



Department of Planning and Economic Development
1000 Rochester Hills Dr.
Rochester Hills, MI 48309
(248) 656-4660

Zoning Board of Appeals (ZBA) Application

Request Information

Request Type (as defined in Article 2 Chapter 4 Variances and Appeals of the City's [Zoning Ordinance](#))

Variance:

☐ Dimensional (Non-Use)

☐ Use

☐ Appeal

☒ Interpretation

Conditional or Temporary Use Permit:

☐ Temporary Building or Use

☐ Excavation or Landfill Permit

☐ Other (please describe):

***** Please see attached INTERPRETATION REQUEST and
attached BRIEF IN SUPPORT OF INTERPRETATION REQUEST**

Property Information

Street Address **1737 N. Fairview Lane, Rochester Hills, Oakland County, Michigan 48306 USA**

Parcel Identification Number **15-04-304-007**

Platted Lot (if applicable)

Subdivision: **Chichester East** Lot No.: **40**

Current Use(s) **Single Family Residential**

Zoning District **R-2**

Appeal (if applicable)

Regulations (as defined in Section 138-2.404 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 Section 138-2.405 & Section 138-2.406 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

- **Article 1, Chapter 3 Permits and Certificates, Section 138-1.300 Duties, Powers, and Limitations - Paragraph C.**
- **Article 5, Chapter 1 Schedule of Regulations, Section 138-5.101 Footnotes to the Schedule of Regulations - Paragraph A.**
- **Article 10, Chapter 1 Accessory Buildings and Structures, Section 138-10.102 Detached Accessory Structures - Paragraph A.**

Reason for Interpretation

Rochester Hills Building Department Officials:

1. Improper application of the Zoning Ordinance, 2. Varying terms of the Zoning Ordinance, 3. Omissions of applicable terms of the Zoning Ordinance, 4. Arbitrary & subjective application of the Zoning Ordinance, etc.

Conditional or Temporary Use Permit (if applicable)

Regulations (as defined in Section 138-1-302 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



Dimensional (Non-Use) Variance (if applicable)

Ordinance Section(s): Indicate specific section(s) of the zoning ordinance that the variance(s) are being requested from and the specific variance(s) being requested (i.e., amount of encroachment into a required setback, amount of lot coverage exceeding the maximum amount permitted)

Review Criteria: (as defined in Section 138-2.407 of the City's [Zoning Ordinance](#))

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. 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.

Please provide a thorough response to each of the following criteria.

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.

Substantial Justice. Describe how granting the variance will be substantial justice to the applicant as well as to other property owners in the same Zoning District.

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 same Zoning District.

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 Zoning District.

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.

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 same Zoning District in which the property is located.



Department of Planning and Economic Development
(248) 656-4660

ZBA Application

Use Variance (if applicable)

Ordinance Section(s): Indicate specific section(s) of the zoning ordinance that the variance(s) are being requested from

Review Criteria: (as defined in Section 138-2.408 of the City's [Zoning Ordinance](#))

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.

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. Has rezoning been applied for and officially denied by the City?

- ☐ Yes – **Please provide a thorough response to each of the following criteria.**
- ☐ No – **If no, please contact the Planning and Economic Development Department to discuss next steps.**

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.

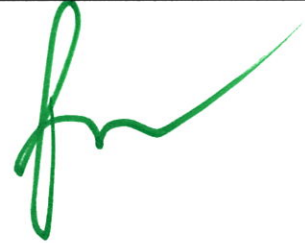
Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property and not to general neighborhood conditions.

Essential Character. Describe how the use to be authorized by the variance will not alter the essential character of the area and locality.

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.

A handwritten signature in green ink, located at the bottom right of the page.

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

A handwritten signature in green ink, consisting of a stylized 'f' followed by a horizontal line and a diagonal stroke.



Department of Planning and Economic Development
(248) 656-4660

ZBA Application

Applicant Information

Name	Universal Consolidated Enterprises, Inc.		
Address	P. O. Box 80850		
City	Rochester	State	Michigan
		Zip	48308
Phone	586-248-2250 voice & text		Email universalconsolidated@yahoo.com
Applicant's Legal Interest in Property	General Contractor / Licensed Michigan Residential Builder		

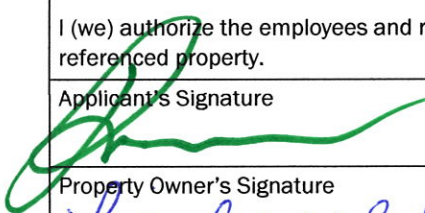

Property Owner Information ☐ Check here if same as above

Name	Lisa Anne Schein		
Address	1737 N. Fairview Lane		
City	Rochester Hills	State	Michigan
		Zip	48306
Phone	248-410-3920		Email schein6@sbcglobal.net

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 Universal Consolidated Enterprises, Inc. Bradley A. Wolfbauer, Qualifying Officer	Date August 2, 2025
Property Owner's Signature 	Property Owner's Printed Name Lisa Anne Schein	Date August 2, 2025

