



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



Zoning Board of Appeals (ZBA) Application

By Planning & Development Department

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):

Property Information

Street Address <u>281 Orcharddale R. Hills 48309</u>	
Parcel Identification Number (can be obtained on the <u>Property Tax Look-Up page on the City's website</u>)	Platted Lot (if applicable) Subdivision: <u>Rochdale</u> Lot No.: <u>105</u>
Current Use(s)	Zoning District <u>R-1</u>

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) 138-5.101B.

Reason for Appeal

To show hardship, unique circumstances for the corner lot, and how a lesser variance will not give relief.

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



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Dimensional (Non-Use) Variance (if applicable)

Ordinance Section(s) (variance being requested from)

See attached

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.

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

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.



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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.



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**ZBA
Application**

Applicant Information

Name <i>Amy Bunch</i>		
Address <i>281 Orchardgate</i>		
City <i>Rochester Hills</i>	State <i>MI</i>	Zip <i>48309</i>
Phone <i>248-219-0254</i>	Email <i>amy.bunch@arterrarealty.com</i>	
Applicant's Legal Interest in Property <i>Owner</i>		

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 <i>[Redacted]</i>	Applicant's Printed Name <i>Amy Bunch</i>	Date <i>4-17-17</i>
Property Owner's Signature <i>[Redacted]</i>	Property Owner's Printed Name <i>Amy Bunch</i>	Date <i>4-17-17</i>

OFFICE USE ONLY

Date Filed <i>4/17/2017</i>	File # <i>17-012</i>	Escrow # <i>N/A</i>
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Mark and Amy Bunch
281 Orchardale Dr

Practical Difficulty:

The current configuration of the existing home is not practical.

Problems with drainage at the front of the home and the sump pump illegally dumps into the sewer

Substantial Justice:

The variances will improve home space by adding more useful square footage and help with the current configuration of the home.

It will improve the drainage to the property and correct the sump pump issues with the sewer.

The variance granted will maintain a 2-car garage to the home.

The variance will improve the exterior appearance of the home for surrounding property owners without jeopardizing the mature trees and character of the subdivision.

Lesser Variance:

The variance being requested is to maintain a 2-car garage which is the standard majority of the subdivision and surrounding areas.

The north-side variance is for the front foyer and porch. It is a 5' deep porch and a lesser variance would not give an entryway or covered area for the entrance to the home.

Unique Circumstances:

The lot being discussed is a corner lot. The configuration of the home makes it difficult to propose additions for how it sits forward on the property.

This lot is smaller and not as deep as those bordering it which lessens the options for additions.

This is an older subdivision with large, treed lots, with homes located very far apart from each other. Because the homes are located over 100' from each other,

blocking views of nearby homes due to the established building line is different than other neighborhoods in the area with closer homes and much smaller lots.

Not Self-Created:

We have lived at the property for 12 years and had first thought of adding on when we purchased it.

Over the past 7 years, we have talked to 4 different architects in the area and 1 structural engineer to review every available alternative options.

The current request for variances offers the smallest footprint for the property and do the most justice to the home.

The proposed addition is still well within the setbacks required by the R-1 zoning/corner lot of the city.

Additional Issues that came with the home that would be “corrected” with the variances in the addition--the pole in the center of the garage cannot be moved (according to a structural engineer) so we cannot use the current garage space for living space—the drainage at the front of the home would have the addition and landscaping able to divert the water away from the home—the sump pump illegally dumps into the sewer after the neighbor built their home and our drain line was diverted to the sewer.

Public Safety and Welfare:

The home is still well within the setbacks required by the corner lot of the R-1 zoning.

Other lots in the subdivision are closer to the property lines than this home will be after the addition.

We have spoken to neighbors directly affected by these variances and they do not have any issues or concerns with it. Letters can be provided upon request.

