



## CITY COUNCIL ACTION REPORT

December 12, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: 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.
- Public Hearing notices were mailed to all property owners and occupants of structures within 300 feet of this site.
- The property in question is a 70' wide platted lot within the Stoneridge Subdivision located in the R-1C Zoning District.
- The property contains an existing two-story home totaling 1,755 square feet with 1,030 square feet of that on the first floor. There is also a 399 square foot attached garage on the site.
- Section 40.56.01 of the Zoning Ordinance would allow up to 772 square feet of attached garage, and Section 40.56.02 would allow up to 623 square feet of detached garage at this location.

### 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:

- City Council may approve the request as submitted for up to two years per Section 44.02.03.
- City Council may approve a modified request for a lesser variance for up to two years per Section 44.02.03.
- City Council may deny the request.

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NOV 17 2006

BUILDING DEPT.

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:

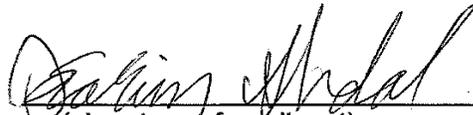
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- 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)

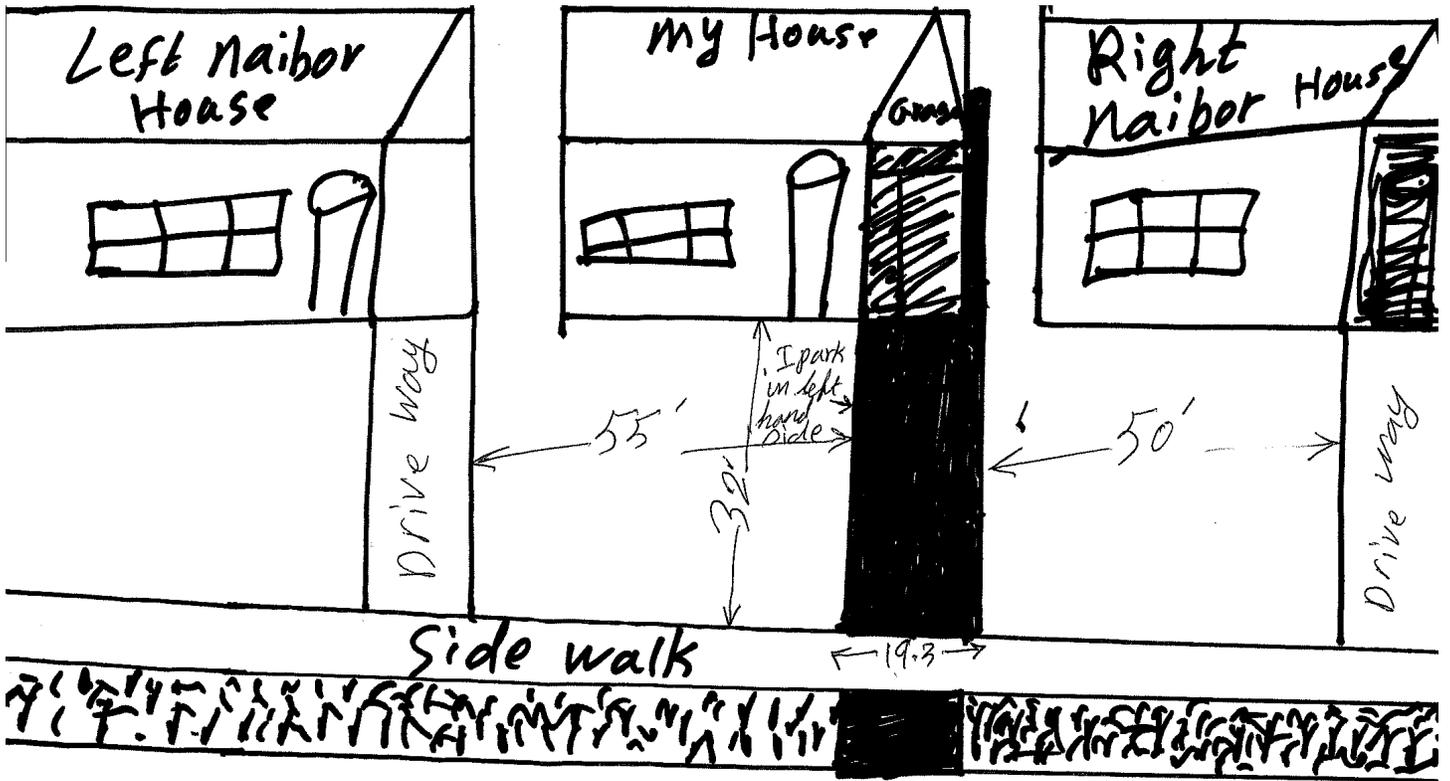
STATE OF MICHIGAN  
COUNTY OF OAKLAND

