



innovative *by* nature

Bryan K. Barnett
Mayor

April 17, 2017

City Council

Mr. David F. Turner
3785 Donley
Rochester Hills, Mi. 48309

Stephanie Morita
District 1

James Kubicina
District 2

RE: Variance Request ;
Storage of Commercial Equipment (Stake Truck's) In Residential Zone

Susan M. Bowyer, Ph.D.
District 3

Dear Mr. Turner:

Thomas W. Wiggins
District 4

Kevin S. Brown
At-Large

We are in receipt of your application for a Zoning Variance to the City of Rochester Hills Department of Planning and Economic Development. You are requesting a variance to store/park commercial equipment (stake truck(s)) in a residential zone district. However your request does not meet the City's Zoning Ordinance requirements as stated in the Zoning Ordinance, Chapter 138 as noted below:

Dale A. Hetrick
At-Large

Mark A. Tisdell
At-Large

Item #1

Rochester Hills Zoning Ordinance Section 138-10.308.2.a. Residential Districts states:

A person shall not park or store any step vans, cube vans, buses, dump trucks, stake trucks, flatbed trucks, wreckers, semi trucks and trailers, tank trucks, commercial and construction equipment and trailers and any similar trucks and equipment in a residential district, except as allowed in paragraph 4., below.

Section 138-10.308. paragraph 4, Exception States:

The parking or storage of commercial vehicles identified in paragraph 2.a., above, or commercial equipment shall be allowed in any zoning district, where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.

Therefore, we are unable to approve your application and are issuing this letter of denial.

If you seek a variance, it is necessary to show a practical difficulty in the way of carrying out the strict letter of the ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals **MUST** find that:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density of other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created
5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 138-2.400B.
7. There is compliance with the standards for discretionary decisions as contained I Section 138-2.302.

If you have any questions regarding the above, please feel free to contact me at 248-656-4615.

Sincerely,

BUILDING DEPARTMENT

John H. Sage, Ordinance Inspector