

Commission Memo:
Commission Meeting: 11/08/2010
RE: **1200 Knowles - Report**

November 4, 2010

The Honorable Mayor
and
Members of City Commission

As Commissioners are aware the City has received complaints regarding the business currently located at 1200 Knowles, Equipment Assets. Attached are two letters that have been sent to the business and property owner from the City and one from the DNR.

Subsequent to receiving the letters from the Planning and Building Departments, the business and property owner did call and meet with the Planning Department. They did indicate that it was their intent to make application to the Zoning Board of Appeals in order to continue the outdoor storage and stay further action by the City until their case was heard by the ZBA. The smoke/burning issue is being dealt with through the Department of Natural Resources, DNR. During these conversations the business owner has indicated it is their plan to move out of this location (and out of Royal Oak) by mid-December 2010.

Respectfully submitted,



Timothy E. Thwing
Director of Planning

Approved,

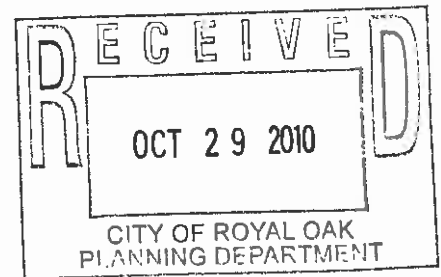


Donald E. Johnson
City Manager

Attachments

Tuesday, October 26, 2010

CARNWATH, SAMUEL J
CARNWATH, RUTH A
3131 CUMMINGS
BERKLEY, MI 48072-1189



**Re: VIOLATION NOTICE
Complaint No. E109224
1200 KNOWLES ST**

Dear Property Owner(s):

A recent inspection of your property revealed the following violation(s) concerning the general maintenance of your property:

EXTERIOR STORAGE

SITE PLAN VIOLATION - Code of the City of Royal Oak, Section 770-12 (J) - The approved final site plan shall regulate development of the property and any violation of this article, including any alteration or improvement not in conformance with the approved final site plan, and any use of the property inconsistent with the file information provided as required under Subsection I, above, shall be deemed a violation of this chapter as provided in § 770-17, Violations and penalties; abatement of nuisances, and shall be subject to all penalties specified therein.

MIXED USE 1 - Code of the City of Royal Oak, ZONING, Section 770-45 (A) - Purpose. This zone is intended to provide for a mixture of residential, office and low-intensity public/institutional uses in an urban design patter. While permitting redevelopment and reuse of certain areas of the city, uses within the Mixed Use 1 District are intended to be compatible with the established residential neighborhoods.

These violations must be corrected prior to 11/05/2010.

If you have any questions, please contact me at (248) 246-3227 between the hours of 8-9 a.m. and 3:30-4:30 p.m.

Sincerely,
City of Royal Oak

DEBRA MATYKA
Code Enforcement/Housing Officer



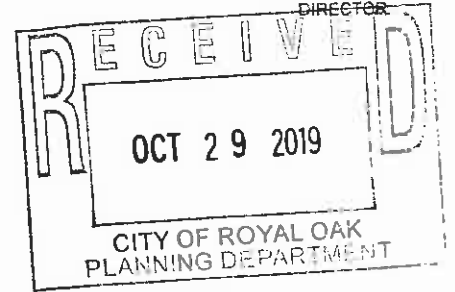
JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



REBECCA A. HUMPHRIES
DIRECTOR

October 25, 2010



Mr. Lorne Hewines
Equipment Assets, Inc.
1200 Knowles Street
Building #2
Royal Oak, Michigan 48067

SRN: U63100498, Oakland County

Dear Mr. Hewines:

VIOLATION NOTICE

On October 13, 2010, and on October 21, 2010, the Department of Natural Resources and Environment (DNRE), Air Quality Division (AQD), conducted a complaint investigation of Equipment Assets, Inc. located at 1200 Knowles Street, Royal Oak, Michigan, in response to recent complaints which were received by the AQD on October 11, 2010, October 13, 2010, October 19, 2010, and October 20, 2010, regarding fugitive smoke and foul odors attributed to operations at Equipment Assets, Inc.. The purpose of the complaint investigation was to determine Equipment Assets, Inc.'s compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules.

