



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

Request Information

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

Variance:

Dimensional (Non-Use) Appeal **Conditional or Temporary Use Permit:**

Use Interpretation Temporary Building or Use

Other (please describe):

Property Information

Street Address **110 W. South Blvd.**

Parcel Identification Number (can be obtained on the <u>Property Tax Look-Up page on the City's website</u>) 70-15-34-477-016	Platted Lot (if applicable) Subdivision: n/a Lot No.:
Current Use(s) Medical Office	Zoning District

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)
Application for parking lot maintenance permit re: 110 W South Blvd/70-15-34-477-016. Reversal of denial by the Building Department (Letter of 4/6/2017)

Reason for Appeal
To expand parking lot and waive requirements of minimum 10 feet set back of a residential property

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 11, Section 138-11.102, paragraph 4.1., Setback for Residential Districts and Uses.

Reason for Interpretation
To grant a waiver

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)

<p>Ordinance Section(s) (variance being requested from)</p> <p>Section 138-11.102.4.a. parking within 10 feet of a residentially zoned property</p>
<p>Review Criteria (as defined in Section 138-2.407 of the City's Zoning Ordinance)</p> <p>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.</p> <p>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.</p>
<p>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.</p> <p>Enforcing the 10 feet minimum requirement will prevent the applicant from efficiently expanding the parking lot to meet the designated use as office building, this being the only area to expand the parking lot.</p>
<p>Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District.</p> <p>Granting the variance will enable the applicant to efficiently expand the parking lot without any negative impact on other property owners in the district.</p>
<p>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.</p> <p>Granting a lesser variance will not achieve the applicant's purpose for expansion (i.e. maximize available parking space).</p>
<p>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.</p> <p>The unique circumstance involves availing rental business space to professionals requiring more parking space.</p>
<p>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.</p> <p>The applicant has not created the hardship experienced. The issue is the need for more parking space for the current building use.</p>
<p>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.</p> <p>Expanding the parking lot in a small area of the northwest part of the parking lot will not in any way result in or create a safety issue.</p>



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Use Variance (if applicable) N/A

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 Salman Abrou		
Address 1044 Rochelle Park Drive		
City Rochester Hills	State Michigan	Zip 48309
Phone (248) 421-2871	Email SALABROU@YAHOO.COM	
Applicant's Legal Interest in Property Property Manager		

Property Owner Information Check here if same as above

Name Ayad Abrou, 110 South Blvd. LLC		
Address 6632 Telegraph Rd. # 348		
City Bloomfield Hills	State Michigan	Zip 48301
Phone (248) 421-3391	Email aabrou@yahoo.com	

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 Salman Abrou	Date 4/18/17
Property Owner's Signature 	Property Owner's Printed Name Ayad Edward Abou	Date 4/18/17

OFFICE USE ONLY

Date Filed	File #	Escrow #
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April 17, 2017
City of Rochester Hills
Dept. of Planning & Economic Development
1000 Rochester Hills
Rochester Hills, MI 48309

Dear Sir or Madam

This is to certify that I have no objection to apply for an Appeal (Variance) due to the City's denial of my Parking Lot Maintenance Permit Application dated April, 5, 2017.

I hereby authorize our Property Manager Mr. Salman Abrou to apply for this Appeal.

Sincerely,



Ayad Abrou
110 South Blvd. LLC
6632 Telegraph Rd. # 348
Bloomfield Hills, MI 48301



4/17/2017

SUMMER ATEEK
NOTARY PUBLIC STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires July 18, 2018
Acting in the County of Oakland