



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: Appeal Dimensional (Non-Use) Use

Interpretation

Conditional or Temporary Use Permit:
 Temporary Building or Use
 Excavation or Landfill Permit
 Other (please describe):

Property Information

Street Address	1300 N. Livernois Rochester Hills 48306		
Parcel Identification Number	15-03-351-006	Platted Lot (if applicable) Subdivision:	Lot No.:
Current Use(s)	Residential	Zoning District	RE

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)
 n/a

Reason for Appeal
 n/a

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
 n/a

Reason for Interpretation
 n/a

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)

see attached

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.

see attached

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.

see Attached

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.

see attached

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.

see attached

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.

see attached

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.

see Attached

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.



Department of Planning and Economic Development
(248) 656-4660

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

n/a

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.

n/a

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.

n/a

Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property and not to general neighborhood conditions.

n/a

Essential Character. Describe how the use to be authorized by the variance will not alter the essential character of the area and locality.

n/a

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.

n/a

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.

N/A



Applicant Information

Name <i>Kristan M. Cheers</i>		
Address <i>1300 N. Livernois</i>		
City <i>Rochester Hills</i>	State <i>MI</i>	Zip <i>48306</i>
Phone <i>586.260.4321</i>	Email <i>ALLKRIM001@gmail.com</i>	
Applicant's Legal Interest in Property <i>OWNER</i>		

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 <i>K. Cheers</i>	Applicant's Printed Name <i>Kristan M. Cheers</i>	Date <i>2/3/26</i>
Property Owner's Signature <i>K. Cheers</i>	Property Owner's Printed Name <i>Kristan M. Cheers</i>	Date <i>2/3/26</i>

OFFICE USE ONLY

Date Filed	File #	Escrow #
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February 2, 2026

Kristan Cheers
1300 N. Livernois Rd
Rochester Hills, MI 48306
Parcel ID 15-03-351-006

Jeff VanHoorne
1420 N. Livernois Rd
Rochester Hills, MI 48306
Parcel ID 15-03-351-005

Dear Ladies and Gentlemen of the Board,

I am requesting a dimensional (non-use) variance regarding the property at 1300 N. Livernois. Current zoning (ordinance 138-5.100 and 128-88) requires each parcel to have a minimum one-acre lot size, however, because of this, complying with the one-acre minimum would deprive the property of reasonable use. I am requesting a proposed lot size of .8 acres, with the remaining .5 acres going to 1420 N. Livernois. The original land division application was submitted under the 1420 N. Livernois address.

This request is based on unique physical characteristics of the property at 1300 N. Livernois, specifically a 40-foot difference in elevation between the subject parcel and the adjoining parcel for the proposed division. This significant topographical change creates a natural physical separation that is not typical of other properties in the zoning district. That, coupled with the irregular lot size limits the ability to comply with the strict application of the ordinance.

The subject parcel is already developed and is served by municipal sewer. The proposed division will not increase density, create an additional dwelling unit or intensify the existing use of the property. The lower parcel will not be developed and therefore no additional impacts related to utilities, traffic or neighborhood character will result from this request.

The natural topography effectively creates a natural separation, distinctly creating two separate areas. The proposed .8-acre lot will function independently and in a manner equivalent to a conforming one-acre lot and will meet the intent of the zoning ordinance. This lot will look, function and impact the neighborhood exactly like a one-acre lot. Granting this variance will not be detrimental to adjacent properties, it will not alter the essential character of the area and represents the minimum variance necessary to address the practical difficulties created by the site's unique physical conditions.

Thank you in advance for your time,

Warm regards,

Kristan M. Cheers

Dimensional (non-use) Variance Application Information
Property address: 1300 N. Livernois, Rochester Hills, MI 480306

Ordinance Section: *indicate specific sections of the zoning ordinance that the variance are being requested from and the specific variance being requested.*

Requesting a dimensional variance from Chapter 138, Section 138-5.100 of the Rochester Hills Zoning Ordinance to allow a reduction in the minimum lot area requirement in the RE district. The variance would permit division of a 1.3-acre parcel into two lots of approximately 0.8 acres and 0.5 acres, where one (1) acre per lot is otherwise required. *See attached survey*

Application responses:

