

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

For Official Use Only

File No. #13-003

Date: _____

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



1. **Property Information:**

Address of Affected Property: 1468 RUBY AVE

Lot No. and Subdivision Name: BELLE CONE GARDENS SUBDIVISION

Tax I.D. No./Sidwell Number: 70-15-33-401-009

Zoning District: R4 ONE FAMILY RESIDENTIAL

Current Use: SINGLE FAMILY RESIDENCE

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

Ordinance Section: 138-10.102, DETACHED ACCESSORY STRUCTURES,
(Variance being requested from)

Brief Description of Request:

SEEKING VARIANCE FOR 917 SQUARE FEET FOR CARPORT

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.

WOULD LIKE TO BE ABLE TO PARK MY STOCK FORD TRUCK OUT OF THE WEATHER BECAUSE IT DOES NOT FIT IN MY STANDARD GARAGE. HAVE THE NEED TO WORK ON MY WORK TRUCK DUE TO ITS AGE. AND OTHER PERSONAL PROJECTS,

- 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.

I SPENT A GREAT AMOUNT OF TIME AND MONEY ON THE CARPORT SO MY CORNER PROPERTY WILL LOOK NEAT AND WELL MAINTAINED. (PLEASE SEE ATTACHED PHOTOS)

- 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 LESSER VARIANCE WOULD NOT ALLOW ME TO KEEP MY CORNER PROPERTY LOOKING NEAT AND WELL MAINTAINED

- 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 AFFECTED PROPERTY IS LOCATED ON A CORNER OVERSIZED LOT, THE LOT IS SURROUNDED BY TREES AND FOLIAGE. (PLEASE SEE ATTACHED PHOTOS)

- 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.

(NOT SELF CREATED) FEEL MISLEAD BY THE CITY! I CALLED THE CITY BUILDING DEPARTMENT AND WAS TOLD NO PERMIT WAS NECESSARY FOR A NON PERMENTENT SELF STADING STRUCTURE WITH NO FOUNDATION

- 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.

KEEPING THE CARPORT WILL KEEP THE PUBLIC SAFE FROM HARM BAC. IT IS ENCLOSED, FENCED AND PROPERLY MAINT. AND IT IS SURROUNDED BY MANY TREES, FOZLAGE AND PLANTS, (PLEASE SEE ATTACHED PHOTOS)

February 14, 2013



City of Rochester Hills

I put the carport up because I needed a place to work on my vehicles and keep them out of the weather and safe from harm. I have a couple of collector vehicles in my possession and a stock Ford truck that I would like to keep out of the weather, it will not fit in my standard garage.

Checked with the City, and was told I didn't need a permit because it was free standing and not on a foundation.

Checked several sites to make sure I got the best and practical car port to keep my property and neighborhood looking nice. Put up a wood fence around it and plan on painting it white this summer, to stay with matching my house and garage.

My oversized corner lot is surrounded by trees, foliage, plants and flowers to keep my property, my neighborhood and the City of Rochester Hills looking it best.

Several of my neighbors, and one who works for the City of Rochester, came over and even helped me with some of the grading and leveling of the site to make sure the car port would be safe, sturdy and nice looking with the proper drainage.

Also, plan on adding more plants and flowers along the fence line, could not do it any sooner because the fence needs to be painted. Plan on having that be one of my first projects for this coming spring.

Your considerations in this matter are deeply appreciative and thank you for your leniency in this matter.

Sincerely,

Daniel Kinnaird
1468 Ruby Ave.
Rochester Hills, MI
248-853-0402 Home

248-840-9321 Cell

Dear Neighbors –

I need your help !!

The City of Rochester Hills will be sending you a brief survey or a notification regarding my carport.

I was told when I called the City last summer, I did not need a permit for it because it is freestanding structure and not on a foundation.

BUT that is not the case. The questions they will ask you are if you have any problems with the carport.

