



Department of Planning and Economic Development
 1000 Rochester Hills Dr.
 Rochester Hills, MI 48309
 (248) 656-4660
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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 92 E Auburn Rd.	
Parcel Identification Number (can be obtained on the Property Tax Look-Up page on the City's website) 15-35-100-055	Platted Lot (if applicable) Subdivision: _____ Lot No.: _____
Current Use(s) Culvers Restaurant	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)
The applicant requests a variance to the current sign ordinance.

Reason for Appeal
 The applicant requests a sign variance for the new Culver's restaurant. The current sign requirement does not allow for signage that is consistent in construction, style, and design in the area. The applicant is proposing signage that is similar to other signs in the area. The sign will be constructed with metal letters and have a plastic cover lens. The signage that is proposed will visually be consistent, enhance the neighborhood, and will not be deleterious to the community.

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)

Section 138-8.603

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 current ordinance does not allow for signs that are similar to other signs in the area.
Following the current ordinance will create signs that are not consistent with the area.

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 creating the sign variance this will allow for signs on the building to be visually consistent to other signs in the area.

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.

This situation is unique in that Culvers was developed under a flex zoning district. The current ordinance does not allow for signs that are similar in construction, design, and use.

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.

Following the current ordinance.

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 signage that is proposed will visually be consistent, enhance the neighborhood, and will not be deleterious to the community.



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ZBA Application

Applicant Information

Name Just Burgers & Fries, LLC		
Address 4564 Oakhurst Ridge Rd.		
City Clarkston	State MI	Zip 48348
Phone 248-891-6080	Email andrew@rosettabuilding.com	
Applicant's Legal Interest in Property Owner		

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 	Applicant's Printed Name ANDREW ZIECKE	Date 4-15-17
Property Owner's Signature 	Property Owner's Printed Name ANDREW ZIECKE	Date

OFFICE USE ONLY

Date Filed	File #	Escrow #
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