

ZONING BOARD OF APPEALS APPLICATION

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



REGULAR MEETING FEE \$150.00
SPECIAL MEETING FEE \$650.00

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

1. ADDRESS OF THE SUBJECT PROPERTY: 1861 BIRCHWOOD ST.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-26-478-033
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 6.08
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
6. APPLICANT INFORMATION:
NAME JOHN WERNIS, MEMBER
COMPANY UNITED VENTURES II LLC
ADDRESS 62170 VAN DYKE AVE.
CITY WASHINGTON TWP. STATE MI ZIP 48094
TELEPHONE 586-752-5000
E-MAIL johnw@unitedlawnscape.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Gregory Causley Trust

COMPANY _____

ADDRESS 11 Mallard Cove Drive E.

CITY Saginaw STATE MI ZIP 48603

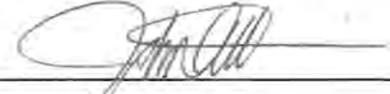
TELEPHONE 989-326-2821

E-MAIL gcausley@causley.com

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

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

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

SIGNATURE OF APPLICANT  DATE 3-20-13

PRINT NAME: John A. Weirais

SIGNATURE OF PROPERTY OWNER _____ DATE _____

PRINT NAME: _____

March 20, 2013

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

Re: Zoning Board of Appeals Variance Request
#1861 Birchwood Street, "United Ventures II LLC"
Section 26, City of Troy

Dear City of Troy Planning Department:

Attached to this letter please find the following items:

- Two (2) Zoning Board of Appeals Applications.
- Two (2) Site Plans.
- Two (2) copies of the Special Use Request letter.
- Two (2) sets of site photographs.
- Two (2) sets of aerial photographs.
- One (1) check (\$150 regular meeting fee).

These materials are being submitted for your review pursuant to placement on a Zoning Board of Appeals agenda for a Variance Request to allow the property to be used as an Outdoor Storage Facility/Contractor's Yard without any permanent structure.

The property is located in the Integrated Industrial and Business District (IB). Outdoor Storage Facilities/Contractor's Yards are allowed within said district subject to Special Use Approval by the Planning Commission, and an Application for such has already been submitted to the City. A copy of the "Statement of Compatibility" (letter to Planning Commission) which accompanied said Application and which describes the nature of the Special Use Request is included herewith.

Section 6.08 of the Zoning Ordinance implies that an Outdoor Storage Facility/Contractor's Yard is typically considered an "accessory use" in conjunction with a "contractor's office building of permanent construction". However, no structures exist on site, nor is it the intent of the Applicant to build any permanent structures (buildings). As such, a variance from Section 6.08 is being requested to deviate from these requirements.

March 20, 2013
Planning Department, City of Troy
Re: Variance Request for #1861 Birchwood St.

The property is only sixty (60) feet in width. To develop the property as zoned with a permanent building, the structure would need to maintain a minimum side yard setback of ten (10) feet. And in order to maintain access to the rear of the property, a twenty-four (24) feet wide driveway is required on the opposite side of the structure. These requirements effectively reduce the allowable building envelope to twenty-six (26) feet. Should pedestrian access be required along the driveway, the envelope would be reduced even further. This is simply not enough width to reasonably construct a building that would serve any use that is typical within this zoning district.

Furthermore, the property is simply too small to support a permanent structure. A building, even of the smallest size, would require too many improvements to the site, such as: the creation of designated parking spaces, barrier-free parking, pedestrian access to the structure, pedestrian access to Birchwood, landscape parking lot islands, utility extensions, and of course construction of the building itself. The costs of these improvements would well exceed the value of the property, and no prospective user would entertain such “redevelopment” burdens when properties exist elsewhere in the community which are more conducive to new development. Moreover, the physical space required to make these improvements would render the balance of the property useless for any type of outdoor storage and severely restrict maneuverability of vehicles.

