



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

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Legislative File No: 2005-0288

TO: Mayor and City Council Members

FROM: Ed Anzek, Director of Planning and Development, ext. 2572

DATE: April 11, 2005

SUBJECT: Grace Parc (City File No. 04-011) – Sidewalk Variance Request for proposed 16-lot subdivision in Section 34

REQUEST:

To discuss a variance of the sidewalk requirement along the north side of Grace Avenue in front of lot 1, lot 2, and the detention pond area for Grace Parc, a proposed 16-lot subdivision on 5.958 acres located north of Grace Avenue and south of McComb.

BACKGROUND:

Section 122-268 (b) (1) (a) requires sidewalks in all single-family residential subdivisions. Since there are sidewalks along both sides of McComb, there is no doubt that the Grace Parc development should provide sidewalks as indicated on the preliminary plat for lots 3 thru 16. A five-foot-wide concrete sidewalk is also proposed along the north side of Grace Avenue in front of lot 1, lot 2, and the detention pond area. However, it should be noted that there are currently no sidewalks along either side of Grace Avenue or along either side of Hazelton Avenue north or south of Grace.

Although City Council can grant a waiver of the sidewalk requirement for subdivisions that contain eight or fewer buildable lots, the only relief from the sidewalk requirement for a 16-lot subdivision is the granting of a variance by City Council. Section 122-91 states that the City Council may authorize a variance when undue hardship may result from strict compliance. Section 122-94 provides the findings for granting a variance. They are as follows:

1. There are special circumstances or conditions affecting the property such that the strict application of this article would deprive the applicant of the reasonable use of his land.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
4. The variance will further the written objectives and policies of this Code and the master use plan.

Although the Staff Report suggested the Planning Commission comment on whether or not City Council should grant relief, the March 15, 2005 discussion was brief with no reference to the sidewalk. It should be noted, however, that the Planning Commission is not required by Ordinance to make a recommendation to City Council.

RECOMMENDATION:

As previously noted, there are currently no sidewalks along either side of Grace Avenue. Also there are existing residences on either side of the proposed development. Therefore the required sidewalk would not connect to an established sidewalk nor would it be likely to connect to any sidewalk in the future.

Also, both unconnected ends of the sidewalk may present a hazard for pedestrians and non-motorized vehicles. If City Council agrees with staff that the sidewalk is not warranted, staff recommends granting a variance of the sidewalk requirement along the north side of Grace Avenue in front of lot 1, lot 2, and the detention pond area.

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		