



Department of Planning and Economic Development
1000 Rochester Hills Dr.
Rochester Hills, MI 48309
(248) 656-4660

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:

☒ Dimensional (Non-Use)

☐ Use

☐ Appeal

☐ Interpretation

Conditional or Temporary Use Permit:

☐ Temporary Building or Use

☐ Excavation or Landfill Permit

☐ Other (please describe):

Property Information

Street Address	2331 Rusk Rd., Rochester Hills, MI 48306		
Parcel Identification Number	1505455006	Platted Lot (if applicable) Subdivision: T3N, R 11 E, SEC 5 BRABACH ORCHARDS	Lot No.: 12
Current Use(s)	Permanent residence	Zoning District	R-1

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



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) Subpart B - Land Development Regulations: Chapter 138 - Zoning: Article 10 - General Provisions: Chapter 1 - Accessory Structures and Buildings: Section 138-10.103 - Corner Lots

We are requesting a variance from the front setback from sidestreets. We would like to build a backyard fence that would extend to the bushes in the southeast corner of our lot.

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.

Compliance with the strict letter of the regulations would not allow us to incorporate a large portion of our backyard within the fenced area. This would take away the functionality of a large section of our property.

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.

This variance will allow us to incorporate the entirety of our backyard within a fenced area. We would like to maximize the functionality of this space in order to provide the best possible recreation area for our daughter and dog. In addition, this fence will help prevent deer from eating landscaping and garden vegetation in our yard. We have health concerns for our dog as well, who is persistent in eating the deer feces whenever we are out in the yard, so this would be an added benefit from creating a fenced-in backyard. Our neighbors were hoping to create a fully fenced-in yard for their dog as well, so this would allow them to extend their fence further and maximize their usable yard space.

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.

Providing a lesser variance would increase the area of our yard that cannot be incorporated within the fence. This would decrease the usable area of our property and limit the recreational area we would like to provide for our daughter and dog.

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.

Our property has a large portion of the backyard that extends past the front of our neighbor's house. This creates a large section of the yard that would not be incorporated within the fence with the current regulations.

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.

Our house and our neighbor's house were both built prior to us purchasing our 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 same Zoning District in which the property is located.

We have discussed our desire to build a fence to the southeast corner of our lot with our neighbor, and they are supportive of the plan. Our fence will be setback at least 15-20 feet from the sidewalk, and it will end at the back plane of our house, so it will not cause any visual obstruction from the road. We believe the fence will add value to our house and property as it will provide a maximally functional backyard for recreation and landscaping/gardening.



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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.

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	Matthew and Jacilyn Rolain		
Address	2331 Rusk Rd.		
City	Rochester Hills	State	MI
		Zip	48306
Phone	(248) 884-0318	Email	matthew.rolain@gmail.com
Applicant's Legal Interest in Property	Property Owner		

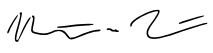

Property Owner Information ☒ Check here if same as above

Name			
Address			
City		State	
		Zip	
Phone		Email	

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 Matthew M. Rolain and Jacilyn R. Rolain	Date 10/3/2024
Property Owner's Signature 	Property Owner's Printed Name Matthew M. Rolain and Jacilyn R. Rolain	Date 10/3/2024

OFFICE USE ONLY

Date Filed	File #	Escrow #
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1. **Completed Applications.** Completed applications include the following.
 - a. Letter of denial from the Building Department (*if applicable*)
 - b. Plot plan or site plan of the subject property drawn to scale depicting (*if applicable*):
 - 1) Shape and dimensions of the property
 - 2) All existing and proposed structures to be erected, altered or use changed
 - 3) Building-to-building and building-to-property line relationships
 - 4) Location of any trees in the affected area measuring at least 6" in diameter
 - c. Elevations and floor plans drawn to scale, depicting the proposed structure or addition in relation to existing structure(s) on the property, as applicable
 - d. Proof of ownership. If the applicant is not the owner of the land in Fee Simple Title, a document (land contract, purchase agreement, option to purchase, etc.) must be provided that indicates the applicant's interest in the property
 - e. Notarized letter from property owner indicating no objection to request
 - f. Any other information which the applicant feels will aid the City in its review or that the City determines is necessary to complete its review
2. **Application Process.** You may submit all required documents online. [Click here](#) to apply for a Planning, Zoning or Engineering Process online.
3. **Review Process.** Prior to submitting an application to the ZBA, an application for a building permit from the Building Department must be submitted. If the proposed construction does not meet the requirements of the zoning ordinance, then the letter of denial will indicate the sections of the ordinance which are not in compliance.

City staff and consultants will review the ZBA application and supporting materials. If it is determined that one or more applicable item(s) are not included or need to be modified, the applicant will be contacted. Incomplete applications will not be placed on a ZBA agenda until all necessary information is submitted and reviewed.

The applicant will be notified of the date and time that the public hearing will be held by the ZBA. A representative for the project must be present at the public hearing. ZBA meetings are generally held the second Wednesday of each month at 7:00 P.M. After the public hearing, if the application is acted upon.

The ZBA application is noticed for public hearing in accordance with Act 110 of the Public Acts of 2006, as amended. Notification is provided to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of structures within 300 feet of the subject property. The notice is also published in the local paper (Oakland Press) not less than 15 days prior to the public hearing.

4. **Fees.** Established fees as follows must be provided before the application can be processed. Fees can be paid online once your application has been accepted (a link to pay will be sent to you). Checks should be made payable to the City of Rochester Hills.

Single Family Residence Requests	\$500
All other Variance, Interpretation, Appeals, Decisions or Approval Requests	\$1,000

5. **Questions or Clarifications.** Please contact the Department of Planning and Economic Development at the contact information above for questions or clarifications.