Since 1982, the property has been used to park vehicles. At that time, the Planning Commission had granted Special Use Approval to allow up to six (6) vehicles to park on site. In reality, however, aerial photography at intervals taken throughout the last ten (10) years indicates the number of vehicles far exceeded this (up to more than twenty vehicles). One can only assume this extends into the previous twenty (20) years as well, considering ownership and use remained consistent. While this may have been in violation of the original approval, the fact remains that it was *accepted* and *allowed* to continue (i.e., to the best of our knowledge, no complaints have been filed by neighbors or anyone else in the community, nor has the City ever offered any violation notices). And it should be noted that these vehicles were parked on site without proper screening over the better part of three decades. As a part of our Special Use Request, the Applicant is going to completely fence in the property, with proper opacity.

March 20, 2013
Planning Department, City of Troy
Re: Variance Request for #1861 Birchwood St.

A variance to allow the use of the site as an Outdoor Storage Facility/Contractor's Yard certainly does not confer any special privileges upon the Applicant. The proposed use is merely a continuation of what the property has been used for over the last thirty (30) years, and is actually an improvement as the site will receive new, screened fencing, as well as new trees at its frontage. The request is clearly in harmony with the spirit and intent of the Zoning Ordinance, and is in perfect character with the IB neighborhood in which it is located.

Your consideration of our request is greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

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

cc.: John Wernis, United Ventures II LLC

attachments

February 18, 2013

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

Re: Special Use Request for Outdoor Storage/Contractor's Yard
#1861 Birchwood Street, "United Ventures II LLC"
Section 26, City of Troy

Dear City of Troy Planning Department:

Attached to this letter please find the following items:

- One (1) Special Use Request Application.
- One (1) Special Use Approval Initial Submittal Checklist.
- One (1) Certified Existing Conditions (Boundary) Survey.
- Two (2) Site Plans.
- One (1) CD containing PDF copies of the above items.
- Two (2) checks (\$1,800 Special Use Approval Fee and \$1,500 Escrow Fee).

These materials are being submitted for your review pursuant to placement on a Planning Commission agenda for a Special Use Request to allow the property to be used as an Outdoor Storage Facility/Contractor's Yard.

The subject property is located at #1861 Birchwood Street and consists simply of a paved lot with driveway to Birchwood Street. No building or other structures exist on the property, aside from being partially enclosed with a fence along the east property line and a wall along the south side of the existing asphalt pavement area with a gate for access. The property is located in the Integrated Industrial and Business District (IB).

The Applicant, a landscaping and grounds maintenance contractor, has recently entered into an agreement with the landowner to purchase the property contingent upon Site Plan approval by the Planning Commission.

February 18, 2013
Planning Department, City of Troy
Re: Special Use Request for #1861 Birchwood St.

The Applicant's business is headquartered in Washington Township and its client base is spread across the State. To better manage its services to this widespread area it has established satellite locations throughout the State. In a logistic effort to reduce travel time, increase response time and maintain its level of customer service to its Troy clientele, the Applicant desires to establish a satellite location at the subject property in the City of Troy for its maintenance crews.

No permanent buildings/structures are proposed to be built on the property. The paved lot is simply to be used for vehicle storage (pickup trucks, parking for employee vehicles, etc.), maintenance equipment (enclosed trailers, skid loader, etc.), and a small amount of landscape materials (groundcover materials for summer maintenance; salt for winter maintenance; etc.). The property is to be used for maintenance crews only; no sales shall be conducted on site, nor will the general public have access to the site.

The property is currently screened along the east property line with a wooden privacy fence and along the south side of the storage lot with a masonry wall. The Applicant intends to complete the enclosure and screening of the yard with a chain link fence, including obscuring slats, along the north and west property lines.

All of the applicable conditions of Ordinance Section 6.08 (Contractor's Yard/Outdoor Storage Facilities) are met. We feel that the proposed Special Use Request is perfectly compatible with the IB zoning district, and is consistent with other storage yards located elsewhere within the City. This property has a history of being used for vehicle storage, and a previous Special Use Request was granted by the City for this purpose in 1982.

