



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	31 Childress		
Parcel Identification Number	15-15-428-028	Platted Lot (if applicable) Subdivision:	Lot No.:
Current Use(s)	RESIDENTIAL-VACANT	Zoning District	R-4

### 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)

138-5.100

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 setback regulations would leave only 27 feet of buildable depth on this lot, which severely limits the ability to design a functional, livable home for a permitted residential use. Modern home layouts, particularly multi-story designs, require a certain minimum depth to accommodate properly sized living spaces such as bedrooms, bathrooms, and stairwells. The reduced depth would force either unusably small rooms or eliminate critical components of the second floor entirely, rendering the construction of a typical single-family residence unnecessarily burdensome and functionally compromised.

**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.

Granting this variance will do substantial justice by allowing for the construction of a home that meets basic functional and spatial needs, similar to other homes in the neighborhood. It allows me to make reasonable use of their property without negatively impacting neighboring properties or the character of the area. Other property owners with standard lot shapes do not face this hardship, and granting this small variance will not give the applicant an unfair advantage—only the opportunity to build a livable home on an unusually shallow lot.

**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.

A lesser variance would not provide sufficient relief to resolve the dimensional constraint. Without the requested 5-foot encroachment in the front center portion of the lot, the resulting floorplan would remain impractical, especially for the second story. A lesser variance might still result in undersized or poorly shaped rooms, compromised structural design, or the inability to construct a staircase or hallway. Only the requested variance allows for a standard, functional home that fits the lot while still respecting the overall character of the neighborhood.

**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.

This property is uniquely shallow compared to standard residential lots in the same zoning district, and that shallow depth significantly limits the building envelope when applying required front and rear setbacks. This specific lot geometry, narrower buildable depth rather than width, is not common to other lots in the area, making this a unique circumstance. The limitation arises from the lot's shape and not from a desire to overbuild or maximize square footage.

**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 hardship is not self-created. I did not subdivide the lot or alter its dimensions in any way. The limited buildable depth results from longstanding zoning setback requirements combined with the natural shallowness of the lot itself. The need for a variance arises from attempting to build a suitable, code-compliant home within these pre-existing constraints.

**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.

Granting the requested variance would not be materially detrimental to public safety or welfare, nor would it injure neighboring properties. The variance is limited to a 5-foot extension in the front-center of the house and does not encroach upon any critical sightlines, easements, or utilities. The proposed home will comply with all other building and safety codes, and its visual impact will remain consistent with surrounding homes in the district.



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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	Ian Mckinzie		
Address	904 Little Hill Ct		
City	Rochester Hills	State	MI
		Zip	48307
Phone	810-964-3379		
Email	ian.mckinzie@yahoo.com		
Applicant's Legal Interest in 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 <i>Ian Mckinzie</i>	Applicant's Printed Name Ian Mckinzie	Date 6/18/25
Property Owner's Signature <i>Ian Mckinzie</i>	Property Owner's Printed Name Ian Mckinzie	Date 6/18/25

### 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.