro M. Nogoy DATE March 6, 2011

PRINT NAME: Alejandro M. Nogoy

SIGNATURE OF PROPERTY OWNER [Signature] DATE 3/06/2011

PRINT NAME: NUVANI CHANDRASEKHAR

Certified to: NORTH AMERICAN FINANCIAL CORPORATION
ITS SUCCESSORS AND/OR ITS ASSIGNS

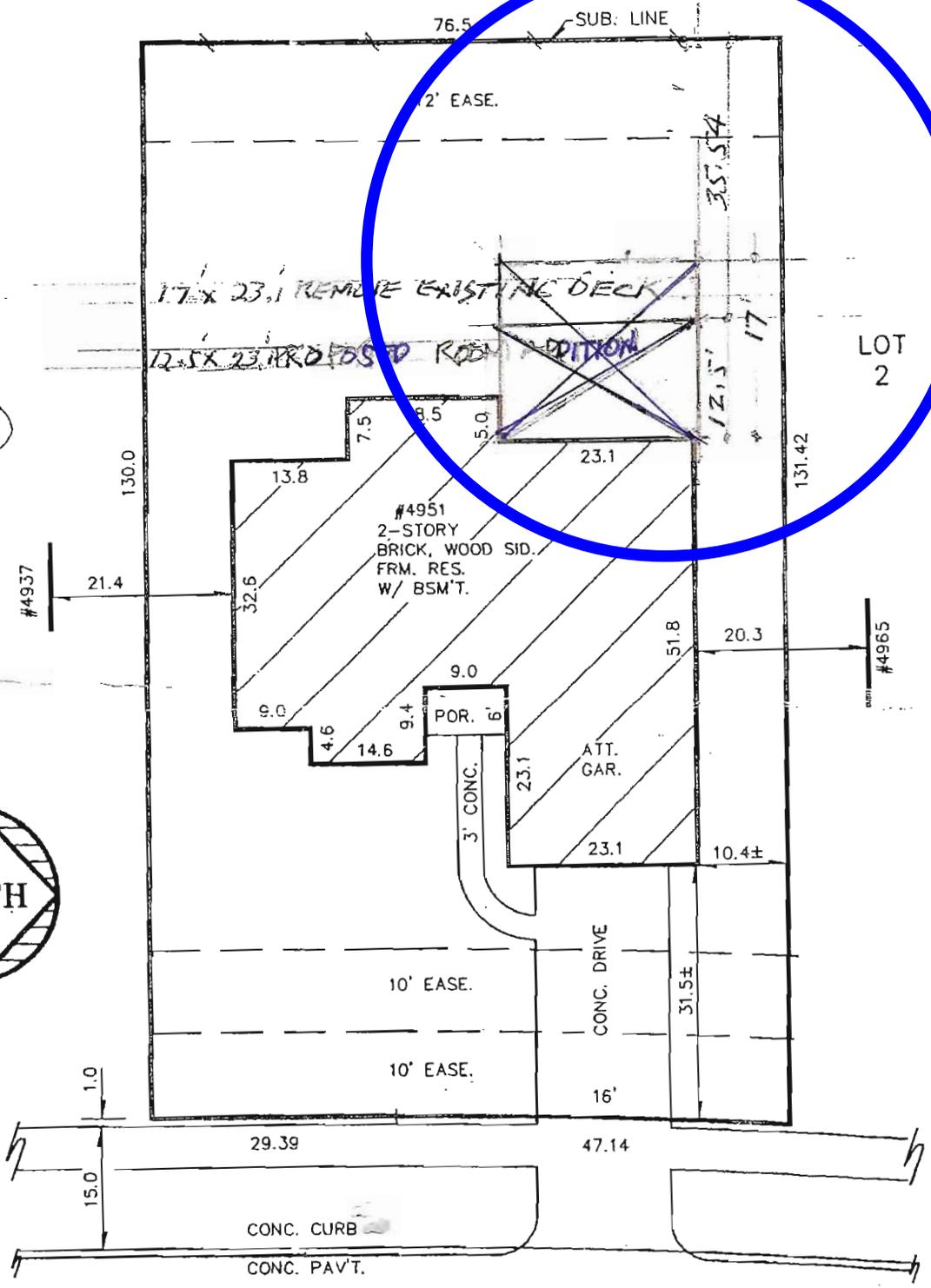
Applicant: NURANI S. AND LALITHA CHANDRASEKHAR

Property Description:

Lot 3; COVINGTON RIDGE SUBDIVISION, part of the N.E. 1/4 of Section 15, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 233 of Plats, Pages 32, 33, 34 and 35 of Oakland County Records.

MORTGAGE SURVEY

LOT 4



SOMERTON DR. 60' WD.

