



BOARD OF ZONING APPEALS Variance Application

Cashier Validation (Code 105)

APPLICATION FEES

Single Family Residential	\$250
All Other Uses	\$350

Fee note: When a quorum is present and the applicant declines to have the case heard, the applicant shall reapply to the BZA. To do this, the applicant shall pay the fee and provide 18 complete sets by the BZA submission deadline.

Office use only Case # _____

Petitioner

Name:
Address:
City/State/Zip:
Phone: _____ Email: _____
Petitioner's interest in property <input type="checkbox"/> Owner <input type="checkbox"/> Other (specify) _____

Property Owner

Name:
Address:
City/State/Zip:
Phone: _____ Email: _____
<input type="checkbox"/> Attach proof of ownership of property, consisting of title insurance, or purchase agreement. If the petitioner is applying on behalf of the owner, a notarized letter of authorization from the property owner must also accompany this application as well as proof of ownership.

PROPERTY ADDRESS FOR REQUEST	ZONING DISTRICT	PARCEL ID NUMBER

Zoning Ordinance Sections (for which a variance, exception, or interpretation is requested)

Application Signatures

All correspondence and notices regarding the application will be transmitted to the petitioner. The petitioner is responsible for forwarding this information to the property owner or project representative. By signing this application, the petitioner is indicating that all information contained in this application is complete and accurate to the best of his/her knowledge, and gives permission for the City of Northville officials, staff and consultants to inspect the property for the purpose of verifying information relative to the request. If the applicant is not the property owner, the property owner must also sign this application.

Petitioner:	_____	_____
	(Signature / Date)	(Print Name)
Property Owner:	_____	_____
	(Signature / Date)	(Print Name)

Variance Type(s) Requested

- Appeal Building Official decision (section 25.04.a)
- Non-Use (Dimensional) Variance - requires a certified property survey (section 25.04.b)
- Use Variance (section 25.04.c)
- Ordinance or Map Interpretation (section 25.04.d)
- Temporary Use (section 25.04.e)
- Non-Conforming Use - Expand, extend, or enlarge (section 22.01.4)
- Non-Conforming Structure – expand, extend, or enlarge (section 22.01.5)

Letter to the Board of Zoning Appeals - required

Letter to the BZA explaining the need for the requested variance, interpretation, temporary use, etc. is attached.

Property Description

Area of Lot (acres/square feet)	
Dimensions of Lot	

Building Setbacks From Property Lines

	Existing	Proposed
Front		
Side		
Side		
Rear		

Property Survey Requirement for Non-Use (Dimensional) Variances

Property survey attached. **NOTE:** A property survey, prepared and sealed by a certified surveyor is **required** for all Non-Use (Dimensional) Variances. The survey must show the site features and dimensions that are the subject of the variance request. A mortgage survey does not meet this requirement and shall not be accepted. Applications that do not have the sealed survey will not be placed on the BZA agenda.

Structures

	Existing	Proposed
Number of Buildings on Site		
Area and Dimensions of each building		
Area of Other Structures (decks, gazebos, etc.)		
Percentage of Lot Coverage (all buildings & structures)		
Height of Structures on Site		

For a Non-Use (Dimensional) Variance – also complete pages 3 and 4

For a Use Variance – also complete pages 5 and 6

NON-USE (DIMENSIONAL) VARIANCE

Must complete this section for a non-use variance request. Attach additional sheets if needed.

THE PETITIONER MUST DEMONSTRATE THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

1. **Practical Difficulty:** There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same Zoning District or in the general vicinity. Because of these circumstances or conditions, compliance with the strict letter of the restrictions would create practical difficulties, unreasonably preventing the use of the property for a permitted purpose or rendering conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

Practical difficulties include one or more of the following: i. The exceptional narrowness, shallowness or shape of a specific property; ii. The exceptional topographic or environmental conditions or manmade constraints or other extraordinary situation on the land, building or structure; and iii. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.

