

**ZBA Hardship Statement:**

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1141 Cripple Creek Lane, Rochester Hills, MI

July 3, 2025

**Dimensional (Non-Use) Variance****Ordinance Section:**

Section 138-5.100, Table of Regulations, requires that each side yard setback is a minimum of 15 FT. The west side yard setback is proposed to be 9.80 FT. A variance of 5.20 FT is requested.

**Practical Difficulty:**

A practical difficulty exists that severely inhibits the homeowners' full use of the property. A major municipal water main bisects the parcel, effectively rendering half of the property useless for house construction. It is one of several water mains that radiate from the nearby Rochester Waterworks well, the source of water for a large sector of the City of Rochester. A 20 FT easement is required on each side of the main. The existing house already encroaches on the 20 FT easement but any proposed addition to the house must conform to it. Our project involves the conversion of the current garage which is on the west end of the house. This space was chosen for its size, adjacency to primary living space, privacy, and panoramic view of the beautiful rear yard. The garage will be replaced with a new garage that can only be built to the west. There is just 30.47 FT of existing setback. Since a two-car garage is a minimum of 22 FT wide and the required setback is 15 FT, encroaching on the required side yard is necessary. By overlapping the new garage footprint with that of the old garage, we are able to achieve our objective of minimizing the encroachment. The resulting variance dimension is held to 5.2 FT.

If an attempt were made to construct the garage at the south end of the house, it would connect to the bedroom wing. The bedrooms would be compromised to provide an access hall. It is more logical to connect it to the more "public" living spaces at the west end, the breezeway (small sitting room), and kitchen. Furthermore, the driveway leads to the west end. A major 200 year-old oak tree would be threatened on the south end if the driveway were relocated.

**Substantial Justice:**

The variance will allow the owners to utilize their property more fully by enabling the logical growth of the house. 5.2 FT is a small measure of relief on a large parcel, half of which is

not available for house construction. When the homeowners purchased the property in 1989, they were unaware of the water main and easement; Title Insurance overlooked it. It came to their attention in 1996 when the original owners provided 1955 paperwork from when the house was constructed.

### **Lesser Variance:**

A lesser variance is not possible, because each of the spaces comprising the project would be hindered beyond usefulness if the additional space provided by the variance is denied.

### **Unique Circumstance:**

There are three water mains coming from the Rochester Waterworks wells. Two of those water lines were replaced a few years ago and they were moved off private property and onto the waterworks road easement. Requests to move this water main off private property have been denied by the City of Rochester.

### **Not Self-Created:**

The municipal water main existed before the ordinance. The house was sited and built by a previous owner. When we purchased the house in 1989, we were unaware that the water main existed; the title insurance company did not identify an easement. It was not until seven years later, when the original owners mailed us paperwork from 1955, the year the house was built, that the water main and easement came to our attention. The original blueprints indicate the presence of the water main and its distance from the house.