CONTINUOUS RIDGE VENT

1" X 6" FACIA BOARD ROUGH SAWN

SKY-LIGHT

36" X 96" FIX LOW E
ARGON GAS

36" X 96" FIX LOW E
ARGON GAS

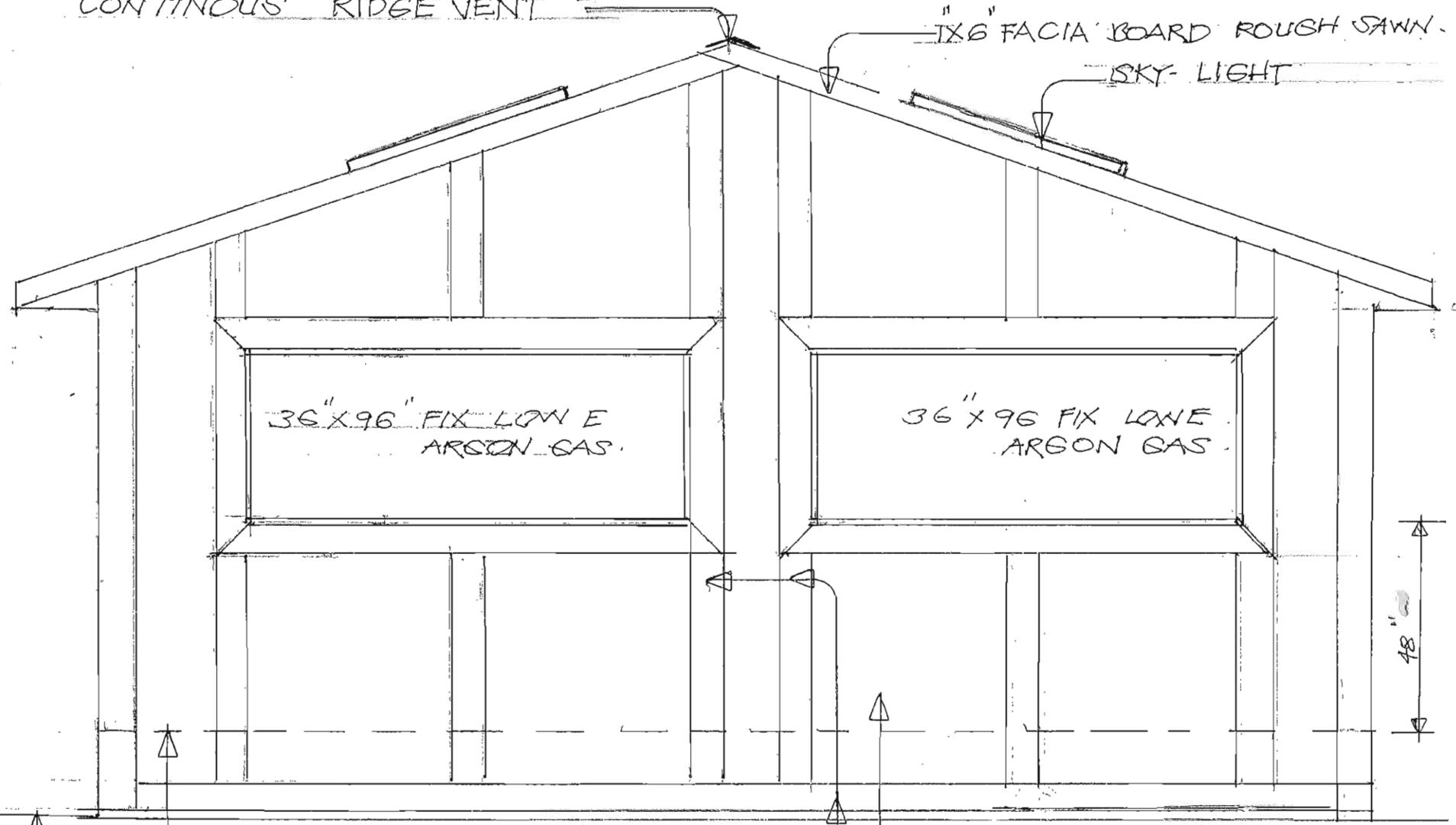
48"

