

DATE: November 15, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Public Hearing  
Commercial Vehicle Appeal  
34551 Dequindre

On May 26, 2005, Mr. Kurt Head was issued a citation regarding a commercial vehicle that was parked on the residential property noted above. That citation was issued because the Ford dump truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00.

In response to the citation, Mr. Head 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 November 21, 2005.

The existing home on this property has a living area of 1,508 square feet. Based upon the requirements of Section 40.56.01, the maximum size of an attached garage could be 1,131 square feet. The property in question is 73' wide and 280' deep. Based upon the provisions of Section 40.56.02, a total of 858 square feet of detached accessory buildings could be constructed. An existing 360 square foot detached garage exists on the property. This means that an additional 498 square foot of detached building could be constructed.

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: KURT HEAD

ADDRESS: 34551 Dequinder

CITY: TROY MI. ZIP: MI PHONE: 586 944-7400

ADDRESS OF SITE: 34551 Dequinder

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
FL0CCP46707

LICENSE PLATE NUMBER(S) 6623 AF

DESCRIPTION OF VEHICLE(S) Ford 600 1976

REASON FOR APPEAL (see A - D below) C + 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..

Kurt Head  
(signature of applicant) **KURT HEAD**

STATE OF MICHIGAN  
COUNTY OF MACOMB

On this 7th day of SEPTEMBER, 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.

Richard Conflitti, Jr.  
Notary Public, Acting in MACOMB County, Michigan

My Commission Expires: 1-9-2011



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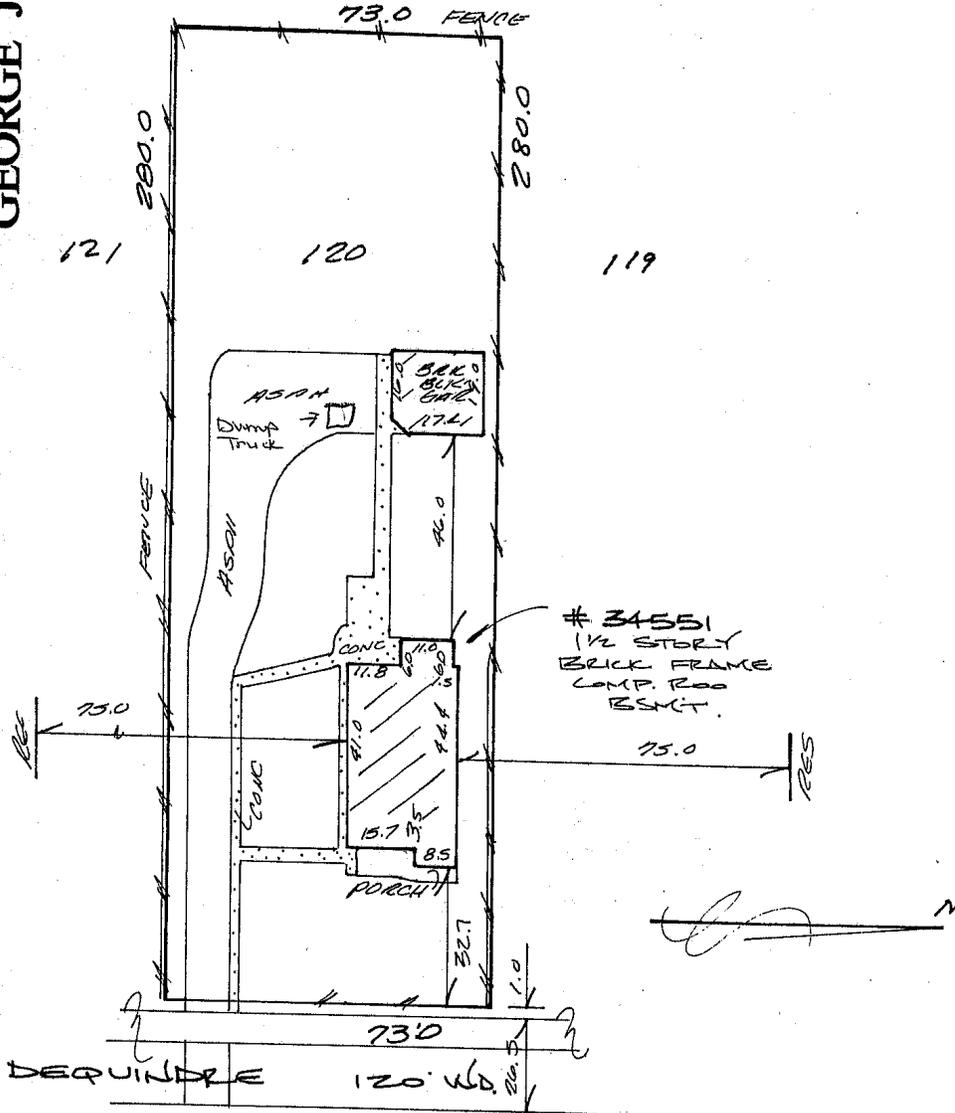
GEORGE JEROME & CO



MORTGAGE REPORT for:  
QUEST FINANCIAL

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000  
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Lot 120, "SUPERVISOR'S PLAT OF PLAINVIEW FARMS" a subdivision of part of the N.E. 1/4 of Section 36, T.2 N., R.11 E., Troy Township (now City of Troy), Oakland County, Michigan. Recorded in Liber 5 of Plats, Page 58 of Oakland County Records.