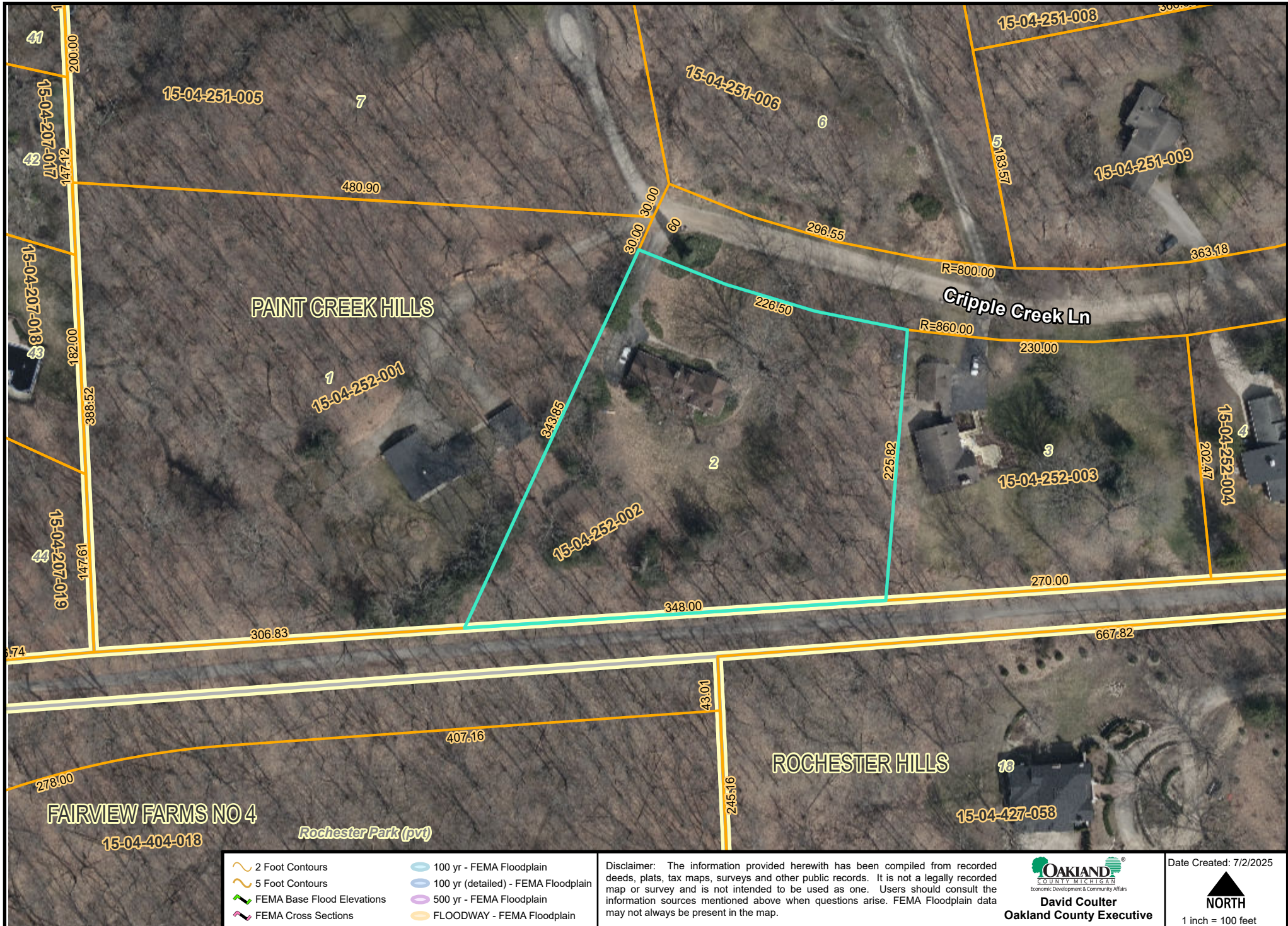
### **Public Safety and Welfare:**

The parcels in the zoning district are large and wooded with undulating terrain. The houses are private and separated from adjacent structures by comfortable distances and screened by the woods. The adjacent house and the subject house are currently approximately 85 FT apart. The neighbor is in the process of constructing a house on his parcel farther from the subject house. He intends to tear down the existing house and move into the new house. The proposed variance will have no detrimental impact on the public welfare or be materially injurious to this property or other properties in the same zoning district.