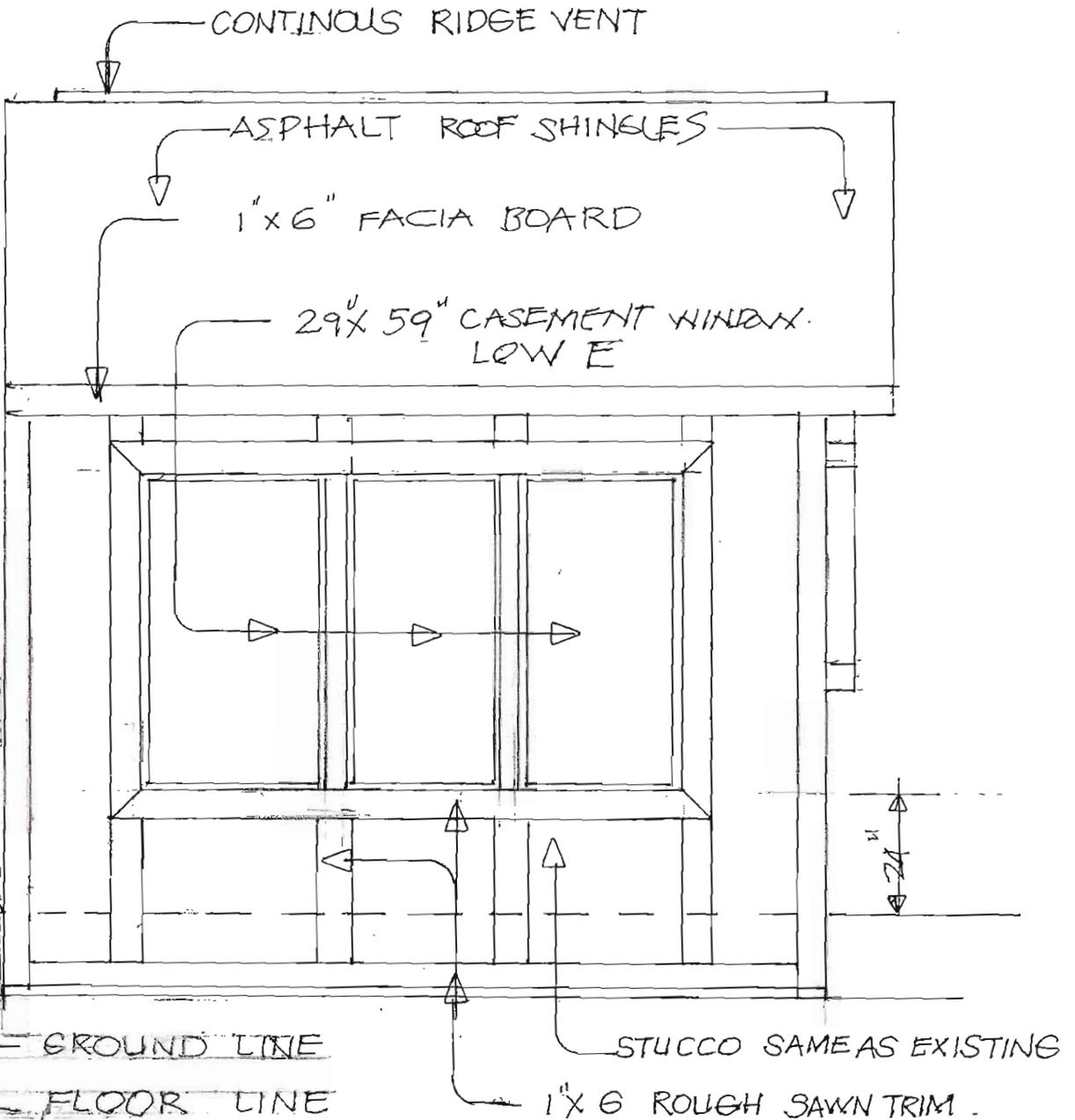
FLOOR LINE
GROUND LINE

STUCCO SAME AS EXISTING
1" X 6" ROUGH SAWN TRIM

