



Department of Planning and Economic Development
 1000 Rochester Hills Dr.
 Rochester Hills, MI 48309
 (248) 656-4660
planning@rochesterhills.org
www.rochesterhills.org

Zoning Board of Appeals (ZBA) Application

Request Information

Request Type (as defined in [Article 2 Chapter 4 Variances and Appeals](#) of the City's Zoning Ordinance)

Variance:

- Dimensional (Non-Use)
 Use

- Appeal
 Interpretation

Conditional or Temporary Use Permit:

- Temporary Building or Use
 Excavation or Landfill Permit
 Other (please describe):

Property Information

Street Address 1608 BLACK MAPLE DR.		
Parcel Identification Number (can be obtained on the Property Tax Look-Up page on the City's website) 15-16-126-011	Platted Lot (if applicable) Subdivision: WILLOWOOD	Lot No.: 4
Current Use(s) SINGLE FAMILY RESIDENCE	Zoning District R20S	

Appeal (if applicable)

Regulations (as defined in [Section 138-2.404](#) of the City's Zoning Ordinance)

An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Department concerning the enforcement of the zoning ordinance.

Requested Appeal(s)

RELIEF FROM REAR YARD SETBACK REQ'T, ON CORNER LOT,

Reason for Appeal

DIAGONAL PLACEMENT OF EXIST. HOUSE ON CORNER LOT REQUIRES SIDE LOT TO BE REAR; OWNER WANTS TO REPLACE DECK AS COVERED STRUCTURE.

Interpretation (if applicable)

Regulations (as defined in [Section 138-2.405](#) & [Section 138-2.406](#) of the City's Zoning Ordinance)

The ZBA has the power to interpret the ordinance text and map whenever a question arises in the administration of the zoning ordinance as to the meaning and intent of the zoning ordinance.

Requested Article #(s), Section #(s), & Paragraph #(s) for Interpretation

Reason for Interpretation

Conditional or Temporary Use Permit (if applicable)

Regulations (as defined in [Section 138-1-302](#) of the City's Zoning Ordinance)

The ZBA may issue a Temporary or Special Use Permit only when the use is to be in excess of 60 days



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ZBA Application

Dimensional (Non-Use) Variance *(if applicable)*

Ordinance Section(s) *(variance being requested from)*

Review Criteria *(as defined in Section 138-2.407 of the City's Zoning Ordinance)*

A non-use variance is a variance granted to provide relief from a specific standard in the ordinance, which usually relates to an area, dimensional or construction requirement or limitation.

To obtain a non-use variance, an applicant must present proof that a practical difficulty exists, and the practical difficulty must relate to a unique circumstance of the property, as distinguished from a personal circumstance or situation of the applicant.

Practical Difficulty. Describe how compliance with the strict letter of the regulations governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent use of the affected property for a permitted purpose, or will render conformity with such restrictions unnecessarily burdensome.

(REFER TO ATTACHED SHEETS)

Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District.

Lesser Variance. Describe how granting a lesser variance would not give substantial relief to the applicant and/or be more consistent with justice to other property owners in the District.

Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property, that do not apply generally to other properties or uses in the same district or zone.

Not Self-Created. Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.

Public Safety and Welfare. Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the zone or district in which the property is located.



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ZBA
 Application

Applicant Information

Name <i>BRIAN J. BRENNAN</i>		
Address <i>906 NORMANBY</i>		
City <i>ROYAL OAK</i>	State <i>MI</i>	Zip <i>48073</i>
Phone <i>248-752-2412</i>	Email <i>B5B4B17@GMAIL.COM</i>	
Applicant's Legal Interest in Property <i>CONSTRUCTION CONTRACTOR IF APPEAL GRANTED</i>		

Property Owner Information Check here if same as above

Name <i>MARILYN A. MACFARLAND</i>		<i>George V. McGrath</i>	
Address <i>1608 Black Maple Drive</i>			
City <i>ROCHESTER HILLS</i>	State <i>MI</i>	Zip <i>48309</i>	
Phone <i>(248) 330-6063</i>	Email <i>FISHPIANO@GOL.COM</i>		

Applicant's/Property Owner's Signature

I (we) do certify that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

I (we) authorize the employees and representatives of the City of Rochester Hills to enter and conduct an investigation of the above referenced property.

