

**City of Rochester Hills
Department of Planning**

STAFF REPORT TO THE ZONING BOARD OF APPEALS

October 7, 2010

B-1 Local Business Rear Yard Setback	
APPLICANT	Fareed Mojaradi 375 Baldwin Rd. Birmingham, MI 48009
LOCATION	2300 W. Auburn Rd. Northwest corner of Auburn and Midvale Roads, west of Crooks
SIDWELL	15-29-453-024
FILE NO.	10-005
ZONING	B-1, Local Business
STAFF	Derek Delacourt, Planner
REQUEST	A <u>variance</u> of 7.5 feet from Chapter 138-5.100, <u>Schedule of Regulations</u> , B-1 Zoning District Rear Yard Setback

SITE DESCRIPTION

The subject site is located on the northwest corner of Auburn and Midvale Roads, and is currently developed as a retail convenience store. The property is approximately one half acre in size. Mr. Mojaradi is proposing an approximate 800 square foot addition to the rear of the building.

SUMMARY

The applicant is requesting a rear yard variance of 7.5 feet from the City's code of Ordinances, and the request was advertised as such. Upon review of the site plan, it is noted the actual variance necessary is 6.5 feet. The City's Zoning Ordinance requires a 50-foot rear yard setback in the B-1 district. The applicant is requesting the variance to allow for the expansion of the existing cooler storage in the building, that storage is currently located at the rear of the building. The applicant explored expanding the building towards Auburn Road to accommodate an increase in cold storage; however expansion in that direction is not practical due to the proposed future right of way, (ROW) and potential MDOT improvements.

The proposed ROW is 120 feet, 60 feet on each side of the centerline, and is depicted on the applicant's conceptual plans. The ROW, as required, restricts the applicant's ability to expand in the front.

The applicant submitted a conceptual site plan demonstrating how the property may be developed if the variance were to be granted by the board. Staff reviewed the conceptual plan and it appears reasonable. If proposed the applicant will be required to include screening and buffering from the residential properties to the north, improve the parking lot, provide required dumpster enclosure, add any storm water improvements requested by the City Engineer, and meet any other applicable code requirements.

The City of Rochester Hills Zoning Ordinance authorizes the Zoning Board of Appeals to vary or modify the Ordinance where there is a practical difficulty or unnecessary hardship in the way of carrying out the strict letter of the Ordinance.

The applicant is requesting a non-use variance. A non-use variance is a variance granted to provide relief from a specific standard in the Ordinance, which usually relates to an area, dimensional or construction requirement or limitation. To obtain a non-use variance, an applicant must present proof that a practical difficulty exists, and the practical difficulty must relate to a unique circumstance of the property, as distinguished from a personal circumstance or situation of the applicant.

The submitted application identifies the criteria to be granted a variance and the applicant's reasons for the request. A potential motion will be provided for your review the night of the meeting. Please contact the Planning and Economic Development Department if you have any questions or would like additional information, (248) 656-4660.

REQUESTED ITEMS

Item 1

A variance of 7.5 feet (only 6.5 feet is necessary) from Chapter 138-5.100, Schedule of Regulations that requires a 50-foot rear yard setback in the B-1 zoning district.

ANALYSIS

1. The applicant is requesting a 7.5-foot variance (only 6.5 feet is necessary) from the 50-foot rear yard setback required in the B-1 (Local Business) zoning district.
2. The requested variance is to allow for the proposed addition to the rear of the existing structure. The additional space is proposed to the rear to allow for additional cooler space and storage.
3. The applicant indicates that the requested variance is based on the loss of front yard property for the increased ROW of Auburn Road and the small size of the property.
4. The size of the property, ROW requirements on both public street frontages, the existing location of the building and required setbacks do make it difficult for expansion on the site.

5. The existing location of the building and the proposed ROW does create a difficulty for the applicant and limit the possibilities for expansion to the south, towards Auburn Rd.

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