

DATE: April 8, 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
1998 Kirkton

On February 14, 2005, information was sent to William Hiner that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he 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. 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. Hiner 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 April 18, 2005.

The property in question has an existing home of 1,503 square feet and an existing detached garage of 728 square feet. Based upon the limitations of Section 40.57.04, only 24 additional square feet of detached garage could be constructed. The property is 16,555 square feet in area and the 30% maximum lot coverage would allow buildings totaling 4,967 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**

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

NAME: William Hiner

ADDRESS: 1998 Kirkton

CITY: Troy MI. ZIP: 48063 PHONE: 248-528-2368

ADDRESS OF SITE: 1998 Kirkton

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1KDLF47B4VER18063

LICENSE PLATE NUMBER(S) 1284 AU

DESCRIPTION OF VEHICLE(S) 1997 Ford 3 yard Dump

REASON FOR APPEAL (see A - D below) _____

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..

William C. Hines

William C. Hines

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 23rd day of February, 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.

Pamela R. Pasternak

Notary Public, _____ County, Michigan

My Commission Expires: _____

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

February 23, 2005

To whom this may concern:

I am writing you in regards of a commercial vehicle violation notice that I received from the City of Troy. This was for a 1997 Ford 3-yard dump truck, which is approximately 120 feet off of the street and on the north east corner of my property. The dump truck is parked on my driveway, at the address of 1998 Kirkton. I have taken some pictures of the location of the vehicle: I will bring them to the hearing or sooner, if needed. This truck is insured and plated.

Thank you,
William Hiner

If you any questions please feel free to call me at (248) 528-2368.

To Whom It May Concern:

Our lot size is 96 feet wide, and 186 deep. The dump truck is shown is blue and it is approximately 110 feet from Kirkton Street, alongside our garage, which is located at 1998 Kirkton, and our neighbor's garage. The green between our driveways is my neighbor's green belt. The dump truck is parked on the cement driveway, on and next to our garage.

Any questions and comments can be directed to (248) 528-2368.

Thank you,

William Hiner

1998 Kirkton

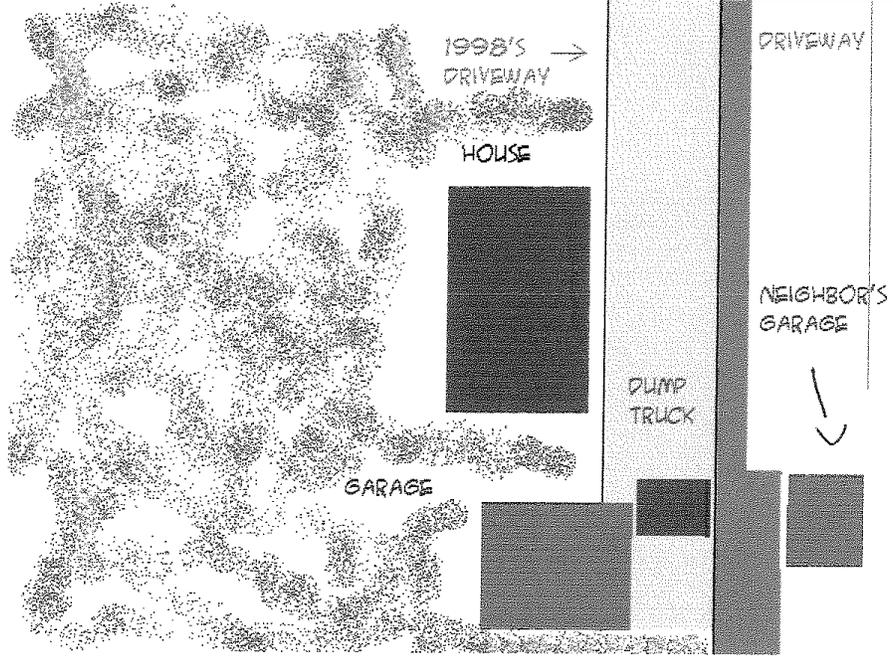
RECEIVED
MAR 23 2005
BUILDING DEPARTMENT

