



City of Walled Lake
 Department of Planning and Development
 1499 E. West Maple Road, Walled Lake, MI 48390
 Phone (248) 624-4847 – Facsimile (248) 624-1616

ZONING BOARD OF APPEALS APPLICATION

INSTRUCTIONS

Applications must be type written or printed legibly in ink and be accompanied by twelve (12) copies of a plot plan. The plot plan must be accompanied by and based on a survey prepared by a registered land surveyor or engineer, drawn to scale, include all property lines and dimensions, existing and proposed buildings, structures and setbacks on the subject property and on adjacent properties. On variance requests involving lot coverage, computation of lot and building area must be shown. Additional information to include photographs of the property, adjacent buildings or properties, narrative explanations, statements from neighbors, etc...may be attached.

GENERAL INFORMATION

Applicant* _____

*If not owner of record, applicant shall furnish signed and notarized affidavit.

Street Address, City, Zip Code _____

Phone Number (____) _____ Fax Number (____) _____

Owner of Record _____ Phone Number (____) _____

Street Address, City, Zip Code _____

PROPERTY INFORMATION

Street Address _____ Subdivision _____

Lot Number _____ Sidwell Number _____ Lot Size _____ (sq. ft.) Zoning District _____

Legal description of existing parcel(s) of land involved in the application _____

(Circle One) N S E W of _____ Road between _____ and _____ Roads

Zoning of adjacent properties: North _____ South _____ East _____ West _____

Other (Specify _____)

Proposed Improvement _____

Description of variance requested (attach additional pages if more than one variance is being requested) _____

ATTACH THE FOLLOWING:

A. Site plan drawing to include the following:

- | | |
|--|--|
| <input type="checkbox"/> Property boundaries | <input type="checkbox"/> Existing and proposed buildings |
| <input type="checkbox"/> Topographic relief | <input type="checkbox"/> Existing and proposed roads and utilities |
| <input type="checkbox"/> Existing zoning | <input type="checkbox"/> Existing natural features |
| <input type="checkbox"/> Setback lines | <input type="checkbox"/> Auto ingress and egress |
| <input type="checkbox"/> Parking and loading areas | <input type="checkbox"/> Landscaping |
| <input type="checkbox"/> North arrow | <input type="checkbox"/> Scale |
| <input type="checkbox"/> Who prepared drawing | <input type="checkbox"/> Preparation date |

B. Photographs illustrating conditions on the site related to the proposed variance are helpful and must be included.

Have there been any previous variance requests involving this property? (Check one) Yes _____ No _____

Approximate date (Month/Year) _____

Disposition of the case _____

PERIOD OF VALIDITY

The relief granted by the Zoning Board of Appeals shall be valid for a period of no longer than six (6) months, unless otherwise specified by the Zoning Board of Appeals, and within such period of effectiveness, actual, on-site improvement of the property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or grant of relief shall be deemed void.

All correspondence and notices regarding this application will be sent to the individual identified as the applicant on this form.

I certify that all of the information that has been provided in this application is accurate.

Signature of Applicant _____

Printed Name _____

Signature of Owner _____

Printed Name _____

DEPARTMENT USE ONLY

Date Received _____ **Case Number** _____ **Fee Paid** _____ **Hearing Date** _____

DECISION-MAKING INFORMATION

Non-Use Variance – A variance from any standard requirement of the ordinance (i.e. deviation from setback, parking, landscaping, sign standards, density, height or bulk regulations). The ZBA may grant a non-use variance **ONLY** upon the finding that a **PRACTICAL DIFFICULTY EXISTS**. Responses to the following questions will allow the ZBA to make the determination.

- 1. Why would strict compliance with the zoning ordinance prevent you from using your property or be unnecessarily burdensome?

- 2. Explain how the variance will do substantial justice to the applicant, as well as to other property owners.

- 3. Would a lesser variance allow you to use the property as desired? Explain.

- 4. Describe the circumstances unique to your property and not generally applicable in the area or to other properties in the zoning district.

- 5. Explain why the requested variance is not self-created (due to the actions of the applicant, owner, or the predecessors).

DECISION-MAKING INFORMATION

Use Variance – A variance that permits a use that is otherwise prohibited in a zoning district. The ZBA may grant a use variance **ONLY** upon the finding that an **UNNECESSARY HARDSHIP EXISTS**. Responses to the following questions will allow the ZBA to make this determination.

1. Why can't the property be used for a use that is permitted in the zoning district?

2. Describe the circumstances unique to your property and not generally applicable in the area or to other properties in the zoning district.

3. Explain why the requested variance is not self-created (due to the actions of the applicant, owner, or their producers).

4. Is the proposed use compatible with the existing uses and character of the area? Explain.

CITY OF WALLED LAKE
ZONING BOARD OF APPEALS PROCEDURES

Background Information

The Zoning Board of Appeals (ZBA) is composed of five members. The ZBA is a quasi-judicial body that is regulated by state law and the City Zoning Ordinance. With regard to variances, the limits of the ZBA's authority are summarized by the following excerpt from Michigan Zoning Enabling Act (PA 110 of 2006), as amended:

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Zoning Ordinance, the Board of Appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

The ZBA is authorized to grant variances from dimensional requirements or similar regulations and use variances. Financial hardship or desire for greater profit are generally not sufficient reasons for granting a variance.

Public Notice

ZBA meetings are public meetings. As required by the Zoning Ordinance, notice of a variance request is mailed to all owners of property within three hundred (300) feet of the site in question and posted in a newspaper of general circulation.

Opportunity for Public Comment

You are welcome to comment on and offer information concerning any variance request during the time allotted for public comment, even if you were not personally notified about the request. Please confine any comments to the case being heard by the ZBA.

Majority Vote Required

As required by state law, the concurring vote of a majority of three (3) members of the ZBA shall be required to decide in favor of the applicant on any matter upon which the ZBA is required to act or to grant a variance from a requirement in the Zoning Ordinance. A two-thirds vote of the members is required for approving a use variance.