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

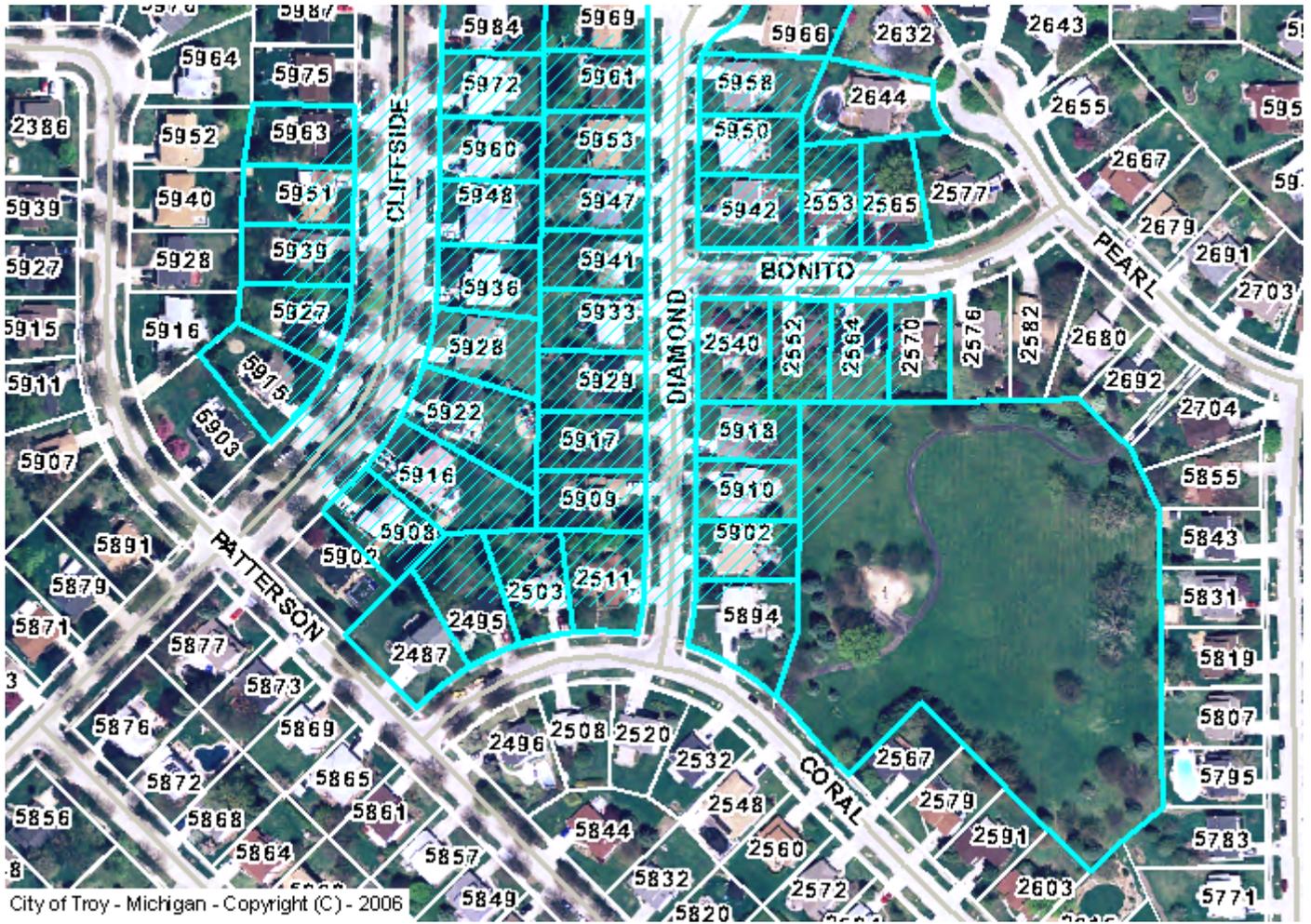
My Commission Expires: \_\_\_\_\_



Diamond Dr

RECEIVED  
 OCT 16 2006  
 BUILDING DEPT.





City of Troy - Michigan - Copyright (C) - 2006

**RECEIVED**

NOV 27 2006

**BUILDING DEPT.**

TO: CITY COUNCIL

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

My reason for this approval  objection  is:

I believe these commercial vehicles would negatively impact the aesthetic value of our subdivision.

NAME: JACK P. Siroonian

ADDRESS OR PROPERTY DESCRIPTION 5951 Cliffside Dr.

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NOV 27 2011

TO: CITY COUNCIL

BUILDING DEPT.

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

My reason for this approval  objection  is:

We've been neighbors to the Abdals for years. Mr. Abdal not only has a new cutaway work van in his driveway, but also keeps his old work van in the street. We have no problem with someone applying for relief of parking ordinance if that ordinance understands, respect, and shows sensitivity to the neighbors' expectations of this area. We don't think Mr. Abdal has shown any respect for his neighbors & his neglect to his property has devalued the homes in the neighborhood. Each year Mr. Abdal states he is going to clean up his yard and have landscaping done. He has yet to do so. We've endured years of trash, stagnant water, weeds, partially completed "Fix ups", etc. This continued lack of respect in the neighborhood leaves us no alternative but to OBJECT to this request.

