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Lansing MI 48933

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Walter S. Foster  
1878-1961  
Richard B. Foster  
1908-1996  
Theodore W. Swift  
1928-2000  
John L. Collins  
1926-2001

Webb A. Smith  
Allan J. Claypool  
Gary J. McRay  
Stephen I. Jurmu  
Scott A. Storey  
Charles A. Janssen  
Charles E. Barbieri  
James B. Jensen, Jr.  
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Jean G. Shtokal  
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Deanna Swisher  
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Paul J. Millenbach  
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Southfield MI 48034

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Holland MI 49423

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Benjamin J. Price  
Michael R. Blum  
Jonathan J. David  
Pamela C. Dausman  
Andrew C. Vredenburg  
Jack A. Siebers  
Julie I. Fershtman  
Todd W. Hoppe  
Jennifer B. Van Regenmorter  
Thomas R. TerMaat  
Frederick D. Dilley

David R. Russell  
Zachary W. Behler  
Joshua K. Richardson  
Joel C. Farrar  
Laura J. Genovich  
Karl W. Butterer, Jr.  
Mindi M. Johnson  
Ray H. Littleton, II  
Jack L. Van Coevering  
Anna K. Gibson  
Patricia J. Scott  
Nicholas M. Oertel  
Alicia W. Birach  
Adam A. Fadly  
Michael J. Liddane  
Gilbert M. Frimet  
Mark J. Colon  
Paul D. Yared

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Clifford L. Hammond  
Brett R. Schlender  
Matthew S. Fedor  
Nicolas Camargo  
Trevor J. Weston  
Andrea Badalucco  
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Warren H. Krueger, III  
Sarah J. Gabis  
John W. Mashni  
Allison M. Collins  
Leslie A. Dickinson  
Julie L. Hamlet  
Michael C. Zahrt  
Taylor A. Gast  
Rachel G. Olney

**Grand Rapids**  
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**St. Joseph**  
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St. Joseph MI 49085

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Mark J. DeLuca  
Stefania Gismondi  
Thomas K. Dillon  
Robert A. Easterly  
Robert A. Hamor  
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Hilary J. McDaniel Stafford  
Emily R. Wisniewski  
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December 18, 2019

City of Rochester Hills  
Department of Planning and Economic Development  
Attn: Zoning Board of Appeals  
1000 Rochester Hills Dr.  
Rochester Hills, Michigan 48309

**Re: Parcel I.D.: 15-25-433-016**  
**Property Owner: Mark Maciejka**

Dear Sir or Madam:

Enclosed for processing in your normal course is a completed application for a dimensional variance with regard to the property commonly known as 47441 Dequindre Road, Rochester Hills, Michigan, parcel identification number 15-25-433-016. The application is presented by the Road Commission for Oakland County pursuant to subsection 2 of section 4 of the Uniform Condemnation Procedures Act, MCL 213.54(2), which confers authority on the Road Commission to seek this variance for the parcel. The property owner, through his attorney Stephon Bagne at Clark Hill, has expressed concurrence with this request and asks that if granted, the variance specifically state it is granted pursuant to MCL 213.54(2). Subsection 2 provides:

If the acquisition of a portion of a parcel of property actually needed by an agency would leave the remainder of the parcel in nonconformity 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, in addition to those criteria applicable under the relevant zoning statute, ordinance, or regulation. 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 nonconformity for which that variance was granted. However, if the property was also nonconforming for other reasons, the grant of that variance has no effect on the status of those other preexisting nonconformities. An owner shall not increase the nonconformity for which a variance is granted under this section without the consent of the governmental entity. An agency has the same right to appeal action on a zoning variance as would a property owner seeking a zoning variance. This section does not deprive a governmental entity of its discretion to grant or deny a variance. MCL 213.54(2).

As described in the Application, a dimensional variance is necessary to restore the parcel to legally conforming status after public improvements made to Dequindre Road reduce the front yard set-back for this parcel. The Road Commission kindly requests this Zoning Board of Appeals grant the variance so that the parcel may be returned to conforming status after necessary public improvements have been made to Dequindre Road. The Application contains the following Exhibits:

1. Declaration of Taking
2. Scale Drawing of Highway Easement
3. Aerial Parcel Sketch
4. Parcel Map
5. Warranty Deed and Residential Property Profile

Though a letter of denial from the Building Department and a notarized letter from the property owner are requested elements of the application, such are inapplicable in the context of this application by a condemning authority pursuant to a necessary public improvement. Thus, those items have not been included.

City of Rochester Hills

December 18, 2019

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The Road Commission requests the enclosed application be placed on the formal agenda of the Rochester Hills Zoning Board of Appeals meeting scheduled for **January 8, 2020**. If there are questions or concerns related to the application, please direct them to my office. I can be reached at the telephone numbers and email address listed above.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

A handwritten signature in black ink, appearing to read 'S. Gabis', with a large, stylized initial 'S'.

Sarah J. Gabis

SJG:rw

Enclosure

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