



Department of Planning and Economic Development  
 1000 Rochester Hills Dr.  
 Rochester Hills, MI 48309  
 (248) 656-4660  
[planning@rochesterhills.org](mailto:planning@rochesterhills.org)  
[www.rochesterhills.org](http://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)		
<b>Variance:</b> <input checked="" type="checkbox"/> Dimensional (Non-Use) <input type="checkbox"/> Use	<input type="checkbox"/> Appeal <input type="checkbox"/> Interpretation	<b>Conditional or Temporary Use Permit:</b> <input type="checkbox"/> Temporary Building or Use <input type="checkbox"/> Excavation or Landfill Permit <input type="checkbox"/> Other (please describe):

### Property Information

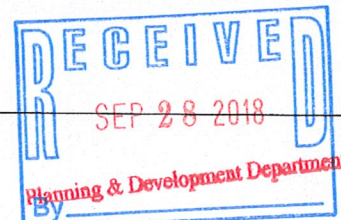
Street Address <b>3079 Eastwood Dr. Rochester Hills, MI 48309</b>	
Parcel Identification Number (can be obtained on the <u>Property Tax Look-Up page on the City's website</u> ) <b>70-15-31-128-023</b>	Platted Lot (if applicable) Subdivision: <b>Dodge Auburn P<sub>c</sub></b> Lot No.: <b>341&amp;342</b>
Current Use(s) <b>Residential</b>	Zoning District <b>401 Residential</b>

### 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)   <span style="color: blue;">/</span>
Reason for Appeal

### Interpretation (if applicable)

Regulations (as defined in <u>Section 138-2.405 &amp; 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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### Dimensional (Non-Use) Variance (if applicable)

Ordinance Section(s) (variance being requested from)

Section 138-5.100 requires a 10ft side yard setback in the R-4 district. The lot split would result in an 8.7 ft. side yard setback for the existing house.

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.

**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.

The current home on the parcel is 8.7 ft from the proposed split. The 120 ft lot would be split down the middle and make two 60ft. lots. Which is in compliance with the width requirements. This would fit the conformity of the neighborhood. The home directly south of the parcel is approximately 9ft from the lot line. Many homes in the area fit this same description.

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

The split of the lot would keep the neighborhood looking the same. The lots would be approximately half an acre. The large open field looks out of place for the subdivision. Many neighbors have expressed that they would be ok with the lot being split.

**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.

The only other way to split the lot would be to take 15 inches of the home that is currently on the parcel. The parcel was originally 2 lots and when an addition by a prior owner was added some time ago. it was made approximately 15 inches to wide.

**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.

This double lot looks out of place for the area. Allowing the split would bring the lot more in line with the neighborhood.

**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.

The home on the property was built long ago with an addition that was added by a prior owner and made the home side setback 8.7ft from proposed split vs over 10ft.

**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.

There would be no safty issues with the public.



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**ZBA  
Application**

**Applicant Information**

Name <b>John Lipka</b>		
Address <b>3079 Eastwood Dr.</b>		
City <b>Rochester Hills</b>	State <b>MI</b>	Zip <b>48309</b>
Phone <b>989-213-8622</b>	Email <b>lipka85@gmail.com</b>	
Applicant's Legal Interest in Property <b>Owner</b>		

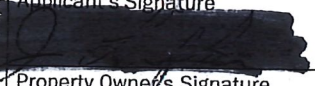
**Property Owner Information**  Check here if same as above

Name		
Address		
City	State	Zip
Phone	Email	

**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 <b>Johnathon Lipka</b>	Date <b>9-27-18</b>
Property Owner's Signature	Property Owner's Printed Name	Date

**OFFICE USE ONLY**

Date Filed <b>9/28/18</b>	File # <b>18-019</b>	Escrow # <b>N/A</b>
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