

DATE: April 25, 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 - Public Hearing  
Commercial Vehicle Appeal  
1970 Larchwood

Mr. Michael Fakoury was cited by the Building Department relating to commercial vehicles located outdoors on his property. As part of that violation, he was advised that the Ford Dump truck, GMC van, and trailer 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. Fakoury has filed an 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. Since the original notice, Mr. Fakoury has made other arrangements for the parking of the van. As such he is only asking for approval for the dump truck and trailer.

This case is rather unique in that this residence is actually located on land that is zoned in the M-1 (Light Industrial) Zoning Classification. However, the structure that is there is used as a single-family residence. While the outdoor storage of contractor's equipment is a use permitted subject to special use approval in the M-1 district, this property currently is a legal non-conforming use as a residence. The owners cannot apply for special use approval as an industrial use while still using the home for residential purposes.

The existing home on the property is 958 square feet in size. It has an attached carport. There is also a 128 square foot shed on the 80' x 115' property. If this were residentially zoned property, an attached garage would be permitted up to 718 square feet in size. In addition, an additional detached garage could be constructed up to 506 square feet. However, these would be considered to be expansions of the non-conforming use that would be prohibited by the ordinance.

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

RECEIVED

FEB 07 2006

BUILDING DEPT.

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

NAME: Michael Fakhoury

ADDRESS: 1970 Larchwood

CITY: Troy MI. ZIP: 48083 PHONE: 248-379-4612

ADDRESS OF SITE: 1970 Larchwood

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1 FDK F 38 64 TEA 66404 Trailer 5FTDE142341021631

LICENSE PLATE NUMBER(S) 5096 AV → (Trailer) A513549

DESCRIPTION OF VEHICLE(S) 1996 Ford F350 Dump

2004 Trailer

REASON FOR APPEAL (see A - D below) Property is zoned

light industrial

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.

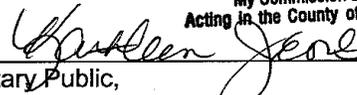
Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

  
\_\_\_\_\_  
(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF \_\_\_\_\_

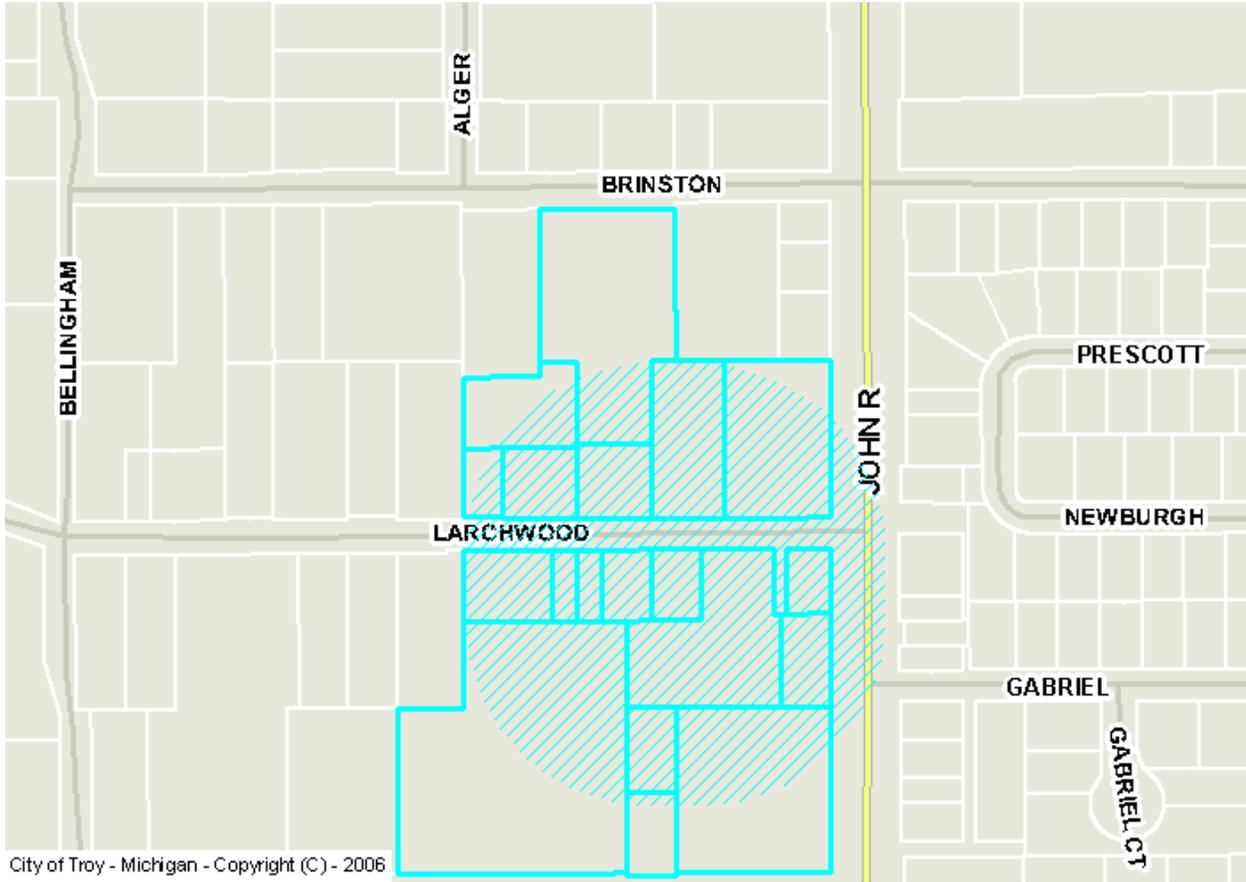
On this 7 day of FEBRUARY, 2006 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

**KATHLEEN JEARLS**  
Notary Public, State of Michigan, County of Macomb  
My Commission Expires July 15, 2012  
Acting in the County of OAKLAND

  
\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

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





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