

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

For Official Use Only
File No. # 13-013
Date: _____

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



1. Property Information:

Address of Affected Property: 1901 Clear Point Court

Lot No. and Subdivision Name: 196 Chichester Subdivision No.3

Tax I.D. No./Sidwell Number: 15-04-3002-025

Zoning District: R-2: One Family Residential

Current Use: One Family Residential

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

Ordinance Section: 138-5.100 - Rear Yard Setback Dimension
(Variance being requested from)

Brief Description of Request:

Requesting approval for a small, triangular corner of a new Covered Porch to encroach into the required rear setback in the area of an existing deck, which will be removed.

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.

We are proposing the replacement of an existing, conforming deck with a covered area much smaller than the existing deck. We have reduced the size as much as possible to accommodate a table and grill.

- 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 existing deck is in need of replacement. The current deck has proven to be difficult to utilize because of it's orientation to the sun. A shading device is needed that will be consistent with the character of the house and not be an eyesore for the neighbors. A modest sized, period-style porch provides a good solution for the owners and their neighborhood.

- 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:

We have reduced the current deck size to a minimum size for the use of the owner's table under the roof. Which is the reason for a roof.

- 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 property lines on this lot are irregular and at a substantial angle to the home. We are asking for a very minor variance, that amounts to only 90 s.f., forming a triangular clip area in the corner of this porch. This area is already being used as a deck.

- 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.

Without the angular character of the property line, this variance would not have been required.

- 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.

The proposed porch is a reduction in lot coverage from the current deck and represents no additional public safety or welfare risk.