

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

(ON APPEAL FROM THE CITY OF ROCHESTER HILLS' ZONING BOARD OF APPEALS)

RECEIVED FOR FILING  
OAKLAND COUNTY CLERK  
2004 MAY -3 P 12:57

FINSILVER/FRIEDMAN VENTURE ~~P.L.L.C.~~  
a Michigan limited liability company

DEPUTY COUNTY CLERK

Case No. 04-  
Hon.

-AA

Appellant,

v.

ZBA File No. 03-015

CITY OF ROCHESTER HILLS ZONING  
BOARD OF APPEALS,

Appellee.



JUDGE JOHN J. MCDONALD  
COUNTY FINSILVER FRI V ROCHESTER HIL

NOTICE OF CLAIM OF APPEAL

CLAIM OF APPEAL

ZONING BOARD OF APPEALS MEETING MINUTES OF FEBRUARY 23, 2004

SYNOPSIS OF ZONING BOARD OF APPEALS MEETING OF APRIL 12, 2004

STATEMENT OF COUNSEL REGARDING TRANSCRIPT

CARSON FISCHER, P.L.C.

KAREN H. SAFRAN (P51317)

GREGORY T. OBLOY (P58104)

Attorneys for Appellant

300 E. Maple Road, Third Floor

Birmingham, MI 48009

(248) 644-4840

Dated: May 3, 2004

MAY 30 2004

CARSON FISCHER, P.L.C., THIRD FLOOR, 300 EAST MAPLE ROAD, BIRMINGHAM, MICHIGAN 48009-6317 (248) 644-4840

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

(ON APPEAL FROM THE CITY OF ROCHESTER HILLS ZONING BOARD OF APPEALS)

FINSILVER/FRIEDMAN VENTURE I, L.L.C.,  
a Michigan limited liability company

Appellant,

v.

CITY OF ROCHESTER HILLS ZONING  
BOARD OF APPEALS,

Appellee.

---

KAREN H. SAFRAN (P51317)  
GREGORY T. OBLOY(P58104)  
Attorneys for Appellant  
300 E. Maple Road, Third Floor  
Birmingham, MI 48009  
(248) 644-4840

---



ZBA File No. 03-015

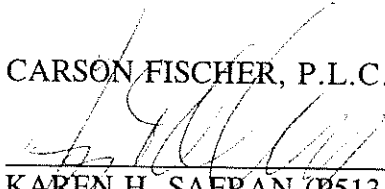
**NOTICE PURSUANT TO MCR 7.101(C)(3)**

Pursuant to MCR 7.101(C)(3), the undersigned, as counsel for Appellant, Finsilver/Friedman Venture I, LLC, provides notice that:

1. A Claim of Appeal was filed with the Oakland County Circuit Court on Monday, May 3, 2004. A copy of the Claim of Appeal is attached as Exhibit 1.
2. A Motion To Waive Requirements Of MCR 7.101(C)(2)(b) and Notice of Hearing (scheduling a hearing date for May 26, 2004) was filed with the Circuit Court on Monday, May 3, 2004. A copy of the Motion, Notice of Hearing and Praecipe For Motion are attached as Exhibit 2.
3. The appeal fee of \$150.00 was paid to the Circuit Court on Monday, May 3, 2004.

4. No reporter's or recorder's certificate is available because the trial court in this appeal is the City of Rochester Hills Zoning Board of Appeal. On Monday, May 3, 2004, we requested a copy of the transcript of the February 23, 2004 meeting of the Zoning Board of Appeals in writing from the City Clerk.

CARSON FISCHER, P.L.C.



---

KAREN H. SAFRAN (P51317)  
GREGORY T. OBLOY (P58104)  
Attorneys for Plaintiff/Appellant  
300 E. Maple Road, Third Floor  
Birmingham, MI 48009  
(248) 644-4840

Dated: May 5, 2004

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

(ON APPEAL FROM THE CITY OF ROCHESTER HILLS' ZONING BOARD OF APPEALS)

FINSILVER/FRIEDMAN VENTURE I, L.L.C.,  
a Michigan limited liability company

Case No. 04-  
Hon.

