

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  
6771 Westaway

On February 22, 2005, information was sent to Henry Rowe that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford cube van 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. Rowe 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 existing home on the property is 2,067 square foot in size. The existing detached garage is 720 square feet. Per the requirements of Section 40.57.04 of the Zoning Ordinance, an additional 314 square feet of accessory building could be constructed. The parcel in question is 43,400 square feet in area. Based upon the 30% maximum lot coverage, a total of 13,020 square foot of building could be constructed on the site.

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

MAR 28 2005

BUILDING DEPARTMENT

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

NAME: HENRY ROWE

ADDRESS: 6771 WESTAWAY

CITY: TROY MI. ZIP: 48085 PHONE: 248-879-0989

ADDRESS OF SITE: THE SAME - 6771 WESTAWAY

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1FDKE37M7LHA88244

LICENSE PLATE NUMBER(S) YNW 950

DESCRIPTION OF VEHICLE(S) REGISTERED AS VAN

REASON FOR APPEAL (see A - D below) B - C - D IF YOU WOULD  
LIKE IN THE SUMMER TIME IT COULD BE PARKED  
BETWEEN TREE AND GARAGE OFF DRIVEWAY

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..

Henry Ross  
(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF Oakland

On this 22 day of March, 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.

Carol Duvet  
Notary Public, \_\_\_\_\_ County, Michigan

My Commission Expires: 12/31/2007

CRISTO URVELO  
Notary Public, Macomb County, MI  
My Commission Expires Dec. 31, 2007

Acting in Oakland  
County

NORT.

EAST

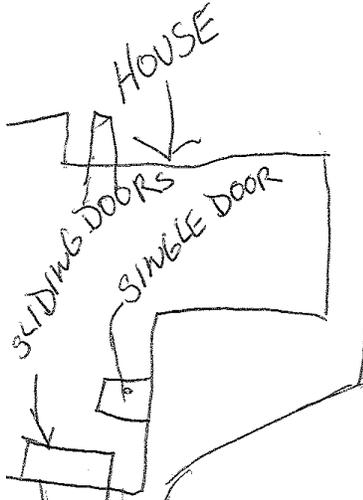
SOUTH

WESTAWAY STREET

RECEIVED

MAR 28 2005

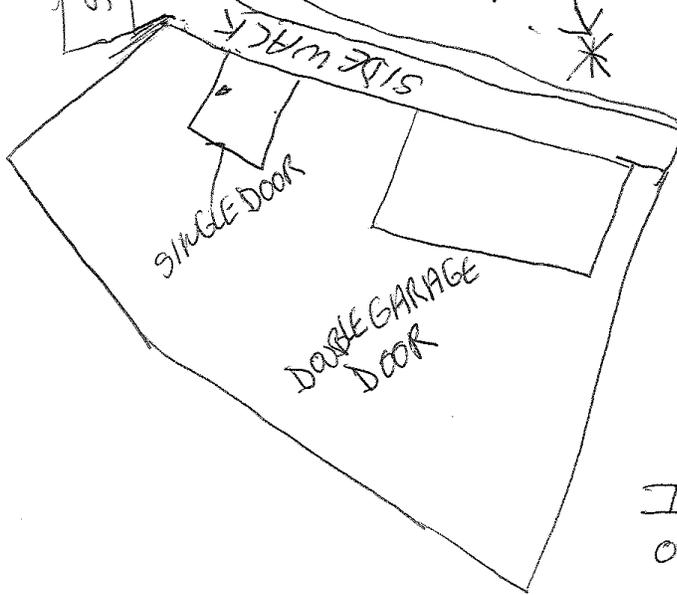
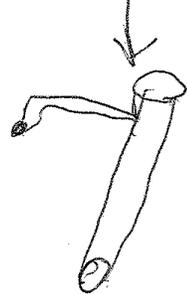
BUILDING DEPARTMENT



