

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
2002 Atlas

On July 26, 2005, information was sent to John Scislowicz that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the GMC truck 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. Scislowicz 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 1,483 square feet in area. There is also a detached garage that is 576 square feet in area. Based upon the restrictions of Section 40.56.01 and the 30% lot coverage limitation of Section 30.10.06, only 191 square feet of attached garage could be constructed. 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 only be increased to 600 square feet.

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

AUG 05 2005

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

NAME: John Scislowicz

ADDRESS: 2002 ATLAS Dr.

CITY: TROY MI. ZIP: 48063 PHONE: 248-680-9903

ADDRESS OF SITE: SAME AS ABOVE

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1GDC4E1173F504354

LICENSE PLATE NUMBER(S) 4795AT

DESCRIPTION OF VEHICLE(S) white GMC 4500 UTILITY

REASON FOR APPEAL (see A - D below) B, C, D

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

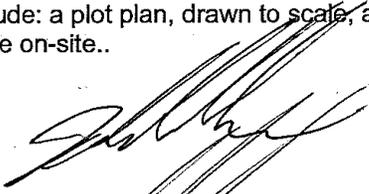
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- 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..



(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 5 day of August, 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.

Mary Laraine McEennis Oakland
Notary Public; County, Michigan

My Commission Expires: May 30, 2007



RECEIVED

SEP 07 2005

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:

This is a residential neighborhood and by allowing this vehicle, we are opening the door for more people to do the same. This residence is approximately 5 houses away from our home.

NAME: *Georgia Duengel*

ADDRESS OR PROPERTY DESCRIPTION *1942 Atlas Court
Troy, MI 48083*

RECEIVED

SEP 06 2005

BUILDING DEPT.

To Whom It May Concern:

This is in regard to a City Hall meeting to be conducted on September 19 to determine the ordinance regarding the parking of commercial vehicles in a residential area, Chapter 39. A petition was sent to me regarding the GMC vehicle at 2002 Atlas Drive requesting my objection or approval. I mistakenly misinterpreted the petition as stating the petitioner would like to park his commercial vehicle on the street in front of my home.

I just mailed my objection before having the petition clarified that the petitioner would just like to keep his vehicle in his own driveway. I have NO OBJECTION to the petitioner keeping his commercial vehicle in his driveway. Thus, I am changing my objection to an approval of his request. I ask that the committee please disregard my prior objection, and I apologize for any inconvenience this may have caused.

Sincerely,
Lisa Allen

2003 Atlas Drive (248 740-9670)

RECEIVED

SEP 02 2005

TO: CITY COUNCIL

BUILDING DEPT.

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

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

I adamantly object to any commercial vehicle being parked in front of my home for a variety of reasons. I fear for the future value of my home, having a large day care next door and a commercial vehicle parked in front.

Should you permit one commercial vehicle to park in the street you open the door for all, and there are many parked in driveways, especially on the west side of this square mile. Crowded streets, nor shielded views from + to homes is something one would expect, nor want, to see in this great city of Troy.

NAME:



ADDRESS OR PROPERTY DESCRIPTION 2003 Atlas Drive

RECEIVED

SEP 06 2005

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:

IF WE MAKE EXCEPTIONS FOR ONE -
THEN EVERYONE WILL EXPECT THE SAME
CONSIDERATION. THERE ARE ENOUGH PEOPLE
BLOCKING SIDEWALKS WITH SMALL TRUCKS
AND SUV'S WITHOUT ADDING LARGE COMMER-
CIAL TRUCKS.

NAME:

John R. Festa

ADDRESS OR PROPERTY DESCRIPTION

2003 CASTLETON DR.

TROY 48083

RECEIVED

AUG 31 2005

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:

You really hardly notice the truck at all. I certainly hope no one called in a complaint! This street has some particularly NOSEY neighbors, that's for sure. It's fine with us if he parks his truck there!!

Lisa Solomon

NAME: Leonard + Lisa Solomon

ADDRESS OR PROPERTY DESCRIPTION 2062 Atlas Dr.

RECEIVED

SEP 07 2005

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:

My husband & I have known John for several years. It has never been an issue of his commercial vehicle being parked at his home. ~~\$~~ We would like to express that the individual who has filed this complaint has called on everyone of us at one time or another. He has been a "thorn in all our flesh" for many years. Please allow John to continue parking his vehicle in his driveway. They, as all our other neighbors have been wonderful people (with exception of Dave Keaks, of course).

NAME: Gary and Irene Toivonen

ADDRESS OR PROPERTY DESCRIPTION 2015 Atlas Dr., Troy

RECEIVED

SEP 06 2005

BUILDING DEPT.



Mr. David G. Keats
2014 Atlas Drive
Troy, MI 48083-2663

Dear Troy City Council members

I wish to voice my objections to the request of John Scislowicz of T.2.N. R11E section 25 Lot #145, Eva Haus Sub. Parcel id #25-401-035 known as 2002 Atlas Dr. for a variance to the ordinance found in section 40.66.00 of Chapter 39.

I am David Keats and I live at 2014 Atlas Dr., the north neighbor to John Scislowicz and I object for the following reasons.

1. John is currently trying to park the described Truck, a Jeep Liberty, and a full size GMC Van in front of his 2 car garage, abreast of each other. To make room he 1st pushed one of my chain link vertical posts about 6" out of vertical to clear his right hand mirror. (done in Spring when ground was soft). I put post back to vertical and shored it so he couldn't do that again. I also suggested to him that he could lower the wood privacy fence he had set up against the chain link to clear the mirror. He then elected to pull the bottom of the privacy fence away from the chain link so it was tipped into my yard. See inclosed picture.
2. Because he is self employed he works odd Hrs. It isn't uncommon for me to be awakened at around 4am by his noisy Diesel powered Truck, either leaving or coming home, even though my bedroom is at the other end of the house.
3. I was told by Mr. Scislowicz that I cannot park across the street from my house (no parking on my side of the street, Fire Lane) because it was difficult for him to leave his driveway.

If I had known that he was in violation of a local code I would have complained before.

Thanks for your consideration
David G. Keats
2014 Atlas Dr.
Lot 146 EVA HAUS SUB
248-689-3813



NOTE 2X4 TO
TOP RAIL BELOW
MIRROR TO HOLD
FENCE POST VERTICAL

RECEIVED

SEP 06 2005

BUILDING DEPT.