



Department of Planning and Economic Development  
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 Rochester Hills, MI 48309  
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[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)

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

1835 Crestline

Parcel Identification Number (can be obtained on the Property Tax Look-Up page on the City's website)

70-15-22-451-027

Platted Lot (if applicable)

Subdivision:

Lot No.:

Current Use(s)

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)

WE would like to put up a 8 ft fence to keep the deer out of our garden.

Reason for Appeal

With all the building going on around us, the deer are all moving to the open area behind our house. Every night we have a herd go through our yard eating everything in our gardens, all our flowers and vegetables. They also attack us when we are out in our yard.

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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ZBA  
 Application

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. *If we put up a 6ft fence, the deer will jump over it and still eat all our garden. We can't use our own yard for flowers, vegetables, or sitting outside enjoying the view. They even come up on our deck and eat the flowers in the pots.*

Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District. *By allowing us to have a taller fence we can have beautiful gardens for our neighbors, and anyone else in the city to enjoy. We try to keep our property beautiful but the deer ruin everything. We had to replant grass because they tore up our backyard.*

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. *Deer can easily jump a 6ft fence, that the city will allow. WE need a higher fence to keep them out. It will keep most if not all of them out of our yard.*

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. *We have a totally open field behind our home. Most other properties do not. The deer have all moved behind our home because of all the building in other open areas close to us. They have nowhere else to go.*

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. *WE have done nothing to cause this problem.*

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 fence we are requesting would not be detrimental to anyone or anything. It would allow us to make our property beautiful for everyone to enjoy. WE have been asked twice to be in a city garden walk, and had to say no, because the deer ate all the flowers before the day of the Garden Walk.*

*all we want is to be able to enjoy our yard, without our gardens being eaten, or us attacked !!*