

DATE: June 25, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing  
Commercial Vehicle Appeal  
82 Miracle Drive

On June 16, 2005, I spoke with Mr. Dzubur Emir. Mr. Emir is interested in purchasing the existing home at 82 Miracle Drive. However his decision for the purchase is predicated on whether or not he would be able to park his commercial vehicle on the property. His vehicle is a Ford cube van that he proposes to park on the north side of the home, behind the fence.

In order to seek approval for this vehicle, Mr. Emir has filed an appeal. To our knowledge this is the first request that has been submitted by an individual who is not the owner or occupant of the existing home at the time of application. As such, we have asked for and received authorization from the existing owner of the property for the petitioner to file the appeal. We have also spoken with the petitioner regarding the limitations that the City Council has regarding length of time that an appeal can be approved. 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 July 18, 2005.

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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BUILDING DEPARTMENT

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: DZUBUR EMIR

ADDRESS: 2771 Charter Blvd apt 108

CITY: TROY MI. ZIP: 48083 PHONE: (248)689-4657

ADDRESS OF SITE: 82 MIRACLE DR TROY, MI 48084

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1FDNE 2724 XHB 11359

LICENSE PLATE NUMBER(S) 1473 MQ

DESCRIPTION OF VEHICLE(S) VAN

REASON FOR APPEAL (see A - D below) 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.

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..

EMIR JZUBUR

(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF Oakland

On this 10 day of June, 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.

Cathy Dickens  
Notary Public, Oakland County, Michigan

CATHY DICKENS  
Notary Public, Oakland County  
My Commission Expires Nov. 3, 2006

My Commission Expires: 11-03-06

MORTGAGE SURVEY

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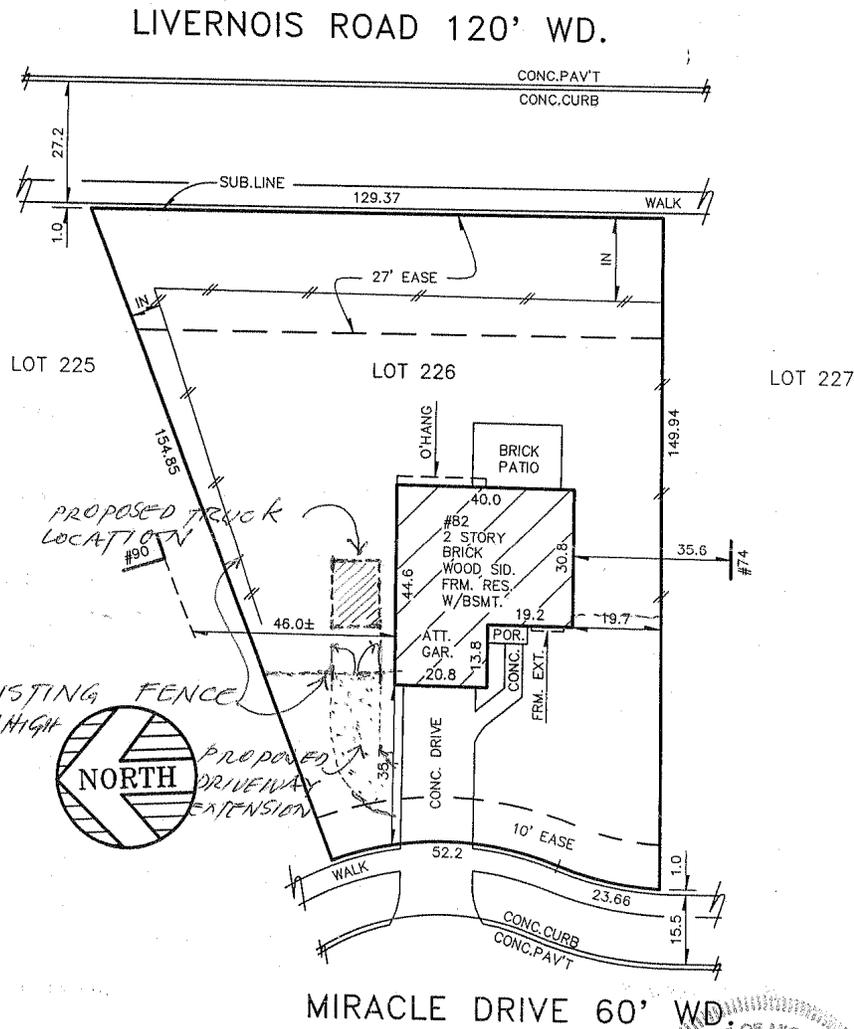
Certified to: RICHLAND MORTGAGE

Applicant: JUNN CHEN AND LIU WANG

~~BLIND COPY~~

Property Description:

Lot 226; TROY MEADOWS SUBDIVISION NO. 4, a part of the N.E. 1/4 of Section 21, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 201 of Plats, Pages 27 and 28 of Oakland County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, 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. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



*Shane P. Azbell*

JOB NO: 03-33899 SCALE: 1"=30'  
DATE: 10-20-03 DR BY: LAO

**KEM-TEC**  
LAND SURVEYORS

22558 Gratiot Avenue  
Eastpointe, MI 48021-2312  
(586) 772-2222  
FAX: (586) 772-4048



**KEM-TEC WEST**  
LAND SURVEYORS

800 E. STADIUM  
Ann Arbor, MI 48104-1412  
(734) 994-0888 \* (800) 433-6133  
FAX: (734) 994-0667



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BUILDING DEPARTMENT

To: City of Troy Code Enforcement Department

I, Jiunn An Chen, owner of the property at 82 Miracle Drive, Troy, Michigan, hereby grant permission to Emir Dzubur, potential buyer of my home, to file the necessary application to be able to park a van (that will not fit into the existing garage) on the property (once it becomes his). I have no opposition to the process nor to the eventual parking of the van.

Sincerely,

Jiunn An Chen



6/14/05.

248-740/5810

