

DATE: March 29, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing  
Commercial Vehicle Appeal  
1998 Kirkton

On February 14, 2005, information was sent to William Hiner that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford dump truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Hiner has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of April 18, 2005.

Should you have any questions or require additional information, kindly advise.

#### Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

**COMMERCIAL VEHICLE  
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: William Hiner

ADDRESS: 1998 Kirkton

CITY: Troy MI. ZIP: 48063 PHONE: 248-528-2368

ADDRESS OF SITE: 1998 Kirkton

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1KDLF47B4VER18063

LICENSE PLATE NUMBER(S) 1284 AU

DESCRIPTION OF VEHICLE(S) 1997 Ford 3 yard Dump

REASON FOR APPEAL (see A - D below) \_\_\_\_\_

\_\_\_\_\_

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

**44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:**

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. 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 that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

**COMMERCIAL VEHICLE APPEAL APPLICATION**

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

*William C. Hines*

*William C. Hines*

(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF Oakland

On this 23rd day of February, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

*Pamela R. Pasternak*  
Notary Public, \_\_\_\_\_ County, Michigan

**PAMELA R. PASTERNAK**  
Notary Public, State of Michigan, County of Macomb  
My Commission Expires September 1, 2007  
Acting in the County of Oakland

My Commission Expires: \_\_\_\_\_

February 23, 2005

To whom this may concern:

I am writing you in regards of a commercial vehicle violation notice that I received from the City of Troy. This was for a 1997 Ford 3-yard dump truck, which is approximately 120 feet off of the street and on the north east corner of my property. The dump truck is parked on my driveway, at the address of 1998 Kirkton. I have taken some pictures of the location of the vehicle: I will bring them to the hearing or sooner, if needed. This truck is insured and plated.

Thank you,  
William Hiner

If you any questions please feel free to call me at (248) 528-2368.

To Whom It May Concern:

Our lot size is 96 feet wide, and 186 deep. The dump truck is shown is blue and it is approximately 110 feet from Kirkton Street, alongside our garage, which is located at 1998 Kirkton, and our neighbor's garage. The green between our driveways is my neighbor's green belt. The dump truck is parked on the cement driveway, on and next to our garage.

Any questions and comments can be directed to (248) 528-2368.

Thank you,

William Hiner

1998 Kirkton

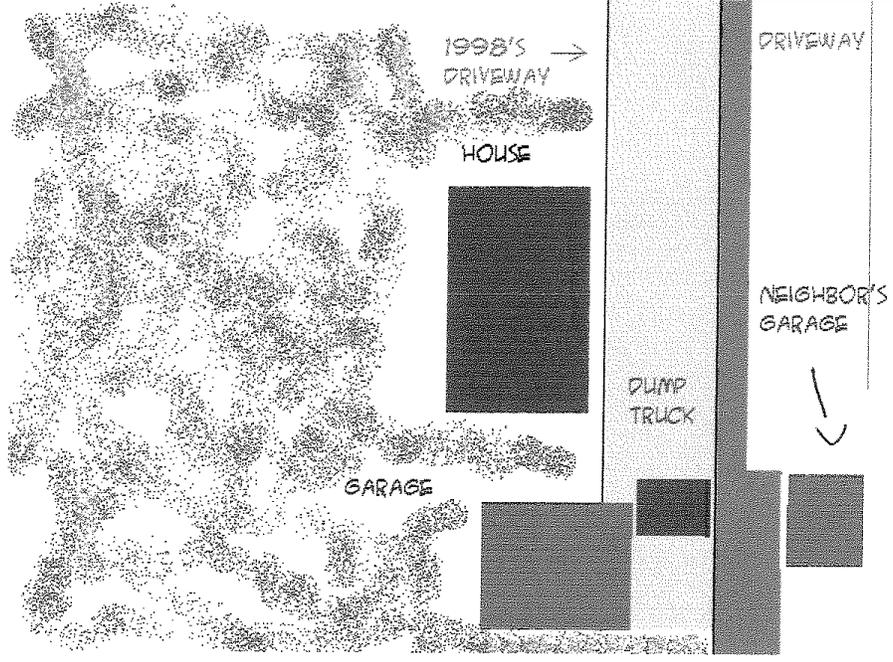
**RECEIVED**  
MAR 23 2005  
BUILDING DEPARTMENT

96 Feet

186

KIRKTON STREET

1998  
KIRKTON



**RECEIVED**  
MAR 23 2005  
BUILDING DEPARTMENT