Your consideration of our request is greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

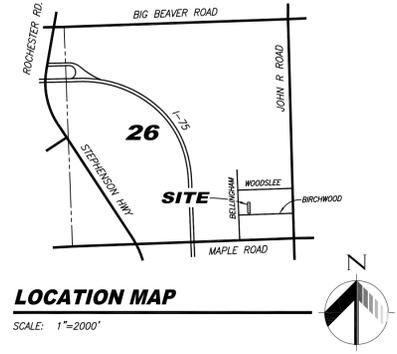
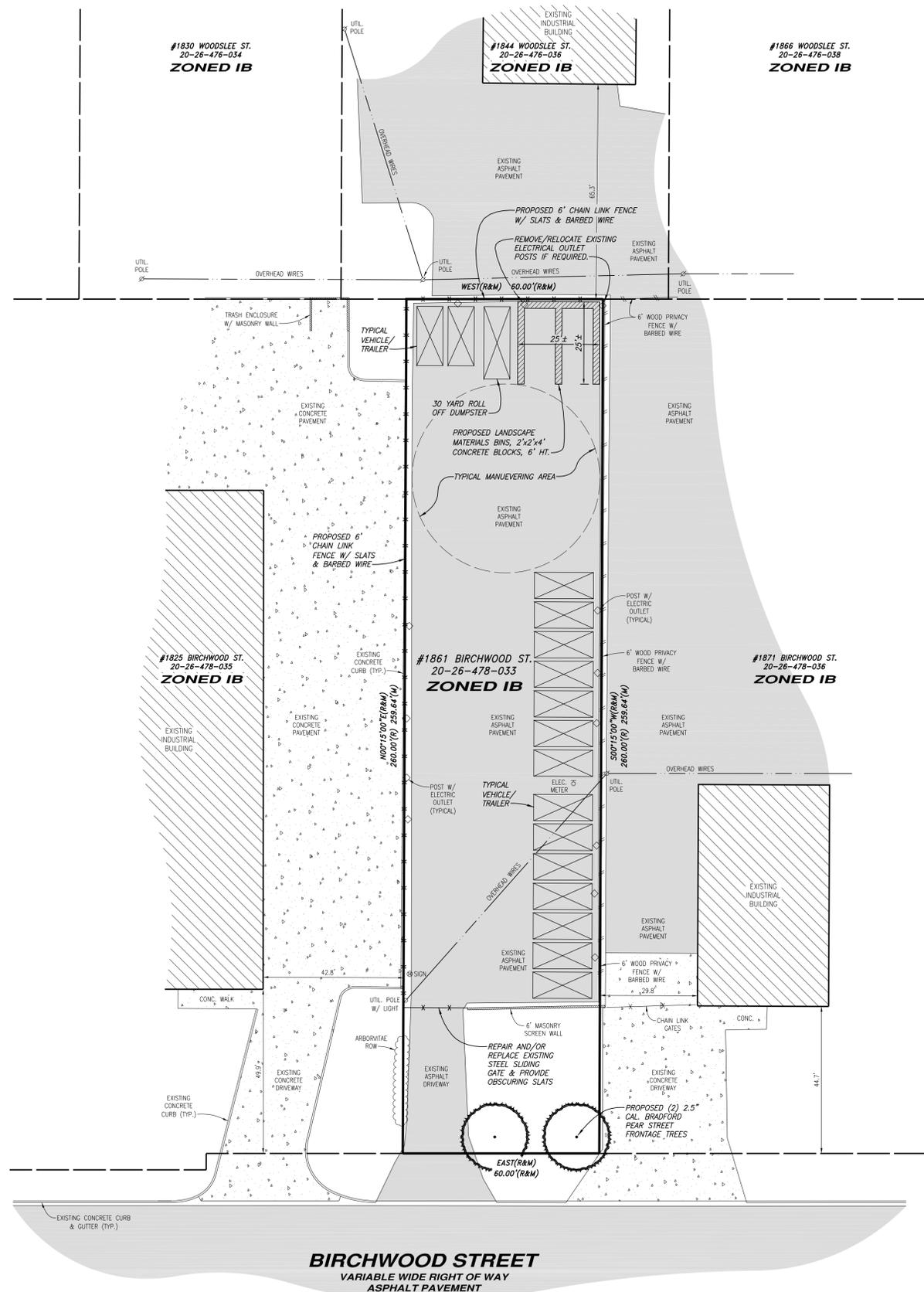


Nathan P. Robinson, P.E.
President
nrobinson@horizoneng.net

cc.: John Wernis, United Ventures II LLC

attachments

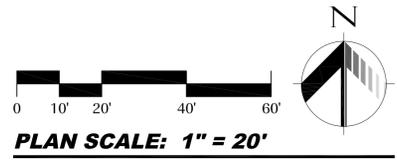
"JOHN R GARDEN SUBDIVISION"
LIBER 81, PAGE 8, O.C.R.



