



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
248.656.4630  
[www.rochesterhills.org](http://www.rochesterhills.org)

---

Legislative File No: 2017-0029

**TO:** Mayor and City Council Members  
**FROM:** Ed Anzek, Director of Planning and Economic Development, ext. 2572  
**DATE:** January 13, 2017  
**SUBJECT:** Request for Council to consider the approval of a Lot Split that was denied by staff.  
City File No. 16-037

---

**REQUEST:**

Mr. and Ms. Schmidt, of 244 Shadywood Rd. are requesting the City Council approve a Lot Split of their property in accordance with Sec. 122, *Land Division*, and in particular Sec. 122-30 *Approval Procedure*, (c). This request for approval by the City Council is provided to the applicant and is similar to an appeal if the proposed Lot Split is denied by the reviewing departments.

**BACKGROUND:**

The applicant has filed for a Lot Split of their property at 244 Shadywood in the Avoncrofts Subdivision west of Rochester Road and north of M-59. Avoncrofts is a large lot plat with 98 parcels, many of which are used for commercial activities abutting Rochester and Auburn Roads. The parcel in question is 1.22 acres and if divided into near equal parcels the parcels would meet the minimum dimensions for a lot in an R-3 District. The District requires lots to be 90 feet wide and a minimum of 12,000 square feet. The .61+/- acre for each proposed parcel equates to 25,572 square feet and the width would be about 94 feet at the building setback line; both meeting the lot size requirements for the R-3 District. So there is no issue from Zoning.

The proposed Lot Split was reviewed by the Building, Assessing, Engineering, and Planning/Econ Dev. Departments. Most has minor corrections but the Planning Department recommended denial and citing Sec. 122-30, (c), (3) a. as their basis. This procedure requires review to evaluate the Split against standards contained (c), (3), a – g.

In the specific standard in a. it states, *“The division or partition will result in lots or parcels of land having a size and shape consistent and harmonious with that of other parcels in the immediate area.”*

The terms “harmonious” and “immediate area” are not defined in the ordinance. The City Attorney advises that in applying generally-accepted rules of statute and ordinance construction, the City should ascribe the plain, ordinary meaning to undefined terms and consider the context in which they appear and are used in the ordinance. Also, we should consider the administration’s historical construction and use of those terms. The context in which “harmonious” is used in the ordinance appears to relate to size and shape consistency. In ascribing meaning to the phrase “immediate area,” Staff used a 300-foot



with Avoncrofts Subdivision and the result, in my opinion, are parcels that do not keep within the similar size and shape standards.

**244 Shadywood Lot Split**

<b>Avoncrofts Subdivision</b>					
	<b>Address</b>	<b>Street</b>	<b>Use</b>	<b>Size in Acres</b>	<b>Comments</b>
1	156	Shadywood	single family	1.5	
2	166	"		0.98	
3	176	"		0.9	
4	<b>244</b>	"	<b>vacant/demo</b>	<b>1.22</b>	<b>parcel in question</b>
5	288	"		0.92	
6	306	"		0.89	
7	330	"		1.08	
8	165	"		1.21	
9	211	"		0.92	
10	233	"		0.82	
11	0	"		1.36	undeveloped
12	273	"		1.23	
13	317	"		0.28	
14	339	"		0.31	
15	3259	Norton Lawn		0.81	
16	3243	"		0.77	
17	3183	"		0.51	
18	3150	Hickory Lawn		0.82	
19	3130	"		0.73	
20	0	"		0.82	undeveloped
21	3106	"		0.79	
22	3088	"		0.5	
23	3101	"		0.52	
24	245/257	Auburn Road		3.02	2 homes/one parcel
				22.91	
Average parcel size				0.955	

<b>APPROVALS:</b>	<b>SIGNATURE</b>	<b>DATE</b>
Department Review		
Department Director		
Mayor		
City Council Liaison		