



innovative by nature

Bryan K. Barnett  
Mayor  
January 30, 2019

City Council  
Stephanie Morita  
District 1  
Mr. Robert Carpenter  
3536 Emmons  
Rochester Hills, MI. 48307

James Kubicina  
District 2  
RE: Application for Building Permit  
3536 Emmons 15-36-405-029

Susan M. Bowyer, Ph.D.  
District 3  
Dear Mr. Carpenter

Ryan J. Deel  
District 4  
Dale Hetrick  
At-Large  
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:

Jenny L. McCardell  
At-Large  
*Item #1*

**Rochester Hills ordinance Section 138-5.101C Foot Notes to the Schedule of Regulations for states:**

**“Corner Lots” For corner lots, the side street yard shall not be less than 15 feet in the R-3 and R-4 district and 25 feet in the R-1 and R-2 and RE districts**

**Item #1: The proposed covered porch that wraps around the northeast corner of the house extends into the required side yard setback along Herrod. The current setback according to city records is 17 feet from the north property line. The five foot addition would be 12 feet from the property line, a 3 foot violation of the ordinance.**

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. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density of other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created
5. The spirit of this 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.

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

Sincerely,

BUILDING DEPARTMENT

Robert White  
Manager of Ordinance Compliance