NAME: JOHN ZERILLI

ADDRESS OR PROPERTY DESCRIPTION 5929 DIAMOND

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NOV 27 2006

BUILDING DEPT

November 19, 2006

Mr. Mark Stimac  
Director of Building and Zoning  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Subject: T.2.N. R11E, Section 12  
Lot 179 Stoneridge Subdivision  
Parcel ID # 88-20-12-201-007  
5933 Diamond

Dear Mr. Stimac:

My wife and I reside at 5941 Diamond Drive, our home is immediately adjacent to the property described in the subject line of this letter.

We are adamantly opposed to granting any relief from the zoning requirements. Mr. Abdal has continuously operated a commercial heating and cooling business from his residence since taking ownership approximately eight years ago. Several realtors have advised us that the continued operation of this commercial enterprise in a residential neighborhood is very negatively affecting our property value.

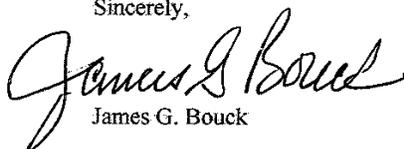
In addition to the commercial vehicle violation, we believe there may be multiple zoning and health code violations at this property and we respectfully request that all be investigated and addressed. I have discussed all of these with Mr. Abdal on several occasions, as have our neighbors, our local property owners association, and various officials of the City of Troy. To date there has been no improvement.

