



HAFELI  
STARAN  
HALLAHAN  
& CHRIST, P.C.

Attorneys at Law

4190 Telegraph Road, Suite 3000  
Bloomfield Hills, Michigan 48302-2082

Main (248) 731-3080  
Fax (248) 731-3081

John D. Staran  
Direct (248) 731-3088  
jstaran@hshclaw.com

April 25, 2012

*VIA E-MAIL*

Mr. Scott Cope, Director  
Building Department  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

Re: ***ZBA File No. 12-003 / 2666 Leach Road***

Dear Mr. Cope:

This summarizes my comments made to you last week concerning the pending side yard setback variance request made by the owner of 2666 Leach. Apparently some uncertainty arose at the ZBA meeting held on April 11 concerning the boundary location and survey. You asked me to review and comment on the information packet provided to the ZBA, which I have done.

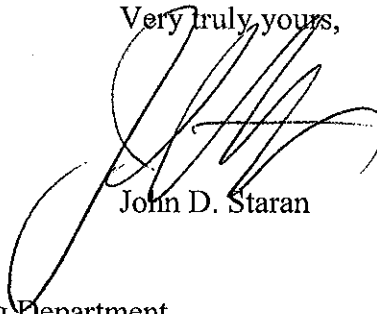
As a preliminary comment -- Generally, the City does not attempt to intervene or resolve boundary disputes between private property owners. Such disputes are considered to be private civil matters. In this case the applicant provided a Certificate of Survey, dated 01-12-12, prepared by Urban Land Consultants showing the subject garage is located only 1 foot from the side property line. The 1 foot setback is inconsistent with the 7.5 feet setback represented on the approved plot plan, and therein lies the cause of the side yard setback violation and need for a variance (Apparently a survey from 1993 was also shown to the ZBA, but that survey does not appear to be relevant or useful since it pre-dates the construction of the subject garage). I understand the adjacent property owner did not dispute the accuracy of the applicant's survey on the location of the property line. Hence, having another survey done would not provide any additional information necessary for the ZBA to act on the variance request (I understand there is also a question over who would pay for the survey since the owner has already provided a recent survey and, as I stated above, the City does not intervene in private property disputes, and the City administration would need to issue and approve a purchase order for a survey).

You explained some confusion or concern arose at the ZBA meeting due to the lack of a final inspection of the garage. For some unknown reason a final inspection did not occur, but that would not shift responsibility for the setback problem from the property owner to the City. Rather, the setback problem arises from the owner's construction of the garage too close to the property line, contrary to the approved plot plan, and not from a delay in inspection. Moreover, I understand a timely inspection would not likely have revealed the setback violation because the

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inspector does not measure or verify setbacks, and setback violations would not typically be detected unless very obvious due to proximity to a fence line or other visible property line demarcation. Thus, any delay in following through with the final inspection may have delayed approval of the building but would not have any bearing on the current setback violation.

Very truly yours,

A handwritten signature in black ink, appearing to read "John D. Staran", written over a horizontal line.

John D. Staran

JDS/ijd

cc: Mr. James Breuckman, Planning Department