

Application for Zoning Board of Appeals



350 Monroe Street
Dundee, MI 48131
(734) 529-3430

RECEIVED

PAID

Date Received: _____

Received by: _____

Application Fee: \$ _____

(Review fees to be direct billed)

Amount Paid: \$ _____

Receipt Number: _____

GENERAL INFORMATION:

Name(s) of Legal Property Owner(s): _____

Address: _____

Phone: () _____ Fax: () _____

Name of Applicant (if different than Owner): _____

Company: _____ Interest in Property: _____

Address: _____

Phone: () _____ Fax: () _____

Signature(s) of Legal Owner(s): _____

PROPERTY INFORMATION:

Tax ID Number(s): _____ Land Area (in acres): _____

Address: _____

Legal Description (use separate sheet if necessary): _____

Deed restrictions applying to property: _____

Current Zoning District: _____ Current Land Use: _____

Describe Property Size/Dimensions, if relevant to request: _____

Describe Existing Structure(s) or Improvements on Property, if relevant to request: _____

Date Property Was Acquired by Applicant: _____

STANDARDS FOR APPEALS, INTERPRETATIONS, AND VARIANCES:

Appeals and Interpretations: The Zoning Board of Appeals shall review the record and decision of the administrative body or official and determine whether the record supports the decision that was reached in accordance with the requirements of this ordinance. The Zoning Board of Appeals shall uphold the decision appealed from unless the record clearly shows that the original decision was:

- (a) arbitrary and capricious; or
- (b) failed to ensure consistency with ordinance standards; or
- (c) made in error, such as relying on false or inaccurate information; or
- (d) constituted an abuse of discretion; or
- (e) was based upon erroneous interpretation of the Zoning Ordinance or zoning law.

Nonuse (Area) Variance: The Board may grant an area or nonuse variance only upon a finding that practical difficulties exist. An area variance is a variance from any dimensional standard or requirement of this Ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, parking, landscaping and signage standards and requirements. A finding of practical difficulty shall require demonstration by the applicant of all the following:

- (a) That strict compliance with area, setbacks, frontage, height, bulk, density, or other non-use matters would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
- (b) That a variance would do substantial justice to the applicant, as well as to other property owners in the district;
- (c) A lesser variance than requested would not give substantial relief to the applicant and/or be more consistent with justice to other property owners;
- (d) That the plight of the owner is due to the unique circumstances of the property and not generally applicable in the area or to the properties in the same zoning district such as exceptional narrowness, shallowness, topography or area;
- (e) That the problem and the resulting need for a variance is not self-created by the applicant;
- (f) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty; and,
- (g) The granting of the variance will not materially impair the intent and purpose of this ordinance.

Use Variance: The Zoning Board of Appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

- (a) The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.
- (b) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the Zoning Board of Appeals may find that relief should be accomplished by an amendment to the Zoning Ordinance, not a variance.
- (c) The problem and resulting need for the variance has not been self-created by the applicant.
- (d) The variance will not alter the essential character of the area. In determining whether this criterion has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered.

REQUESTED ACTION:

AFFIDAVIT:

Having received a decision, order, requirement or determination from the Zoning Administrator or Planning Commission, the applicant hereby requests to appeal such decision to the Zoning Board of Appeals for:

- ☐ Administrative order, requirement, decision and/or determination
- ☐ A nonuse or use variance or adjustment in provisions applying to a particular parcel or land, pursuant to Section 15.04
- ☐ An interpretation of the zoning text and/or map
- ☐ Special land uses considerations within any zoning district
- ☐ Action on any other matter authorized under the terms of the Zoning Ordinance

Applicable Sections of the Zoning Ordinance to Be Considered by ZBA: _____

Describe the Exact Appeal(s) Being Made (use separate sheet if necessary): _____

State the Reason(s) for Making this Appeal: _____

- ☐ The ZBA Review Submittal Requirements Checklist has been completed and attached as an appendix.

AFFIDAVIT:

This application provides authority for Village representatives to physically view and inspect the property.

The undersigned says that (s)he is the (owner, lessee or other specified interest) involved in this petition and that the foregoing answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of the his/her knowledge and belief, **and accepts the effect of this appeal as per the Zoning Ordinance Section 15.05.**

Signature: _____ Date: _____