OFFICE USE ONLY

Date Filed	File #	Escrow #
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1. **Completed Applications.** Completed applications include the following.
 - a. Letter of denial from the Building Department (*if applicable*)
 - b. Plot plan or site plan of the subject property drawn to scale depicting (*if applicable*):
 - 1) Shape and dimensions of the property
 - 2) All existing and proposed structures to be erected, altered or use changed
 - 3) Building-to-building and building-to-property line relationships
 - 4) Location of any trees in the affected area measuring at least 6" in diameter
 - c. Elevations and floor plans drawn to scale, depicting the proposed structure or addition in relation to existing structure(s) on the property, as applicable
 - d. Proof of ownership. If the applicant is not the owner of the land in Fee Simple Title, a document (land contract, purchase agreement, option to purchase, etc.) must be provided that indicates the applicant's interest in the property
 - e. Notarized letter from property owner indicating no objection to request
 - f. Any other information which the applicant feels will aid the City in its review or that the City determines is necessary to complete its review

2. **Application Process.** You may submit all required documents online. [Click here](#) to apply for a Planning, Zoning or Engineering Process online.

3. **Review Process.** Prior to submitting an application to the ZBA, an application for a building permit from the Building Department must be submitted. If the proposed construction does not meet the requirements of the zoning ordinance, then the letter of denial will indicate the sections of the ordinance which are not in compliance.

City staff and consultants will review the ZBA application and supporting materials. If it is determined that one or more applicable item(s) are not included or need to be modified, the applicant will be contacted. Incomplete applications will not be placed on a ZBA agenda until all necessary information is submitted and reviewed.

The applicant will be notified of the date and time that the public hearing will be held by the ZBA. A representative for the project must be present at the public hearing. ZBA meetings are generally held the second Wednesday of each month at 7:00 P.M. After the public hearing, if the application is acted upon.

The ZBA application is noticed for public hearing in accordance with Act 110 of the Public Acts of 2006, as amended. Notification is provided to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of structures within 300 feet of the subject property. The notice is also published in the local paper (Oakland Press) not less than 15 days prior to the public hearing.

4. **Fees.** Established fees as follows must be provided before the application can be processed. Fees can be paid online once your application has been accepted (a link to pay will be sent to you). Checks should be made payable to the City of Rochester Hills.

Single Family Residence Requests	\$500
All other Variance, Interpretation, Appeals, Decisions or Approval Requests	\$1,000

5. **Questions or Clarifications.** Please contact the Department of Planning and Economic Development at the contact information above for questions or clarifications.

**ZONING BOARD of APPEALS
CITY of ROCHESTER HILLS
DEPARTMENT of PLANNING and ECONOMIC DEVELOPMENT
1000 Rochester Hills Drive, Rochester Hills, MI 48309
248-656-4660**

APPLICANT:

Universal Consolidated Enterprises, Inc.
Bradley A. Wolfbauer, Qualifying Officer
P. O. Box 80850
Rochester, MI 48308 USA
universalconsolidated@yahoo.com

City of Rochester Hills Building Department:
PB-2025-0152 Permit Application DENIED

PROPERTY OWNER:

Lisa Anne Schein
1737 N. Fairview Lane
Rochester Hills
Oakland County, MI 48306 USA
Schein6@sbcglobal.net

INTERPRETATION REQUEST

Now comes before this Board the Applicant, Universal Consolidated Enterprises, Inc., requesting that this Board interpret and clarify certain/particular Mandates/Guidelines of the Rochester Hills Zoning Ordinance.

JURISDICTION

Based upon the Michigan Zoning Enabling Act 110 of 2006 and the City of Rochester Hills Zoning Ordinance Chapter 4, Section 138-2.400 A. 1. & 3. this Board has appropriate jurisdiction as well as the duty/obligation to hear this request.

GROUND FOR REQUEST

Universal Consolidated Enterprises, Inc. (UCE) has made multiple submittals for the issuance of a Fireplace Permit. The Building Department has DENIED each and every submittal citing portions of the Ordinance as reasons for denial, yet OMITTING and IGNORING other pertinent specific and clear PROVISIONS of the Ordinance. To the best of my knowledge and belief the Building Department is obligated to follow and administer the Ordinance as it is written and that it is PROHIBITED for any Building Department Official to alter or change said provisions.

QUESTIONS PRESENTED

- I. IS THE ROCHESTER HILLS BUILDING DEPARTMENT PERMITTED AND/OR ALLOWED TO ALTER/VARY THE TERMS OF THE ORDINANCE IN CARRYING OUT THEIR DUTIES?

Applicant answers..... NO
Property Owner answers NO
Building Department answers..... YES

- II. IS THE ROCHESTER HILLS BUILDING DEPARTMENT PERMITTED AND/OR ALLOWED TO OMIT AND/OR IGNORE SPECIFIC PROVISIONS OF THE ORDINANCE RELATED TO THE PROPER MEASUREMENT OF BUILDING HEIGHT?

Applicant answers..... NO
Property Owner answers NO
Building Department answers YES

- III. IS THE ROCHESTER HILLS BUILDING DEPARTMENT PERMITTED AND/OR ALLOWED TO OMIT AND/OR IGNORE SPECIFIC PROVISIONS OF THE ORDINANCE RELATED TO THE PROPER MEASUREMENT OF ACCESSORY STRUCTURE FLOOR AREA?

