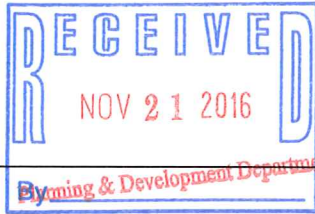




Department of Planning and Economic Development  
 1000 Rochester Hills Dr.  
 Rochester Hills, MI 48309  
 (248) 656-4660  
[planning@rochesterhills.org](mailto:planning@rochesterhills.org)  
[www.rochesterhills.org](http://www.rochesterhills.org)



## 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:
- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Dimensional (Non-Use) | <input type="checkbox"/> Appeal         | Conditional or Temporary Use Permit:                   |
| <input type="checkbox"/> Use                              | <input type="checkbox"/> Interpretation | <input type="checkbox"/> Temporary Building or Use     |
|   |   | <input type="checkbox"/> Excavation or Landfill Permit |
|   |   | <input type="checkbox"/> Other (please describe):      |

### Property Information

Street Address <b>3971 PICCADILLY DR.</b>		<i>R-2</i>
Parcel Identification Number (can be obtained on the <a href="#">Property Tax Look-Up page on the City's website</a> ) <b>15-19-328-028</b>	Platted Lot (if applicable) Subdivision: <b>BUTLER RIDGE</b> Lot No.: <b>108</b>	
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)

Reason for Appeal

### 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



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**ZBA  
 Application**

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

Ordinance Section(s) (variance being requested from)

**SEEKING A VARIANCE TO EXTEND 6'-7" INTO THE REAR YARD SETBACK**

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 UNIQUE LOT SHAPE PROVIDES A HARDSHIP THAT RESTRICTS ABILITY CREATE A PATIO SPACE THAT IS FUNCTIONAL FOR INTENDED USE WHICH IS SIMILAR TO THOSE WITHIN THE SAME NEIGHBORHOOD**

**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 VARIANCE WILL ALLOW THE HOMEOWNER TO CONSTRUCT THE DESIGED PATIO AND FEATURES WITHOUT REDUCING THE WIDTH THAT WOULD DIMINISH FUNCTIONALITY. OTHER PROPERTY OWNERS WILL NOT BE IMPACTED.**

**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.

**A LESSER VARIANCE WOULD NOT ALLOW SUFFICIENT ROOM FOR THE FUNCTIONALITY OF THE SPACE. THE SHAPE OF THE LOT SIGNIFICANTLY IMPACTS ABILITY TO ADJUST THE DESIGN.**

**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 REAR PROPERTY LINE IS NOT PARALLEL TO THE HOME AND CUTS INTO THE PATIO SPACE SIMILAR TO THOSE INSTALLED AT OTHER NEIGHBORING PROPERTIES.**

**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.

**THERE ARE NOT OPTIONS TO ADJUST THE PATIO SIZE AND MAINTAIN A FUNCTIONAL SPACE. THE LOT HAS CAUSED THE ISSUE NOT THE DESIGN.**

**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 MINIMAL ENCROACHMENT IN THE SET BACK WILL BE IN THE REAR YARD AND WILL NOT IMPACT ANY NEIGHBORS.**



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## ZBA Application

### Use Variance (if applicable)

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 <b>CREATIVE BRICK</b>		
Address <b>3195 ORCHARD LAKE RD</b>		
City <b>KEEGO HARBOR</b>	State <b>MI</b>	Zip <b>48320</b>
Phone <b>248.230.1600</b>	Email <b>CREATIVEBRICK@YAHOO.COM</b>	
Applicant's Legal Interest in Property <b>CONTRACTOR</b>		

**Property Owner Information**  Check here if same as above

Name <b>YAKOB</b>		
Address <b>3971 PICCADILLY DRIVE</b>		
City <b>ROCHESTER HILLS</b>	State <b>MI</b>	Zip <b>48309</b>
Phone <b>248.807.1500</b>	Email <b>LOUIEZ913@YAHOO.COM</b>	

**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 <b>Christopher Zerbst</b>	Date <b>11/21/16</b>
Property Owner's Signature	Property Owner's Printed Name	Date

**OFFICE USE ONLY**

Date Filed	File # <b>16-032</b>	Escrow # <b>N/A</b>
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Department of Planning and Economic Development  
1000 Rochester Hills Dr.  
Rochester Hills, Mi 48309

RE: 3971 Piccadilly Drive ZBA application

11.18.16

To whom it may concern,

We the property owners of 3971 Piccadilly Drive in Rochester Hills are seeking to submit the application for a patio with covering and fireplace to the zoning board. Let this serve as a letter indicating no objections to applying for a zoning variance.

Sincerely,

Mr. And Mrs. Yakob  
3971 Piccadilly Drive  
Rochester Hills, MI 48309

Signature: [Handwritten Signature] Date: 11-21-16

Signature: [Handwritten Signature] Date: 11-21-16

[Handwritten Signature]  
[Handwritten Signature]  
[Handwritten Signature]

**MARILYN NUMMER**  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF OAKLAND  
My Commission Expires July 7, 2020  
Acting in the County of Oakland

for Leah Yakob  
Marilyn Nummer