



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 <u>Article 2 Chapter 4 Variances and Appeals</u> of the City's Zoning Ordinance)		
Variance: <input checked="" type="checkbox"/> Dimensional (Non-Use) <input type="checkbox"/> Use	<input type="checkbox"/> Appeal <input checked="" type="checkbox"/> Interpretation	Conditional or Temporary Use Permit: <input type="checkbox"/> Temporary Building or Use <input type="checkbox"/> Excavation or Landfill Permit <input type="checkbox"/> Other (please describe):

Property Information

Street Address 47347 Dequindre Road	
Parcel Identification Number (can be obtained on the <u>Property Tax Look-Up page on the City's website</u>) 15-25-479-053	Platted Lot (if applicable) Subdivision: Brooklands Park Lot No.: 1475-76
Current Use(s) Residential	Zoning District R-4, One Family Residential

Appeal (if applicable)

Regulations (as defined in <u>Section 138-2.404</u> 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)
Reason for Appeal

Interpretation (if applicable)

Regulations (as defined in <u>Section 138-2.405 & Section 138-2.406</u> 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 <u>Section 138-1-302</u> 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)

<p>Ordinance Section(s) (variance being requested from)</p> <p>Section 138-5.100 Schedule of Regulations; R-4, Minimum Front Yard Setback 25 feet.</p>
<p>Review Criteria (as defined in <u>Section 138-2.407</u> of the City's Zoning Ordinance)</p> <p>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.</p> <p>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.</p>
<p>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.</p> <p>This variance is being requested pursuant to MCL 213.54(2), which permits an agency that acquires a portion of a parcel through condemnation to seek a variance for the parcel left nonconforming after the condemnation. Prior to the condemnation, the dwelling on the parcel complied with the front yard setback, at 31.15 feet. On February 21, 2019 and November 8, 2019 The Road Commission for Oakland County issued a Declaration of Taking (Exhibit 1) condemning a portion of the parcel necessary to complete road improvements to Dequindre Road. After improvements are made, the dwelling will be set back less than 25 feet, at 15.03 feet.</p>
<p>Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District.</p> <p>The variance is necessary and permitted pursuant to MCL 213.54(2), to restore the parcel to legally conforming status after the necessary public improvements to Dequindre Road are made, which are undertaken by the Road Commission for the benefit of all property owners in this District and the community as a whole.</p>
<p>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.</p> <p>A lesser variance is not available as public necessity requires acquisition by the Road Commission of the full dimensions of the Highway Easement identified in Exhibit 1 in order to effectuate the necessary public road improvements.</p>
<p>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.</p> <p>The requested variance results from the non-conforming setback created by the lawful acquisition by condemnation of a highway easement by the Road Commission. The request results from circumstances unique to those parcels, including the instant parcel, adjacent to Dequindre Road from which property was condemned by the Road Commission for the necessary public improvement.</p>
<p>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.</p> <p>The requested variance does not result from a hardship created by the parcel owner. The non-conforming setback is created by public necessity in the improvement of Dequindre Road, which is a public improvement undertaken by the Road Commission for the benefit of the public welfare.</p>
<p>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.</p> <p>The request is not detrimental to the public welfare. The non-conforming setback is created by public necessity in the improvement of Dequindre Road, which, as noted above, is a public improvement undertaken by the Road Commission for the benefit of the public welfare.</p>



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ZBA Application

Use Variance (if applicable)

Ordinance Section(s) (variance being requested from)
<p>Review Criteria (as defined in <u>Section 138-2.408</u> of the City's Zoning Ordinance)</p> <p>A use variance is a variance that allows a property to be used in a way for which the ordinance does not otherwise permit in the Zoning District where the property is located.</p> <p>To obtain a use variance, an applicant must present proof that an unnecessary hardship exists, and the unnecessary hardship must relate to a unique circumstance of the property, which prevents the applicant from reasonably using the property for a permitted purpose. A use variance may not be applied for without first attempting to rezone the property.</p>
<p>Reasonable Use. Describe how the affected property cannot be reasonably used or cannot yield a reasonable return on a prudent investment if only used for a purpose allowed in the Zoning District.</p>
<p>Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property and not to general neighborhood conditions.</p>
<p>Essential Character. Describe how the use to be authorized by the variance will not alter the essential character of the area and locality.</p>
<p>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.</p>
<p>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.</p>



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ZBA Application

Applicant Information

Name Road Commission for Oakland County		
Address 32255 Northwestern Highway, Suite 225		
City Farmington Hills	State MI	Zip 48334
Phone (248) 851-4111 (Counsel Devin Sullivan)	Email dsullivan@zausmer.com	
Applicant's Legal Interest in Property Condemning Authority seeking variance pursuant to MCL 213.54(2)		