- 1. 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.*

This request is based on a practical difficulty arising from the unique physical characteristics of the land, specifically the irregular shape and significant change in topography across the parcel. The proposed 0.8-acre parcel is situated at a substantially higher elevation—approximately 40 feet above the proposed 0.5-acre parcel. Currently the lower portion of the parcel is of no practical use to the homeowner due not only to the steep slope and extreme elevation difference, making accessing the lower portion extremely difficult, but also due to the narrow, irregular shape and uneven width. The elevation difference creates a natural and functional separation between the two areas of property that is not typical of other parcels in the zoning district. The lower .5 acre parcel shares the same elevation as its adjacent property at 1420 N. Livernois, allowing direct, unrestricted access, making it extremely compatible. Due to the property's unique elevation and terrain, the property does not function as a standard residential lot. *See attached photos*

- 2. Substantial justice:** *describe how granting the variance will do substantial justice to the applicant as well as to the other property owners in the same zoning district.*

While maintaining fairness to other property owners within the zoning district, the variance allows the applicant to make reasonable use of a property that is uniquely affected by significant natural, topographical conditions. Because of the significant elevation change, this property is not comparable to a typical one-acre RE parcel. Few, if any properties in the immediate area experience a comparable elevation change across a single parcel. Although the zoning ordinance requires a minimum lot area of one acre, there are existing lots within the immediate vicinity that are less than. Specifically, a property directly across from the subject parcel at 1301 N. Livernois. This property is approximately .85 of an acre, and functions as a single-family residential lot consistent with the neighborhood and without negatively affecting the neighborhood character, property values or public service. Granting the dimensional variance allows reasonable use without harming neighboring properties or undermining the zoning district.

3. Lesser variance: *describe how granting a lesser variance would not give substantial relief to the applicant and/or be more consistent with justice to the other property owners in the same zoning district.*

This request represents the least relief necessary. Alternative options have been explored for over a year, this is the smallest variance possible. Due to the severity of the slope/elevation change, anything less than will deprive the property of reasonable use.

4. Unique circumstances: *describe how the request results from a special or unique circumstances peculiar to the affected property, that do not apply generally to the other properties or uses in the same zoning district.*

The main unique physical characteristic of the subject property is a 40-foot difference in elevation. The site's steep slope and significant grade change creates a natural physical separation that is not typical of other properties in the zoning district. The lower portion of the land is NOT accessible at any point from the upper portion, however, the lower portion has the same elevation and functions the same as the property at 1420 N. Livernois. See *attached photos*

5. Not self-created: *describe how the alleged hardship has not been created by the actions of the applicant or any person having current interest in the property.*

The practical difficulty is not self-created. It results from the natural topography which existed prior to the variance request and was not caused by any action of the applicant.

6. Public safety and welfare: *describe how the request would not be materially detrimental to the public welfare or materially injurious to the property or other properties or premises in the same zoning district in which the property is located.*

The requested dimensional variance will not be materially detrimental to the public welfare or materially injurious to the subject property or other properties in the same zoning district. The proposed division of the 1.3-acre parcel into two lots of approximately 0.8 acres and 0.5 acres (the latter to be combined with 1420 N. Livernois) maintains the permitted residential use and does not increase the intensity of development beyond what exists. The resulting lot size is compatible with nearby properties, including an existing 0.85-acre lot located across the street, demonstrating that lots smaller than one acre function within the district without adverse impact. The variance will not adversely affect traffic, drainage, utilities, emergency access, or other public services. The proposal preserves existing topography, avoids unnecessary grading, and does not create conditions that would negatively affect light, air, or access for neighboring properties.

