



innovative *by* nature

Bryan K. Barnett March 12, 2019
Mayor

City Council Mr. Robert Clarke
 981 Allston Drive
Stephanie Morita Rochester Hills, MI 48309
District 1

James Kubicina RE: Application for Building Permit
District 2 981 Allston, 15-09-201-018

Susan M. Bowyer, Ph.D.
District 3 Dear Mr. Clarke

Ryan J. Deel We are in receipt of your application for a building permit to construct an addition at
District 4 the above referenced location; however, your application does not meet the
Dale Hetrick requirements as set forth in our Ordinance for the following reason:
At-Large

Jenny L. McCardell **Item #1**
At-Large

Mark A. Tisdell **Rochester Hills ordinance Section 138-5.100 Schedule of Regulations Table 5**
At-Large **for Residential Districts require a side yard setback of 15 in an R-2 District.**

The proposed front addition is showing a side yard setback of 14.59 feet, a violation of .49 feet.

Item #2

Rochester Hills ordinance Section 138-5.101 Average Front Setback states: "If there are existing homes within 200 feet of a subject lot, on the same side of the street, that have an average setback that differs from the front setback as required within this ordinance by more than 10 (ten) feet, then the average front setback shall be used as the required front setback, provided however, that in no instance shall a front yard setback be reduced to less than twenty (20) feet."

The plot plan indicates that the average front setback is 68.89 feet. City staff calculate the average front setback at 61 feet. The plot plan indicates the proposed front addition will have a setback of 50.09 feet, a violation of 18.8 feet indicated on the plan or 10.91 feet calculated by staff.

Therefore, we are unable to approve your application and are issuing this letter of denial. *You may revise your plans and application in compliance with the Ordinance by*

eliminating the violation. Revised plans should be submitted to the Building Department for review.

An appeal of this denial or variance may be requested of the Rochester Hills Zoning Board of Appeals. If you decide to take this matter before the Zoning Board of Appeals, a filing fee and your application for a public hearing before the Zoning Board of Appeals must be submitted to the Planning Department within forty-five days of the date of this letter. Your application will then be placed on the next available agenda.

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 in 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
Robert White
Manager of Ordinance Compliance