GRAVEL DRIVEWAY

TRUCK IS PARKED  
HERE RIGHT NOW IN  
FRONT OF GARAGE DOOR

LIGHT POLE

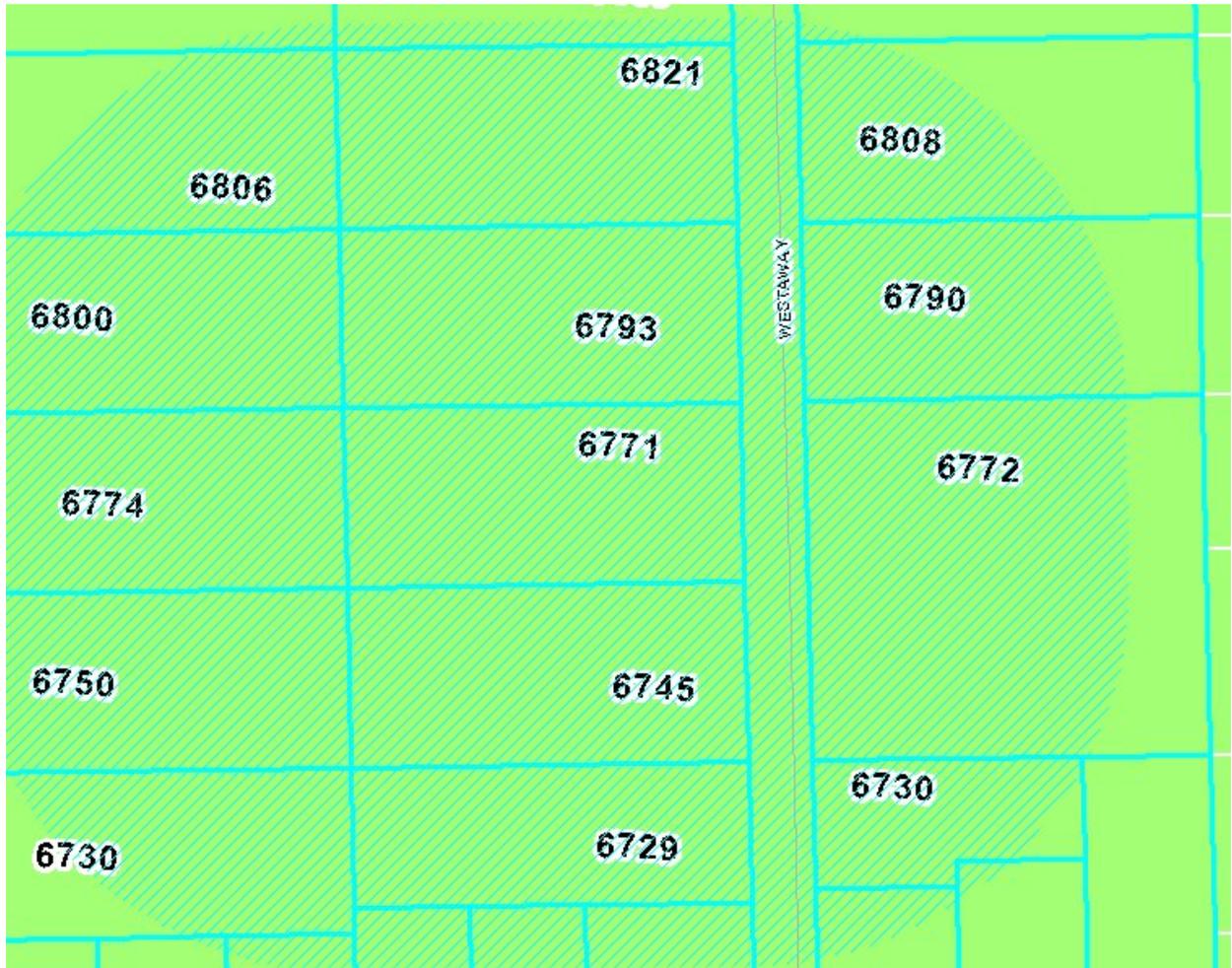


TREE



TRUCK MAY  
BE PARKED  
HERE FOR THE  
SUMMER  
IF YOU WOULD  
LIKE THAT  
I MARKED IT ON ONE  
OF THE PICTURES







RECEIVED

APR 11 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:

If we allow a Home owner to do this then we would or should allow all that make this request, to do the same. I would not like to have cube vans parked in our neighborhood. I would not object to a Temp. permit to allow a Home owner to park a cube Van at their address for a short period. (MAX. 6mo.) I do object to a permanent Relief as I do not think it is the correct image that our neighborhood is looking for.

NAME: JEFF DUNCAN

ADDRESS OR PROPERTY DESCRIPTION 6730 WESTAWAY

RECEIVED

APR 13 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:

HE IS A GREAT NEIGHBOR

THIS IS HIS PROPERTY AND HE  
SHOULD BE ABLE TO PUT HIS  
VEHICLE ON HIS PROPERTY

NAME: DARLENE / NORMAN RUSSELL

ADDRESS OR PROPERTY DESCRIPTION 6774 DONALDSON

TROY