Applicant's Signature <i>[Signature]</i>	Applicant's Printed Name <i>BRIAN J. BRENNAN</i>	Date <i>3-14-2021</i>
Property Owner's Signature <i>[Signature]</i>	Property Owner's Printed Name <i>George V. McGrath</i>	Date <i>3-13-2021</i>
	<i>MARILYN A. MACFARLAND</i>	

OFFICE USE ONLY

Date Filed	File #	Escrow #

Responses to Dimensional (non-use) Variance Statement Section:

Primary Difficulty. Describe how compliance with the strict letter of the regulations governing area, setback, frontage, height, bulk for coverage, density or other dimensional or construction standards will reasonably prevent use of the affected property for a permitted purpose, or will render conformity with such restrictions unnecessarily burdensome.

Response: The shape and corner lot nature of the property leaves a limited, and otherwise confined lot because of larger setback requirements, whereby reasonable bulk modification to the structure cannot be achieved without a considerable angular architectural style, not conforming to the structure or neighborhood. The area for consideration is almost exactly the same area that an existing raised deck occupies. Many other residences in the area have a covered rear porch and can enjoy this all weather space because of square lots and parallel setback design. The small dimensional area of the addition is the only difficulty noted for this request.

Substantial Justice: Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District.

Response: The current deck is in dis-repair and needs replacement. Having the availability to entertain a large family, and to enjoy an indoor/outdoor living space sought the current owner, and by homeowner's in today's market, will satisfy this need and ensure lasting value to the property and neighborhood. Adding property value and neighborhood viability would surely be welcomed by this district. The requested variance area is approximately 96 square feet in a triangular shape. Two-thirds of the proposed structure are within allowable limits.

Lesser Variance: Describe how granting a lesser variance would not give substantial relief to the applicant and/or be more consistent with other property owners in the District.

Response: Due to the unique setback circumstances and the diagonal orientation of the residence on the property, along with the floor plan within, the area needed for this space cannot be located anywhere other than in this location for complementary use. A bulk area wedged in the current buildable area in the rear would create a difficult floor plan usage and allow less light and airflow through the residence, and greatly complicate the roofline. This proposed area is also the current deck and entertainment location in use. Making the structure smaller, or shifting it into the buildable area, complicates the architectural symmetry and will block views and light from the current living area.

Not Self Created: Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.

Response: Given the nature of the site setbacks and residence orientation, a usable structure of this scope cannot be placed on the site to complement the current residence as it exists. It is also of note that the current deck occupies this area and is used without disruption to the neighborhood. The area left available based on these restraints would create an uncommon and uncomplimentary architecture, not conducive to the neighborhood.

Public Safety and Welfare: Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the zone or district in which the property is located.

Response: The bulk mass of the proposed structure would continue the structure toward the rear and side, moving away from the street view, and will complement the existing residence in architectural style. This addition would also step slightly down as well as moving away from common street view. Public access would be non-available as it is in the rear of a private residence. This screened porch would also be of similar materials to the home. Neighbors adjacent to this property have also indicated they have no issues with the request and would approve of the project.

1608 Black Maple Drive
Rochester Hills, MI 48309

March 12, 2021

To whom it may concern,

I, George V. McGrath, and my wife, Marilyn A. MacFarland are the owners of 1608 Black Maple Drive, Rochester Hills, MI. We have owned this home since 2012.

We have no objections to the requirements that are necessary to obtain a variance for building our proposed 3 season room.



Thank you.

Subscribed and Sworn before me,
a Notary Public for Oakland County, MI,
this 12th day of March, 2021.
[Signature]
(Notary Public Signature)
My Commission Expires: 06-18-2027

Corrie Ragalyi
Notary Public, State of Michigan
County of Oakland
My Commission Expires June 18, 2027

[Signature]

George V. McGrath

[Signature]

Marilyn A. MacFarland

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

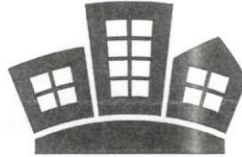
MAY 17 2012

1.00 *PO*
ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

119621
LIBER 44252 PAGE 81
\$13.00 DEED - COMBINED
\$4.00 RENOVATION
\$2,150.00 TRANSFER TX COMBINED
06/04/2012 09:25:42 A.M. RECEIPT# 54362
PAID RECORDED - OAKLAND COUNTY
BILL BULLARD JR, CLERK/REGISTER OF DEEDS

