



innovative *by* nature

Bryan K. Barnett  
Mayor

November 22, 2017

City Council

Stephanie Morita  
District 1

James Kubicina  
District 2

Susan M. Bowyer, Ph.D.  
District 3

Thomas W. Wiggins  
District 4

Kevin S. Brown  
At-Large

Dale A. Hetrick  
At-Large

Mark A. Tisdell  
At-Large

Christopher Zerbst  
Creative Brick Paving and Landscaping  
3195 Orchard Lake  
Keego Harbor, MI 48320

RE: Application for Building Permit  
3971 Piccadilly Dr., Parcel 15-19-328-028

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:

**Rochester Hills Zoning Ordinance Section 138-5.100 Table 5 Schedule of Regulation states:**

**The required rear yard set back for R-2 Zoning district is 35-feet.**

**The submitted plans (Sheet A002) for the proposed addition indicates the proposed set back would be 28.42 feet, a violation of 6.58 feet.**

**Rochester Hills Zoning Ordinance Section 138-1.101 A states:** *"Where the accessory structure is attached to a main building, it shall be considered a part of the main building and shall be subject to the area, lot coverage and setback regulation of this ordinance applicable to the main buildings."*

The proposed accessory structure is within 10 feet of the existing house and therefore per Section 138-10.101 B of the Zoning Ordinance is considered "attached" to the house and subject to the regulations applicable to the house.

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. The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use to be authorized by the variance will not alter the essential character of the area and locality.
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 Section 138-2.400B.
7. There is compliance with the standards for discretionary decisions as contained in Section 138-2.302 of this Ordinance.

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

Sincerely,

BUILDING DEPARTMENT



Craig McEwen, R.A.  
Plan Reviewer/Building Inspector