

**City of Rochester Hills
Department of Planning and Development**

STAFF REPORT TO THE ZONING BOARD OF APPEALS

February 20, 2004

| Vacant Portion of Parcel (1812 and 1814 Rochester Road) Use Variance to Allow Parking in an R-3 Zoning District | |
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| APPLICANT | Stanley Finsilver, Co-Partner Finsilver/Friedman Venture I 34975 West 12 Mile Road Farmington Hills, MI 48331 |
| LOCATION | Vacant Portion of Parcel (1812 and 1814 Rochester Road) |
| PARCEL NO. | 15-22-451-033 |
| FILE NO. | 03-015 |
| ZONING | R-3 (One Family Residential) |
| STAFF | Deborah Millhouse, AICP, Deputy Director |
| REQUEST | Use Variance from Section 138-113 of Article III of the Code of Ordinances to allow parking in an R-3 Zoning District for use by adjacent office buildings. |

SITE DESCRIPTION

The property is located on the west side of Rochester Road, north of Hamlin Road and south of Sandalwood. The subject site is the rear 0.97± acres of the parcel (i.e., 106 feet by 400 feet) located at 1812/1814 Rochester Road. This portion of the parcel is vacant and zoned R-3, One Family Residential.

The eastern 1.73± acres of the parcel is currently zoned O-1, Office Business. Two medical office buildings are located on this portion of the lot and both are classified as historical structures. Mercy Medical Group occupies the structure closest to Rochester Road. Pediatric Denistry and EarPhonics Beltone are located in the rear building.

The subject site (i.e., the rear 0.97± acres) was a separate parcel with no direct access until combined with the front parcel on February 14, 2003. Subsequent to the combination, the only access to the portion zoned R-3 is through the existing medical office complex.

SUMMARY

A rezoning request was sought by the applicant, which was recommended for denial by the Planning Commission on October 21, 2003, and subsequently denied by the City Council at its meeting of November 19, 2003. The staff report and minutes of both meetings are attached for your consideration.

The applicant is requesting a use variance from Section 138-113 of Article III of the Code of Ordinances to create an additional parking area for use by patrons of the adjacent offices in accordance with the attached grading and paving plan dated received January 16, 2004. According to the applicant, the current parking facilities at the site are insufficient to meet the demands of the tenant base. It should be further noted that the petitioner has owned the entire 2.7 acres since 1987.

The Zoning Board of Appeals has the authority to grant a Use Variance to authorize a land use that is not otherwise permitted in the district where the property is located, upon the concurring vote of five (5) members of the Zoning Board of Appeals under Section 138-113 (Use Variances) of the Code of Ordinances. In support of his request, the applicant has responded to the required findings in his letter of February 6, 2004, as attached.

It should be noted that, if the ZBA were to approve this request, staff recommends that one condition of approval be that the applicant provide Type B screening consistent with the requirements of an O-1 zoning district to protect adjacent residentially zoned properties.

REQUESTED ITEMS

A request for a use variance from Section 138-113 of Article III of the Code of Ordinances to allow parking in an R-3 (One Family Residential) Zoning District for use by adjacent office buildings.

Attachments: Stanley H. Finsilver letter dated February 6, 2004
Grading and Paving Plan dated received January 16, 2004
October 21, 2003 Planning Commission Meeting Minutes
November 19, 2003 City Council Meeting Minutes
October 15, 2003 Staff Report to the Planning Commission