



innovative by nature

Bryan K. Barnett  
Mayor

January 4, 2013

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Mr. Daniel Kinnaird  
1468 Ruby Ave  
Rochester Hills, MI 48309

RE: Application for Building Permit  
1468 Ruby Ave  
Sidwell # 15-33-401-009

Dear Sir

We are in receipt of your application for a building permit to construct an addition at the above referenced location, however, your application does not meet the requirements as set forth in our Ordinance for the following reason:

***Item #1***

Rochester Hills ordinance **Section 138-10.102, Detached Accessory Structures**, states:

**"...In no instance shall the combined floor area of all detached accessory structures located on a lot exceed the ground floor living area of the main building or 720 square feet whichever is less."**

**i.e. The submitted plot plan for the proposed addition indicates the square footage of all existing detached structures is 845 square feet (which includes the existing garage that is only attached by a breezeway) and the square footage of the proposed carport is 792 square feet for a total of 1637 square feet of accessory buildings. This is a violation of 917 square feet.**

**Therefore, we are unable to approve your application and are issuing this letter of denial. You may revise your plans and application in compliance with the Ordinance by eliminating the violation. Revised plans should be submitted to the Building Department for review.**

An appeal of this denial or variance may be requested of the Rochester Hills Zoning Board of Appeals. If you decide to take this matter before the Zoning Board of Appeals, a filing fee and your application for a public hearing before the Zoning Board of Appeals must be submitted to the Planning Department within forty-five days of the date of this letter. Your application will then be placed on the next available agenda.

If you seek a variance, it is necessary to show a practical difficulty in the way of carrying out the strict letter of the ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals **MUST** find that:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created.
5. The spirit of the ordinance will be observed, public safety and welfare secured and substantial justice done.
6. There is compliance with the standards set forth in Ordinance, Section 138-2.400B (see enclosure).
7. There is compliance with the standards for discretionary decisions as contained in Ordinance, Section 138-2.302 (see enclosure).

If you have any questions regarding the above, please feel free to contact me at 248-656-4615.

Sincerely,



Tim Hollis  
Building Inspector/Plan Reviewer

cc Jim Breuckman/ Planning Dept.

**ORDINANCE SECTION 138-2.400B.**

In consideration of all appeals and all proposed variances of this ordinance, the Zoning Board of Appeals shall, before granting any variances to the ordinance in a specific case, first determine that the proposed variances will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City. Except for use variances, the concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Department or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.

**ORDINANCE SECTION 138-2.302.**

In the instances of decisions on conditional uses referred to in subsection a. of this section, and in all other instances in this ordinance where discretionary decisions must be made by a board, commission or official, including decisions on site plans, the requirements and standards as particularly set forth in this ordinance concerning the matter for decision shall be followed, and such discretionary decision shall also be based upon the findings that the conditional use will:

- A. Promote the intent and purpose of this ordinance.
- B. Be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.
- C. Be served adequately by essential public facilities and services, such as, highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
- D. Not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- E. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.