



Department of Planning and Economic Development
 1000 Rochester Hills Dr.
 Rochester Hills, MI 48309
 (248) 656-4660
planning@rochesterhills.org
www.rochesterhills.org

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	
Parcel Identification Number (can be obtained on the Property Tax Look-Up page on the City's website)	Platted Lot (if applicable) Subdivision: _____ Lot No.: _____
Current Use(s)	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)
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



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Dimensional (Non-Use) Variance *(if applicable)*

Ordinance Section(s) *(variance being requested from)*

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.

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.

Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District.

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.

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.

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.



Use Variance (if applicable)

Ordinance Section(s) (variance 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.**

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		
Address		
City	State	Zip
Phone	Email	
Applicant's Legal Interest in Property		

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	Applicant's Printed Name	Date
Property Owner's Signature	Property Owner's Printed Name	Date

OFFICE USE ONLY

Date Filed	File #	Escrow #
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1. **Completed Applications.** Applications must be submitted on the attached completed application with all information typed or printed in ink along with the following.
 - a. Letter of denial from the Building Department
 - b. 8 copies of the plot 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. 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
 - d. Notarized letter from property owner indicating no objection to request
 - e. Any other information which the applicant feels will aid the City in its review
 - f. PDF files of all of the above submitted information

2. **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 Building Department will be notified of the action taken.

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.

3. **Fees.** Established fees as follows must be provided before the application can be processed. Checks should be made payable to the City of Rochester Hills.

Single Family Residence Requests	\$150
All other Variance, Interpretation, Appeals, Decisions or Approval Requests	\$300

4. **Questions or Clarifications.** Please contact the Department of Planning and Economic Development at the contact information above for questions or clarifications.