PROPERTY DESCRIPTION
PARCEL NO. 20-26-478-033
THE EAST 1/2 OF LOT 400 AND ALL OF LOT 401, ALSO 1/2 OF VACATED VERMONT AVENUE ADJACENT TO THE SAME, ALSO LOT 442 AND THE EAST 1/2 OF LOT 443 EXCEPT THE SOUTH 5 FEET OF BOTH SAID LOTS, JOHN R. GARDEN SUBDIVISION, OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), AS RECORDED IN LIBER 81 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.

- SITE CRITERIA**
- PARCEL SUMMARY:**
ADDRESS: 1861 BIRCHWOOD DRIVE
PARCEL ID NO.: 20-26-478-033
EXISTING ZONING: IB (INTEGRATED INDUSTRIAL AND BUSINESS DISTRICT)
ADJACENT ZONING: IB
GROSS AND NET SITE AREA: 15,578 S.F. (0.357 ACRE)
 - BUILDING & USE SUMMARY:**
EXISTING USE: VACANT PAVED LOT.
PROPOSED USE: OUTDOOR STORAGE/CONTRACTOR'S YARD.
 - LANDSCAPING SUMMARY:**
STREET FRONTAGE TREES:
REQUIRED: 1 TREE PER 30 L.F. FRONTAGE = 60'/30' = 2 TREES.
PROVIDED: 2 TREES.

- GENERAL NOTES**
- SURVEY AND TOPOGRAPHIC INFORMATION SHOWN IS AS PERFORMED BY AZTEC LAND SURVEYORS INC., JOB NO. 13-039, DATED 2-10-2013. REFER TO SAID SURVEY FOR MORE DETAILED INFORMATION PERTINENT TO THE ORIGINAL PLATTED LOTS AS DESCRIBED IN THE ABOVE "PROPERTY DESCRIPTION".
 - OWNER AND/OR CONTRACTOR SHALL FIELD VERIFY EXISTING UTILITIES PRIOR TO ANY SITE WORK BEING PERFORMED, IF ANY.
 - A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
 - THE PARKING, MANEUVERING, AND MATERIALS STORAGE LOCATIONS AND SPATIAL RELATIONSHIPS, INCLUDING THE NUMBER OF VEHICLES, TRAILERS, AND PIECES OF EQUIPMENT STORED ON SITE, ARE SUBJECT TO CHANGE BASED ON THE OWNER'S SEASONAL NEEDS.

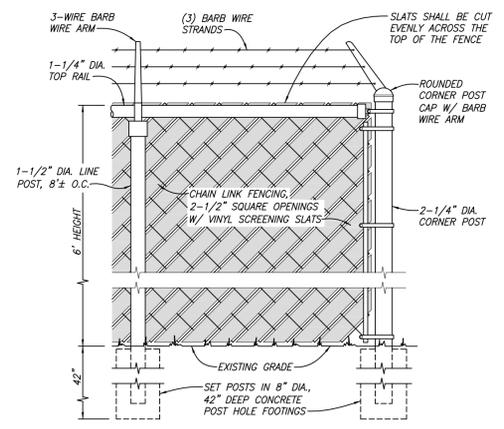


CONTRACTOR'S NOTE

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

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

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



CHAIN LINK FENCE SCREENING DETAIL
(NO SCALE, REFER TO FENCE CONTRACTOR SPECIFICATIONS)
NOTE: ALL FENCE MATERIALS TO BE GALVANIZED STEEL.

REVISIONS:
CLIENT: MR. JOHN WEINER
UNITED VENTURES II LLC
WASHINGTON TWP., MI 48094
(586) 752-5000
JOB NO: 13-021
DATE: 2-18-13
DRAWN BY: N.P.R.