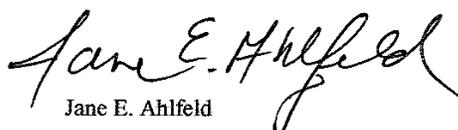
Other potential violations that we request be investigated and addressed are:

1. Mr. Abdal has continuously operated a commercial heating and cooling business from his residence as listed above.
2. The garage is used as a commercial warehouse and workshop.
3. There is an additional commercial van perpetually parked on the street that is used as additional warehousing and as an advertising billboard (Reference Photograph 1; this and all other photographs referenced were taken on November 18 and 19, 2006).
4. There is insufficient space within the garage to contain his commercial merchandise, which frequently spills over outside in an area that abuts our property. (Ref Photographs 2 and 3).
5. The sanitary storage of personal items and waste bins remains a constant concern. The household and commercial waste is stored outside the garage, adjacent to our property, in uncovered containers and in plastic bags (ref. Photo 4, 5, and 6).
6. The household and commercial waste stored in such a manner occasionally attracts animals that open the containers and remove the refuse, meat, and vegetable scraps. These scraps frequently remain at the street side until other neighbors or we dispose of them (Ref. Photo 7, 8, and 9).

To shield our view, we have spent well more than \$1000 for landscaping and have still been advised that our property value is declining due to the continuously objectionable conditions at Mr. Abdel's residence. Any assistance that the City of Troy and the Building and Zoning Commission can provide to rectify these conditions will be very greatly appreciated.

Sincerely,

  
James G. Bouck

  
Jane E. Ahlfeld



Photograph 1  
Commercial Vehicles  
at  
5933 Diamond Drive  
This is the typical condition.



Photograph  
2



photograph  
3

Commercial products and  
equipment stored outside  
at 5933 Diamond Drive

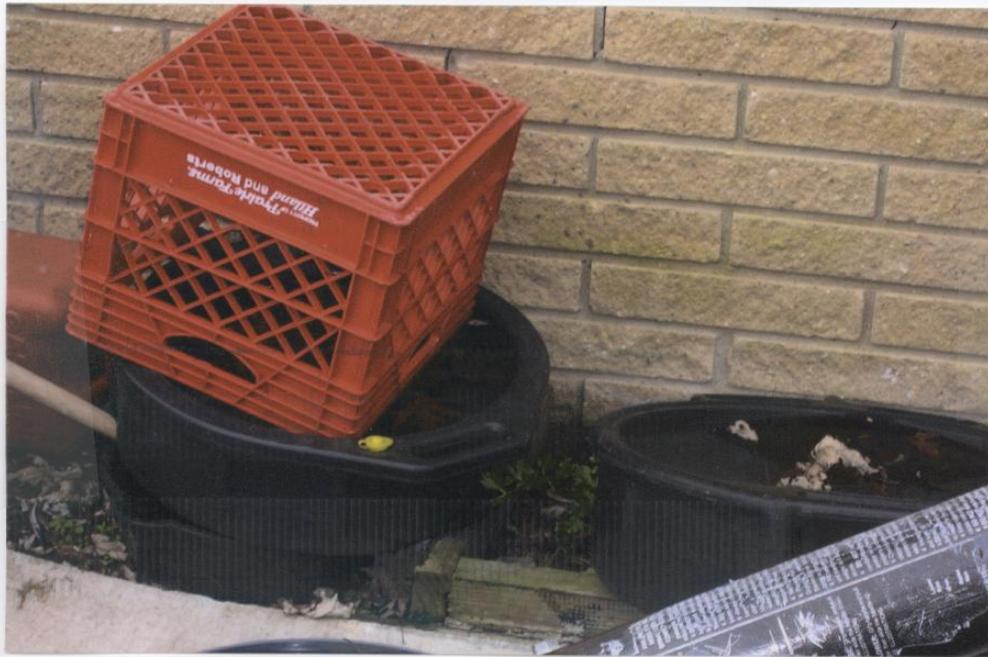


PHOTOGRAPH  
4  
5933  
DIAMOND



PHOTOGRAPH  
5  
5933  
DIAMOND

OUT DOOR STORAGE OF  
PERSONAL AND COMMERCIAL WASTE  
& OPEN WASTE CONTAINERS



PHOTOGRAPH  
6  
5933  
DIAMOND

OUTDOOR STORAGE OF  
COMMERCIAL EQUIPMENT  
AND FOOD WASTE



PHOTOGRAPH  
7

5933  
DIAMOND

REFUSE LEFT AT CURBSIDE  
PHOTO TAKEN SATURDAY  
TRASH PICKUP IS TUESDAY  
(SEE PHOTO'S 8 AND 9 FOR  
MORE DETAIL)