PLAN: REAR ELEVATION

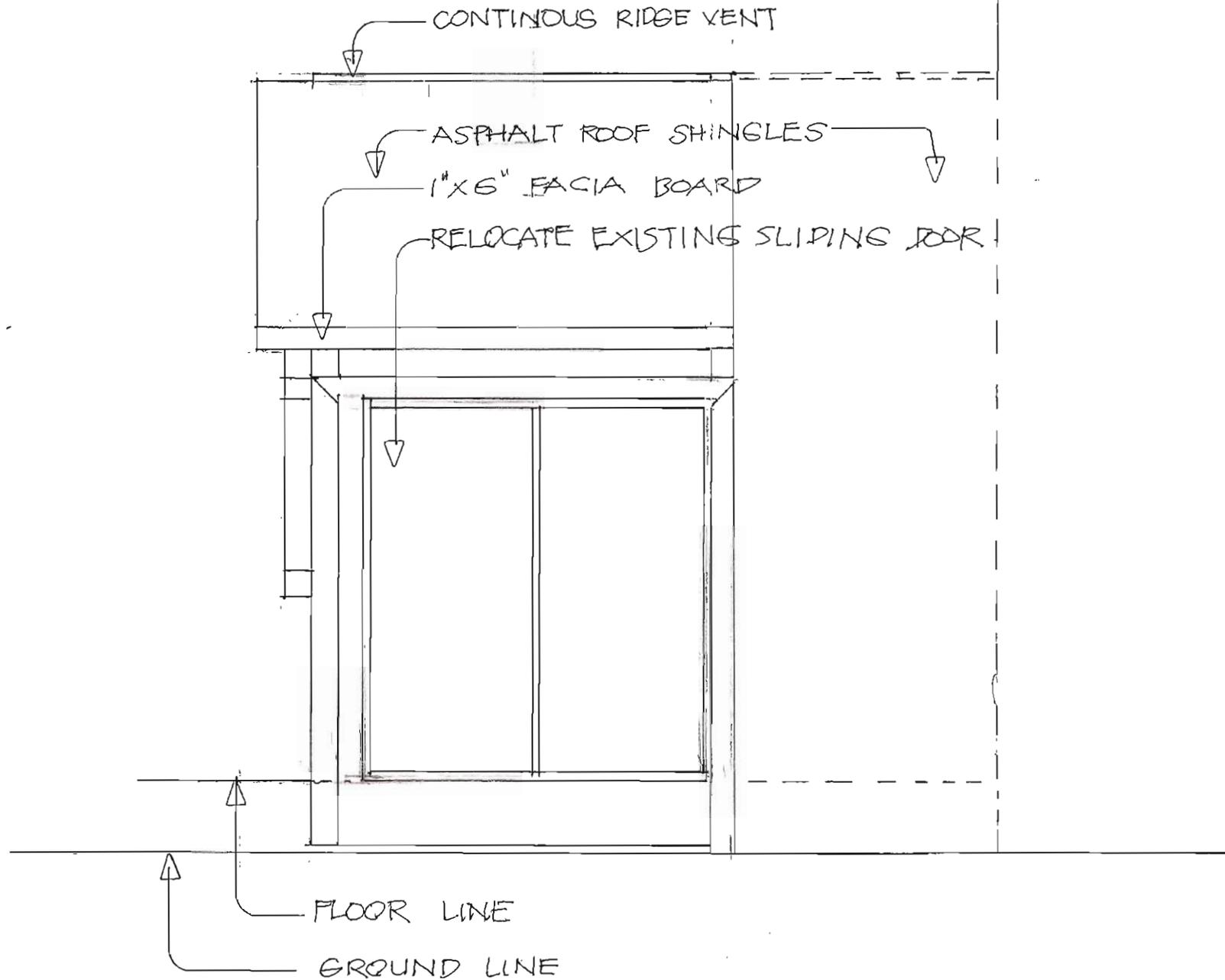
SCALE: 3/8" : 1 FOOT





PLAN: LEFT SIDE ELEVATION

