



Rochester Hills

Agenda Report

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Rochester Hills, MI 48309
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Home Page:
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File Number: 2007-0070

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File Type: Variance / Modification

Status: To Council Work Session

Version: 1

Reference: 99-031

Controlling Body: City Council Work Session

Requester: Planning/Development

Cost:

Introduced: 01/22/2007

File Name: Saddlebrook Orchards Site Condominiums

Final Action:

Title: Request for Variance from the Tree Conservation Ordinance - City File No. 99-031 - Saddlebrook Orchards, a ten-unit, single-family condominium development on 4.99 acres, located north of Auburn Road and east of Crooks Road, identified as Parcel No. 15-28-300-029, zoned R-4 , One Family Residential, Brookfield, LLC, applicant

Notes: Brookfield LLC
William Church
70 Grey Road
Auburn Hills, MI 48326

Code Sections:

Agenda Date:

Indexes: Variance

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf, Map.pdf, Letter Carthiew Law Firm.pdf, Memo.pdf, Site Plans.pdf

Enactment Number:

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 2007-0070

..Title

Request for Variance from the Tree Conservation Ordinance - City File No. 99-031 - Saddlebrook Orchards, a ten-unit, single-family condominium development on 4.99 acres, located north of Auburn Road and east of Crooks Road, identified as Parcel No. 15-28-300-029, zoned R-4 , One Family Residential, Brookfield, LLC, applicant

..Body

Resolved, that the Rochester Hills City Council hereby grants a variance of percent from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conversation, of the Code of Ordinances for Saddlebrook Orchards Site Condominiums (City File No. 99-031), identified as Parcel No. 15-28-300-029 with the following findings:

Findings:

1. The trees that would be affected by the proposed development are ash trees, which are not counted as regulated trees as of the end of 2003.
2. The variance is necessary for the preservation and enjoyment of substantial property right of the petitioner.
3. The variance will further the objectives of the City in preserving open space.
4. The trees proposed to be replaced are dead ash trees having limited life span.
5. The owners propose to replace these trees with trees of substantial quality and extended life span.

OR

Resolved, that the Rochester Hills City Council hereby denies a variance of percent from the 37 percent requirement of Section 126-327(2) of Chapter 126, Article III, Tree Conservation, of the Code of Ordinances for Saddlebrook Orchards Site Condominiums (City File No. 99-031), identified as Parcel No. 15-28-300-029 with the following findings:

1. 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 his land.
2. 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.
3. The variance will not further the objectives and policies of the Tree Conservation Ordinance.
4. The quality, age, and potential life span of regulated tree are not a factor in determining the applicability of Section 126-327(2) of the Tree Conservation Ordinance.