CERTIFICATE: We hereby certify to: QUEST FINANCIAL SERVICES  
that we have inspected the above-described property in accordance with the description furnished and confirmed to be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by KURT HEAD

mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. The location of fences, driveways, other buildings, and non-permanent structures shown are only approximate. Any easements shown are either recorded in the subdivision plat or appear in the instrument referenced in the title policy, if both have been furnished to us. This report does not locate or identify the existence or absence of utilities entering into or crossing above or below the property. This report is to be used for mortgage purposes only and not for the purpose of establishing property lines, nor for construction purposes. No property lines were established and no property corners were set. This is not an ALTA type survey. This cannot be used for future refinance purposes or transferred to any future property owners.

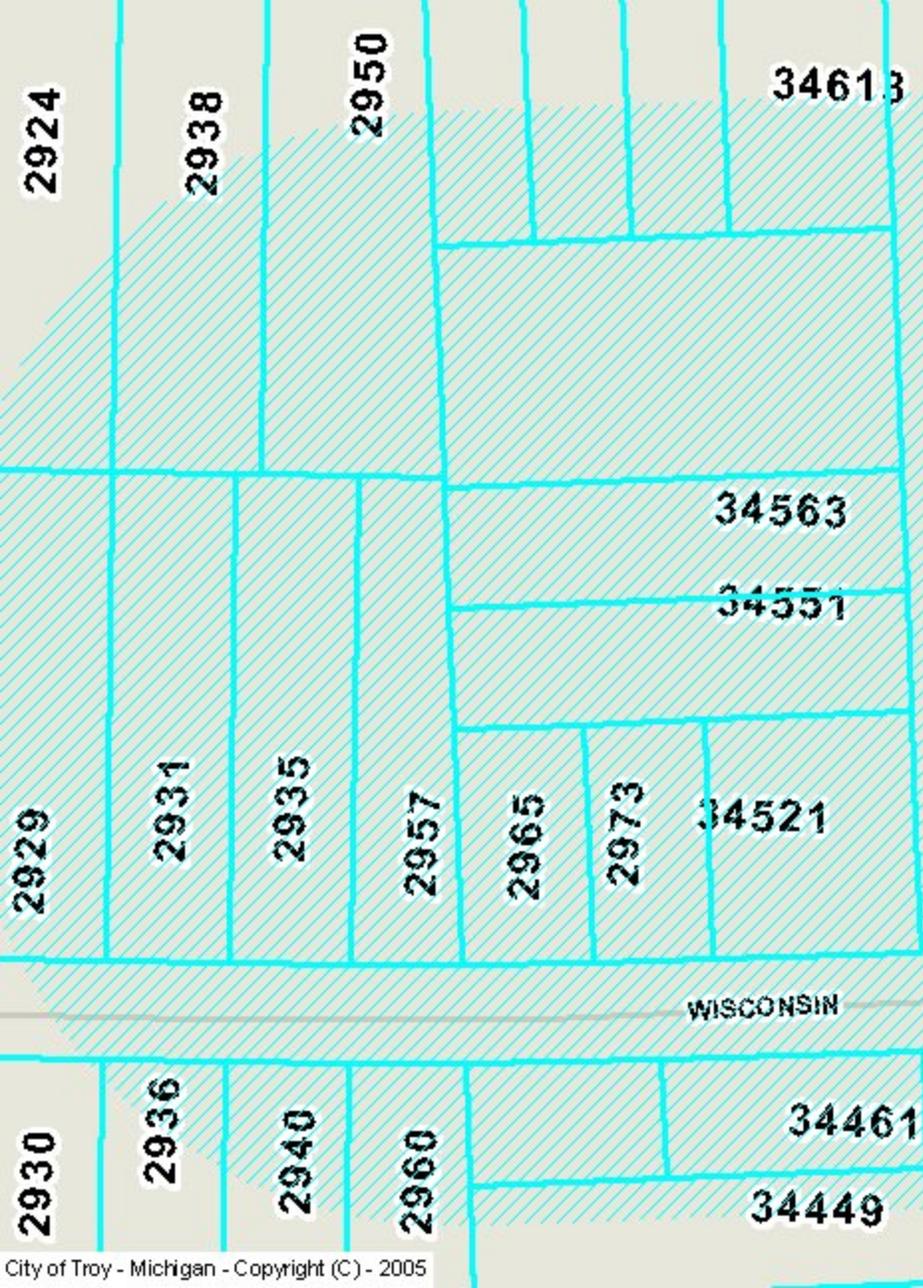
REVISED \_\_\_\_\_  
DRAWN BY 72

*George G. Jerome*  
GEORGE G. JEROME  
PROFESSIONAL LAND SURVEYOR

DATED 08-20-04







DEQUINDRE

WISCONSIN

RECEIVED  
NOV 14 2005  
BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval [ ] objection [ X ] to the request described on the reverse side.

My reason for this approval [ ] objection [ X ] is:

*This is not Commercial  
Property*

NAME: *Mary Sellers* *MS*

ADDRESS OR PROPERTY DESCRIPTION \_\_\_\_\_