

City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309  
(248) 656-4660

For Official Use Only  
File No. 10-005  
Date: 8/17/10

**ZONING BOARD OF APPEALS APPLICATION**  
**(Non-Use or Dimensional Variance)**

1. **Property Information:**

Address of Affected Property: 2300 AUBURN RD  
Lot No. and Subdivision Name: LOTS 4, 5, AND 6  
Tax I.D. No./Sidwell Number: #15-29-453-024  
Zoning District: B2 GENERAL BUSINESS FB-1 FLEXIBLE OVERLAY.  
Current Use: RETAIL CONVENIENT STORE

2. **Request:** Non-use (or dimensional) Variance

Ordinance Section: ARTICLE 5 SECTION 138-5.11  
(Variance being requested from)

**Brief Description of Request:**

7 1/2 feet encroachment in the rear set back

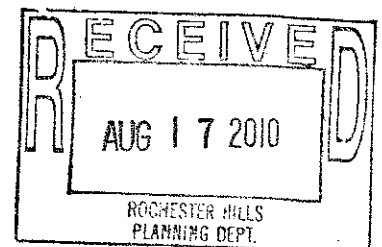
7 1/2

P.D. 9-20-10

3. **Criteria for Non-Use Variance:**

The City of Rochester Hills Zoning Ordinance authorizes the Zoning Board of Appeals to vary or modify the Ordinance where there is a practical difficulty or unnecessary hardship in the way of carrying out the strict letter of the 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.



- a) **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 Owner wishes to expand the current building. The building needs to be enlarged to increase sales. The proposed 60' right of way in front yard which is anticipated in the near future, will eliminate the drive way and parking . Therefore the building needs to be moved and expanded in the rear.**

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

**The Owner will be able to enlarge the building and improve the interior movement. The addition will be used to move coolers in to new addition and increase the merchandize stocking area. This will improve the business.**

- c) **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:

**The Owner will be moving the existing coolers in to the required set back. The coolers need 11'-0" clearance**

- d) **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.

**The proposed 60' right of way in front yard will eliminate the drive way and parking.**

- e) **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.

**All conditions were existing prior to purchase of this property**

- f) **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.

~~2 to 4~~ feet rear variance will leave 47 feet of distance to the neighboring property.  
43