Applicant answers NO
Property Owner answers NO
Building Department answers YES

ROCHESTER HILLS ZONING ORDINANCE PROVISIONS IN QUESTION

Article 1, Chapter 3 Permits and Certificates, Section 138-1.300 Duties, Powers, and Limitations, Paragraph/Subsection C. clearly states “*The building, public services, and fire departments are under no circumstances permitted to make changes in this ordinance or to vary the terms of this ordinance in carrying out their duties.*”

Article 5, Chapter 1 Schedule of Regulations, Section 138-5.101 Footnotes to the Schedule of Regulations, Paragraph/Subsection A. clearly states “***Building Height Measurement.*** In the R-1 through R-5 and RE districts, *building height shall be measured from the average grade on the front façade of the building.*”

Article 10, Chapter 1 Accessory Buildings and Structures, Section 138-10.102 Detached Accessory Structures, Paragraph/Subsection A. clearly states “...For purposes of this subsection, floor area of an accessory structure **shall be defined** as the exterior footprint of the structure supporting a roof, measured from the exterior of the exterior...structural supports.”

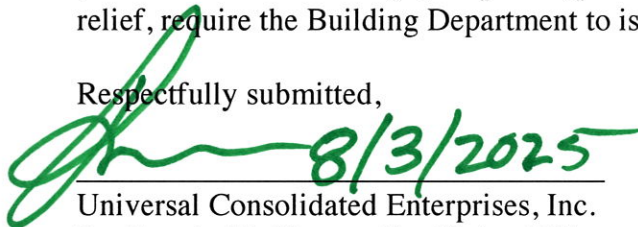
INTERPRETATIONS/CLARIFICATIONS REQUESTED/REQUIRED


- Does the plain and clear language of Article 1, Chapter 3 Permits and Certificates, Section 138-1.300 Duties, Powers, and Limitations, Paragraph/Subsection C. unambiguously REQUIRE that the Building Department follow and strictly apply the provisions of the Ordinance as the Ordinance is written in full compliance of **ALL** the Ordinance provisions?
- Does the plain and clear language of Article 5, Chapter 1 Schedule of Regulations, Section 138-5.101 Footnotes to the Schedule of Regulations, Paragraph/Subsection A. unambiguously REQUIRE that the Building Department follow the provision of the Ordinance in determining “building height” **by measuring the building height at the front façade of the building** as opposed to arbitrarily measuring the building height from ALL sides of the building?
- Does the plain and clear language of Article 10, Chapter 1 Accessory Buildings and Structures, Section 138-10.102 Detached Accessory Structures, Paragraph/Subsection A. unambiguously REQUIRE that the Building Department **ONLY** include the area that which supports a roof in the “floor area” measurement of an Accessory Structure as opposed to also including fireplaces, chimneys, stoops, planter boxes, and/or other features which do NOT support a roof in the “floor area” measurement?

RELIEF SOUGHT

The Applicant prays that this Board justly determine that the Building Department IS Required to apply the Ordinance as written, that the Building Department IS required to acknowledge and apply ALL provisions of the Ordinance when determining APPROVALS and DENIALS of Building Permit Applications, That building height measurement is determined by measuring only the front of said building per the Ordinance, and that “floor area” of an Accessory Building/Structure is determined ONLY by measuring the footprint of that which supports a roof (NOT to include chimneys, fireplaces, planter boxes, stoops, etc.). Based on the aforementioned relief, require the Building Department to issue Permit PB-2025-0152.

Respectfully submitted,

 8/3/2025
Universal Consolidated Enterprises, Inc.
Bradley A. Wolfbauer, Qualifying Officer


Lisa Anne Schein, APPROVED
APPLICATION as Property Owner

**ZONING BOARD of APPEALS
CITY of ROCHESTER HILLS
DEPARTMENT of PLANNING and ECONOMIC DEVELOPMENT
1000 Rochester Hills Drive, Rochester Hills, MI 48309
248-656-4660**

APPLICANT:

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Bradley A. Wolfbauer, Qualifying Officer
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Rochester, MI 48308 USA
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City of Rochester Hills Building Department:
PB-2025-0152 Permit Application DENIED

PROPERTY OWNER:

Lisa Anne Schein
1737 N. Fairview Lane
Rochester Hills
Oakland County, MI 48306 USA
Schein6@sbcglobal.net

BRIEF IN SUPPORT OF INTERPRETATION REQUEST

Now comes before this Board the Applicant, Universal Consolidated Enterprises, Inc., submitting this "Brief in Support of Interpretation Request" asking for clarification of certain/particular Mandates/Guidelines of the Rochester Hills Zoning Ordinance.

JURISDICTION

Based upon the Michigan Zoning Enabling Act 110 of 2006 and the City of Rochester Hills Zoning Ordinance Chapter 4, Section 138-2.400 A. 1. & 3. this Board has appropriate jurisdiction as well as the duty/obligation to hear this request.

