



CITY COUNCIL REPORT

November 28, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing
Commercial Vehicle Appeal – 5933 Diamond

Background:

- Commercial Vehicles, other than a single pick-up truck or van are prohibited from being parked outside on residential property per Section 40.66.00 of the Troy Zoning Ordinance.
- Mr. Karim Abdal, the owner of the property at 5933 Diamond, parks a 2006 Chevrolet cutaway van and a 2001 Ford cargo van, used for the commercial purpose of a heating and cooling business in the driveway of the home.
- Mr. Abdal was notified of the violation on September 13, 2006, and was given the option of removing the vehicle or seeking an appeal of the parking restrictions.
- On November 17, 2006, Mr. Abdal submitted an application seeking appeal.
- A public hearing, as required by Section 44.02.01 of the Zoning Ordinance, is scheduled for December 18, 2006

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to grant appeals of the restrictions for outdoor parking of commercial vehicles on residential property after a public hearing per Section 44.02.00 of the Zoning Ordinance.

Policy Considerations:

- Holding public hearings on matters considered for appeals allows the public to offer their comments and concerns to promote effective decision making. (Goal 3)

Options:

- There are no options for this item.

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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: Karim Abdal

ADDRESS: 5933 Diamond Dr

CITY: Troy MI. ZIP: 48085 PHONE: 248-224-1513

ADDRESS OF SITE: 5933 Diamond Dr

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICATION NUMBER(S)

① IFTNE24L31HB6771

LICENSE PLATE NUMBER(S) ① 5585 LIB ② 5463 MY

DESCRIPTION OF VEHICLE(S) ① Van Ford E 250

② chevy express KUV

REASON FOR APPEAL (see A - D below)

parking

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

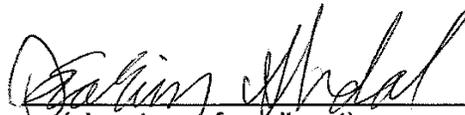
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- 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 OAKLAND

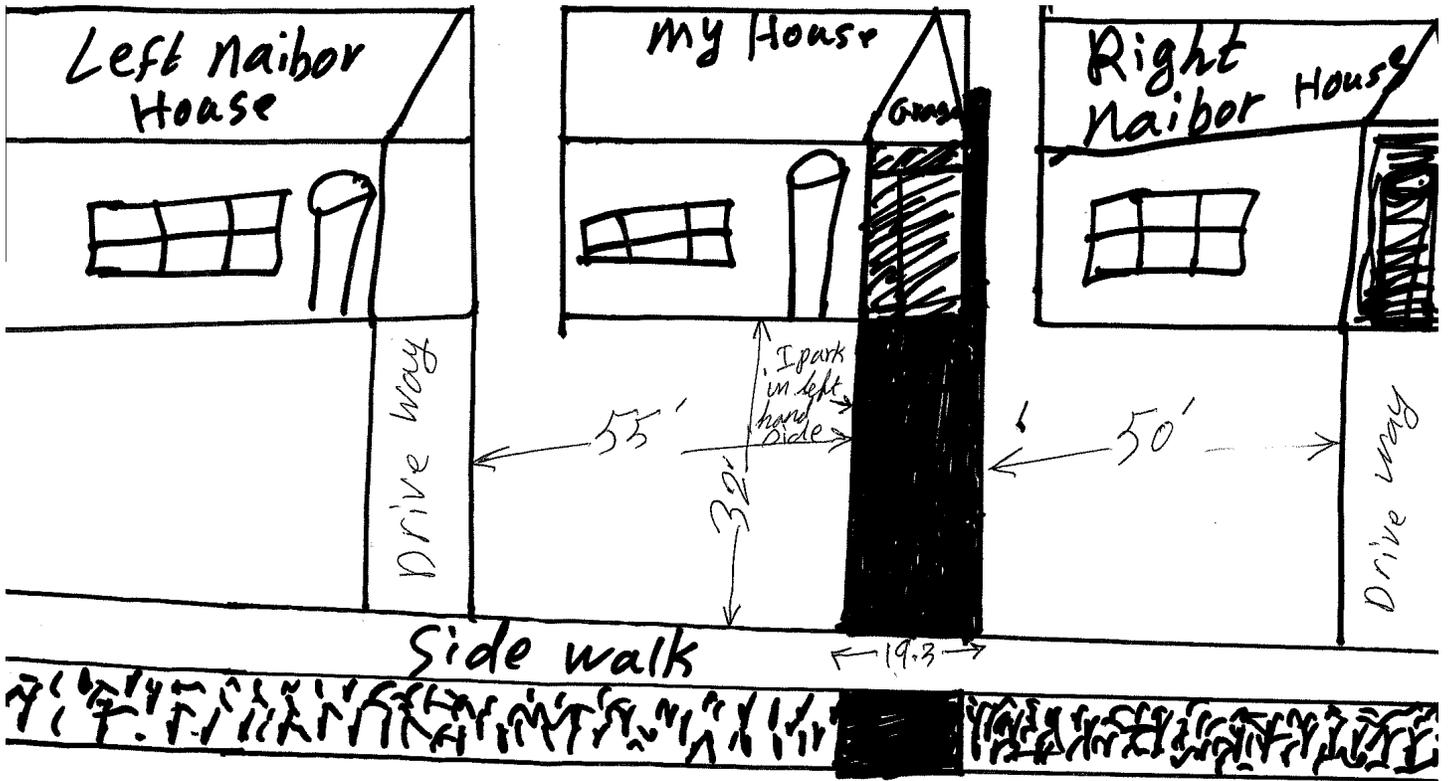
On this 17th day of November, 2006 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.



Notary Public, _____ County, Michigan

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 2, 2017
Acting in the County of Oakland

My Commission Expires: _____



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