



Legislation Details (With Text)

File #: 2021-0413 **Version:** 1
Type: Variance / Modification **Status:** Failed
File created: 10/6/2021 **In control:** Zoning Board of Appeals
On agenda: 10/13/2021 **Final action:** 10/13/2021
Title: PUBLIC HEARING - City File No. 21-031

Location: 1835 Crestline St., located north of Hamlin Rd., Parcel No. 15-22-451-027, and zoned R-3 One Family Residential with MR Mixed Residential Overlay.

Request: A variance from Section 138-10.107 Fences of the Code of Ordinances, which states that fences that are located along the side and rear lot lines shall be a maximum of six (6) feet in height and may not extend closer to the front lot line than the front of the dwelling or the minimum front setback, whichever is less. The submitted plans are for an 8 ft. high chain link fence located up to the front of the dwelling, set back from the northerly side yard lot line, and along the rear and southerly lot lines.

Applicant: Dale Upleger, 1835 Crestline St., Rochester Hills, MI 48307

Sponsors:

Indexes:

Code sections:

Attachments: 1. ZBA Staff Report.pdf, 2. Application responses.pdf, 3. Location map.pdf, 4. Site plan.pdf, 5. Fence pictures.pdf, 6. PHN.pdf

Date	Ver.	Action By	Action	Result
10/13/2021	1	Zoning Board of Appeals	Denied	Pass

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Resolved, in the matter of File No. 21-031, that the request for a variance of 2.0 feet from Section 138-10.107 of the Rochester Hills Code of Ordinances to allow an 8 ft. chain link fence to enclose the rear yard at 1835 Crestline St., Parcel Identification Number 15-22-451-027, be denied because a practical difficulty does not exist on the property as demonstrated in the record of proceedings and based on the following findings:

1. Compliance with the strict letter of the restrictions of the Zoning Ordinance will not prevent the owner from using the property for a permitted purpose in a reasonable manner by installing a 6 ft. high fence.
2. Granting the variance will not do substantial justice to nearby property owners as it would confer a special benefit on

the applicant that is not enjoyed by other property owners in the vicinity.

3. There are no unique circumstances of the property have been identified by the applicant that necessitate granting the variance, as a residential lot backing to an open field is not unique in the City.
4. The granting of the variance would be materially detrimental to the public welfare by establishing a precedent that could be cited to support similarly unwarranted variances in the future.