



Legislation Details (With Text)

File #: 2021-0454 **Version:** 1
Type: Variance / Modification **Status:** Failed
File created: 11/2/2021 **In control:** Zoning Board of Appeals
On agenda: **Final action:** 11/10/2021
Title: PUBLIC HEARING - City File No. 21-032

Location: 3610 Dearborn Ave., located west of Livernois Rd, and north of South Blvd., Parcel No. 15-33-402-019, and zoned R-4 One Family Residential.

Request: A variance from Section 138-5.100 Schedule of Regulations of the Code of Ordinances, which requires a minimum 25 ft. front yard setback in the R-4 zone district. The plans submitted are for a proposed porch with a roof encroaching 15 ft. into the required setback.

Applicants: Charles and Katherine Leonard, 3610 Dearborn Ave., Rochester Hills, MI 48309

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report 111021.pdf, 2. Application responses.pdf, 3. Location map.pdf, 4. Site plan.pdf, 5. Elevation.pdf, 6. Pictures.pdf, 7. PHN.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-------------------------|--------|--------|
| 11/10/2021 | 1 | Zoning Board of Appeals | Denied | Pass |

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Resolved, in the matter of File No. 21-032, that the request for a variance of 15 feet from Section 138-5.100 of the Rochester Hills Code of Ordinances to allow for the construction of a front porch with a roof at 3610 Dearborn Ave., Parcel Identification Number 15-33-402-019, be **DENIED** because a practical difficulty does not exist on the property as demonstrated in the record of proceedings and based on the following findings:

1. Compliance with the strict letter of the restrictions of the Zoning Ordinance will not prevent the owner from using the property for a permitted purpose in a reasonable manner by maintaining the existing front porch and no practical difficulty has been demonstrated for this property.
2. Granting the variance will not do substantial justice to nearby property owners as it would confer a special benefit on the applicant that is not enjoyed by other property owners in the vicinity.
3. There are no unique circumstances of the property have been identified by the applicant that necessitate granting the variance.

4. The granting of the variance would be materially detrimental to the public welfare by establishing a precedent that could be cited to support similarly unwarranted variances in the future. The granting of this variance could encourage further incursions upon the Zoning Ordinance which would result in further variances being considered by the Zoning Board of Appeals and could be construed as removing the responsibility of meeting the Zoning Ordinance from applicants.