



BAY CITY ZONING BOARD OF APPEALS

Regular Fee:

\$250.00

Planning & Zoning Dept. – City Hall
301 Washington Ave • Suite 211 • Bay City • MI 48708

www.baycitymi.gov • 989-894-8180 • PlanningAndZoning@baycitymi.gov

APPLICATION INFORMATION *****

Jurisdiction

The Zoning Board of Appeals (ZBA) is responsible for hearing requests for the following:

1. Variances - The ZBA has the authority to grant non-use and use variances.
 - Non-Use Variance – A non-use variance grants relief from zoning regulations governing required distances between buildings and lot lines, the height and floor area of buildings, the number and size of signs, and similar regulations.
 - Use Variance - A use variance grants the right to establish a use of land in a zoning district in which the use is not permitted by the zoning district's land use regulations.
2. Appeals – The ZBA hears appeals of decisions made in the administration of the City's zoning regulations by Planning & Zoning Department Staff, Planning Commission, or City Commission.
3. Interpretations – The ZBA interprets zoning regulations and determines the location of zoning district boundaries in cases where locations are not clearly indicated on the City's zoning map.

Meetings

The ZBA meets at 6:00 p.m. on the second Tuesday of each month in the City Commission Chambers, City Hall, 301 Washington Avenue. Meetings are not conducted if there is no business to bring before the ZBA.

All matters under ZBA jurisdiction are subject to public hearings. Notice of a public hearing is published and sent by mail to owners and occupants of property located within 300 feet of the property subject to requests for variances, appeals and interpretations.

Applicants or applicants' representatives must attend public hearings to present their requests and respond to questions from the ZBA and persons attending hearings. Applications are not considered if the applicant or applicant's representative does not attend the public hearing.

Applications & Fees

The application, filing fee and materials required, must be submitted to the Planning and Zoning Department by or before filing deadlines listed on the Zoning Board of Appeals meeting schedule. **Incomplete applications cannot be accepted for processing.**

Conditions of Approval

The ZBA may impose conditions when granting a variance.

APPLICATION INFORMATION *****

Finality of Decisions

ZBA decisions are final and may be appealed to the Circuit Court in accordance with procedures at Article VI, Section 605 of the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

Non-Use Variance

A non-use variance grants relief from zoning regulations governing distances between buildings and lot lines, the dimensions and area of decks in front yards, lot size and width, the size and number of signs, etc. Michigan's courts have determined applicants for such variances must present evidence of practical difficulty to qualify for a non-use variance. Practical difficulty relates to the physical characteristics of property that unreasonably prevent compliance with a zoning regulation from which a variance is sought.

Physical characteristics include features such as lot width and depth, improvements such as driveways, trees and landscaping, off-street parking and loading areas, signs, utility easements etc. Physical characteristics warranting the grant of a variance must:

- Be unique to the property subject to the request;
- Distinguish the property from other properties in the zoning district in which it is located; and
- Prevent the applicant from improving the property in compliance with the regulation from which the variance is sought.

Use Variance

A use variance grants the right to establish a use of land in a zoning district in which the use is not permitted by that zoning district's land use regulations. Michigan's courts have determined that applicants must present evidence of unnecessary hardship to qualify for a use variance. Unnecessary hardship relates to whether an appellant can make a reasonable use of or secure a reasonable economic return from property if it is used only for those uses permitted in the zoning district in which it is located.

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APPLICATION INSTRUCTIONS *****

Application for Variance, Appeal or Interpretation

Please Note: Incomplete applications cannot be accepted for processing.

Applications for variances, appeals and interpretations must include the following information as warranted by Planning and Zoning Department staff.

1. A completed application form and application fee.
2. A detailed written description of the request.
3. For variances, applicants must provide a written document explaining why a variance is warranted based on the standards for non-use or use variances:
 - *Non-use variance standards are on page 5 of this document.*
 - *Use variance standards are on page 6 of this document.*

Please contact the Planning Dept. at (989)894-8180 if you do not know which standards apply.

4. For non-use variances, an accurate and reproducible drawing of the property subject to the request illustrating the following information as warranted by Planning and Zoning Department staff:
 - a. A north arrow.
 - b. Front, side and rear lot lines with dimensions indicated in feet and inches.
 - c. The location of all buildings and other improvements on the property, including fences, swimming pools and driveways, paved walkways, off-street parking areas, signs, etc.
 - d. The distances between all existing buildings and front, side and rear lot lines.
 - e. The location and dimensions of proposed new buildings and/or additions to existing buildings. The distances between new buildings and/or additions to buildings and front, side and rear lot lines indicated.
 - f. Sidewalks abutting the property. Streets adjoining the property.
 - g. Physical characteristics of the property that render compliance with zoning regulations difficult or impossible. Physical characteristics include, but are not limited to paved driveways, trees, utility easements, signs, off-street parking and loading areas, etc.

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Case No. _____

Regular Fee: **\$250.00**

Date
Received: _____

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Address of Property

Street Address: _____

Applicant

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Email: _____

Property Owner (required if applicant does not own the property)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Email: _____

Type of Request

☐ **Non-Use Variance**

Fill out the Non-Use Variance section on page 5.

☐ **Use Variance**

Fill out the Use Variance section on page 6.

☐ **Administrative Appeal** ☐ **Text/Map Interpretation**

I/we shall comply with all provisions of Chapter 122 (Zoning) of the City of Bay City Code of Ordinances pertaining to the processing and disposition of this application. All information submitted with this application is true and accurate to the best of my/our knowledge and belief.

Applicant Name (printed)

Signature

Date

Property Owner Name (printed)

Signature

Date

Name and signature of property owner is required if the applicant does not own the property subject to this application.

Staff Use Only

Application accepted by:

Staff signature

Date

Non-Use Variance Standards	If requesting this variance, please describe the conditions and circumstances for each of the following standards. Use the back or another sheet of paper if necessary.
1.	Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other nonuse matters, will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with the zoning regulation(s) unnecessarily burdensome.
2.	The variance will do substantial justice to the applicant, as well as to other property owners.
3.	A lesser variance than that requested will not give substantial relief to the applicant.
4.	The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions to other properties in the same zoning district.
5.	The problem and resulting need for the variance has not been self-created.

Use Variance Standards	If requesting this variance, please describe the conditions and circumstances for each of the following standards. Use the back or another sheet of paper if necessary.
1.	The property subject to the request cannot be used for any of the uses permitted in the zoning district in which it is located.
2.	The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions applicable to other properties in the same zoning district.
3.	The proposed use would not alter the essential character of the neighborhood or area.
4.	The problem and resulting need for the variance has not been self-created.