### **Appeal:**

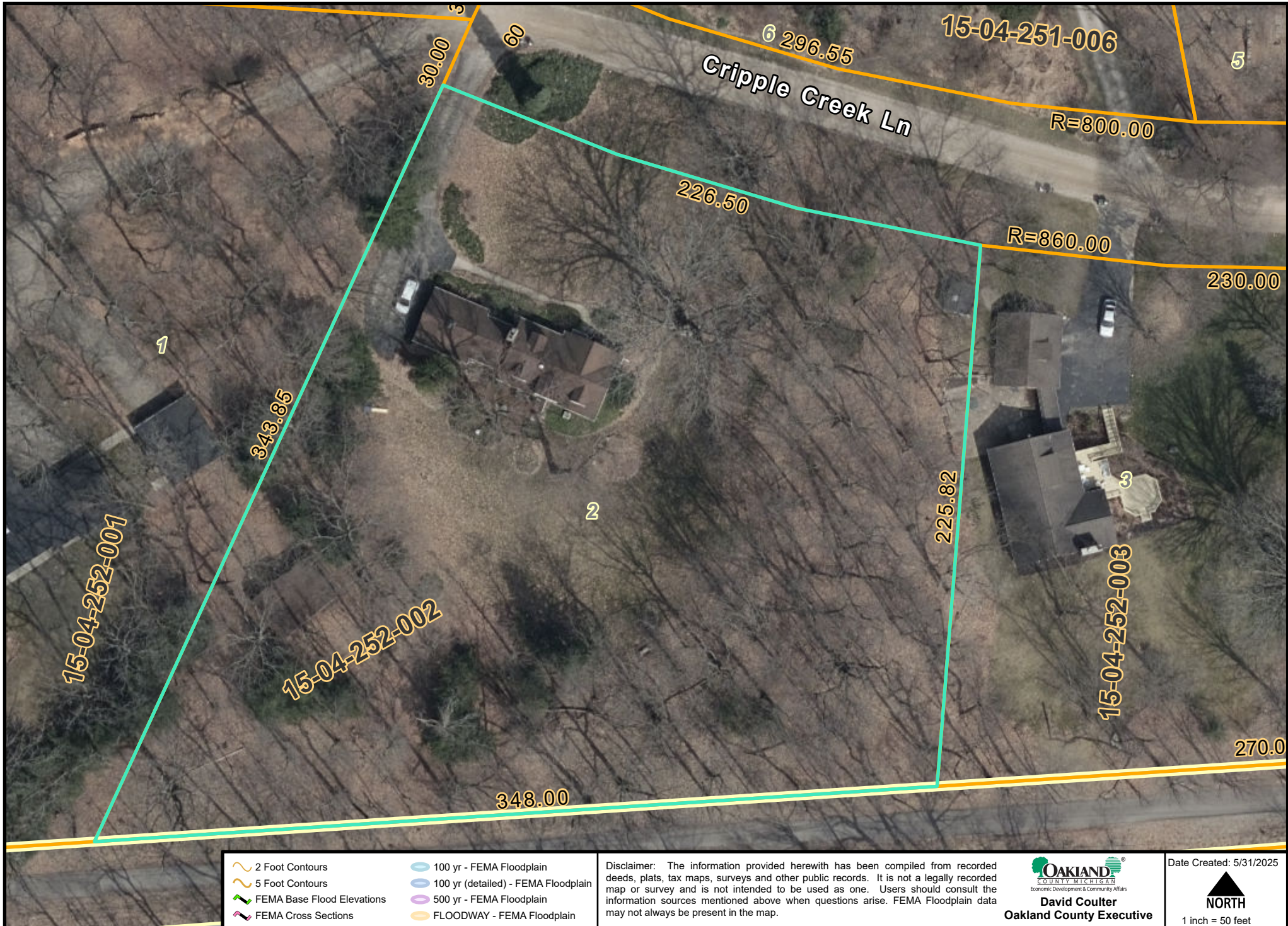
Based on the positive nature of these responses, we respectfully request that the Zoning Board of Appeals grants the 5.2 FT variance request that will enable construction of a family room and garage at 1141 Cripple Creek Lane.

