

DATE: September 13, 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
2256 Garry

On August 10, 2005, contact was made with Rosita Bosco identifying restrictions related to a commercial vehicle located on residential property. As part of that information, she was advised that the Ford dump truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. She was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Ms. Bosco 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 September 19, 2005.

The property in question has an existing house that is 950 square feet in area. There is also a detached garage that is 528 square feet in area. Based upon the restrictions of Section 40.56.01 an attached garage could be constructed up to 712 square feet in area. In addition, based upon the size of the property and the limitations of Section 40.56.02 of the Zoning Ordinance, the detached accessory building could be increased to 606 square feet.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

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AUG 19 2005

COMMERCIAL VEHICLE
APPEAL APPLICATION

BUILDING DEPT.

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

NAME: ROSITA BOSCO

ADDRESS: 2256 GARRY DRIVE

CITY: Troy MI. ZIP: 48063 PHONE: 248-494-0422

ADDRESS OF SITE: Same as above

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
2FDLF47MXLCA29509

LICENSE PLATE NUMBER(S) 9639 AH

DESCRIPTION OF VEHICLE(S) 3 YARD Dump Truck 1990 FORD

REASON FOR APPEAL (see A - D below) C-D TRUCK is my primary mode of transportation, and is away from property at least 8 hrs a day

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.

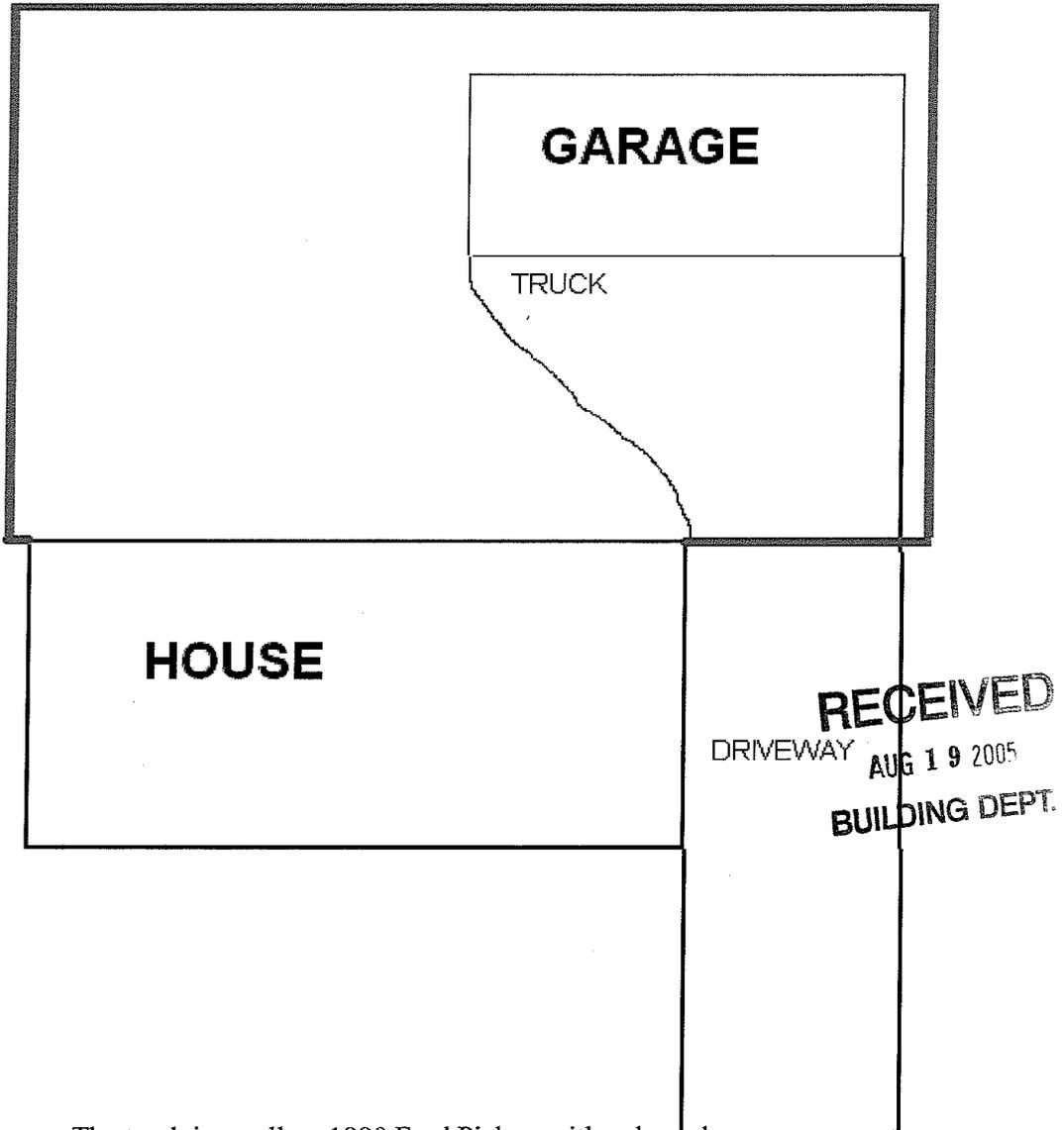
Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Rodolfo J. Bascas
(signature of applicant)

STATE OF MICHIGAN,
COUNTY OF *Oakland*

On this *19th* day of *August*, 20*05* 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.

