

CASE _____

Initials/Intake
Inspector

CITY OF FARMINGTON HILLS
BOARD OF ZONING APPEALS

Address where variance/special exception/permission is requested _____ Zoned _____ Parcel Identification Number

APPLICANT: _____

ADDRESS: _____

CITY: _____ ZIP CODE: _____

TELEPHONE: (_____) _____ (home) (_____) _____ (work)

(_____) _____ (fax) e-mail: _____

Description of variance(s)/special exception/permission requested: _____

Why is variance/special exception/permission needed? _____

Section(s) of Ordinance: _____

Interest in property: _____

FAILURE TO APPEAR AT THE MEETING EITHER IN PERSON OR BY REPRESENTATIVE WILL BE SUFFICIENT CAUSE FOR THE BOARD TO DENY THE REQUEST OR DISMISS THE CASE. IF THE PERSON APPEARING BEFORE THE BOARD IS NOT THE APPLICANT OR OWNER, SIGNED PERMISSION MUST BE PRESENTED TO THE BOARD.

OWNER OF PROPERTY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Telephone: (_____) _____ e-mail: _____

Length of ownership: _____ Lot size: _____

Subdivision name: _____ Lot number: _____

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Size of structure: _____ Size of proposed structure: _____

Height of proposed structure: _____

Has Building/Zoning Inspector refused to issue permit? _____

Have there been previous appeals on this property? _____

Application number: _____ Date of Hearing: _____

Disposition of the case: _____

- The undersigned hereby declare(s) under penalty of perjury that the foregoing application has been examined by me (us) and that the contents thereof are true to the best of my (our) knowledge, information and belief.
- The applicant accepts all responsibility for all of the measurements and dimensions contained within this application and attachments and or plans, and the applicant releases the City of Farmington Hills and its employees, officers, and consultants from any responsibility or liability with respect thereto.

PRINT APPLICANT'S NAME

PRINT OWNER'S NAME AND TITLE

APPLICANT'S SIGNATURE Date

OWNER'S SIGNATURE Date

APPLICATION INSTRUCTIONS

The ZONING BOARD OF APPEALS, by State Statute, can grant a variance only if reasons set forth in Section 34-7.14.6 are met which includes demonstrating "practical difficulty" for a non-use variance or "unnecessary hardship" for a use variance.

PLEASE NOTE: No application will be accepted without the petition form completed and with all pertinent information included, plans attached, and the fee paid.

THE FOLLOWING MUST BE SUBMITTED ALONG WITH THE APPLICATION, OR THE ZONING DIVISION WILL NOT ACCEPT YOUR APPLICATION:

- A site plan, showing all existing structures. If a new structure is proposed, show its setback to the property line and distance from the principal structure.
- A drawing of the site layout at least 8 1/2" by 11" in size, drawn to scale. If the site layout is based on a 24" x 36" blueprint, then two (2) full size copies and fifteen (15) 8 1/2 x 11" copies should be provided (no staples please). The full-sized copies should be folded to fit into a legal size jacket.
- A drawing of the proposed structure with dimensions noted.

- If the appeal involves setback variances, setbacks of all adjoining properties and buildings must be noted on the plan; if the appeal involves wall signs, elevations of the building must be submitted with the sizes and locations of existing wall signs. For all sign applications, all existing freestanding signs must be noted.
- Photographs of the property (optional). Photographs of the property and adjacent buildings and abutting properties are helpful to the Board and should be submitted whenever possible. If the photographs are in color, provide 15 copies (no staples please).
- All plans submitted for the file or presented at the meeting must remain part of the permanent ZBA file.

DESIGNATED FEES:

<u>Single Family Residential Use OR Zone:</u>	<u>\$110.00</u>
<u>All others:</u>	<u>\$340.00</u>

SPECIAL HEARING may be requested, subject to approval of the Board: \$960.00

State law requires that mailings go out to all owners of property plus all occupants within 300' of the subject property.

All required mailings over 25 letters will be charged \$1.25 each.