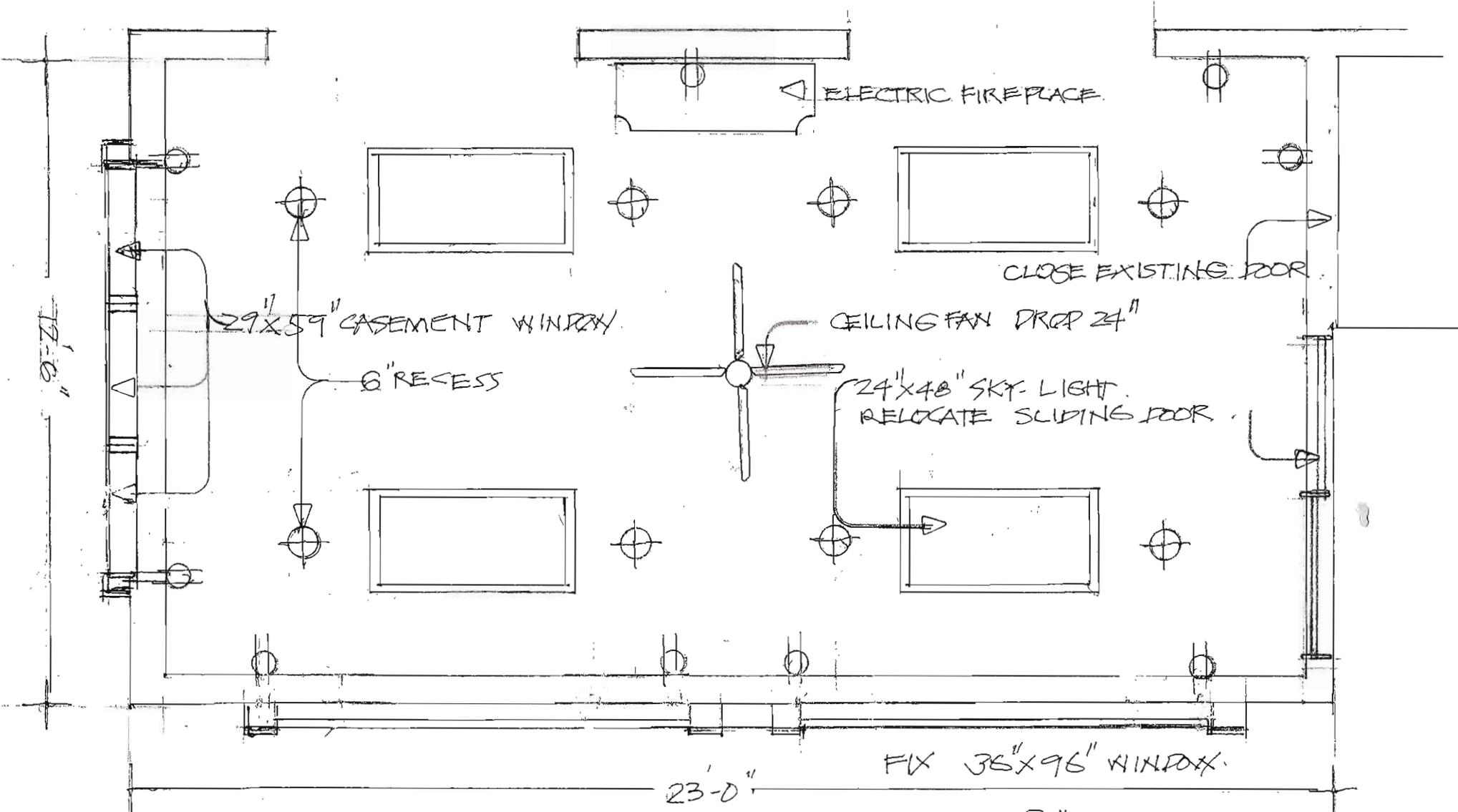
SCALE: $\frac{3}{8}''$: 1 FOOT.



PLAN: RIGHT SIDE ELEVATION SCALE $\frac{3}{8}''$: 1 FOOT.