96 Feet

186

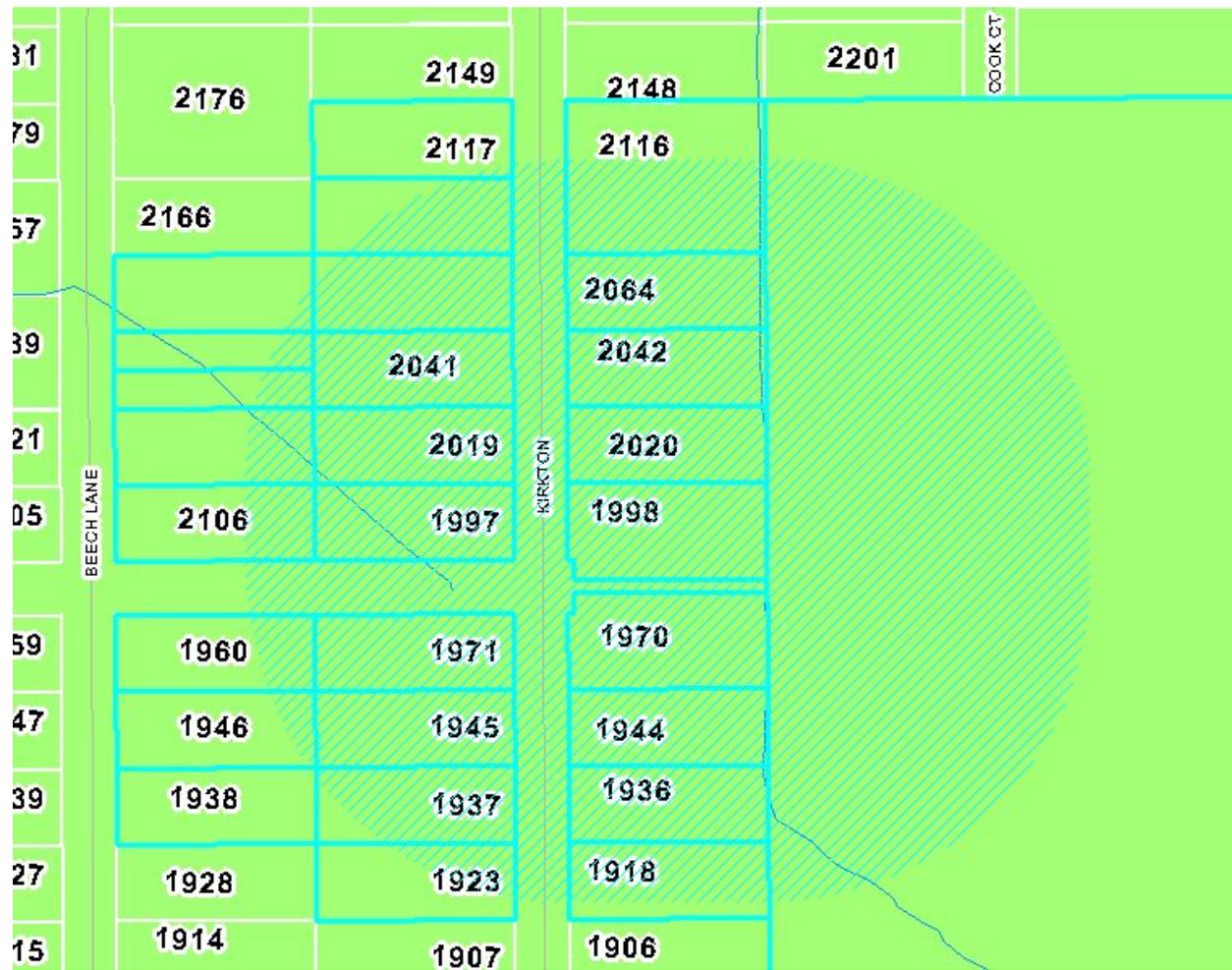
KIRKTON STREET

1998
KIRKTON



RECEIVED
MAR 23 2005
BUILDING DEPARTMENT





RECEIVED

APR 07 2005

BUILDING DEPARTMENT

TO: CITY COUNCIL

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

My reason for this approval objection is:

equipment is always neat & orderly and
is not a issue with us

NAME: Rick & Debbie Bailey

ADDRESS OR PROPERTY DESCRIPTION 2019 Kirkton

REC'D
APR 12 2005
BUILDING DEPARTMENT

10-Apr-05

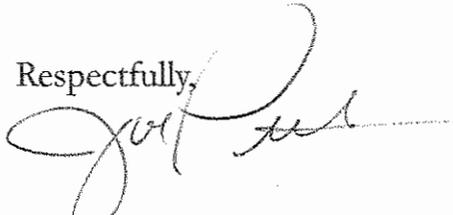
Parcel ID 27-328-009 - cka 1998 Kirkton

Troy City Council
500 West Big Beaver
Troy, Michigan 48084

To Whom It May Concern:

As I am unable to attend the April 18, 2005 public hearing, I am sending this letter of notice. I support Mr. Hiner in his request for exception as long as his immediate neighbors also have no objection. More important issues demand the attention of the Troy City Council. Please grant his request.

Respectfully,



Joe Pitlanish
2106 Beech Lane, 48083-1607

cc: William Hiner
City of Troy