Patricia R. Bostrom *Notary*
Notary Public, County, Michigan *acting in Oakland*
My Commission Expires: *09-01-07*



The truck is a yellow 1990 Ford Pickup with a dump box. VIN# 2FDLF47MXLCA29509. It is currently located in front of the property garage on the left hand side from street view and is half hidden behind the house. A permit was recently obtained (08/18/05) to construct a 6 ft. high privacy fence around the surrounding property extending from the rear of the house, across the driveway to the back property line.



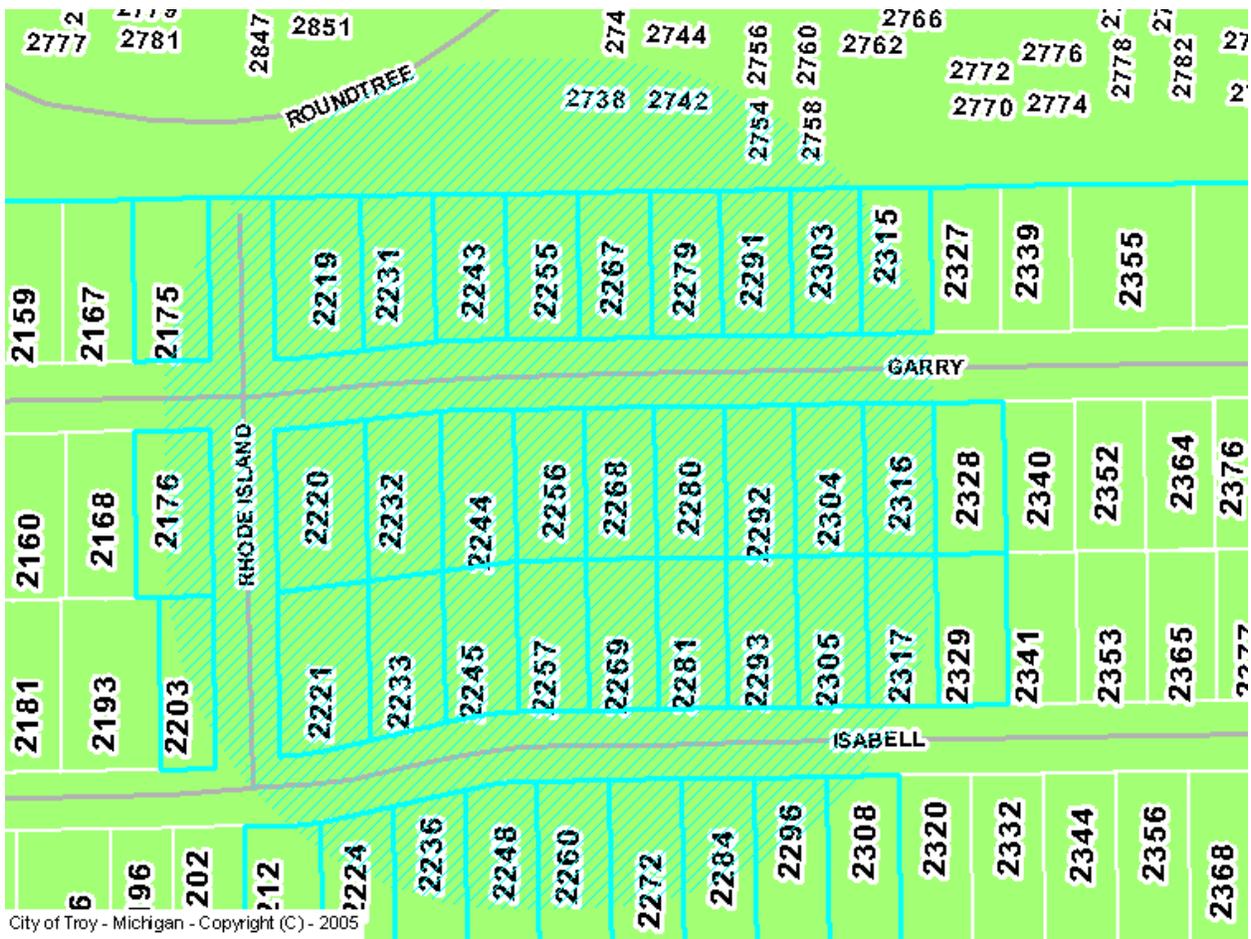
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BUILDING DEPT.

TO: CITY COUNCIL

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

My reason for this approval objection is:

The resident described on the reverse side of this document is a public eye sore as it is! add a huge noisy commercial dump truck with wood chipper attached just add to this already deteriorating neighborhood. Our neighbor not only has to contend with his neighbor across his back yard never cutting the lawn and leaving huge piles of garbage on back of his porch, now an eyesore beside him too? Nope. That's not why we moved and live in Troy and pay taxes for!

NAME: Stacey and Thomas Nichols

ADDRESS OR PROPERTY DESCRIPTION 2232 Garry Dr.
Troy, Mich. 48083

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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:

Large commercial vehicles do not belong in residential neighborhoods. They have to be stored on commercial properties. These vehicles create safety issues and are eye sores. If you allow this it creates a very bad precedence and brings down the value of the homes in the area.

NAME:

Greg H.meister

ADDRESS OR PROPERTY DESCRIPTION

2296 ISABELL

TROY, MI 48063