



innovative by nature

Bryan K. Barnett  
Mayor

March 19, 2013

City Council

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District 2

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District 4

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At-Large

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At-Large

Michael Webber  
At-Large

Robert Zuehlk  
3768 Nearing Rd.  
Rochester Hills, MI. 48309

RE: Application for Building Permit #PB-2013-0037  
3768 Nearing  
Sidwell # 15-32-478-013

Dear Sir

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:

***Item #1***

Rochester Hills ordinance **Section 138-5.100 Table 5 Schedule of Regulations**, states:

**The required side yard setback for R-4 Zoning district is 10 feet.**

**The submitted plot plan for the proposed addition indicates the proposed setback is 2.2', a violation of 7.8' feet.**

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 or 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 the ordinance will be observed, public safety and welfare secured and substantial justice done.
6. There is compliance with the standards set forth in Ordinance, Section 138-2.400B (see enclosure).
7. There is compliance with the standards for discretionary decisions as contained in Ordinance, Section 138-2.302 (see enclosure).

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

Sincerely,

BUILDING DEPARTMENT



Tim Hollis  
Building Inspector/Plan Reviewer