# 1141 Cripple Creek and Neighbors





# 1141 Cripple Creek







**1141 Cripple Creek Lane.**





**View South-West to Neighboring House.**



**View from Cripple Creek Lane.**

**The House will End Between the Two Cars.**



**Existing Driveway with Trees Screening  
View from Neighbor's House.**



**200-Year-Old Oak Tree in Front Yard.**



**View of Rear Yard Looking South-East.**



**View of Rear Yard Looking West.**



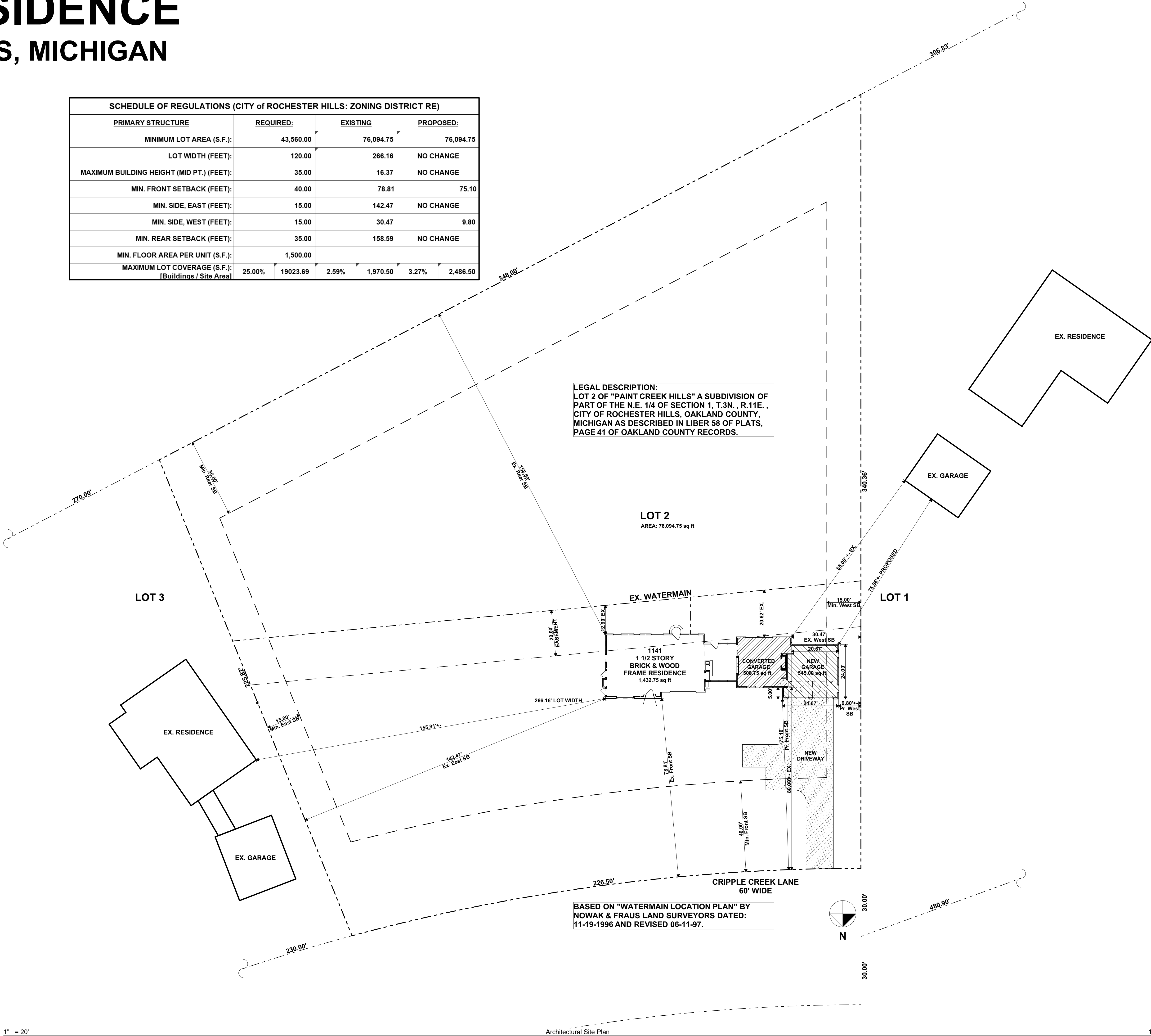
# DOYLE RESIDENCE

## ROCHESTER HILLS, MICHIGAN

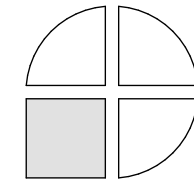
### INDEX

- A1 Index, Architectural Site Plan
- A2 Floor Plans
- A3 Exterior Elevations
- A4 Exterior Elevations

SCHEDULE OF REGULATIONS (CITY of ROCHESTER HILLS: ZONING DISTRICT RE)							
PRIMARY STRUCTURE		REQUIRED:		EXISTING		PROPOSED:	
MINIMUM LOT AREA (S.F.):		43,560.00		76,094.75		76,094.75	
LOT WIDTH (FEET):		120.00		266.16		NO CHANGE	
MAXIMUM BUILDING HEIGHT (MID PT.) (FEET):		35.00		16.37		NO CHANGE	
MIN. FRONT SETBACK (FEET):		40.00		78.81		75.10	
MIN. SIDE, EAST (FEET):		15.00		142.47		NO CHANGE	
MIN. SIDE, WEST (FEET):		15.00		30.47		9.80	
MIN. REAR SETBACK (FEET):		35.00		158.59		NO CHANGE	
MIN. FLOOR AREA PER UNIT (S.F.):		1,500.00					
MAXIMUM LOT COVERAGE (S.F.): [Buildings / Site Area]		25.00%	19023.69	2.59%	1,970.50	3.27%	2,486.50