-AA

Appellant,

v.

ZBA File No. 03-015

CITY OF ROCHESTER HILLS ZONING  
BOARD OF APPEALS,

Appellee.

---

KAREN H. SAFRAN (P51317)  
GREGORY T. OBLOY(P58104)  
Attorneys for Appellant  
300 E. Maple Road, Third Floor  
Birmingham, MI 48009  
(248) 644-4840

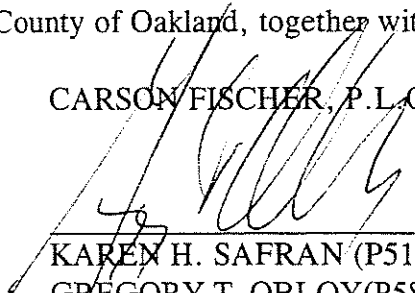
---

**NOTICE OF CLAIM OF APPEAL**

TO: City of Rochester Hills/Zoning Board of Appeals  
1000 Rochester Hills Drive  
Rochester Hills, Michigan 48309

PLEASE TAKE NOTICE that on the 3<sup>rd</sup> day of May, 2004, the attached Claim of Appeal was filed with the Circuit Court for the County of Oakland, together with applicable filing fees.

CARSON FISCHER, P.L.C.



---

KAREN H. SAFRAN (P51317)  
GREGORY T. OBLOY(P58104)  
Attorneys for Appellant  
300 E. Maple Road, Third Floor  
Birmingham, MI 48009  
(248) 644-4840

Dated: May 3, 2004

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

(ON APPEAL FROM THE CITY OF ROCHESTER HILLS ZONING BOARD OF APPEALS)

FINSILVER/FRIEDMAN VENTURE I, L.L.C.,  
a Michigan limited liability company

Case No. 04-  
Hon.

-AA

Appellant,

ZBA File No. 03-015

v

CITY OF ROCHESTER HILLS ZONING  
BOARD OF APPEALS,

Appellee.

---

KAREN H. SAFRAN (P51317)  
GREGORY T. OBLOY(P58104)  
Attorneys for Appellant  
300 E. Maple Road, Third Floor  
Birmingham, MI 48009  
(248) 644-4840

---

There is no other pending or resolved  
civil action arising out of the same  
transaction or occurrence alleged in the claim of appeal.

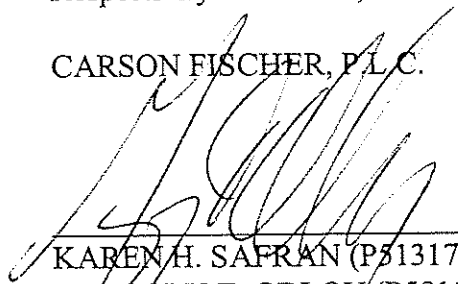
  
CLAIM OF APPEAL

Appellant, Finsilver/Friedman Venture I, L.L.C., a Michigan limited liability company, through its counsel, CARSON FISCHER, P.L.C., claims an appeal from the February 23, 2004, decision of the City of Rochester Hills Zoning Board of Appeals ("ZBA"), regarding ZBA File No. 03-015, which denied Appellant's request for a use variance pursuant to Section 138-113 of Article III of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills. A copy of the minutes of the February 23, 2004, meeting of the ZBA is attached hereto as Exhibit A. A copy of the synopsis of the April 12, 2004, ZBA meeting, at which the ZBA approved and adopted the

minutes of its February 23, 2004, meeting, is attached hereto as Exhibit B.

Respectfully Submitted,

CARSON FISCHER, P.L.C.



KAREN H. SAFRAN (P51317)  
GREGORY T. OBLOY (P58104)  
Attorneys for Appellant  
300 E. Maple Road, Third Floor  
Birmingham, MI 48009  
(248) 644-4840

Date: May 3, 2004

CARSON FISCHER, P.L.C., THIRD FLOOR, 300 EAST MAPLE ROAD, BIRMINGHAM, MICHIGAN 48009-6317 (248) 644-4840