

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

For Official Use Only
File No. 13-005
Date: _____

RECEIVED

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

FEB 14 2014

PLANNING DEPT.

1. Property Information:

Address of Affected Property: 1927 E AUBURN RD
Lot No. and Subdivision Name: _____
Tax I.D. No./Sidwell Number: 70-15-25-482-021
Zoning District: C.I.
Current Use: USED CAR LOT

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

Ordinance Section: 138-6.303.A(2)
(Variance being requested from)

Brief Description of Request:

VARIANCE TO REAR SETBACK OF 25 FT.
PROPOSED BLDG WILL SETBACK FR. 26 FT. TO 12 FT.
(NOTE: ADDITIONAL BUFFER OF 20 FT. EXISTS WITH
A BANDONED ALLEY)

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.

UP TO 25% OF LOT WOULD BE ALLOCATED TO SET-BACK WITH USING 25 FT.
WITH 25' SET-BACK - 20% OF LOT IS UNUSED. TO ORIENT BLDG. PROPERLY ON SITE - ANOTHER - 5% WOULD BE AT REAR SET-BACK

- 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.

THERE ALREADY IS A SET-BACK TO RESIDENTIAL PROPERTY OF 20 FT. WITH A BANDONED ALLEY

- 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:

THIS IS MORE CONSISTENT WITH 12 FT. SET-BACK GRANTED TO THE SERVICE STN. JUST TO THE EAST AT HESSELL / E. AUBURN

- 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.

PROPERTY REQUIRES MAXIMUM USAGE TO SELL CARS

- 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.

SPECIAL LAND USE GRANTED - FOR USED CAR
SALES BUT MAXIMUM USAGE OF SITE
REGULATED TO DISPLAY VEHICLES

- 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.

GRANTING VARIANCE WOULD NOT BE A DETRIMENT
TO ADJACENT PROPERTIES.