PERMIT / ZBA: 07-03-2025

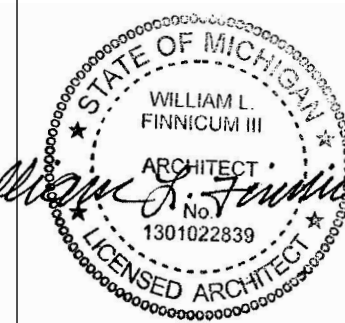


**FINNICUM  
BROWNLIE  
ARCHITECTS**

25885 GERMAN MILL  
FRANKLIN, MI 48025  
248 851 5022

PROJECT:  
**DOYLE RESIDENCE**  
1141 CRIPPLE CREEK LANE  
ROCHESTER HILLS, MI 48306

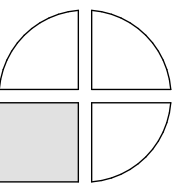
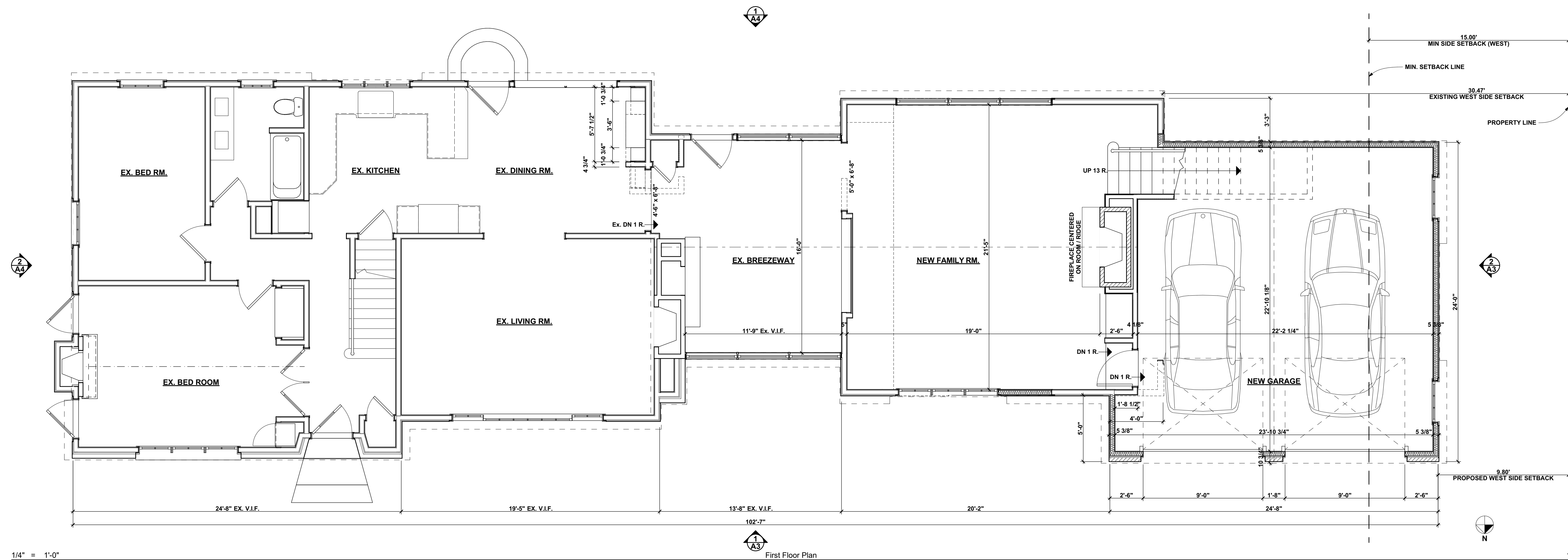
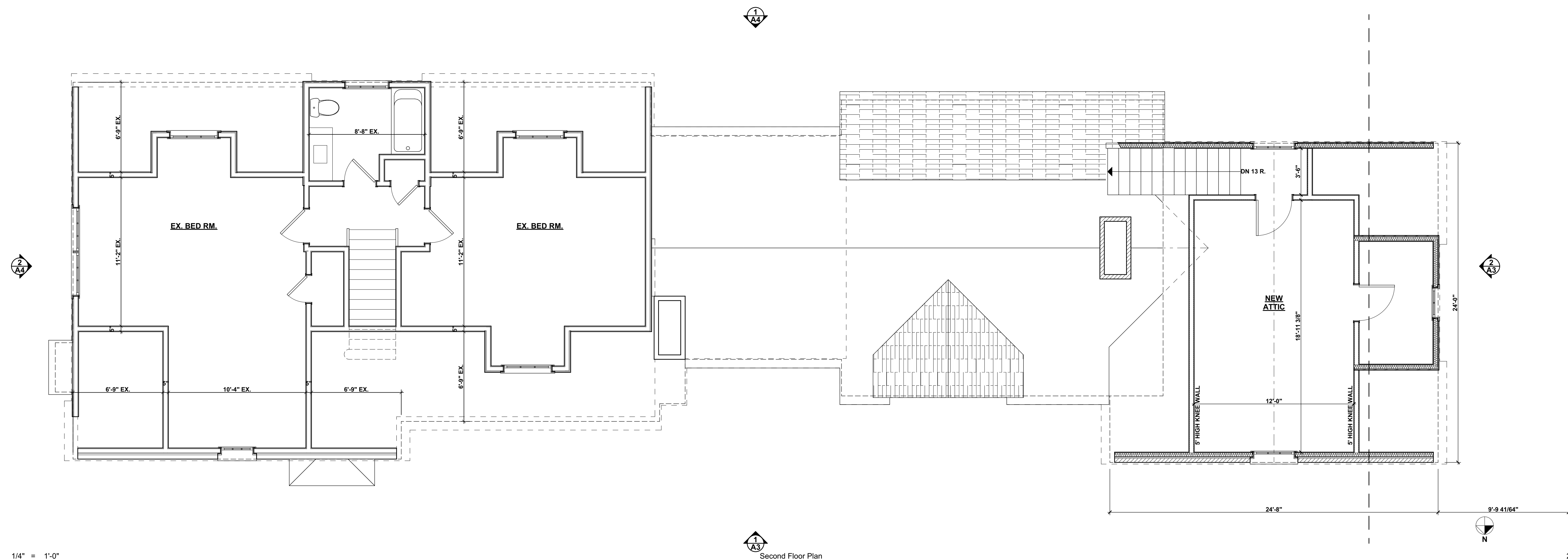
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Index, Architectural Site Plan