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ROCHESTER HILLS ZONING ORDINANCE PROVISIONS IN QUESTION

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Article 5, Chapter 1 Schedule of Regulations, Section 138-5.101 Footnotes to the Schedule of Regulations, Paragraph/Subsection A. clearly states *“**Building Height Measurement.** In the R-1 through R-5 and RE districts, **building height shall be measured from the average grade on the front façade of the building.**”*

Article 10, Chapter 1 Accessory Buildings and Structures, Section 138-10.102 Detached Accessory Structures, Paragraph/Subsection A. clearly states *“....For purposes of this subsection, **floor area of an accessory structure shall be defined as the exterior footprint of the structure supporting a roof, measured from the exterior of the exterior... ..structural supports.**”*

INTERPRETATIONS/CLARIFICATIONS REQUESTED/REQUIRED

- Does the plain and clear language of Article 1, Chapter 3 Permits and Certificates, Section 138-1.300 Duties, Powers, and Limitations, Paragraph/Subsection C. unambiguously REQUIRE that the Building Department follow and strictly apply the provisions of the Ordinance as the Ordinance is written in full compliance of **ALL** the Ordinance provisions?
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STATEMENT OF FACTS AND APPLICANTS ARGUMENT

The City of Rochester Hills Building Department (RHBD) is deliberately misconstruing and improperly applying the City of Rochester Hills Zoning Ordinance (Ordinance) in regards to issuance of Building Permit(s) in this particular circumstance. The RHBD is intentionally ignoring the aforementioned provisions of the Ordinance in order to deny the issuance of a Permit.

This Applicant has submitted several revisions for the Permit Application in which the Applicant has cited the appropriate portions of the Ordinance that specifically favor the Applicant. The RHBD continuously rejects/denies the application with NO explanation as to why the RHBD chooses to omit and/or ignore the pertinent provisions of the Ordinance.

It is commonly known and accepted that in the State of Michigan Ordinances are interpreted in the same manner as Statutes.

The Ordinance clearly mandates that “*The Particular shall control the general.*” And that “*The word “shall” is always mandatory and not discretionary.*” (see the Ordinance Article 13 Definitions, Chapter 1 Generally, Section 138-13.100 Rules of Construction, A. & C.)

Per the Ordinance a “gazebo” is an *Accessory Building* which is also considered/defined by the Ordinance as an *Accessory Structure*. Therefore, Article 10 Chapter 1 Accessory Buildings and Structures, Section 138-10.102 Detached Accessory Structures, Subsection A. Area applies in pertinent part: “A. **Area**... For purposes of this subsection, floor area of an accessory structure *shall be defined as* the exterior footprint of the structure supporting a roof, measured from the exterior of the exterior... structural supports.”

A chimney does NOT support a roof. In fact, the MRC 2015 Chapter 10 Chimneys and Fireplaces specifically directs that a chimney shall not: Chapter 10 Chimneys and Fireplaces, Subsection R1003.8 of both the MRC 2015 and MRC 2024 specifically states “R1003.8 Additional Load – Chimneys *shall not* support loads other than their own weight...”

ANSI Z765 (National Measurement Standard) EXCLUDES fireplaces and chimneys from being calculated in the floor area of a building.

The RHBD is REQUIRED to apply the Ordinance as written with ALL pertinent provisions of the Ordinance taken into consideration. The RHBD is NOT allowed to arbitrarily exclude and/or omit ANY provision of the Ordinance, NOR alter or vary the terms of the Ordinance in ANY way whatsoever. (see Ordinance Article 1, Chapter 3, Section 138-1.300, Paragraph C.)

Per the Ordinance “Building Height” is measured at the front of the building from the average grade at the front of the building (NOT at the average grade on all sides of the building). This is clearly stated in Article 5, Chapter 1 Schedule of Regulations, Section 138-5.101 Footnotes to the Schedule of Regulations, Paragraph/Subsection A. which clearly states: “A. **Building Height Measurement.** In the R-1 through R-5 and RE districts, building height *shall be measured* from the average grade *on the front façade of the building.*” The Ordinance does NOT distinguish

between what type of building, nor does the Ordinance specifically exclude any particular building, therefore this provision of the Ordinance must apply to ALL buildings in those districts. In direct support of this mandate the RHBD has published and posted on their website a “**Guide to Residential Zoning Requirements**, Document # 2.2.9005, Created 2/1/22, Revised 2/1/2024 ” which on page 3 of 8 clearly reiterates the height measurement requirement applies to Accessory Structures: “*E. Height - The roof height is measured from average grade at the front of the building...*”(see attached copy of “Guide to Residential Zoning Requirements”).

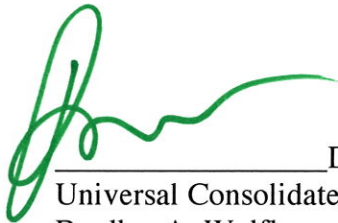
In relation to this particular matter, this Applicant truly believes that all of the pertinent Ordinance provisions cited within this Application Requesting Interpretation are clearly written and unambiguous in their plain language. The Ordinance should be administered/applied as written and any benefit of doubt regarding interpretation should be extended to the Property Owner and/or Permit Applicant.

This is a matter of public importance, NOT exclusive to the interests of the Property Owner and this Applicant. If the RHBD is allowed to alter and omit portions of the Ordinance arbitrarily and make subjective determinations of the Ordinance text the general public as well as ALL Property Owners within the City of Rochester Hills are subject to potential violations of protected rights.

