

May 2, 2017

Re: ZBA Variance Request for 3785 Donley

Parking and Storage of Commercial Equipment

This violation and variance request occurred as a result of routine code enforcement. Vehicles such as commercial wood chippers, stake trucks, and similar equipment had been appearing on site over the past several years. The owner, Dave Turner of Turner Landscaping has previously been cited and paid fines in as a result of the violations.

Most recently Mr. Turner was issued another Civil Infraction (City of Rochester Hills Infraction) that would result in another fine. Any additional violations would result in a District Court Citation being issued.

As a matter of court procedures, most often it is asked if all administrative remedies have been exhausted prior to a court disposition on the matter. Therefore Mr. Turner was provided and sought the opportunity to appear before the Zoning Board of Appeals to seek City approval for the storage and parking of his commercial equipment.

Should the Zoning Board of Appeals grant this variance, there would be no additional code enforcement on this matter and no need for any District Court action. However, should the Zoning Board of Appeals NOT grant this variance and the property owner elected to continue to park or store the equipment on the property then a court citation would be issued and he would be required to appear before a District Court Judge for disposition on the violation and subject to the fines, costs and any other judgments as deemed by the court.

Jack Sage

Ordinance Enforcement Inspector

C.I. **State of Michigan** N 309320 Dept. No.
 MIS. **Municipal Civil Infraction**
 JUV. **Notice of Violation**

Complaint No. _____ Offense Code _____
 Local Use/Arrest No. _____

The People of: the State of Michigan
 Township City Village County
 OF: **ROCHESTER HILLS** _____ of _____

THE UNDERSIGNED SAYS THAT ON: _____ At approximately _____
 A.M. P.M. Date Month Day Year
 2 27 17 12 09 9 3 08

State Driver's License Number: **ME 656 185 261 686** Social Security No. _____

Race Sex Hair Weight Height Eyes Occupation/Employer
 W M 250 5'8" B/G _____

Name (First, Middle, Last) **DAVID FRANKLIN TURNER**

Street **3785 Dowley Ave**

City **Rochester Hills, MI** State **MI** Zip Code **48309-4134**

Vehicle Plate No. **SA09097** Year **17** State **MI** Vehicle Description (Year, Make, Color) **2014 WHA** Type **ST**

THE PERSON NAMED ABOVE, in violation of § **84-16 (A)(2) A**

UPON _____

AT OR NEAR **3785 Dowley**

WITHIN CITY ~~XXXXXX XXXXXX XXXX~~ **ROCHESTER HILLS**

COUNTY OF **OAKLAND** DID THE FOLLOWING:

- Nuisance Ordinance
- Licenses Ordinance
- Zoning Ordinance
- Sign, Lighting & Display Ordinance
- Animal & Fowl Ordinance
- Building Code
- Plumbing Code
- Electrical Code
- Mechanical Code
- Other **Pop. Mans.**

Describe: **DO NOT ALLOW THE PARKING/STORAGE OF COMMERCIAL EQUIPMENT - STAKE TRUCKS IN A RESIDENTIAL ZONE**

Person in Active Military Service Yes No

THIS VIOLATION IS A CIVIL INFRACTION and is your **3rd** violation.

The fine for this violation is \$ **500.00** and must be paid at the violations bureau by 5:00 p.m. on _____ unless you contact the violations bureau before this time.

SEE BELOW FOR AN EXPLANATION OF YOUR RIGHTS AND INSTRUCTIONS.

WARNING: If you fail to pay the fine specified above or fail to contact the violations bureau on the date and time specified above, a civil infraction citation will be issued.

You are alleged to be responsible for a civil infraction. You must either: 1) admit responsibility; 2) admit responsibility with explanation; or 3) deny responsibility.

ADMIT RESPONSIBILITY: If you wish to admit responsibility and pay your fine, you may do so by appearing in person or by mailing your fine along with this notice to the violations bureau.
 ADMIT RESPONSIBILITY WITH EXPLANATION OR DENY RESPONSIBILITY: If you wish to admit responsibility with explanation or deny responsibility and have a hearing, you must contact the violations bureau on or before the date specified above. A citation will be issued and filed with the court where you will have the right to an informal hearing before a magistrate or judge or to appear in court for a formal hearing before a judge.

Violations bureau address & phone number

CITY OF ROCHESTER HILLS
 1000 ROCHESTER HILLS DR., ROCHESTER HILLS, MI 48309
 (248) 656-4675

~~I personally served a copy of this notice upon the defendant.~~

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's signature _____ Month Day Year
 2 27 17

Officer's Name (printed) **John H. Sage** Officer's ID No. **5403**

Agency ORI **MI-** Agency Name **CITY OF ROCHESTER HILLS**

UC-02 (rev. 8/94) **VIOLATION BUREAU COPY**

C.I. MIS. JUV. Ticket No. **N 309320** Name **TURNER** Case No.

VEHICLE Enforcement | EN-2016-01668

Property Information

70-15-32-478-009 3785 DONLEY AVE Subdivision:
ROCHESTER HILLS MI, 48309-4134 Lot: Block:

Name Information

Owner: TURNER, DAVID Phone:
Occupant: Phone:
Filer: Phone:

Enforcement Information

Date Filed: 09/15/2016 Date Closed: 09/22/2016 Status: CLOSED
Complaint:
Last Action Date: 09/15/2016 Last Inspection: 09/22/2016
Last Action:
09/15/2016

RT RECHECK Inspection | JOHN SAGE

Status: Completed Result: Complied
Scheduled: 09/22/2016 Completed: 09/22/2016

ROUTINE PATROL Inspection | JOHN SAGE

Status: Completed Result: Violation(s)
Scheduled: 09/15/2016 Completed: 09/15/2016

Violations:

Corrected 84-16.(A)(2)A

NO PERSON SHALL PARK OR STORE STEP OR CUBE VANS, BUSES, DUMP, STAKE, OR FLATBED TRUCKS, WRECKERS, SEMI TRUCKS & TRAILERS, TANK TRUCKS, COMMERCIAL & CONSTRUCTION EQUIPMENT AND TRAILERS IN A RESIDENTIAL ZONED DISTRICT.

WHITE STAKE TRUCK PARKED/STORED IN REAR YARD MUST BE REMOVED



1-18-17



1-18-AT



1-27-17



2-3-17