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December 23, 2019

Via Email

Ms. Kristen Kapelanski
Planning and Economic Development Department
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: ***Zoning Variance for 47441 Dequindre***

Dear Ms. Kapelanski:

The Road Commission for Oakland County continues their process of acquiring rights-of-way needed for their Dequindre Road improvement project. One such acquisition affects the premises at 47441 Dequindre, and will create a front yard setback. Consequently, RCOC, through its attorney, seeks a dimensional zoning variance to address this problem. Such variances are expressly contemplated and authorized by the Uniform Condemnation Procedures Act which, at MCL 213.54(2), states:

If the acquisition of a portion of a parcel of property actually needed by an agency would leave the remainder of the parcel in non-conformity with a zoning ordinance, the agency, before or after acquisition, may apply for a zoning variance for the remainder of the parcel. In determining whether to grant the zoning variance, the governmental entity having jurisdiction to grant the variance shall consider the potential benefits of the public use for which the property would be acquired . . . The agency must actually acquire the portion of the parcel of property for the proposed public use for the zoning variance to become effective for the remainder. If a variance is granted under this subsection, the property shall be considered by the governmental entity to be in conformity with the zoning ordinance for all future uses with respect to the non-conformity for which that variance was granted . . .

The granting of this variance is necessary in order for RCOC to acquire the necessary right-of-way from the subject property, and according to the letter submitted with the variance application by RCOC's attorney, the property owner consents to the variance. Note that under the above-quoted statute, the normal "practical difficulty" standard for granting zoning variances is tempered by the requirement in the statute that "the governmental entity having jurisdiction to

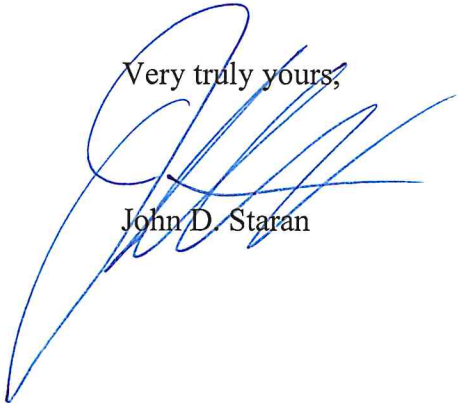
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grant the variance shall consider the potential public benefits of the public use for which the property would be acquired.” You should also note that under the statute, *if a variance is granted,.. the property shall be considered by the governmental entity to be in conformity for which that variance was granted.*

Feel free to share this letter with the ZBA to assist their understanding of the nature and context of this variance request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John D. Staran", is written over the typed name. The signature is stylized and fluid.

John D. Staran

JDS/ijd