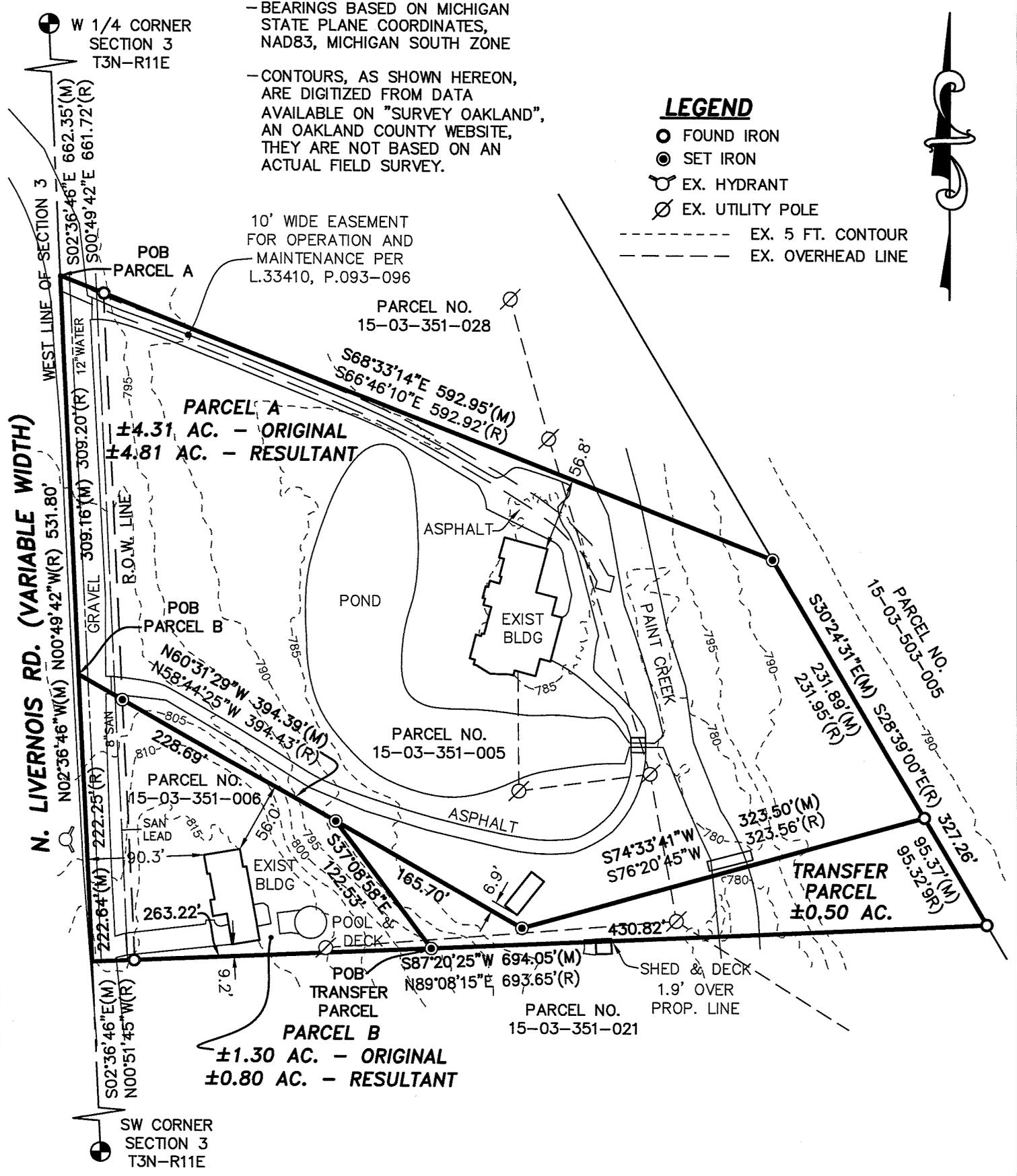
Revised 2/28/20

NOTES:

- BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83, MICHIGAN SOUTH ZONE
- CONTOURS, AS SHOWN HEREON, ARE DIGITIZED FROM DATA AVAILABLE ON "SURVEY OAKLAND", AN OAKLAND COUNTY WEBSITE, THEY ARE NOT BASED ON AN ACTUAL FIELD SURVEY.

LEGEND

- FOUND IRON
- SET IRON
- ⊕ EX. HYDRANT
- ⊖ EX. UTILITY POLE
- - - - - EX. 5 FT. CONTOUR
- - - - - EX. OVERHEAD LINE



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED, AND THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE ABOVE DESCRIBED PROPERTY, EXCEPT AS SHOWN HEREON.

JOHN D. HEIKKINEN
PROFESSIONAL SURVEYOR NO. 4001047952

REV. 2-3-26

ALPINE
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

CLIENT:	JEFF VANHOORNE & KRISTAN CHEERS	
DATE:	11-20-25	
DRAWN BY:	GP	
CHECKED BY:	JDH	
ADJACENT LAND TRANSFER		
1300 & 1420 N LIVERNOIS RD.		
SECTION: 3 TOWNSHIP: 3N RANGE: 11E		
CITY OF ROCHESTER HILLS OAKLAND COUNTY MICHIGAN		
SCALE HOR 1"=100 FT. VER 1"= -- FT.		

ORIGINAL PARCELS:

PARCEL A:

PARCEL NO. 15-03-351-005:

T3N, R11E, SEC 3 PART OF SW 1/4 BEG AT PT DIST S 00-49-42 E 661.72 FT FROM W 1/4 COR, TH S 66-46-10 E 592.92 FT, TH S 28-39-00 E 231.95 FT, TH S 76-20-45 W 323.56 FT, TH N 58-44-25 W 394.43 FT, TH N 00-49-42 W 309.20 FT TO BEG.