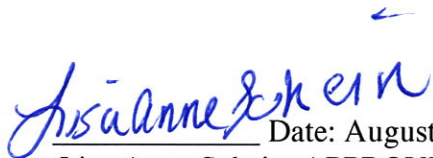
RELIEF SOUGHT

The Applicant prays that this Board justly determine that the Building Department IS Required to apply the Ordinance as written, that the Building Department IS required to acknowledge and apply ALL provisions of the Ordinance when determining APPROVALS and DENIALS of Building Permit Applications, That building height measurement is determined by measuring only the front of said building per the Ordinance, and that “floor area” of an Accessory Building/Structure is determined ONLY by measuring the footprint of that which supports a roof (NOT to include chimneys, fireplaces, planter boxes, stoops, etc.). Based on the aforementioned relief, require the Building Department to issue Permit PB-2025-0152.

Respectfully submitted,

A green ink signature of Bradley A. Wolfbauer, consisting of a stylized 'B' followed by a wavy line.

Date: August 3, 2025
Universal Consolidated Enterprises, Inc.
Bradley A. Wolfbauer, Qualifying Officer

A blue ink signature of Lisa Anne Schein, written in a cursive style.

Date: August 3, 2025
Lisa Anne Schein, APPROVED
APPLICATION as Property Owner



BUILDING DEPARTMENT CITY OF ROCHESTER HILLS



Guide to Residential Zoning Requirements

Document # 2.2.9005

Revised 2/1/2024

Created 2/1/22

All construction for new homes, additions, and accessory structures shall meet the requirements of the City of Rochester Hills Zoning Ordinance. The residential zoning districts have been established in order to classify, regulate, and restrict the height and bulk of homes as well as to regulate the area of yard and other open spaces around the homes. The following are excerpts from the Zoning Ordinance for most residential projects. The full Ordinance is available online on the Planning Department's web page www.rochesterhills.org.

New Homes and Additions

The Zoning Ordinance outlines minimum and maximum requirements depending on the Zoning District you live in. Find your subdivision name on the "Zoning District" list at the end of this document to determine your zoning district. Refer to the chart below to determine the specific requirements for your district for each of the following:

The **Building Height** as measured from the average grade at the front of the home to the midpoint between the bottoms of the eave to the highest peak of the roof.

The **Minimum Yard Setbacks** from the property line to the front, side and rear of the house.

The **Minimum Floor Area** is gross floor area of all floors of the home excluding the basement.

The **Maximum Lot Coverage** is the gross area of the footprint of all buildings on the property.

Zoning Districts followed by an "OS" indicates an Open Space Subdivision. Lots within Planned Unit Developments (PUD) may have requirements other than those listed in the chart below. If you need further assistance, please contact the Building Department at (248) 656-4615.

Zoning District	Maximum Building Height (a)		Minimum Yard Setbacks (feet)				Min. Floor Area (sq. ft.)	Max. Lot Coverage (all Buildings)
	Stories	Feet	Front	Side (each)	Side (total)	Rear		
RE RE-OS	2	35	40(b) 30	15(c)(d)	30(d)	35(e)	1,500	25%
R-1 R-1-OS	2	35	40(b) 30	15(c)(d)	30(d)	35(e)	1,500	25%
R-2 R-2-OS	2	35	40(b) 30	15(c)(d)	30(d)	35(e)	1,400	25%
R-3 R-3-OS	2	30(f)	30(b) 25	10(c)(d)	20(d)	35(e)	1,200	30%
R-4 R-4-OS	2	30(f)	25(b) 25	10(c)(d)	20(d)	35(e)	912	30%
R-5	Contact the Building Department							

Exceptions may apply to the above requirements.

Please contact the Building Department for clarification if any of the following situations apply:



(a) **Building Height Measurement** – In all districts the building height shall be measured from the average grade on the front of the building to either of the following:

- a. The midpoint between the bottom of the eave and the highest point of the roof.
- b. The top of the highest roof beam for flat roofs.
- c. The deck line for mansard roofs
- d. The mean level for a shed roof from highest point to the lowest point of the roof

Where the home has multiple roof styles, the most restrictive method applies.

(b) **Average Front Setback** - If there are existing homes within 200 feet of the lot, on the same side of the street, that have an average setback that differs from the front setback as required in the ordinance by more than ten (10) feet, then the average front setback shall be used as the required front setback, provided however, that in no instance shall a front yard setback be reduced to less than twenty (20) feet.

(c) **Corner Lots** - For corner lots, the side yard shall not be less than 15 feet in the R-3, and R-4 districts and 25 feet in the R-1, R-2 and RE districts.

(d) **Reduced Side Yard on Narrow Lots** - If the lots or parcel is less than 60 feet in width, one side yard may be reduced to five feet providing the total of the two side yards shall be a minimum of 15 feet except as required by footnote (c).

(e) **Rear Yards Adjacent to Parks or Open Space** – The minimum rear yard setback requirement may be reduced to 30 feet on lots that border on land permanently dedicated for park, recreation and/or open space purposes, provided that the dimension of the park, recreation, and/or open space shall not be less than 100 feet measured in a straight line and not more than 20 degrees off of perpendicular to the rear lot line. The provision applies to open space (OS) option subdivisions.

(f) **Increased Building Height** – In the R-3 and R-4 districts, the maximum building height may be increased up to 35 feet when all of the following conditions are met:

- a. The building site shall contain at least 13,500 square feet of lot area.
- b. The minimum side yard setback, including the total of two, shall be increased by one-half foot for each one foot or part thereof by which the proposed building height is in excess of 30 feet.
- c. If an increase in building height is proposed on a lot which shares a common side yard with a lot occupied by an existing dwelling, the increase height of the proposed dwelling shall not be more than 190 percent of the height of a dwelling on a lot sharing a common side yard.

