



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 Article 2 Chapter 4 Variances and Appeals of the City's Zoning Ordinance)

- |   |   |  |
|---|---|--|
| <b>Variance:</b>  | <input type="checkbox"/> Appeal         | <b>Conditional or Temporary Use Permit:</b>            |
| <input checked="" type="checkbox"/> Dimensional (Non-Use) | <input type="checkbox"/> Interpretation | <input type="checkbox"/> Temporary Building or Use     |
| <input type="checkbox"/> Use                              |   | <input type="checkbox"/> Excavation or Landfill Permit |
|   |   | <input type="checkbox"/> Other (please describe):      |

### Property Information

Street Address <b>307 Michelson Rd., Rochester Hills, MI. 48307</b>	
Parcel Identification Number (can be obtained on the Property Tax Look-Up page on the City's website) <b>70-15-35-326-030</b>	Platted Lot (if applicable) Subdivision: <b>Brooklands</b> Lot No.: <b>24-28</b>
Current Use(s) <b>Vacant</b>	Zoning District <b>R4</b>

### 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) **Rear setback for the proposed house is 5.76 feet. Required rear setback is 35 feet. It is not possible to build a functional house as shown on the attached plan. Max proposed house is 726 sq. ft (1st floor)**

Reason for Appeal **NOT possible to build a house that can function for a family. There is wall for M59 in the back at 7'00" from proposed house corner.**

### 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

Reason for Interpretation

### 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) (variance being requested from)

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. \

I am requesting a rear yard setback variance so I can build a house that can function. The size of the house that it is possible to build without the variance is 726 sqft for the first floor excluding the garage, and the living area is not regular shape.

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

We are intending to build a nice home that would be functioning to the family. The proposed house will add a nice improvement to the district and will not affect the adjacent properties in a negative way.

**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.

A lesser variance will not help to have a standard house, shape, and use.

**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 proper is very unique because it has a triangular shape, and it ~~is~~ possible to build a house that can function for family.

**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.

I purchased this property with current parcel dimension, and did not make any changes to its size.

**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.

The proposed house will not cause any harms to district in any way.





**Use Variance (if applicable)**

Ordinance Section(s) (variance 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.

**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.

**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.



Department of Planning and Economic Development  
 (248) 656-4660  
 planning@rochesterhills.org  
 www.rochesterhills.org

**ZBA  
Application**

**Applicant Information**

Name <b>Arkan Hallak</b>		
Address <b>43539 Holmes Dr.</b>		
City <b>Sterling Heights</b>	State <b>MI.</b>	Zip <b>48314</b>
Phone <b>(586) 277 5975</b>	Email <b>ARKANHALLAK@cloud.com</b>	
Applicant's Legal Interest in Property		

**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 <b>Arkan Hallak</b>	Applicant's Printed Name <b>Arkan Hallak</b>	Date <b>7/25/2019</b>
Property Owner's Signature <b>Arkan Hallak</b>	Property Owner's Printed Name <b>Arkan Hallak</b>	Date <b>7/25/2019</b>

**OFFICE USE ONLY**

Date Filed <b>7-25-19</b>	File # <b>19-032</b>	Escrow #
------------------------------	-------------------------	----------