During the complaint investigation, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Portable Torch Cutting	R 336.1301 (maximum limit of 20% opacity based on a 6-minute average)	Visible emissions generated from torch cutting exceeded the density allowed by Rule 301. The highest 6-minute average opacity observed was 46%.

During the complaint investigation it was noted that Equipment Assets, Inc.'s torch cutting activities were emitting opacity in excess of emissions allowed by Act 451, Rule 301. A copy of Rule 301 is enclosed. The AQD documented four six-minute opacity averages from visible emissions observations obtained on October 13, 2010, which violated Rule 301. The highest six-minute average opacity observed on October 13, 2010, was 41%. The second highest six-minute average opacity observed on October 13, 2010, was 31%. The AQD documented two six-minute opacity averages from visible emissions observations obtained on October 21, 2010, which violated Rule 301. Both non-compliant six-minute opacity averages observed on October 13, 2010, were 46%.

Enclosed are copies of the instantaneous and six-minute average readings taken at Equipment Assets, Inc .

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by November 15, 2010. The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If Equipment Assets, Inc. believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violation cited above and for the cooperation that was extended to me during my visit of Equipment Assets, Inc. on October 21, 2010. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below or the DNRE, Southeast Michigan District, 27700 Donald Court, Warren, Michigan 48092.

Sincerely,



Krista Reed
Environmental Quality Analyst
Air Quality Division
(586)753-3764

KR:VL

Enclosures

cc: Mr. Tony Hewines, Equipment Assets
Mr. Gerald Avery, DNRE
Mr. Thomas Hess, DNRE
Ms. Teresa Seidel, DNRE
Mr. Christopher Ethridge, DNRE
Mr. Richard Tazreak, DNRE



MEMBER MICHIGAN MUNICIPAL LEAGUE

October 25, 2010

Lorne Hewines
Equipment Assets, Inc.
1200 Knowles St.
Royal Oak, MI 48067

Re: Outdoor Storage and Burning

Mr. Hewines:

It has been brought to the attention of the Planning Department that outdoor storage and other activities including open burning are occurring at your business located at 1200 Knowles Street. Please be advised that these activities must cease immediately as they violate the approved site plan for this property as well as various sections of the city's Zoning Ordinance.

A copy of this letter is being forwarded to one of the city's Code Enforcement Officers for appropriate action. You may contact them directly at (248) 246-3210 if you have any questions.

Respectfully,

CITY OF ROYAL OAK PLANNING DEPARTMENT

Douglas A. Hedges, AICP, PCP
City Planner II

cc: Samuel J. & Ruth A. Carnwath, Property Owners
Debra S. Matyka, Code Enforcement Officer
Timothy E. Thwing, Director of Planning
Donald E. Johnson, City Manager

211 Williams Street • P.O. Box 64 • Royal Oak, MI 48068-0064 • Phone Area Code (248)

www.ci.royal-oak.mi.us

Assessor.....246-3110	Engineering246-3260	Ice Arena246-3950	Recreation246-3180
Building Insp.....246-3210	FAX246-3001	Info Systems.....246-3080	Rental Assistance.....246-3290
Cable T.V. (WROK).....246-3770	Finance.....246-3030	Motor Pool246-3370	Senior/Community Ctr246-3900
City Attorney.....246-3240	Fire Dept. (Bus.)246-3800	Planning & Zoning.....246-3280	TDD246-3010
City Clerk.....246-3050	General Info246-3000	Police Dept. (Bus.).....246-3500	Treasurer.....246-3140
City Manager246-3200	Housing Assistance246-3130	Public Service Dept246-3300	Water Bills246-3160
Code Enforcement246-3210	Human Resources246-3070	Purchasing246-3202	