PARCEL B:

PARCEL NO. 15-03-351-006:

T3N, R11E, SEC 3 PART OF SW 1/4 BEG AT PT DIST N 00-51-45 W 1698.3 FT FROM SW COR SEC, TH N 89-08-15 E 693.65 FT TO SWLY LINE MC RR R/W, TH ALG R/W LINE N 28-39-00 W 95.32 FT, TH S 76-24-00 W 324.0 FT, TH N 58-42-00 W 393.6 FT TO SEC LINE, TH S 00-51-45 E 222.25 FT TO BEG.

TRANSFER PARCEL:

PART OF THE SOUTHWEST 1/4 OF SECTION 3, T3N-R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SECTION 3, T3N-R11E, CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, MICHIGAN; THENCE S02°36'46"E 1194.15 FEET ALONG THE WEST LINE OF SAID SECTION 3 AND THE CENTERLINE OF NORTH LIVERNOIS ROAD (66 FEET WIDE); THENCE N87°20'25"E 263.22 FEET TO THE POINT OF BEGINNING; THENCE N37°08'58"W 122.53 FEET; THENCE S60°31'29"E 165.70 FEET; THENCE N74°33'41"E 323.50 FEET; THENCE S30°24'31"E 95.37 FEET; THENCE S87°20'25"W 430.82 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES OF LAND, MORE OR LESS.

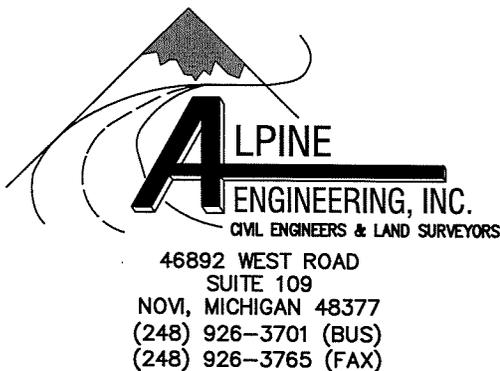
RESULTANT PARCELS:

PARCEL A:

PART OF THE SOUTHWEST 1/4 OF SECTION 3, T3N-R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SECTION 3, T3N-R11E, CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, MICHIGAN; THENCE S02°36'46"E 662.35 FEET ALONG THE WEST LINE OF SAID SECTION 3 AND THE CENTERLINE OF NORTH LIVERNOIS ROAD (66 FEET WIDE) TO THE POINT OF BEGINNING; THENCE S68°33'14"E 592.95 FEET; THENCE S30°24'31"E 327.26 FEET; THENCE S87°20'25"W 430.82 FEET; THENCE N37°08'58"W 122.53 FEET; THENCE N60°31'29"W 228.69 FEET; THENCE N02°36'46"W 309.16 FEET ALONG THE WEST LINE OF SAID SECTION 3 TO THE POINT OF BEGINNING, CONTAINING 4.81 ACRES OF LAND, MORE OR LESS.

PARCEL B:

PART OF THE SOUTHWEST 1/4 OF SECTION 3, T3N-R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S02°36'46"E 971.51 FEET ALONG THE WEST LINE OF SAID SECTION 3 AND THE CENTERLINE OF NORTH LIVERNOIS ROAD (66 FEET WIDE) TO THE POINT OF BEGINNING; THENCE S60°31'29"E 228.69 FEET; THENCE S37°08'58"E 122.53 FEET; THENCE S87°20'25"W 263.22 FEET; THENCE N02°36'46"W 222.64 FEET ALONG THE WEST LINE OF SAID SECTION 3 TO THE POINT OF BEGINNING, CONTAINING 0.80 ACRES OF LAND, MORE OR LESS.



REV. 2-3-26

CLIENT: JEFF VANHOORNE & KRISTAN CHEERS		DATE: 11-20-25
ADJACENT LAND TRANSFER		DRAWN BY: GP
		CHECKED BY: JDH
1300 & 1420 N LIVERNOIS RD. SECTION: 3 TOWNSHIP:3N RANGE:11E CITY OF ROCHESTER HILLS OAKLAND COUNTY MICHIGAN		SCALE HOR 1"= FT. VER 1"= FT.
		 FBK: 458 CHF: BK 2 OF 2 25-541

Photo 1:

Looking down driveway of 1420. Shows steep slope to the right. Also shows phragmites at bottom of the slope heading toward shed.



Photo 2:

Photo taken from home on 1420 looking across pond toward home on 1300. Truck parked on the driveway of 1420 to attempt to show the scale of the steep slope in that area 1300.