Note: Additional setbacks may be required if your property has steep slopes.

Accessory Structures

* Accessory structures such as garages, sheds, decks, gazebos, play houses, generators, pools, etc. have their own set of zoning requirements.

Accessory structures are either considered attached or detached. When an accessory structure is attached to the main building it shall be considered part of the main building and is subject to the ordinance requirements listed above. An accessory structure is considered attached when any of the following apply:

1. The accessory structure is attached by a common wall to the main building.
2. The accessory structure is within 10 feet of the main building
3. The accessory structure is attached to the main building by a breezeway with a floor area of seventy (70) square feet or greater.

Detached accessory structures shall meet the following requirements:

- A. **Location** - Detached accessory structures shall be located in the side or rear yard. Such structures shall not be located in the front yard or within any public or private easement.
- B. **Area** - The combined floor area of all detached accessory structures shall not exceed the limits in the following table and the total building area of all structures does not exceed the maximum lot coverage in the table above.

Lot or Parcel Size	Maximum Combined Structure Floor Area	Permitted Accessory
0.01 - 0.99 acres	1,000 sq. ft.	
1.0 - 1.99 acres	1,200 sq. ft.	
2.00 - 2.99 acres	1,400 sq. ft.	
3.00 - 3.99 acres	1,600 sq. ft.	
4.00 - 4.99 acres	1,800 sq. ft.	
5.00 or more acres	2,000 sq. ft.	

- C. **Setbacks** - Detached accessory structures shall not be closer than five (5) feet to a side or rear lot line on lots two (2) acres or less and twenty (20) feet on lots greater than two (2) acres.

- D. **Corner Lots** - Contact the Building Department regarding setback requirements for corner lots.

- * E. **Height** - The height of detached accessory structures shall not exceed one story or fourteen (14) feet in height when the roof pitch is less than 4/12 or sixteen (16) feet when roof pitch is greater than 4/12. The roof height is measured from average grade at the front of the building to the midpoint between the bottom of the eave and the highest point of the roof.

Decks and Patios

Decks and patios are considered accessory structures and shall meet the setback requirements of detached accessory structures.

- A. **Roof Structures** - Any roof structure that is 50% open or more shall be considered an accessory structure and meet requirements for an attached or detached structure. Any roof structure that is less than 50% open and located within 10 feet of the main building shall comply with requirements for the main building.

Gazebos

Gazebos are permitted in all residential districts and are subject to the following limitations

- A. **Setbacks** – Gazebos shall comply with the yard and setback requirements applicable to detached accessory structures.
- B. **Area** – Gazebos shall not exceed 180 square feet in floor area. The area of the Gazebos will not count toward the maximum allowable area for accessory structures.
- C. **Height** – Gazebos shall not exceed one story or 16 feet in height. If attached to the main building, the height shall be measured from the floor area to the highest point of the gazebo roof.

Solar Energy Systems

Solar Energy systems have their own set of zoning requirements and require a building permit before they can be installed. Any system that ceases to function for more than 12-months shall be removed in its entirety within 90 days of the 12-month period.

- A. **Rooftop Systems** – Rooftop mounted systems shall not extend more than 4 feet above the roof surface and shall not extend beyond the edge of the roof.
- B. **Ground Mounted Systems** – The system, if mounted in the front yard shall meet the required front yard setbacks for the district from the table above. It shall not exceed 42 inches in height and shall be screened with an evergreen landscaping sufficient to buffer the view of the equipment from the street or nearby homes. Systems mounted in rear or side yards shall be set back a minimum of five (5) feet from the property line and shall not exceed ten (10) feet in height when oriented at maximum tilt.

Fences

Fences may be installed or replaced within the City subject to the following. Swimming pool enclosures shall meet the requirements of the Michigan Residential Code and International Swimming Pool and Spas Code.

- A. **General** – Fences shall be installed free from defects and safety hazards. No signs, words, letters, images or other illustrations may be painted or affixed to any fence. Materials shall be wood, metal, bricks, masonry or other solid material. Fabric fences are not permitted.
- B. **Residential Fences** – Fences that are located along the side or rear lot lines shall be a maximum of six feet in height and may not extend closer to the front property line than the front of the building. Fences not exceeding three feet in height may be installed in the front yard setback provide they provide proper corner clearance. Fences are subject to HOA restrictions.