ALL REQUIRED DESIGNATED FEES MUST BE PAID IN FULL BEFORE THE HEARING. NO HEARINGS WILL BE HELD UNTIL ALL FEES ARE PAID IN FULL.

REQUESTS FOR REFUND:

<u>Non-refundable fee</u>	<u>\$20.00</u>
<u>If application has been reviewed</u>	<u>NO REFUND</u>

FAILURE TO APPEAR AT THE MEETING EITHER IN PERSON, OR BY REPRESENTATIVE, WILL BE SUFFICIENT CAUSE FOR THE BOARD TO DENY THE REQUEST OR DISMISS THE CASE.

SITE VISIT:

THE MEMBERS COMPRISING THE BOARD OF APPEALS VISIT THE SITE UNDER CONSIDERATION PRIOR TO THE HEARING. THIS IS AN INFORMAL VISIT USUALLY MADE THE SUNDAY MORNING BEFORE THE HEARING DATE. NO TESTIMONY IS TAKEN ON SITE VISITS. INTERESTED MEMBERS OF THE PUBLIC MAY ALSO ATTEND. IT IS NOT NECESSARY FOR YOU TO BE PRESENT UNLESS YOU HAVE BEEN ADVISED OTHERWISE.

- Applicants for a special exception/variance for freestanding signs must have the sign location staked on the property for the week preceding the ZBA meeting.
- Applicants for permission/or a setback variance for a structure, building, or addition must stake or chalk the location of the perimeter of the building or the site of the structure on the property for the week preceding the ZBA meeting.

Applicant's Initials

(COMPLETE THIS PAGE WITH APPLICANT'S INITIALS)

VARIANCE STANDARDS

USE VARIANCES

Definition

A use variance is one which authorizes a use of land on a parcel which otherwise is not permitted by the ordinance in the district in which the parcel is located. It has the effect of rezoning the land but is not acted upon by the governing body. For this reason its use has been severely criticized and some communities have, by ordinance, prohibited its use by the board of appeals. There is clear statutory authority for use variances only in Michigan cities & villages (not in townships and counties); MCL 125.585(4).

Standards for Approval

1. An applicant must present the board of appeals with proof of “unnecessary hardship in the way of carrying out the strict letter of the zoning ordinance” (statutory.) Courts have held that this requires meeting all four of the following standards:
 - a. That the property could not reasonably be used (yield a reasonable return) for the purposes permitted in that zone;
 - b. That the plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions (which may reflect upon the reasonableness of the ordinance itself);
 - c. That the use authorized by the variance would not alter the essential character of the area;
 - d. That the problem is not self-created.
2. In granting a use variance, the board of appeals must insure that the “spirit of the ordinance (is) observed, public safety secured, and substantial justice done” (statutory.)

NONUSE VARIANCES

Definition

A nonuse variance is one granted to provide relief from a specific standard in the ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is by far the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel; rather it covers issues related to how permitted land uses can be developed in the face of some “practical difficulty.”

Standards for Approval

1. The applicant must present the board of appeals with proof of the existence of a “practical difficulty...in the way of carrying out the strict letter of the ordinance” (statutory.) Courts have held that the following four standards are applicable in determining whether a “practical difficulty” sufficient to warrant relief by grant of a variance exists. It would seem an applicant would always have to meet standards “b” and “c” and not have a self-created problem (“d”) in order to get approval for a nonuse variance under these standards. (If you meet “b” and “c” and not “d,” you are likely to also meet “a.” However, an applicant could not meet “a” and then fail to meet “b,” “c,” or “d” or a combination thereof, and still get approval for the nonuse variance.
 - a. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
 - b. Whether a grant of the variance applied for would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;
 - c. Whether the plight of the landowner is due to the unique circumstances of the property;
 - d. Whether the problem is self-created.
2. In granting a nonuse variance, a board of appeals must insure that the “spirit of the ordinance (is) observed, public safety secured, and substantial justice done” (statutory.)