



# Rochester Hills

## Master Report

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**File Number: 2004-0506**

<b>File Number:</b> 2004-0506	<b>File Type:</b> Variance / Modification	<b>Status:</b> To Council
<b>Version:</b> 1	<b>Reference:</b> 99-011	<b>Controlling Body:</b> City Council
<b>Requester:</b> Planning/Development	<b>Cost:</b>	<b>Introduced:</b> 06/03/2004
<b>File Name:</b> Rochester Meadows Site Condominiums Request for Variance from Tree Conservation Ord		<b>Final Action:</b>

**Title:** Variance Request - City File No. 99-011 - Request for variance from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conservation, of the Code of Ordinances, for Rochester Meadows Site Condominiums, located south of Avon and east of Rochester roads, zoned R-3, One Family Residential, Parcel Nos. 15-23-201-006, -010, -011, -012, Roy Rathka, applicant.

**Notes:** Roy E. Rathka  
11684 Majestic Ct.  
Shelby Twp., MI 48315  
Parcel Nos. 15-23-201-006, -010, -011, -012  
R-3, One Family Residential  
East of Roch, South of Avon

<b>Code Sections:</b>	<b>Agenda Date:</b> 06/16/2004
<b>Indexes:</b>	<b>Agenda Number:</b>
<b>Sponsors:</b>	<b>Enactment Date:</b>
<b>Attachments:</b> Agenda Summary.pdf, Map aerial.pdf, Site Plan - Roch Meadows.pdf, Letter Roch Meadows 20040520.pdf, Memo Campbell 20040406.pdf, Notice Variance.pdf, Minutes cc 20030618.pdf, 0506 Resolution.pdf	<b>Enactment Number:</b>

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 2004-0506

..Title  
Variance Request - City File No. 99-011 - Request for variance from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conservation, of the Code of Ordinances, for Rochester Meadows Site Condominiums, located south of Avon and east of Rochester roads, zoned R-3, One Family Residential, Parcel Nos. 15-23-201-006, -010, -011, -012, Roy Rathka, applicant.

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**OPTION ONE**

**Resolved** that the Rochester Hills City Council hereby denies a variance of 5.7 percent (i.e., 17 trees) from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conservation, of the Code of Ordinances, for Rochester Meadows Site Condominiums (City File No. 99-011), identified as Parcel Nos. 15-23-201-006, -010, -011, -012.

**FINDINGS:**

1. The location quality, and age of a regulated tree are not a factor in determining the applicability of Section 126-327(2) of the Tree Conservation Ordinance.
2. There are no special circumstances or conditions affecting the property such that the strict application of the Tree Conservation Ordinance would deprive the applicant of the reasonable use of the land.
3. The variance is not necessary for the preservation and enjoyment of a substantial property right of the petitioner, as there are alternatives available to meet the requirement of the Tree Conservation Ordinance.
4. The variance will not further the objectives and policies of the City.

**OPTION TWO**

**Resolved** that the Rochester Hills City Council hereby grants a variance of 5.7 percent (i.e., 17 trees) from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conservation, of the Code of Ordinances for Rochester Meadows Site Condominium (City File No. 99-011), identified as Parcel Nos. 15-23-201-006, -010, -011, -012.

**FINDINGS:**

1. This particular site has scattered trees, the vast majority of which are aging fruit trees or those that would not be allowed as replacement trees by the City.
2. The applicant is prepared to offer two tree credits for each tree removed pursuant to the variance or pay into the City's Tree Fund.
3. The variance request is designed to partially reforesting the site.
4. Strict compliance with the existing ordinance would result in unreasonable costs and undue hardship in that the site is not a standard situation.
5. There are special circumstances affecting the property such that the strict application of the Tree Conservation Ordinance would deprive the applicant of the reasonable use of the land.

6. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
7. The variance would further the objectives and policies of the City.

CONDITIONS:

Thirty-four additional tree replacement credits will be planted on-site by the petitioner. If the City determines that there is not enough space to locate all of these replacement credits on-site, the petitioner will pay into the City's Tree Fund for the remaining credits.