



**Dimensional (Non-Use) Variance (if applicable)**

Ordinance Section(s): Indicate specific section(s) of the zoning ordinance that the variance(s) are being requested from and the specific variance(s) being requested (i.e., amount of encroachment into a required setback, amount of lot coverage exceeding the maximum amount permitted)

Minimum Lot Size and Front Width (Section 122-28(b)(2) and 138-5.100-101)

Requesting a variance to deviate from the minimum lot width requirement in the R-3 district (90-feet) and the minimum lot area (12,000 square feet).

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.

**Please provide a thorough response to each of the following criteria.**

**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.

My existing parcel is approximately 160 feet in width and 38,742.4 square feet in area, based on straightforward calculations. I am proposing to split this parcel into two (2) lots, each measuring approximately 80 feet in width and 19,371.2 square feet in area. These lots will exceed the minimum area requirement but will fall short of the required 90-foot frontage by 10 feet each.

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

Each proposed lot will exceed the minimum required area (over 19,000 SF vs. the required 12,000 SF), will be capable of accommodating compliant setbacks, lot coverage and other dimensional standards, will maintain the character and density of the neighborhood, especially given that several lots in the vicinity are of similar or narrower width, and will preserve public health, safety and welfare.

**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 same Zoning District.

Strict compliance with the 90-foot minimum lot width requirement would prevent the reasonable use of the property for purposes permitted within the R-3 district - namely, single-family residential homes. The site, as currently configured, is significantly wider and deeper than many lots in the surrounding neighborhood and offers more than adequate space for two compliant single-family homes from a practical standpoint. This would also impose an unnecessary burden that does not further the underlying intent of the zoning ordinance (such as maintaining neighborhood character, density, or safety).

**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 Zoning District.

The existing parcel is unusually wide (160 feet) compared to typical lots in the surrounding neighborhood, which are often significantly narrower. While the frontage requirement is 90-feet, this parcel's width allows for two lots that, while slightly narrower than required, still far exceed the minimum lot area standard, ensuring both new lots are generously sized. The shape and size of the lot make it ideally suited for a modest split, resulting in two buildable parcels that still conform with the overall intent of the zoning ordinance.

**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.

These unique conditions are not self-created, but rather the result of historic parcel configurations and the natural shape and size of the property. Because of these factors, a strict application of the zoning ordinance would impose a disproportionate hardship on this specific parcel that does not generally affect others in the district.

**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 same Zoning District in which the property is located.

This proposal preserves the low-density residential character of the neighborhood, maintains consistency with surrounding home sizes and spacing, does not create additional traffic, noise, or infrastructure strain (as only one additional single-family home is proposed), and is compatible with the intent of the zoning ordinance, which aims to ensure orderly development, adequate space between dwellings, and preservation of neighborhood character.



Department of Planning and Economic Development  
(248) 656-4660

## ZBA Application

### Use Variance (if applicable)

Ordinance Section(s): Indicate specific section(s) of the zoning ordinance that the variance(s) are 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.** Has a rezoning been applied for and officially denied by the City?

- ☐ Yes – Please provide a thorough response to each of the following criteria.  
☐ No – If no, please contact the Planning and Economic Development Department to discuss next steps.

**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.