Property Owner Information Check here if same as above

Name Kendra L. Allen-Shaffer		
Address 47347 Dequindre Road		
City Rochester Hills	State MI	Zip 48307
Phone (313) 965-8897 (Counsel Stephon Bagne)	Email sbagne@clarkhill.com	

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 	Applicant's Printed Name Devin R. Sullivan	Date 1/15/20
Property Owner's Signature	Property Owner's Printed Name	Date

OFFICE USE ONLY

Date Filed 1-15-2020	File # 20-002	Escrow #
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EXHIBIT 1

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2019 NOV -7 PM 2:31

187426
LIBER 53484 PAGE 193
\$26.00 MISC RECORDING
\$4.00 REMONUMENTATION
11/08/2019 10:49:07 A.M. RECEIPT# 137240
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

AMENDED DECLARATION OF TAKING

COPY OF RESOLUTION ADOPTED BY THE
BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND, MICHIGAN,
UNDER DATE OF NOVEMBER 7, 2019

**IN RE: CONDEMNATION
DEQUINDRE ROAD – PHASE III
PROJECT NO. 46901, PARCEL NO. 71**

*Declaration of Taking
recorded in Liber 52592
Page 283*

WHEREAS, Dequindre Road within the City of Rochester Hills is a county primary road under the jurisdiction of this Board; and

WHEREAS, the present condition of Dequindre Road, within the City of Rochester Hills, necessitates the reconstruction and improvement of same; and

WHEREAS, detailed plans showing such improvement and reconstruction have been prepared and are now on file in the offices of the Road Commission for Oakland County, Engineering Department; and

WHEREAS, under date of January 10, 2019, this Board determined the estimated just compensation for the below described highway easement, which will have to be acquired in conjunction with this project; and

WHEREAS, under date of September 5, 2019, this Board determined a revised estimated just compensation for the below described highway easement, which will have to be acquired in conjunction with this project; and

NOW, THEREFORE, BE IT RESOLVED that by virtue of the authority vested in the Board of County Road Commissioners of the County of Oakland, State of Michigan, a Michigan public body corporate, it is hereby declared and determined that it is necessary to reconstruct and improve Dequindre Road, and that said improvement is for highway purposes necessary for the benefit of the public; and

OKLB

BE IT FURTHER RESOLVED, DECLARED AND DETERMINED that it is necessary to acquire a certain highway easement located in the City of Rochester Hills, Oakland County, Michigan without the consent of the owners thereof, for the purpose of reconstructing and improving Dequindre Road; that acquiring the highway easement is necessary for the use and benefit of the public, and a good faith written offer to purchase said easement has been made, all in accordance with the requirements of 1966 PA 295, of the State of Michigan, as amended and 1980 PA 87, as amended; and

BE IT FURTHER RESOLVED that by virtue of the authority vested in the Board of County Road Commissioners of the County of Oakland, State of Michigan, a Michigan public body corporate, by 1966 PA 295, as amended, and 1980 PA 87, as amended, it is now declared and determined that the highway easement is hereby taken for public highway purposes:

Highway Easement Description

Part of the East 1/2 of the Southeast 1/4 Section 25, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, being described as part of "Supervisor's Plat of Brooklands Park No. 3", as recorded in Liber 28 of Plats on Page 48, Oakland County Records, being more particularly described as the Easterly 10 feet of Lots 1475 and 1476 of said "Supervisor's Plat of Brooklands Park No. 3".

**Part of Tax ID No. 15-25-479-053
Commonly known as: 47347 Dequindre Road**

INTERESTS TAKEN: Highway Easement

PARTIES IN INTEREST: Robert A. Shaffer, Kendra L. Allen-Shaffer, National City Mortgage Services Co., County of Oakland, Ireland Drainage District, County of Oakland Water Resources Commissioner, PNC Bank, N.A. f/k/a National City Mortgage Services Co., and any other parties of interest unknown to the Board at this time.

ESTIMATED JUST COMPENSATION:	\$4,900	Highway Easement
	<u>\$35,352</u>	Damages
	\$ 40,252	Total Estimated Just Compensation

Subject to Delinquent Taxes, if any, in accordance with 1931 PA 270 and the proration of real property taxes, if any, in accordance with the provisions of 1966 PA 288; and

BE IT FURTHER RESOLVED that the Board of County Road Commissioners, in accordance with the provisions of Section 5 of 1980 PA 87, as amended, reserves its rights to bring federal or state cost recovery actions against the present owner(s) of the property, arising out of a release of hazardous substances at the property; and

BE IT FURTHER RESOLVED that this Board authorizes and directs its Managing Director and Legal Department to institute condemnation proceedings in accordance with the provisions of 1980 PA 87, as amended, to acquire the previously described highway easement.