PHOTOGRAPH  
8

5933  
DIAMOND

MEAT  
SCRAPS  
AT  
CURB



PHOTOGRAPH  
9  
VEGETABLE  
SCRAPS  
AT  
CURB

5933  
DIAMOND

THESE WERE AT THE CURB ON SATURDAY  
TRASH PICKUP IS TUESDAY, EARLY AM

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NOV 27 2006

**BUILDING DEPT.**

TO: CITY COUNCIL

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

My reason for this approval  objection  is:

THE VEHICLES PARKED IN THE DRIVEWAY  
MAKE THE NEIGHBORHOOD LOOK LIKE  
A COMMERCIAL ZONED AREA.

R. Wesley

NAME: R. WESLEY

ADDRESS OR PROPERTY DESCRIPTION 5936 CLIFFSIDE  
Troy 48085

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NOV 27 2006

**BUILDING DEPT.**

TO: CITY COUNCIL

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

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

*I object to any commercial vehicles being parked on residential property! Applicant can make other arrangements as many other people have had to do.*

NAME: CHARLES E. BAYS

ADDRESS OR PROPERTY DESCRIPTION 5939 CLIFFSIDE

88-20-12-127-037

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NOV 30 2006

BUILDING DEPT.

TO: CITY COUNCIL

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

My reason for this approval  objection  is:

It is an eyesore -

One vehicle is always on the street obstructing views, <sup>causing problems for sweeps,</sup> snow removal, etc.

The garage is full of "warehouse" material.

The side of the garage (outside) is full of junk.

The driveway is full of the large family vehicle plus another work/ver vehicle.

It is a blight for the neighborhood.

We follow rules/law - He should too.

NAME: Shirley Seger

ADDRESS OR PROPERTY DESCRIPTION 5966 Diamond Dr.

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:

PARKING OF COMMERCIAL VEHICLES SHOULD NOT BE  
ALLOWED AS SPECIFIED. MY PREVIOUS REASONS  
STILL APPLY. IT DEGRADES THE APPEARANCE OF  
THE NEIGHBORHOOD AND LOWERS PROPERTY VALUES.  
OUR PROPERTY VALUES HAVE TAKEN A BIG ENOUGH  
HIT AND WE DON'T NEED TO ADD TO IT BY  
MAKING IT A COMMERCIAL PARKING LOT.

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DEC 04 2006  
BUILDING DEPT.

NAME: ROBERT T. LENTZ

ADDRESS OR PROPERTY DESCRIPTION 5928 CLIFFSIDE

RECEIVED

DEC 05 2006

TO: CITY COUNCIL

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

BUILDING DEPT.

My reason for this approval  objection  is:

1. Commercial vehicles should be parked in commercial areas, not residential. If you make an exception to the rule for Mr. Abdul, then everyone who requests an exception will be granted one.
2. In addition to the two commercial vehicles he also owns a Ford Expedition. The garage is used for storage and not to park any of his vehicles.
3. Parking three commercial vehicles on the street restricts the City in cleaning and snow plowing of the street.
4. Mr. Abdul does a very poor job of maintaining his property.

NAME: J. MICHAEL ERMIGER

J.M. Ermiger

ADDRESS OR PROPERTY DESCRIPTION 5894 DIAMOND DR.

RECEIVED

DEC 07 2006

BUILDING DEPT.

TO: CITY COUNCIL

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

My reason for this approval [ ] objection  is:

As stated before - two commercial vehicles pose a hazard & are not appealing to see parked out front

NAME:

*Seymour & William Chomba*

ADDRESS OR PROPERTY DESCRIPTION

*5953 Belmont*

RECEIVED

DEC 07 2006

BUILDING DEPT.

TO: CITY COUNCIL

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

My reason for this approval  objection  is:

I see no reason not to allow this. The vehicles (U) are not an eye sou.

NAME:

Victoria Maloney

ADDRESS OR PROPERTY DESCRIPTION

5933 Diamond