

DATE: April 5, 2006

TO: John M. Lamerato, Acting 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  
5361 Livernois

On May 5, 2003, City Council approved an appeal filed by Mr. Brian Van Tongeren of the restrictions regarding the outdoor storage of a commercial vehicle at the property at 5361 Livernois. That approval for the outdoor storage of a Chevrolet cube van was for a two year time frame and will expire in May of this year.

In response to our correspondence on the matter, Mr. Van Tongeren has filed a new appeal. The appeal requests that a public hearing be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of May 8, 2006.

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: Brian Van Tongeren

ADDRESS: 5361 Livernois

CITY: Troy MI. ZIP: 48098 PHONE: (248) 828-0574

ADDRESS OF SITE: Left side of garage

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1GBHG31R1V1037206

LICENSE PLATE NUMBER(S) E8722Y

DESCRIPTION OF VEHICLE(S) 14' Cube Truck

REASON FOR APPEAL (see A - D below) B - D

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..

*Brian Van Tongeren*

*Brian Van Tongeren*

(signature of applicant)

STATE OF MICHIGAN

COUNTY OF Oakland

On this 6 day of March, 20 06 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.

*Mary Laraine McGinnis* Oakland  
Notary Public, County, Michigan

My Commission Expires: 5-30-2007

MARY LARAIN McGINNIS  
Notary Public, State of Michigan, County of Oakland  
My Commission Expires May 30, 2007  
Acting in the County of Oakland

Brian Van Tongeren