I hereby certify that the above is a true and correct copy of a resolution adopted by the Board of County Road Commissioners of the County of Oakland, Michigan, under date of November 7, 2019



Dennis G. Kolar
Secretary/Clerk of the Board

Drafted by: Matthew R. Willson (P68557) Road Commission for Oakland County 31001 Lahser Road Beverly Hills, MI 48025 (248) 645-2000	When recorded return to: Shannon J. Miller Road Commission for Oakland County 31001 Lahser Road Beverly Hills, MI 48025
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EXHIBIT 2

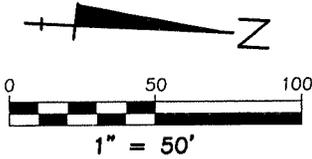
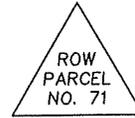
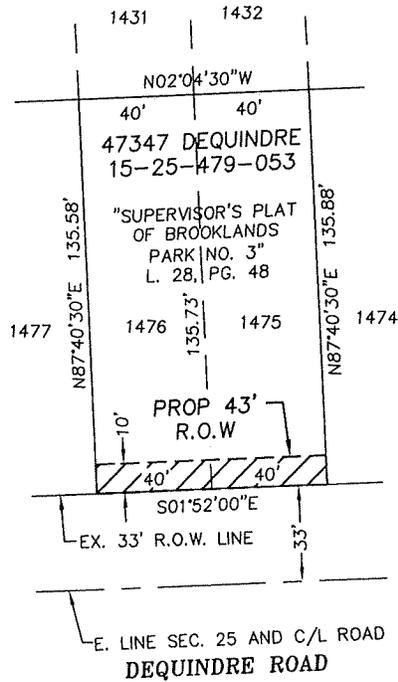


EXHIBIT A

PARCEL 15-25-479-053
47347 DEQUINDRE ROAD



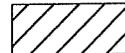
HIGHWAY EASEMENT



LAND AREAS	
PARCEL	= 10,858 SFT
EXISTING ROW	= 0 SFT
PROPOSED HIGHWAY EASEMENT	= 800 SFT
HIGHWAY EASEMENT (TOTAL ROW)	= 800 SFT

BEARINGS AND DISTANCES ARE BASED ON "SUPERVISOR'S PLAT OF BROOKLANDS PARK NO. 3" AS RECORDED IN LIBER 28 OF PLATS, ON PAGE 48, OAKLAND COUNTY RECORDS.