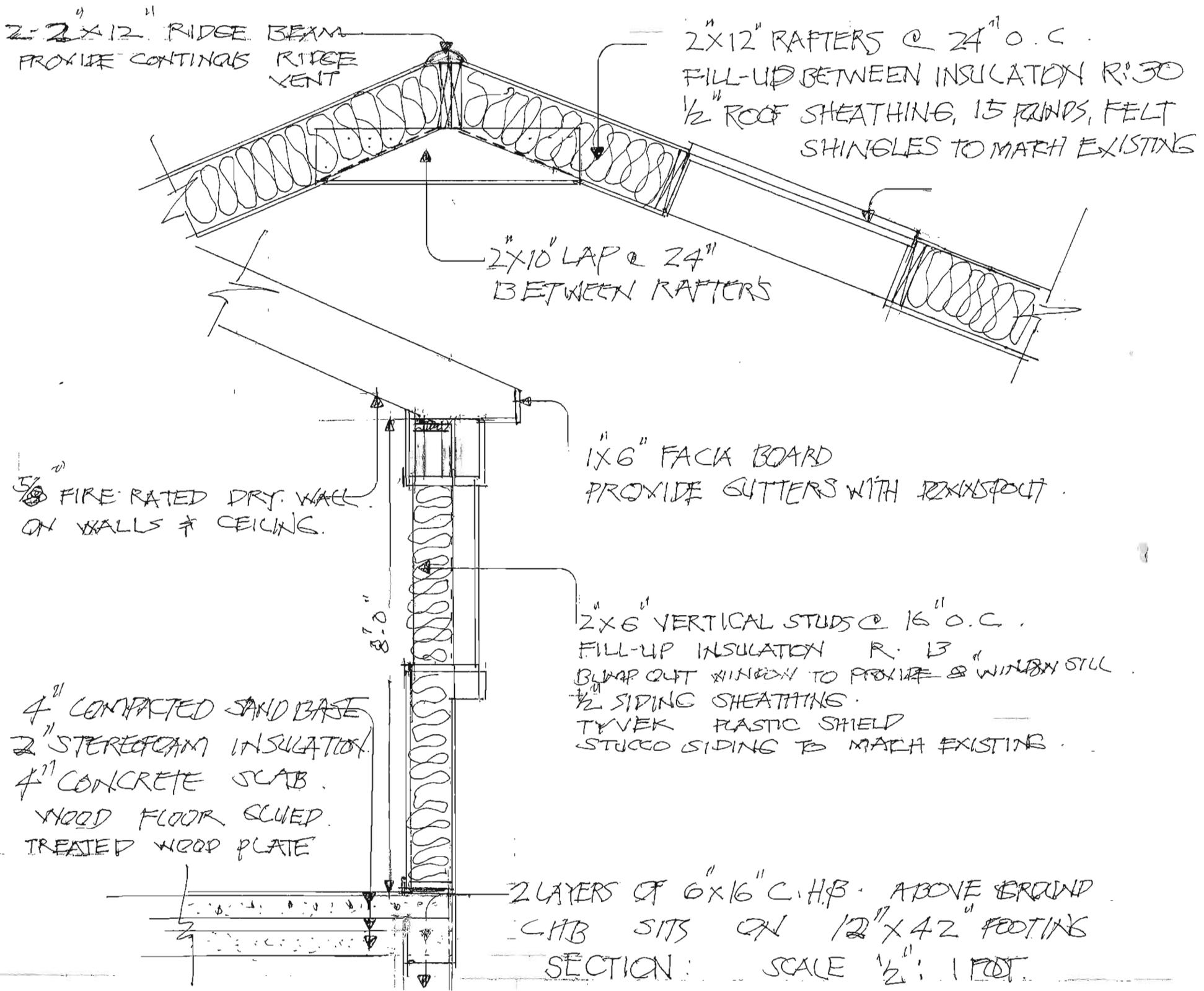
PART OF EXISTING KITCHEN

PART OF EXISTING DINING



PLAN: FLOOR & ELECTRICAL PLAN.

SCALE $\frac{3}{8}$ " : 1 FOOT.



2-2"X12" RIDGE BEAM
 PROVIDE CONTINUOUS RIDGE
 VENT

2"X12" RAFTERS @ 24" O.C.
 FILL-UP BETWEEN INSULATION R:30
 1/2" ROOF SHEATHING, 15 POUNDS, FELT
 SHINGLES TO MATCH EXISTING

2"X10" LAP @ 24"
 BETWEEN RAFTERS

5/8" FIRE RATED DRY WALL
 ON WALLS & CEILING.

1"X6" FACA BOARD
 PROVIDE GUTTERS WITH DRAINSPOUT

2"X6" VERTICAL STUDS @ 16" O.C.
 FILL-UP INSULATION R:13
 BUMP OUT WINDOW TO PROVIDE 2" WINDOW SILL
 1/2" SIDING SHEATHING
 TYVEK PLASTIC SHIELD
 STUCCO SIDING TO MATCH EXISTING

4" COMPACTED SAND BASE
 2" STEREFOM INSULATION
 4" CONCRETE SLAB
 WOOD FLOOR SCUED
 TREATED WOOD PLATE

2 LAYERS OF 6"X16" C.H.P. ABOVE GROUND
 C.H.P. SITS ON 12"X42" FOOTING

SECTION: SCALE 1/2" : 1 FOOT

copy

REASONS FOR APPEAL

Mr. & Mrs. Nurani Chandrasekhar
Homeowner
4951 Somerton Drive
Troy, MI 48085

Alejandro M. Nogoy
A. M. Nogoy Construction
3232 Helena Drive
Troy, MI 48083

1. Appealing to build a room addition in the rear of the house 23.1 X 12.5 ft.
2. Setback would be 35.54 ft. It will be 4.46 ft. short of required setback of 40 ft.
3. Room addition will be used as exercise room and nook.

Address of subject property: 4951 Somerton Drive Troy MI 48085

ESSAY

- The granting of variance request of 4.5' to 4951 Somerton will allow the proposed room addition to align with the neighbor in the south side (4965 Somerton) previously granted a variance and constructed a room addition. See photo #2.
- The proposed room addition can hardly be seen from Long Lake Road because of existing dense tall trees on the South side road easement of Long Lake Road. See photo #3.
- Backyard of adjoining lot is a non residential property. The Troy Swim Club. Fully fenced all along west side of property line. There is also existing dense tall trees right behind the existing garage of Troy Swim Club. See photo #1 and #2
- There is no other residence in the rear or West side of the property line except parking lot and existing garage. See photo #2
- The proposed room addition will benefit the neighbor on the South side of the property by partially blocking view of Long Lake Road and serve as barrier from noise traffic.
- The proposed room addition is a Four Season dwelling, nook and TV Room.
- Class A construction 2"X6" perimeter partition, cathedral ceiling, Four skylights, ceiling fan, fireplace, Pella windows, Low E casement window, well lit interior and exterior around outside room. Professional landscaping

