



Legislation Text

File #: 2017-0098, Version: 2

PUBLIC HEARING - FILE No. 17-003

Location: 260 Winry Dr., located on the north side of Winry Dr., south of Tienken Rd. and west of N. Pine St., Parcel Identification Number 15-10-205-037, and zoned R-4, One Family Residential.

Request: A request for a variance of 4.4 feet from Section 138-5.100 (Schedule of Regulations) of the Code of Ordinances, which requires a minimum side yard setback of 10 feet in the R-4, One Family Residential Zoning District. Submitted plans for a proposed addition and attached garage indicate a side yard setback of 5.6 feet.

Applicant: David & Wendy Taylor
260 Winry Dr.
Rochester Hills, M 48307

MOTION by Koluch, seconded by Chalmers, in the matter of File No. 17-003, that the request for a variance from Section 138-5.100 (Schedule of Regulations) of the Rochester Hills Code of Ordinances to grant a variance of 45 inches (3.9 feet) for 260 Winry Dr., Parcel Number 15-10-205-037, zoned R-4 (One Family Residential) be **APPROVED** because a practical difficulty exists 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 governing the minimum setback for attached accessory buildings will be unnecessarily burdensome as there are a number of properties in this subdivision that have developed similar additions, and the proposed addition and attached garage cannot be reasonably reconfigured to meet the setbacks.*
2. *Granting the variance will do substantial justice to the applicant as well as nearby property owners by permitting a use or development of land that is consistent with prevailing patterns in the nearby area as multiple other homes in the North Hill Subdivision have similar additions.*
3. *A lesser variance will not provide substantial relief, and would not be more consistent with justice to other property owners in the area.*
4. *There are unique circumstances of the property that necessitate granting the variance, and that distinguish the subject property from other properties with respect to compliance with the ordinance regulations. Specifically the location of the trees on this lot and the wedge shape of this lot make it difficult to apply the setback regulations and have an attached two car garage consistent with many other lots in the North Hill Subdivision. Similarly, the problem is not self-created for the same reasons - the location of trees and the wedge shape of the lot.*
5. *This variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the North Hill neighborhood who have similar additions.*

6. The granting of this variance would not be materially detrimental to the public welfare or existing or future neighboring uses as the presence and frequency of similar additions on the homes in this subdivision make up the character and feel of the neighborhood and the proposed variance request is consistent with the existing character.

7. Approval of the requested variance will not impair the supply of light and air to adjacent properties, increase congestion, increase the danger of fire, and/or impair established property values in the surrounding area.

Approval of this variance is subject to the following condition:

That the applicant work with staff to ensure that the building envelope be moved back to the maximum allowable rear yard setback to minimize the variance to the greatest extent possible.