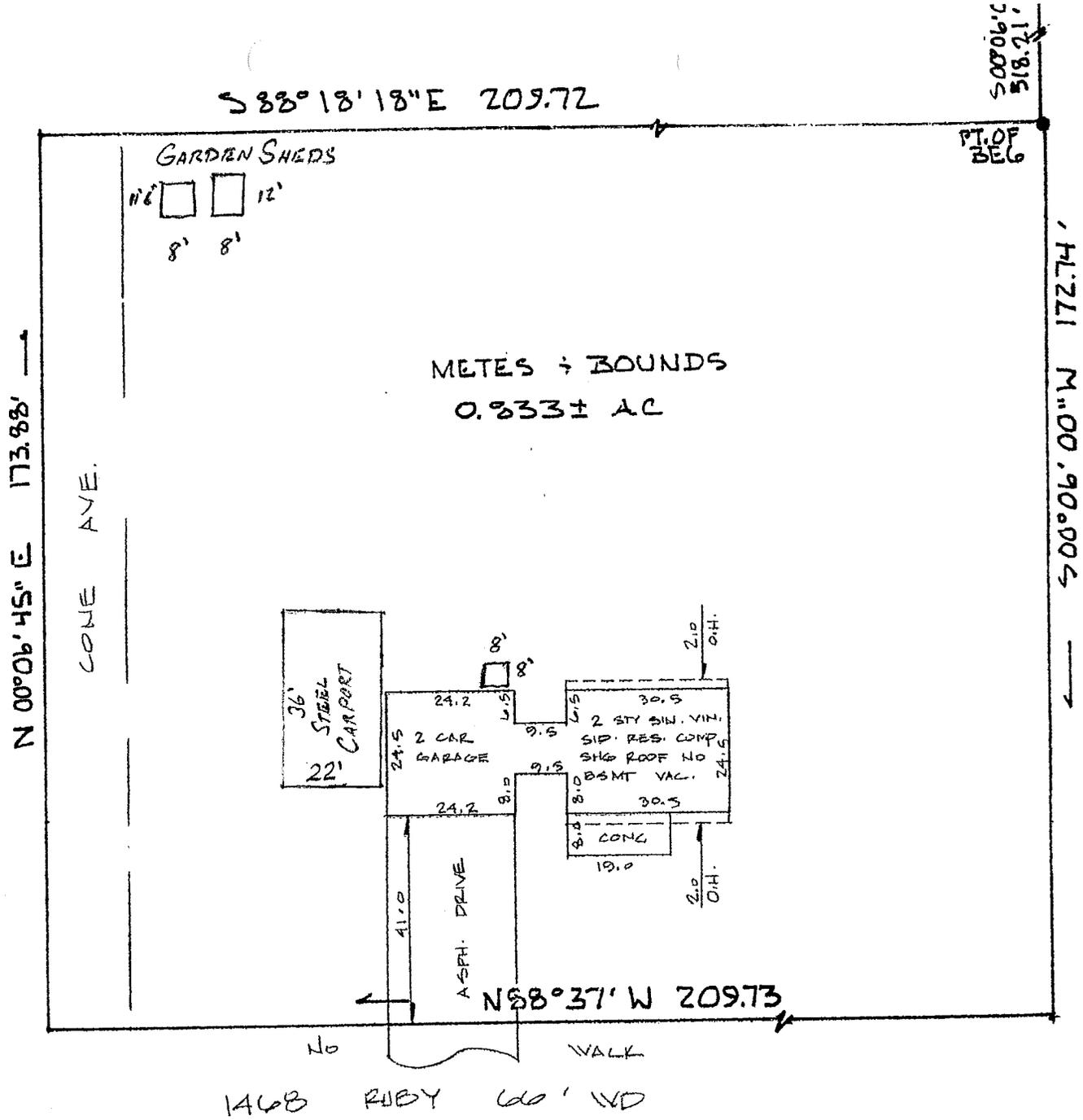
If you do for some reason, please call me so we can come up with a compromise that will benefit both of us.

I am seeking a variance with the City to keep my carport.

Thank you for your help, it is very much appreciated.

Sincerely,

Daniel Kinnaird
1468 Rudy Ave.
Rochester Hills, MI
248-853-0402 Home
248-840-9321 Cell



Land in the City of Rochester Hills, Oakland County, Michigan, described as follows:

Part of the Southeast 1/4 of Section 33, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows: Beginning at a point being 2094.01 feet North 87 degrees 22 minutes West along the East and West 1/4 line of said Section 33 and 518.21 feet South 00 degrees 06 minutes 00 seconds West from the East 1/4 post of said Section 33; thence continuing South 00 degrees 06 minutes 00 seconds West 172.74 feet to a point on the North side of Ruby Street (so-called) as recorded in Belle Cone Gardens Subdivision, as recorded in Liber 45 of Plats, page 26, Oakland County Records; thence along said North line of Ruby Street North 88 degrees 37 minutes West 209.73 feet to a point on the North and South 1/4 line of said Section 33; thence along said North and South 1/4 line North 00 degrees 06 minutes 45 seconds East 173.88 feet; thence South 88 degrees 18 minutes 18 seconds East 209.72 feet to the point of beginning. Except the West 17 feet taken for Cone Avenue.

Daniel P. Kinnaird

Survey # PH-367139

7/18/02

SURVEYED BY K.M.



CERTIFICATE: SIGNATURE FINANCIAL INC.



Ruby
Cone