HIGHWAY EASEMENT -



ROAD COMMISSION
for OAKLAND COUNTY

RIGHT OF WAY DIVISION
PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG

DEQUINDRE ROAD
PARCEL 71 - 15-25-479-053

SECTION 25, T.3N., R.11E.,
CITY OF ROCHESTER HILLS,
OAKLAND COUNTY, MICHIGAN

DATE: 2/07/2018

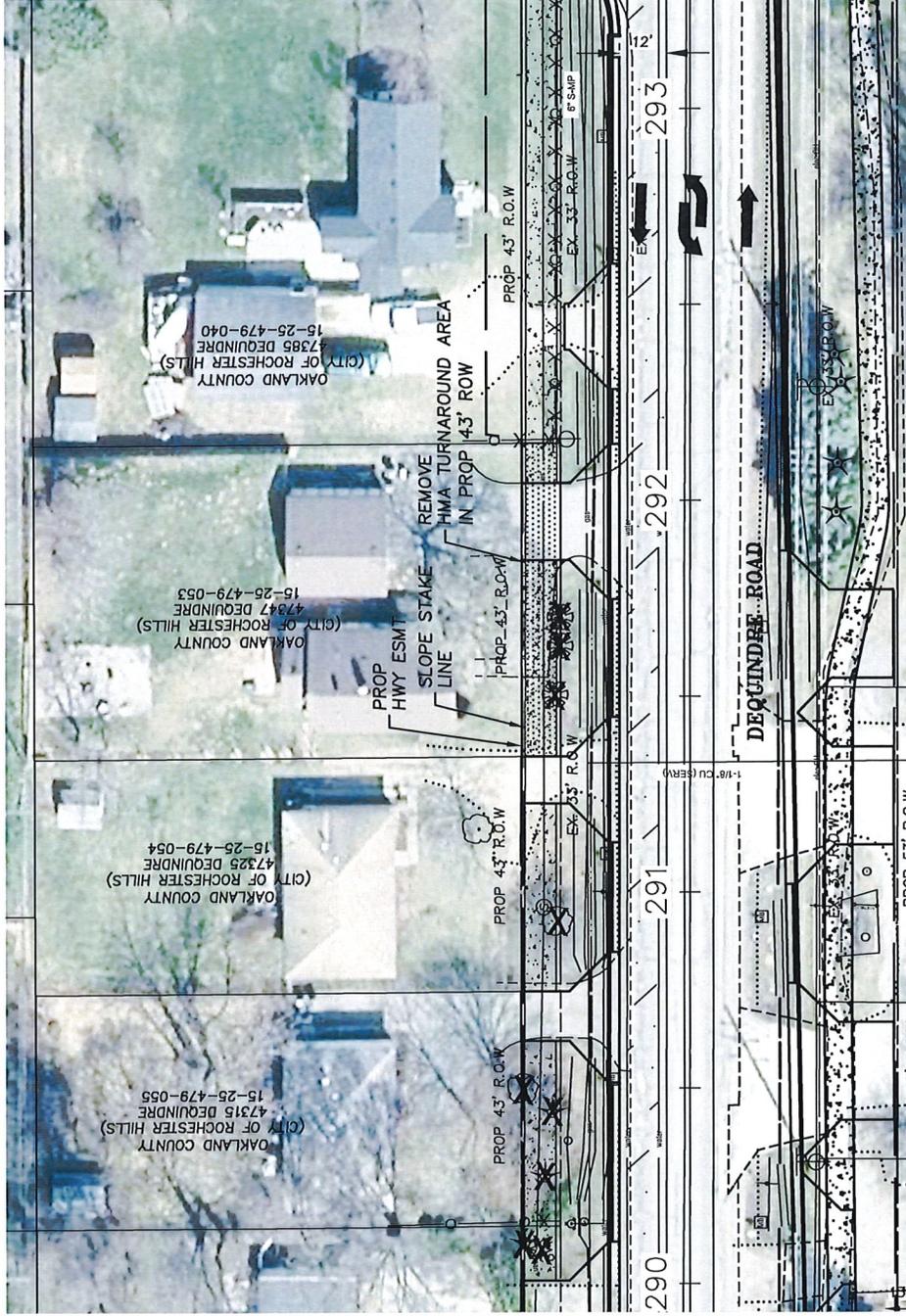
PROJECT NUMBER: 46901

DRAWN BY: RRR

SHEET: 1 OF 1

EXHIBIT 3

AERIAL PARCEL SKETCH
 PARCEL 15-25-479-053
 47347 DEQUINDRE



HIGHWAY EASEMENT



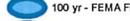
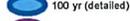
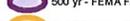
1" = 30'

✕ TREE REMOVAL

ROAD COMMISSION for OAKLAND COUNTY BEVERLY HILLS, MICHIGAN PHONE: 877-835-4804 WEB: WWW.ROCKHEB.ORG		PROJECT NO. 46901	ROW 71 - AERIAL PARCEL SKETCH
		DATE 10/10/2018	DESIGN PHASE DESIGN PHASE 3
			SHEET NO. 1 OF 1
			DEQUINDRE ROAD UTTICA TO AUBURN

EXHIBIT 4



-  2 Foot Contours
-  5 Foot Contours
-  FEMA Base Flood Elevations
-  FEMA Cross Sections
-  100 yr - FEMA Floodplain
-  100 yr (detailed) - FEMA Floodplain
-  500 yr - FEMA Floodplain
-  FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.



L. Brooks Patterson
Oakland County Executive

Date Created: 12/11/2016



EXHIBIT 5

182152

LIBER-20015 PAGE 816
\$7.00 DEED - COMBINED
\$2.00 REMONUMENTATION
\$1,053.50 TRANSFER TX COMBINED
05/24/1999 02:30:00 P.M. RECEIPT# 35692
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

1.00
5/16/99 SAR

WARRANTY DEED

STATUTORY FORM FOR INDIVIDUALS

448695

Form No. M-960

KNOW ALL MEN BY THESE PRESENTS: That Timothy M. Childers and Deanne L. Childers, formerly known as Deanne L. Vier, husband and wife whose street number and post office address is 2504 Murphy Lake Rd.