SUBDIVISION ZONING DISTRICTS

Aberdeen	R4	Butler Ridge I & II	R2
Adams Oaks	R4		
Andover Woods	RCD	Chichester (Aka	
Adams West (Aka Oxford)	R4OS	Georgetown)	R1/R2
Arcadia Park	R4	Chichester East	R2
Ashford Farms	R1	Christenbury	RE
Autumn Hills	R1	Christian Hills	R1/RCD
Avon Heights	R1/R3	Clear Creek	R1
Avon Hills	R1/R4	Clinton River Valley	R2
Avon Hills Village		C O Renshaw Addition	R4
(Phase 3 aka Sycamores)		Coolidge Highway	R4
Avon Hollow	R1/R3	Country Club Meadows	R2
Avon Lakes Village	R4	Country Club Village	R3
Avon Manor Estates	R3	Covington Place	R3
Avon Meadows	R1	Crestwood Village	RCD
Avon Pointe	R3	Crestwyk Estates	R4
Avon Ravines	R3	Crissfield	R3
Avon Woods	R4	Crooks Crossing East	R4
Avoncrofts	R3/R4	Cross Creek (Lots 1-13)	R1
Avondale Farms	R4/O1	Cross Creek (Lots 14-61)	R3
		Cross Creek (Lots 62-121)	R4
Barrington Park	PUD	Cumberland Hills	R3
Basset & Smith Flowing		Cumberland Pointe	R3
Spring Acres	R2/R4	Cumberland Village	R3
Bellarmino Hills	R1	Cumberland Woods	R3
Belle Cone Gardens	R4		
Berkshire	R4	Deer Run	R3
Blackett's Floral Garden	R3	Dee's Subdivision	R4
Bloomer Park Estates	R4	Denison Acres	R3
Bloomer Woods	R3	Devondale Condo	R4
Bogarts Place	R3	Dodge Auburn Park	R4
Brabach Orchards	R1		
Brampton Parc	R4	Easthampton	R4
Brewester Village	PUD	Easthampton II	R3/R4
Bridgewood Farms	R2	Eddington Farms	R3/R4
Brookedale West	R2	Eddington Woods	R4
Brookedale Woods	R2/R3	Edinshire	R4
Brooklands	R3/R4	Eldon Acres	R4
Brooklands Park	R4	Elmdale	R2
Brookwood Condo	RCD	Estates Of Pine Creek	R2
Brookwood Golf Club	R3OS	Eyster's Auburn Acres	R4

Eyster's Avon Estates	RE	Heather View Estates	RM1
Eyster's Avon Gardens	R3	Heatherwood Village	R3/R4
Eyster's Bloomer Park	R3	Heritage Oaks	R2/R3/RM1
Eysters Auburn Acres	RE	Hickory Ridge	R4
		Hidden Hills	RM1
Fairgrove Manor	R4	Hillcrest	R4
Fairview Farms	R1 OS	Hillside Creek	R1
Fairwood Villas	RM1	Hillview	R1
Falcon Estates	R2	Hillwood	RE/R1
Ferryview Homelands	R4	Hitchmans Haven	R1
Fieldcrest	R3	Homestead Acres	R4
Fitzpatrick	R4	Hunters Creek	R3
Foxboro	R3	Huntington Park	RM1
Gabelman	R4	Ingram Acres	R4
Georgetown (aka Chichester)	R1	John R Highlands	R3
Glidewell	R4	Judson Park	R1
Golden Hills	R4	Juengels Orchards	R1/R3
Golfview Estates	R4	Junction Land Co	R4
Grace Oaks	R4		
Grace Parc	R4	Kensington Forest	R4
Grandview	R4	King's Cove	RM1
Grant M Johns	R4	Kingston Pointe N	R4
Great Oaks	R2/R3	Kingston Pointe S	R4
Grosse Pines	R3	Klem Gardens	R4
Gunthar's Run	R4	Knapp's Farm	R4
		Knolls North	RM1
Hamlin Estates	R3	Knolls South	RM1
Hamlin Place Farms	R3/R4	Knorrwood Hills	R1
Hampton on the Green	RM1	Kollin Woods	R1
Hampton Park	R4		
Hampton Pines		Leggit Reiher	R4
Townhomes	RM1	Lochmoor Hills	R2
Hawthorn	R1	Long Meadows	R2
Hawthorn Forest	R2		
Hawthorn Hills	R2	MacKary	R4
Hazelton Pines	R4	Manchester	R4
Hazelton Woods	R4	Manchester Knolls	R1
Hazelwood	R4	Martin Farms	R3/R4
Hazelwood Hills	R2	Meadow Brook	R1/R2
Hazelwood Meadows	R4	Meadow Creek I & II	R4
Heartpeace Hills	R2		

Meadowbrooks Hills	
Condo of Avon	RM1
Meadowbrook Valley	R2
Meadowfield Condos	RM1
Meadowview	R1
Messmore Farms	R4
Michelson Meadows	R3
Midvale	R4
Mill Stream Village	R1/RCD

North Fairview Farms	R2
North Hill Gardens	R4
North Hill	R4
North Oaks	R1
Northbrooke	R4
Nottingham Woods	R3

Oak Pointe Estates	R2
Oakbrook	RM1
Oakland View	R3
Oakwood Park	RM1
Oxford Estates	R2
(Aka Adams West)	

Paint Creek Hills	RE
Parke Valley	R4
Perrydale	R1
Pheasant Ring	R2OS
Pine Trace Village	R4
Pine Trail	R3
Pine Woods	R4
Pon-Avon Farms	R4

Quail Ridge	R2
Quailcrest	RCD

Regal Colony Condo	R4
Regal Estates	R4
Regency Park Condo of Hampton	RM1
Relyea Acres	R1
Riverside Highlands	R1
Rochdale	R1

Rochelle Park Condo	RCD
Rochester Court	RM1
Rochester Glens	R4/RM1
Rochester Heights	R4
Rochester Hills	RE
Rochester Hills Heathers	R3
Rochester Knoll	R1
Rockhaven Estates	R4
Rookery Woods	R2

