



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:	<input checked="" type="checkbox"/> Appeal	Conditional or Temporary Use Permit:
<input checked="" type="checkbox"/> Dimensional (Non-Use)	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Temporary Building or Use
<input type="checkbox"/> Use		<input type="checkbox"/> Excavation or Landfill Permit
		<input type="checkbox"/> Other (please describe):

Property Information

Street Address 484 Streamview Ct, Rochester Hills, MI 48309		
Parcel Identification Number 70-15-09-403-003	Platted Lot (if applicable) Subdivision:	Lot No.:
Current Use(s) R-3	Zoning District	

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) 138-5.100, Table 5 138-5.101, Footnote T 138-5.201, Item E
Reason for Appeal Sections noted above address reduced rear yard setbacks for lots that are 'adjacent to' and 'border' designated open spaces. Our lot meets these conditions and should be allowed to reduce the required rear yard setback to 30'. Please see enclosed letter for additional information.

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
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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, Table 5; 138-5.201, Item E - Requesting a 10' encroachment into rear yard setback. This aligns with our original permit submission that shows a 25' rear yard setback to the closest point of the structure.

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.
Strict compliance with the setbacks will prevent us from enjoying the full use of the zoned single family property. Because of the peculiar shape of the lot drawn back in the late 70's / early 80's, we are more restricted than surrounding properties in the neighborhood and are unable to construct a covered patio like other homes in the area are able to enjoy (that also share a border with the same designated open space).

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 unique variance will allow us to use our property consistent with other properties that have similar structures in the neighborhood. The variance will allow us to preserve our property rights with reasonable development, resulting in a more attractive property and surrounding properties for current and prospective owners.

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 restrict our right to reasonably develop and enjoy our property and provide adequate privacy for us and our neighbors.

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.
Our lot is a peculiar shape not at angles similar to others in the neighborhood and is also uniquely positioned as a corner lot that borders a designated open space. Our lot also borders both neighbors' side yards, which isn't as intrusive as a back yard where people tend to congregate.

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 lot lines were drawn decades ago under different zoning ordinances when the neighborhood was developed. We are only looking at upgrading the original deck to a patio with a roof so we can enjoy our yard like other homes in the area.

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.

Other homes in the neighborhood have constructed similar structures and have had no negative effect on public welfare nor are they considered harmful or injurious to home owners in the area. Because of the existing structures in the neighborhood we feel we will not cause any harmful consequences to the area. The structure will not encroach any easements, utilities, emergency areas/connections, or other public interests.



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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 Matthew Lerg		
Address 484 Streamview Court		
Qty Rochester Hills	State MI	Zip 48309
Phone 517-897-0329	Email mlerg1@gmail.com	
Applicant's Legal Interest in Property Owner		

Property Owner Information Check here if same as above

Name		
Address		
Qty	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>Matthew Lerg</i>	Applicant's Printed Name Matthew Lerg	Date 3/1/2024
Property Owner's Signature <i>M Lerg</i>	Property Owner's Printed Name Margaret Lerg	Date 3-1-24

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.