

PERMIT # _____

DATE ISSUED _____

ISSUED BY _____

APPLICATION FOR ZONING BOARD OF APPEALS

BUILDING DEPARTMENT

1355 SOUTHFIELD RD. LINCOLN PARK, MI 48146

PH: (313) 386-1800 | FAX: 313-386-0490

NOTICE TO APPLICANT:

Regular meetings of the Zoning Board of Appeals are held on the third Thursday of each month at 7:00 pm at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, MI.

Applications for a variance from the Zoning Board must be submitted at least thirty (30) working days prior to the meeting, along with the required review fee.

REVIEW FEE (non-refundable):

Residential - \$250.000

Commercial - \$500.00

APPLICATION REQUIREMENTS:

The applicant must furnish eight (8) copies of all plot plans and other pertinent information pertaining to the topic of discussion. Additional information may be supplied on separate sheets if the space provided on this form is inadequate.

Proof of property ownership is also required.

THE APPLICANT OR A DESIGNATED REPRESENTATIVE MUST BE PRESENT AT ALL SCHEDULED REVIEW MEETINGS OR THE APPLICATION WILL BE DENIED DUE TO LACK OF REPRESENTATION.

Failure to provide true, accurate, and complete information on this application shall provide sufficient grounds to deny approval of an application or to revoke any permits granted.

REMEMBER! It is the responsibility of the applicant to prove a hardship on the land should this request be denied.

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by this Zoning Code may appeal such decision to the Circuit Court.

NOTE:

The next meeting is scheduled for _____.

The application deadline date is _____.

OWNER INFORMATION

NAME			ADDRESS	
CITY	STATE	ZIP CODE	PHONE	EMAIL

PROPERTY INFORMATION

ADDRESS			LOT NO. & SUBDIVISION	
CITY	STATE	ZIP CODE	PARCEL NO.	

VARIANCE REQUEST (attach any additional information, plans, or sketches):

CODE REFERENCE: _____

STANDARDS:

All the following standards for either a Dimensional Variance or a Use Variance must be met to warrant approval of any request.

Dimensional (non-use) Variance

A dimensional (non-use) variance allows for a deviation from the dimensional (i.e. height, bulk, setback) requirements of the Zoning Ordinance. In order to grant a dimensional (non-use) variance, proof of practical difficulties must exist, which must include all the following (per §1264.09(1)):

Criteria	Explanation of how the request meets the Criteria
<u>Practical Difficulties</u> : Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.	
<u>Substantial Justice</u> : The variance will do substantial justice to the applicant as well as other property owners.	
<u>Unique circumstances</u> . The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.	
<u>Preservation of property rights</u> . The variance is necessary for the preservation and enjoyment of a substantial property right also possessed by other property owners in the same zoning district.	
<u>Public safety and welfare</u> . The requested variance or appeal can be granted in such fashion that the spirit of this chapter will be observed, and public safety and welfare secured.	
<u>Not self-created</u> . The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.	

Criteria	Explanation of how the request meets the Criteria
<u>More than a mere inconvenience.</u> The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.	
<u>Additional considerations.</u> a. The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant. b. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety. c. The granting of a variance may unreasonably diminish or impair the value of surrounding properties. d. The granting of a variance will alter the essential character of the neighborhood or surrounding properties. e. The granting of a variance may impair the adequate supply of light and air to any adjacent property.	a. b. c. d. e.

Use Variance

A use variance allows for a use of land that is otherwise prohibited in a zoning district. In order to grant a use variance, there must be a two-thirds (2/3) majority vote of the members of the ZBA and proof of an *unnecessary hardship* must exist, which must include all the following (per §1264.09(2)):

Criteria	Explanation of how the request meets the Criteria
<u>Reasonable economic return.</u> The current Zoning Ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the ZBA shall find that the property (land, structures, and other improvements) is not suitable for uses permitted in the zoning district.	
<u>Unique circumstances.</u> The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.	
<u>Essential character.</u> The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the chapter and zoning district will be preserved, and the essential character of the area will be maintained.	
<u>Self-created hardship.</u> The hardship is not the result of the applicant's actions. Under this standard, the ZBA shall determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered but shall not be the only determining factor in granting a use variance.	

Note: A request for a variance will not be considered and the application will not be received unless all standards listed above have been addressed.

APPLICANT'S ENDORSEMENT: I hereby depose and say that all the statements and the statements contained in all exhibits transmitted herewith are true.

Signature: _____

Date: _____