2. **Substantial Justice:** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. **Not Self-Created:** The problem and resulting need for the variance did not result from the actions of the applicant and/or the applicant's predecessor. This criterion may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action. Examples of actions that are "self-created" (and therefore do not meet this criterion) include, but are not limited to the following: i. Claiming practical difficulty for a substandard lot when the owner has sold off portions that would have prevented the practical difficulty; ii. Building during the pendency of an appeal; iii. Ignorance of the ordinance.

4. **Minimum Variance Necessary:** The variance requested is the minimum necessary to permit reasonable use of the land.

5. **Impact on Public Safety or Create a Public Nuisance:** The Board of Zoning Appeals may evaluate whether or not the request would have an impact on public safety or create a public nuisance.

USE VARIANCE

Must complete this section for a Use Variance. Attach additional sheets if needed

THE PETITIONER MUST DEMONSTRATE THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

1. **Unreasonable current zoning designation:** The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Board may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.

2. **Unique circumstances:** 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 prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the Board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

3. **Not Self-Created:** The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor.

- 4. **Capacity of Roads, Infrastructure, and public services.** The capacity and operations of public streets, utilities, other facilities and services will not be significantly compromised.

- 5. **Character of Neighborhood.** The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.

- 6. **Minimum Variance Necessary:** The variance shall be the minimum necessary to permit reasonable use of the land.

Submission Information

1. The following items must be submitted to the Building Department by the submittal date identified on the BZA meeting and application deadline schedule as posted on the City's website. The applicant may also call the Building Department at (248)449-9902 for this information.

18 identical packets that include:

- Completed application (on top of each packet). Folders, binders, bound copies, etc. are not allowed.
- Proof of ownership (deed, title, etc.).
- Letter to the Board of Zoning Appeals explaining the need for the requested variance, interpretation, temporary use, etc.
- Letter from the Building Official, or other administrative official as applicable, stating the administrative decision regarding the need for a variance(s) and the scope of the variance(s).
- **For a Non-Use (Dimensional) Variance request:**
 - Certified property survey. Mortgage surveys are not accepted.
 - On the survey:
 - The proposed building or structure requiring the variance must be drawn, **to scale**, on the survey. This information may be sketched by the applicant or included on the survey by the surveyor.
 - The survey drawing must also include existing and proposed setback lines and dimensions, and the location of any other notable site features that impact the need for the variance request, such as easements, floodplains, water courses, etc. All information must be accurately drawn, to scale, on the survey. Sketches larger than 11x17 must also be emailed to dmassa@ci.northville.mi.us as a PDF document.
 - Failure to provide a certified survey and illustration of features requiring a variance will defer the application to a future meeting.
- Applicable fee. Applications filed without the fee are considered incomplete.

2. The submission deadline is firm. Incomplete applications are deferred to a future BZA meeting.

Review Process

1. BZA applications are reviewed by the Building Official and the City Planner to determine if they are complete. Incomplete applications are returned to the applicant for additional information.
2. Due to statutory publication requirements, incomplete applications are deferred to a future BZA meeting based upon when the necessary information is received.
3. For complete applications, City staff prepares a notice for publication in the newspaper and mails notifications to the applicant and property owners located within 300 feet of the property in which the request is located. Complete applications are provided to the BZA members prior to the meeting.
4. Staff reviews are provided to the petitioner by email prior to the scheduled meeting.

Meeting Information

All meetings begin at 7:00 pm, unless otherwise noted, and are held at City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167.

Meeting Procedure

1. The petitioner shall appear on his/her own behalf, or by representation, at the BZA meeting. Failure to do so will result in the petition being tabled. The petitioner is responsible for covering any fees associated with rescheduling the meeting.
2. The meeting format is as follows:
 - Introduction of the petition by the City
 - Petitioner presentation
 - Public hearing
 - Deliberation
 - Motion
 - Vote
3. BZA members shall have the authority to grant a lesser variance than requested upon finding justice shall be served. In addition, the BZA may require conditions related to the site, operation and/or use to mitigate the impact of any variance.

Approval and Permits

1. Approval of Non-Use (Dimensional) Variance is valid for one year, and the application for a building permit or zoning/compliance permit must be submitted within this period.
2. Approval of a Use Variance is valid for one year, during which time the use must be established on the subject site or a building permit obtained.