



Department of Planning and Economic Development
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**ZBA
Application**

Dimensional (Non-Use) Variance (if applicable)

Ordinance Section(s) (variance being requested from)

138-10.102 "Detached Accessory Structures": Section A

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 site is heavily wooded and adhering to the setback to be behind the main structure would require numerous mature trees to be removed. A natural clearing currently exists where the structure is proposed.

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

This is a high end accessory structure and will increase the property values in the area while still maintaining the existing wooded nature of the site.

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.

If the variance is not granted the only other option would be to add on to the existing house. The addition would be at the front and would be closer to the front lot line than the proposed structure.

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 is a heavily wooded lot with many mature trees.

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.

Existing trees

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.

This is a high end accessory structure and will increase the property values in the area while still maintaining the existing wooded nature of the site. The structure would also still be behind most, if not all, other houses and structures in the area.



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ZBA Application

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.