SHEET NO.

**A1**

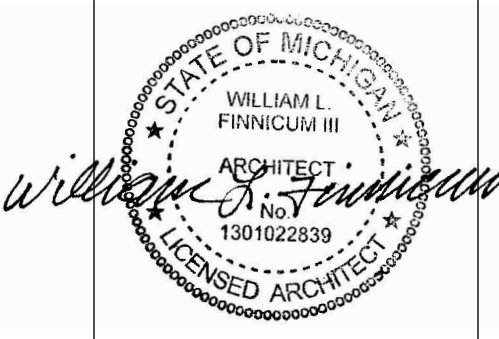




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**DOYLE RESIDENCE**  
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ROCHESTER HILLS, MI 48306

# TITLE: Floor Plans



**SHEET NO.**

# A2



View from North-East

3



1/4" = 1'-0"

West Elevation

2

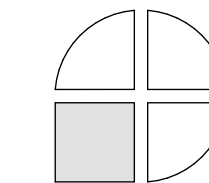


1/4" = 1'-0"

North Elevation

1

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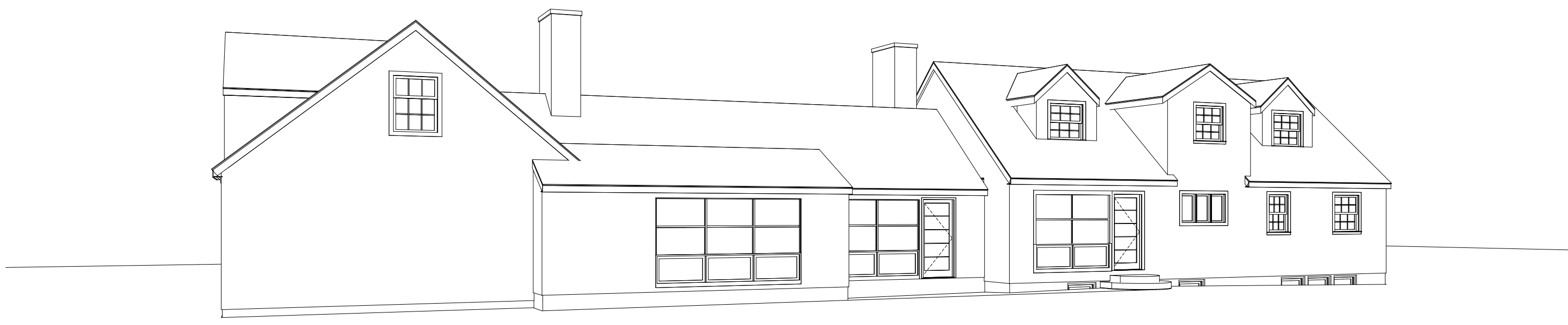
TITLE:  
**Exterior Elevations**



SHEET NO.

**A3**





View from South-West

3



East Elevation

2



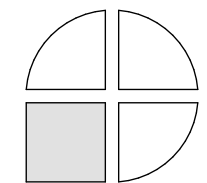
ADDITION

EXISTING

South Elevation

1

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TITLE:  
Exterior Elevations



SHEET NO.

**A4**