



innovative by nature

Bryan K. Barnett
Mayor

January 30, 2017

City Council

David Tavlör
260 Winry Drive
Rochester Hills, MI 48307

Stephanie Morita
District 1

RE: Application for Building Permit
260 Winry Dr., Parcel 15-10-205-037

James Kubicina
District 2

Dear Sir

Susan M. Bowyer, Ph.D.
District 3

We are in receipt of your application for a building permit to construct an addition at the above referenced location; however, your application does not meet the requirements as set forth in our Ordinance for the following reason:

Thomas W. Wiggins
District 4

Kevin S. Brown
At-Large

Rochester Hills Zoning Ordinance Section 138-5.100 Table 5 Schedule of Regulation states:

Dale A. Hetrick
At-Large

The required side yard set back for R-4 Zoning district is 10-feet.

Mark A. Tisdell
At-Large

The submitted plans for the proposed addition indicates the proposed set back on the east property line would be 5.3 feet, a violation of 4.7 feet.

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. The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.

3. The use to be authorized by the variance will not alter the essential character of the area and locality.
4. The problem is not self-created.
5. The spirit of the 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 of this Ordinance.

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

Sincerely,

BUILDING DEPARTMENT

A handwritten signature in blue ink, appearing to read "Craig McEwen".

Craig McEwen, R.A.
Plan Reviewer/Building Inspector