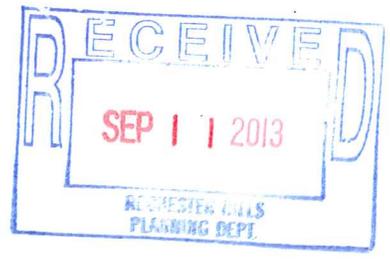


City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660

For Official Use Only
File No. #13-014
Date: _____



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

1. **Property Information:**

Address of Affected Property: 3768 NEARING
Lot No. and Subdivision Name: SOUTH BOULEVARD GARDENS S80' OF LOT 63
Tax I.D. No./Sidwell Number: 15-32-478-013
Zoning District: R-4
Current Use: _____

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

Ordinance Section: 138 - 5 . 100 TABLE 5 Schedule of Regulation
(Variance being requested from)

Brief Description of Request:

I Request relief from the 10' SIDE YARD SETBACK TO HAVE A WORKSHOP ADDITION ONTO THE SIDE OF EXISTING GARAGE.

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.

BECAUSE OF STEEP SLOPES, AND THE POSITION OF THE EXISTING STRUCTURE, THE ONLY REASONABLE LOCATION FOR THE ADDITION IS IN THE PROPOSED LOCATION, DUE TO AN EXISTING RETAINING WALL AND BACKFILL / DRIVE WAY.

- 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.

GRANTING THE VARIANCE WILL ALLOW THE STRUCTURE TO REMAIN AS DESIGNED, GIVING OWNER THE USE OF THE PROPERTY AS DESIRED, INCREASING PROPERTY VALUE AND QUALITY OF LIFE.

- 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:

GIVING A LESSER VARIANCE WILL CAUSE THE OUTER WALL TO BE OFF FROM EXISTING CONCRETE RETAINING WALL, CAUSING FURTHER DEMOLITION / CONSTRUCTION OF FOOTINGS AS WELL AS REDUCED SQUARE FOOTAGE / USEFULNESS FOR INTENDED PURPOSE.

- 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 LOCATION IS DETERMINED BY THE EXISTING CONCRETE RETAINING WALL / FOOTING AND DRIVE RESULTING FROM THE SEVERE SLOPE INHERENT TO THE PROPERTY. (42" ~~OVER~~ DROP OVER 12') AS WELL AS SLOPES FOR THE REST OF THE PROPERTY.

- 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.

THE SLOPES OF THE PROPERTY ARE NATURAL
THE EXISTING CURRENT CONCRETE RETAINING
WALL WAS BUILT TO REPLACE A ROTTED
WOODEN WALL PRESENT AT PURCHASE OF
PROPERTY.

- 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 OWNER DIRECTLY ADJACENT TO THE
ADDITION IS INDIFFERENT TO THE ADDITION
AND HAS NO WINDOWS OR VIEW TO THAT
SIDE OF HIS HOUSE. OTHER NEIGHBORS
HAVE NO DIRECT VIEWS OF THE ADDITION
DUE TO SIGHT LINES AND TREES.