

2024-0273

Public Hearing for Proposed Ordinance Amendments for Small Lot Single Family Residential Construction, and Rear Yard Setbacks in the Highway Business District

(Memoranda by Chris McLeod dated 5/15/24 and 4/10/24, Proposed Ordinance, Draft PC Minutes from 4/16/24, and Public Hearing Notice had been placed on file and by reference became a part of the record thereof.)

Chairperson Brnabic introduced that this is the Public Hearing for proposed ordinance amendments for small lot single family residential construction and rear yard setbacks in the Highway Business district.

Mr. McLeod stated that these proposed amendments were discussed at last month's meeting. He explained that they are two simple amendments, one to allow the Planning Commission to modify the Highway Business District rear yard setback similar in the way that they allow that to happen in the Neighborhood Business and Community Business districts. He stated that this was an oversight when they went through for the non-residential districts and this provisions was to be included for the Highway Business district.

Mr. McLeod noted that the other proposed amendment is the result of potential overbuilding in the Brooklands area due to what are considered the narrow lot provisions. He explained that the modifications are included to say if they are going to take the reduction in a side yard setback, it has to be against a side yard setback that is at least 10 feet, so there would not be two reduced or smaller side yards adjacent to one another, to provide ample separation between buildings. To do that reduction, a limitation to 24 feet in height would also be imposed to try to minimize the impact of a big footprint or big house on a smaller lot.

Chairperson Brnabic noted that this item requires a public hearing, and seeing no one in the auditorium wishing to speak, she closed the public hearing. She noted that a motion was not included in the packet.

Mr. McLeod noted that the motion would be to forward these to City Council with a recommendation for approval.

Ms. Neubauer made that motion. It was seconded by Mr. Gallina.

Mr. Hooper stated that he lives in R-4 open space, and there is 14 feet between he and his neighbor, who has a colonial, while he has a ranch. He noted that this colonial is at least 24 foot high to the midpoint, and he stated that it kind of mimics R-4 open space, and is actually more restrictive by saying 15 feet. He commented that he is not sure that this will provide a whole lot of relief and it already exists in R-4 open space right now.

Ms. Roediger noted that this is specifically for the Brooklands where there is no open space. She explained that right now they can build bigger.

Mr. Hooper stated that he does not have an issue with it and has lived with a similar situation for the last 38 years.

After calling for a voice vote, Chairperson Brnabic noted that the motion passed unanimously.

A motion was made by Neubauer, seconded by Gallina, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Hetrick and Struzik

Excused 1 - Weaver

Resolved, that the Rochester Hills Planning Commission hereby recommends to City Council approval of an Ordinance to Amend Sections 138-5.100 and 138-5.101 of CHAPTER 138, ZONING, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add conditions as to when reduced residential side yard setbacks are permitted and establish a maximum building height on existing lots of less than 60 feet in width; and would allow the Planning Commission to consider a reduction in the required rear yard setback for nonresidential properties in the Highway Business District when the property adjoins another nonresidential district, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.