WARRANTY DEED

006499



LIBERTY TITLE

THE CLOSING AND TITLE EXPERTS

CAPITAL TITLE INSURANCE AGENCY
342761-39

File No. R10619

The Grantors: William R. Sauer, Personal Representative of the Estate of June S. Bero Oakland County Probate No. 2012-342,669-DE

whose address is: 1591 Wiltshire, Berkley, MI 48072

Convey and Warrant to: George McGrath and Marilyn A. MacFarland, husband and wife

whose address is: 348 Shellbourne Drive, Rochester Hills, MI 48309

the following described premises situated in the City of Rochester Hills, Oakland County, State of Michigan, to wit:

Lot 4, Willowood Subdivision, as recorded in Liber 154 of Plats, Page(s) 29 through 32, inclusive, Oakland County Records.

Commonly known as: 1608 Black Maple Dr., Rochester Hills, MI 48309.

for full consideration of: \$250,000.00 (Two Hundred Fifty Thousand and 00/100)

Subject to: Building and use restrictions and easements of record. Liens for any tax and/or assessment which become due and payable on or after the effective date hereof.

Dated 5/4/2012

Signed by:

William R. Sauer Personal Representative

William R. Sauer, Personal Representative of the Estate of June S. Bero Oakland County Probate No. 2012-342,669-DE

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2012 MAY 22 AM 4:15

CHECKING COMPLETED
AT REGISTER OF DEEDS
MAY 23 2012
Register of Deeds
Oakland County, MI

STATE OF MICHIGAN)

COUNTY OF Oakland)

OK - AN

The foregoing instrument was acknowledged before me this 4th day of May, 2012 by William R. Sauer, Personal Representative of the Estate of June S. Bero Oakland County Probate No. 2012-342,669-DE.

William R. Sauer
Notary Public, Oakland County, Michigan

My Commission Expires: 10.26.14
County Oakland
Acting in the County of: Oakland

After Recording, Return to:

George & McCreath
348 Swallowbourn Drive
Rochester Hills, MI 48072

DOROTHY HEATHCOTE
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-26-2014
Acting in the County of Oakland

Drafted by:

William R. Sauer
1591 Wiltshire
Berkley, MI 48072

AP
R
CS

DRP

2150
100

EXHIBIT A

The land referred to in this document is situated in the City of Rochester Hills, County of Oakland, State of Michigan and described as follows:

Lot 4, Willowood Subdivision, as recorded in Liber 154 of Plats, Pages 29, 30, 31, and 32 of Plats, Oakland County Records.

More commonly known as: 1608 Black Maple Drive, Rochester Hills, MI 48309

Tax ID Number: 15-16-126-011

Loan Number: 940134406

CT File Number: 342761-39

To the Rochester Hills Zoning Board:


My name is Doug Clark and I live at 1620 Black Maple Dr. in Rochester Hills. My property is next to 1608 Black Maple Dr. and I have a direct view of the current deck and bushes at 1608 from my kitchen window.

It's my understanding the owners at 1608 want to build a sunroom/enclosed porch in place of the current deck. I have seen the proposed plan and understand a variance would be needed for this project.

Given the minor variance necessary for this project, I have no objections to the granting of a variance. I think this project will improve the property and as well as my view given the plans that I've seen.

Should you have any questions regarding this, please call.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Clark". The signature is written in a cursive style with a large, stylized initial 'D'.

Douglas Clark


(248)652-6545

To Whom It May Concern:

We live next door to the property at 1608 Black Maple Drive. We have seen and discussed the proposed plans for a three season room at that address, and we have no objection to a change in zoning to permit this room addition to be built.

The proposed room does not impact our view or the use of our property. We understand it will replace a deck and shrubbery that is outdated and we think it will be an improvement to the property.

Please feel free to contact us should you have any questions.

 1/12/21

Hector Sandoval

 1/12/21

Denise Sandoval

56 Sugar Pine Road, Rochester Hills 48309

586-871-0360