



innovative *by* nature

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Mr. Logu Bukuriye
8193 West Annsbury
Shelby Township, MI. 48316

RE: Application for Building Permit
1497 Walton Blvd. 15-16-202-001

Dear Sir or Madam

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

Item #1

Rochester Hills ordinance Section 138-5.101 B. Established Building Line, states: In the event that there is an established building line along a street (as determined by the official reviewing the application), the front yard and/or side street yard setback requirement shall be the established building line. The established building line is the average front yard setback minus ten feet of adjacent dwellings within 200 feet of each side of the lot and on the same side of the street as the subject parcel, or 60 feet, whichever is less.

Rochester Hills ordinance Section 138-5.101 C Corner Lots states: For corner lots, the side yard abutting upon a street shall not be less than 15 feet in the R-4 district and 25 feet in the R-1, R-2, R-3, and RE districts unless a larger setback is required by footnote B., because neighboring houses on the side street have a front yard relationship to the side street.

Item #1: The proposed house faces Walton Blvd and has a proper front yard setback proposed at 75.8 feet since the established building line is at 53 feet. Being a corner lot, the structure must also comply with the established building line on the east side of Orchardale. The established building line for Orchardale is 37.6 feet. The plot plan proposes a side yard setback along Orchardale of 25 feet, a violation of 12.6 feet. A variance of 12.6 feet is required.

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 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

Mr. Bukurije
July 31, 2017
Page 3

Robert White
Supervisor of Building Services