Google maps 4951 Somerton Drive, Troy, MI

Search Maps Show search options

Get Directions My Maps

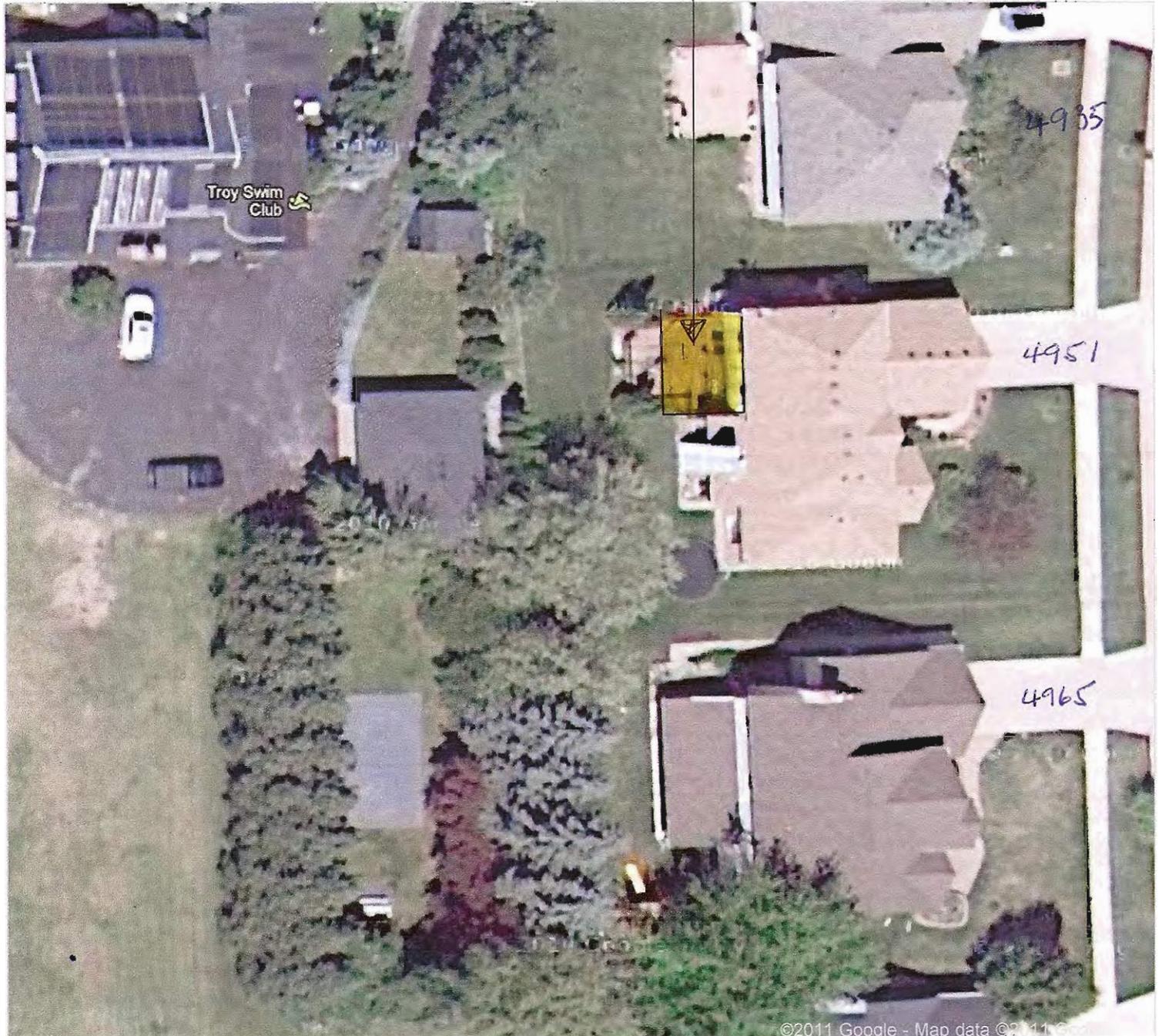
Print Send Link

4951 Somerton Dr Troy, MI 48085 Directions Search nearby more



PROPOSED 12.5 X 23.1 ROOM ADDITION.