Saddlebrook Orchards	R4
Sanctuary at River's Edge	R4/RCD
Sanctuary In The Hills	RCD
Sanctuary In The Hills East	R4
Sargent's Crossing	RCD/RM-1
Shadow Woods	R1/R2/R3
Shortridge Estates	R4
Skyview	R1
Somerset Pines	R4
South Boulevard Gardens	R4
Spring Hill	R1
Starr Estates	R3
Stony Creek	R1/R4
Stony Hollow	R1
Stratford Knolls	R1/R2/R3/RM1
Stratford Manor	
Townhouses	RM-1
Stratford Village Manor	RM-1
Streamwood Estates	R1/RCD/RM-1
Sugar Creek	R4
Summit Condos of Rochester Hills	RCD
Sunnydale Gardens	R4
Supervisor's Avon Twp Plat No 11	R4
Supervisor's Avon Twp Plat No 7	R3
Supervisor's Avon Twp Plat No 8	R3
Supervisor's Plat No 2	R4
Supervisor's Plat No 5	R3/R4
Supervisor's Plat No 6	R4
Supervisor's Plat No 9	R4

Supervisor's Plat No 11	R4
Supervisor's Plat No 12	R4
Supervisor's Plat of Avoncroft's Sub No 1	R3/R4
Supervisor's Plat of Brooklands Park	R4
Supervisor's Plat of Dodge Auburn Park	R4
Supervisor's Plat of Grant M John's Sub	R4
Supervisor's Plat of Hillview	R1
Supervisor's Plat of Messmore Farms	R4
Supervisor's Plat of Midvale	R4
Supervisor's Plat of Glidewell	R4
Sycamores (aka Avon Hills Vlg. Phase 3)	R4
 The Enclaves of Rochester Hills	 RE
The Groves	PUD
The Legacy of Rochester Hills	R3
The Townhomes of Maplehill	RCD
Thornridge	R2
Tienken Center	RM-1
Tienken Manor Estates	R2/R3

University Hills	R3
 Valley Stream	 R2/R3/RCD/RM1
Villas of Shadow Pines	R4
Vintage Estates	R1
Vistas of Rochester Hills	R3
 Walnut Brook Estates	 R4
Walnut Creek	R3
Waltonshire Estates	
Condo	R3
Waverly Woods	RE/R1
Weaver's Acres	R4
Wheaton & Worrals Avon H.E.	R4
Whispering Willows	R3
Whispering Winds of Rochester Hills	RM-1
Wildflower	R4
Willowood	R2
Winchester Village	RM-1
Winkler Mill Estates	R1
Woodgrove of Avon Hills	RM-1
Woodland Crossing	R4
Woodland Park	R3
 Yawkey & Chapmans Add	 R4
Yorktowne Commons	R4



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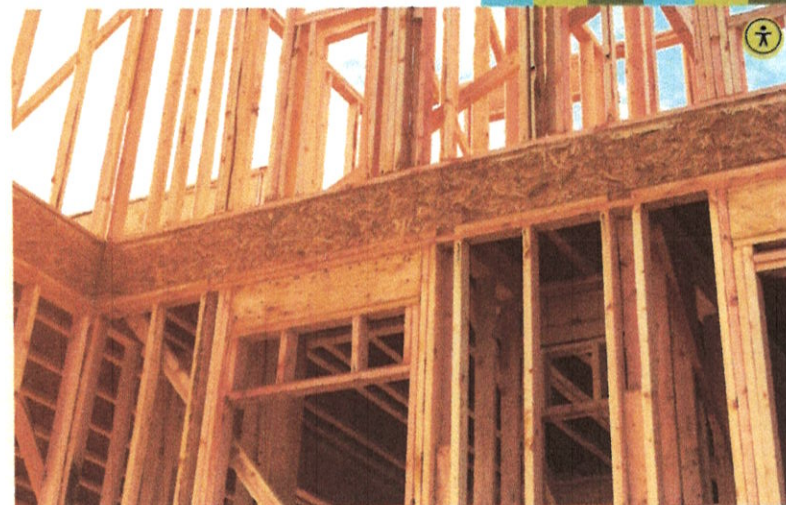


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August 2, 2025

Attention: ALL Concerned Parties

**RE: Rochester Hills ZBA Request for Interpretation of Zoning Ordinance Dated August 2, 2025
Statement of "NO Objection" to said Request (1737 N. Fairview Lane, Rochester Hills, MI
48306 Chichester East Subdivision, Lot 40, Parcel I.D. 15-04-304-007)**

To whom it may concern,

In compliance with the Rochester Hills Department of Planning and Economic Development "ZBA Application Instructions 1., e." I, Lisa Anne Schein, swear to and attest that I am the legal Owner of the aforementioned property. I also swear to and attest that I, Lisa Anne Schein, have NO objection to the submission of said Request to the Rochester Hills Zoning Board of Appeals (ZBA).

Signed: Lisa Anne Schein Date: August 3, 2025
Lisa Anne Schein
1737 N. Fairview Lane
Rochester Hills,
Oakland County,
Michigan 48306

On this 3 day of August, 2025 Lisa Anne Schein appeared before me to affirm and attest to the aforementioned statement(s).

Notary Public: Marlana Jurco Acting in the County of: Oakland

Michigan. My commission expires on: June 23, 2027

Marlana Jurco Date: August 3, 2025
Signature of Acting Notary