Millington, Michigan 48746

Convey and Warrant Allen-Shaffer, husband and wife

to Robert A. Shaffer and Kendra L.

whose street number and post office address is 2724 Crooks, Apt. 24

Royal Oak, Michigan 48073

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

Lots 1475 and 1476, Supervisor's Plat of Brooklands Park No. 3, as recorded in Liber 28, Page 48, of Plats, Oakland County Records.
15-25-479-053

280-18

More commonly known as: 47347 Dequindre, Rochester Hills, Michigan 48307

for the sum of ONE HUNDRED TWENTY TWO THOUSAND FIVE HUNDRED AND 00/100, (**\$122,500.00*) Dollars subject to easements, use, building and other restrictions of record, if any;

1600 P

Dated this 26th day of April, 1999

Signed and Sealed in presence of

Signed and Sealed:

Karen A. Busch
Karen A. Busch
Vicki A. Jastrzebski
Vicki A. Jastrzebski

Timothy M. Childers
Timothy M. Childers
Deanne L. Childers
Deanne L. Childers, formerly known as Deanne L. Vier

STATE OF MICHIGAN
COUNTY OF Oakland

} ss.
}

O.K. - ML

The foregoing instrument was acknowledged before me this 26th day of April, 1999 by Timothy M. Childers and Deanne L. Childers, formerly known as Deanne L. Vier, husband and wife

VICKI A. JASTRZEBSKI
NOTARY PUBLIC - MACOMB COUNTY, MI
ACTING IN OAKLAND COUNTY, MI
MY COMMISSION EXPIRES 11/09/99

Vicki A. Jastrzebski

My Commission expires _____, _____ Notary Public, _____ County, Michigan

STATE OF MICHIGAN REAL ESTATE ★
 OAKLAND TRANSFER TAX ★
 5/24/1999 \$131.75 CO ★
 35692 \$918.75 FT ★
 34049 ★

City Treasurer's Certificate

After recording return to:
Robert A. Shaffer
47347 Dequindre
Rochester Hills, Michigan 48307

Drafted By:
Timothy M. Childers
2504 Murphy Lake Rd.
Millington, Michigan 48746

1053.50-REV
9.00-REC
448695

1062.50

47347 DEQUINDRE RD ROCHESTER HILLS MI 48307-4811

5 beds / 1 full baths / 0 half baths / 1470 sq ft

15-25-479-053



Residential Property Profile

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : ROBERT A SHAFFER & KENDRA L ALLEN-SHAFFER
Postal Address : 47347 DEQUINDRE RD ROCHESTER HILLS MI 48307-4811

Location Information

Site Address : 47347 DEQUINDRE RD ROCHESTER HILLS MI 48307-4811
PIN : 15-25-479-053 Neighborhood Code : 25D
Municipality : City of Rochester Hills
School District : 220 ROCHESTER COMM SCHLS
Class Code : 401 RES IMP (Includes prior SI-Suburban Imp.)

Property Description

T3N, R11E, SEC 25 SUPERVISOR'S PLAT OF BROOKLANDS PARK NO 3 LOTS 1475 & 1476

Split/Combination Information

Added Status : Added Parcel
Added Date : 11/14/1978 Added From : FROM 25-479-052

Most Recent Sale Since 1994

Date : 04/26/1999
Amount : \$122,500 Liber : 20015:816
Grantor : CHILDERS, TIMOMTHY, M Grantee : SHAFFER, ROBERT, A

47347 DEQUINDRE RD ROCHESTER HILLS MI 48307-4811



5 beds / 1 full baths / 0 half baths / 1470 sq ft

Residential Property Profile

15-25-479-053

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Tax Information

Taxable Value	: \$41,250	State Equalized Value	: \$61,050
Current Assessed Value	: \$61,050	Capped Value	: \$41,250
Effective Date For Taxes	:	Principal Residence Exemption Type	: 0
Summer Principal Residence Exemption Percent	:	Winter Principal Residence Exemption Percent	: 100.0000%
Taxes		Taxes	
Summer	:	Summer	:
Winter	:	Winter	:
Village	:	Village	:

Lot Information

Description	: LEVEL	Area	: 0 ACRES
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Primary Structure

Structure	: BUNGALOW	Living Area	: 1470 SQ FT
Ground Floor	: 1020 SQ FT	Year Built	: 1930
Effective Year	: 1993	Remodel Year	: 0
Stories	: 1.5 Story	Rooms	: 6
Bedrooms	: 5	Full Baths	: 1
Half Baths	: 0	Fireplaces	: 0
Ext Walls	:	Basement	: YES - FULL
Garage	: SEPARATE - 2 car (576 SQ FT)	Heat	: Forced Air w/ Ducts
Fuel Type	: Gas	Central Air	: No

Basement Information

Finish	: UNFINISHED	Area	: 0 SQ FT
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Porch Information

Type	Area
Pine	36 SQ FT
Treated Wood	42 SQ FT