Photo 3:

Looking from 1420 driveway near shed. Shows steep slope to the pool and home at 1300. Also shows the water flow across 1420 property when drainage on the lower portion of 1300 is impaired.



Photo 4:

Satellite photo showing the lower portion of the 1300 parcel near the 1420 shed. Drainage areas are visible toward the 1300 home on the right edge of the photo and Paint Creek on the left side of the photo.

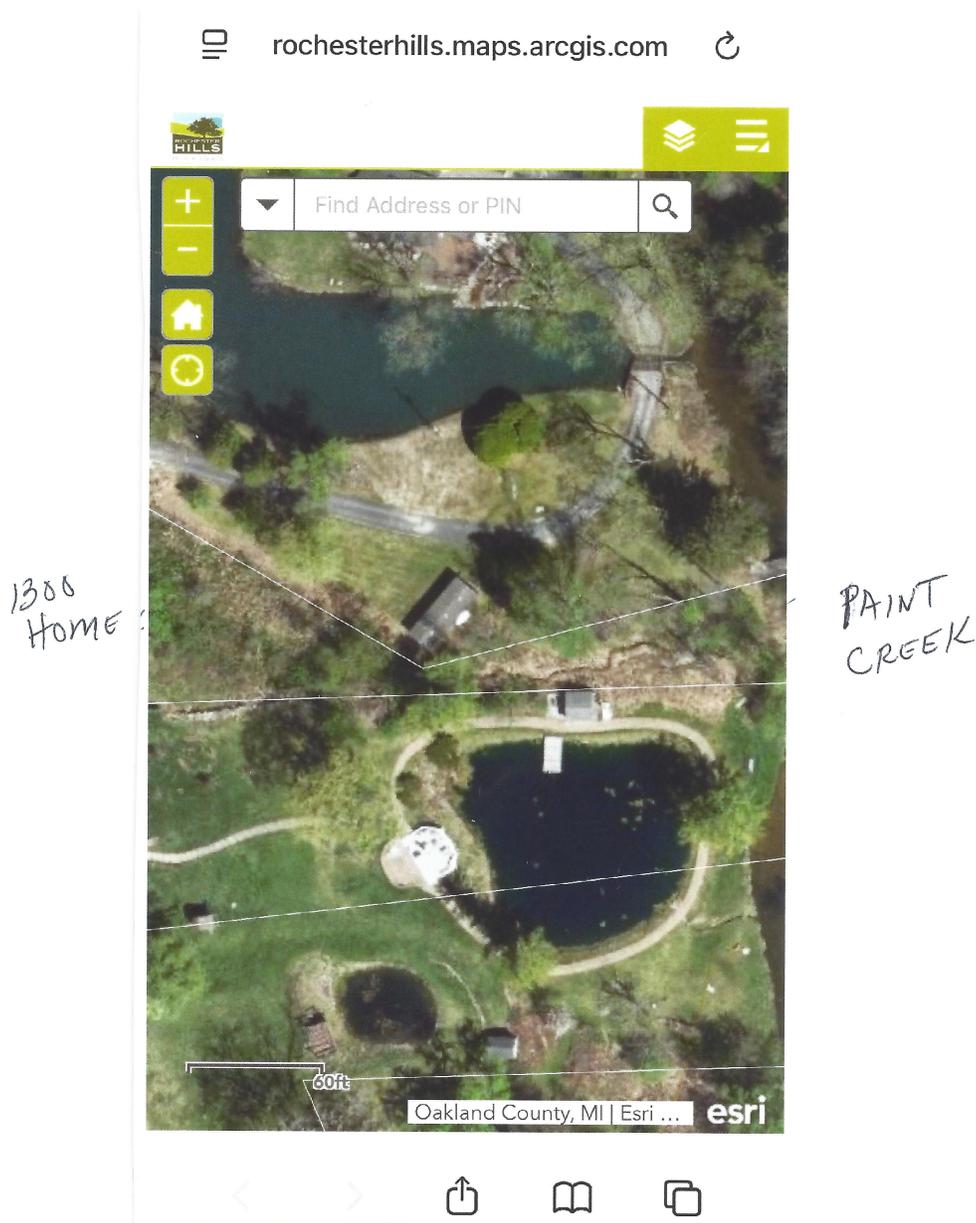


Photo 5:

Satellite photo showing the home on 1300 parcel down to the 1420 shed. Circled areas show phragmites and also locations on 1420 of washed out driveway and pond bank recently repaired.



Photo 6:

Photo taken from pool area of 1300 looking toward Paint Creek. Shows the dropoff down to the driveway and shed on 1420.