PROPOSED 12.5 X 23.1 ROOM
ADDITION



4935

Troy Swim Club

4951

4965

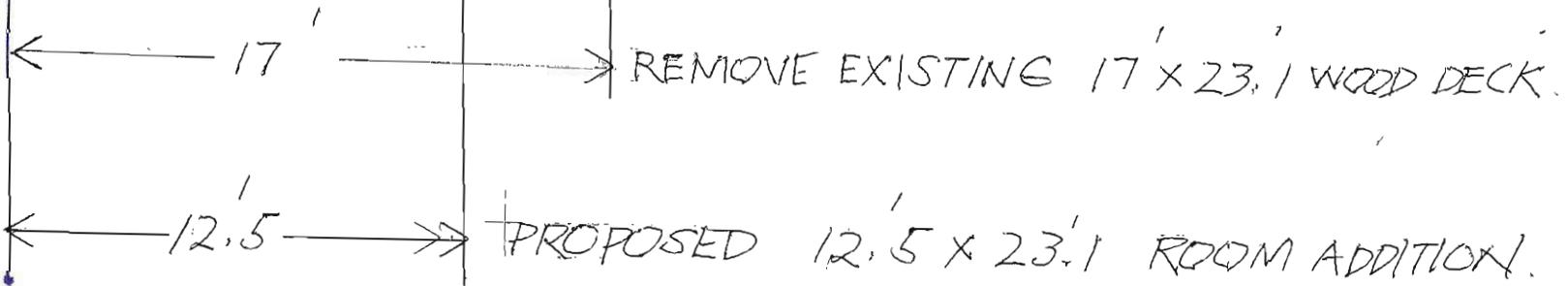


PHOTO: BACK YARD.

**CITY OF ROY
2009 PROPERTY TAX NOTICE - JULY
FISCAL YEARS**

City, School and Community College State Education Tax
7-1-2009 to 8-30-2010 10-1-2009 to 9-30-2010
County
10-1-2008 to 9-30-2009

**PAYABLE JULY 1, 2009 - SEPTEMBER 1, 2009
WITHOUT PENALTY AND INTEREST**

**After September 1, 2009, penalty and interest of 4.5%
will be added. An additional .5% interest will be added
on the first day of each month thereafter.**

CHANDRASEKHAR, NURANI & LALITHA
4951 SOMERTON
TROY MI 48085

4951 SOMERTON

PROP CLASS: 401
RES IMP

PARTIAL DESCRIPTION OF PROPERTY
T2N, R1E, SEC 15 COVINGTON
RIDGE SUB LOT 3 7-25-94 FR
201-004

BEGINNING MARCH 1, 2010, this bill must be paid to Oakland County Treasurer,
1200 N. Telegraph, Pontiac, MI 48341, with additional penalties.

**RETAIN THIS LOWER PORTION FOR YOUR
RECORDS. YOUR CANCELLED CHECK IS
YOUR RECEIPT.**

Checks accepted only as a conditional payment. If not honored by bank, tax is
unpaid and subject to unpaid tax penalties. Post-dated checks or checks with errors
will be returned which could result in late payments.

196,510		88-20-15-202-003	260
% DECLARE AS 'H.P.R.	'NON H.P.R. TAX BASE	TAXABLE VALUE	STATE EQUALIZED VALUE
100%	0	196,510	230,240
TAX DESCRIPTION		RATE PER \$1,000	AMOUNT
CITY GENERAL		6.50000	1,277.31
CITY CAPITAL		1.53000	300.66
CITY REFUSE		0.75000	147.38
CITY DEBT		0.50000	98.25
SCHOOL SUPPL		2.33430	458.71
SCHOOL DEBT		2.05000	402.84
ISD OPERATING		0.20030	39.36
ISD EXTRA VOTED		3.16870	622.68
COMM COLLEGE		1.58440	311.35
STATE EDUC TAX		6.00000	1,179.06
COUNTY OPERATING		4.19000	823.37
ADMINISTRATIVE FEE			38.37

PARTIAL: 09/14/2009

SEE REVERSE SIDE FOR IMPORTANT PAYMENT INFORMATION

REASSESSMENTS

PARCEL ID NUMBER: 88-20-15-202-003

BAL SEP 30 2009 *paid*

'H.P.R. = HOMEOWNERS PRINCIPAL RESIDENCE

TOTAL	PENALTY & INT.	TOTAL PAID	BALANCE
5,699.34	256.47	5,699.34	256.47

PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON.

PHONE (248) 524-3333

February 28, 2011

Building Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

To whom it may concern;

It was brought to our attention that our neighbor next door Mr. & Mrs. Nurani Chandrasekhar of 4951 Somerton Drive is proposing a room addition in the rear of their residence. The size of the room addition is 23.1 ft. X 12.5 feet that would leave a set back of 35.54 ft. We are aware that the required set back is 40 ft. The proposed room addition is going to be 4.46 ft short of the required set back.

We do not have any objections to this proposal.

Sincerely yours,

Lakshmi Addala (Sign here)
LAKSHMI ADDALA (Print Name here)
4965 Somerton Drive
Troy, MI 48098

February 28, 2011

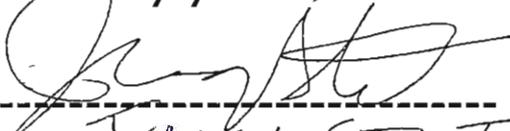
Building Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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(Sign here)

JEREMY STOUT

(Print Name here)

4935
----- Somerton Drive
Troy, MI 48098