SEAL:
HORIZON
ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:
United Ventures II LLC
#1861 BIRCHWOOD STREET
PARCEL NO. 20-26-478-033
PART OF THE SOUTHEAST 1/4 OF SECTION 26,
T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

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

SHEET:
1 OF **1**
MUNICIPAL REVIEW NUMBERS:

Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

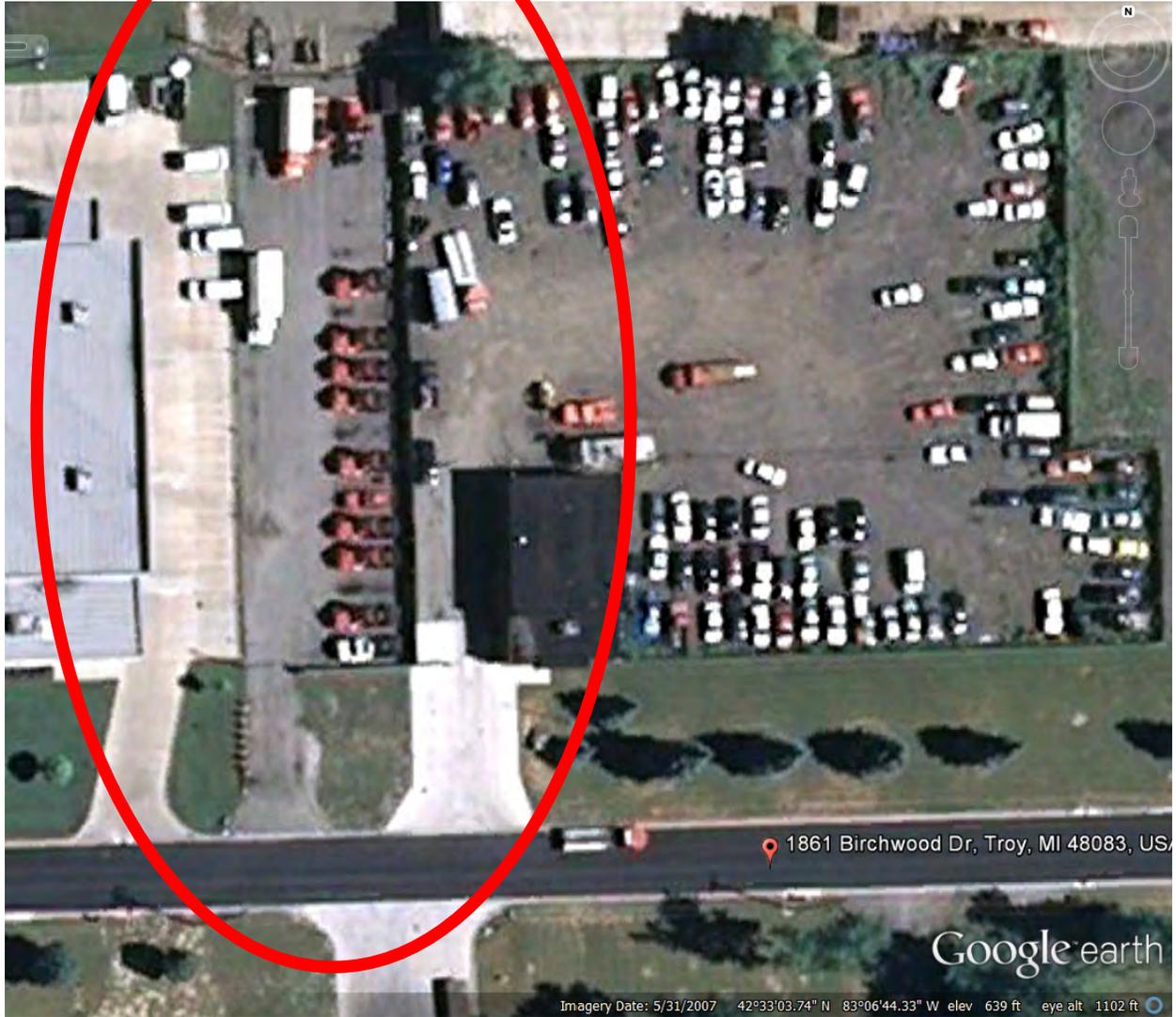
2010



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

2007



1861 Birchwood Dr, Troy, MI 48083, US

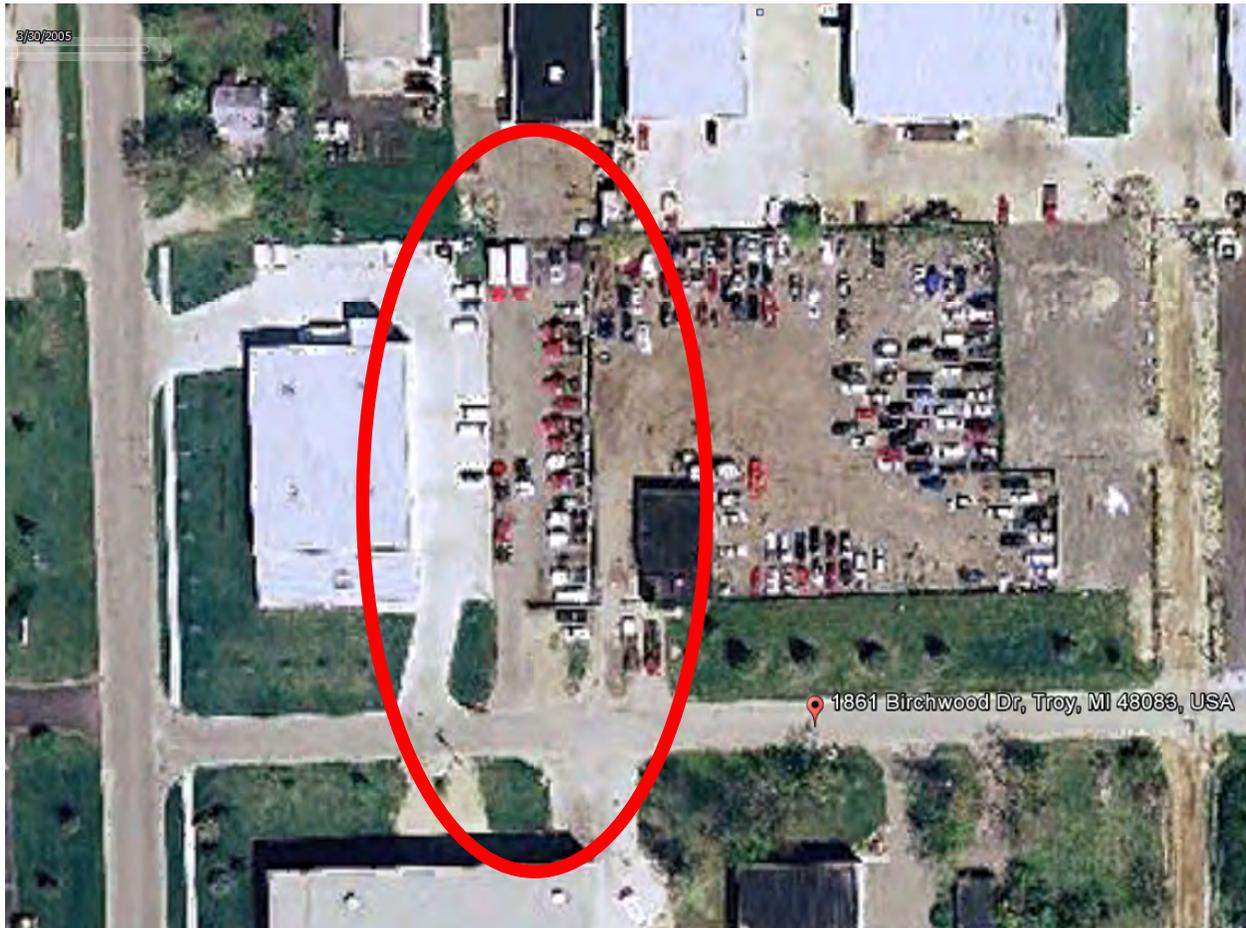
Google earth

Imagery Date: 5/31/2007 42°33'03.74" N 83°06'44.33" W elev 639 ft eye alt 1102 ft

Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

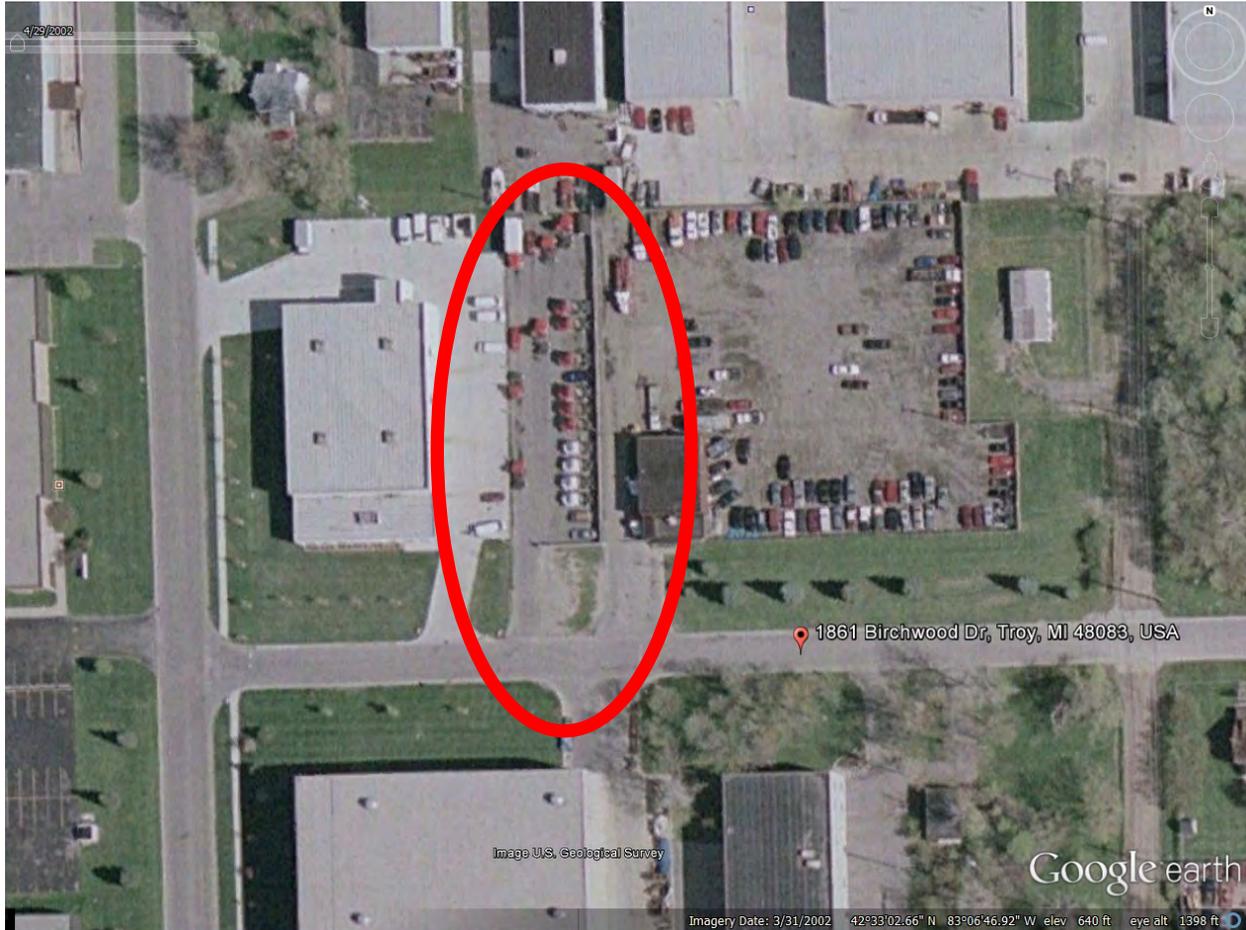
2005



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Aerial Photography (source: Google Earth)

2002



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Photographs, taken March 20, 2013

Photo 1, looking northwesterly at the front of the site from Birchwood Street.



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Photographs, taken March 20, 2013 (continued)

Photo 2, looking northerly at the front of the site from Birchwood Street.



Applicant: United Ventures II LLC
Site Address: 1861 Birchwood Street

Photographs, taken March 20, 2013 (continued)

Photo 3, looking northeasterly at the site from westerly neighbor's driveway.

