

Village of Armada
Zoning Board of Appeals

74274 Burk Street • P.O. Box 903

Armada, Michigan 48005

Phone 586-784-9151 • Fax 586-784-9153

Variance Request Check List

- **Review information and requirements contained in Section 24.10.**
- **Assemble all required information, fill out application and return to Village offices for review. (After review by the Village you will be contacted with information on application fee amount required.)**

NOTICE OF APPEAL

TO: THE ZONING BOARD OF APPEALS

VIA: ADMINISTRATIVE OFFICIAL

By: _____
(Name of Applicant)

(Street Address / Post Office Box)

(City / Village / Township) (State) (Zip)

Telephone Contact Number

E-mail Address

1. I (we) the above named applicant(s) hereby appeal to the Zoning Board of Appeals in accordance with Article 24 of the Zoning Ordinance.

2. The property in question is located at: _____
(Provide Street Address)

(Parcel Identification Number)

3. Armada, Michigan, being legally described as _____

_____.

4. Applicant's appeal is for: (Check applicable type of appeal)

_____ A. Interpretation of the Zoning Ordinance

_____ (1) To interpret the location of district boundaries on the zoning map in accordance with Section 24.07.

_____ (2) To decide upon requirements for nonconforming lots of record or nonconforming uses in accordance with Section 24.09.

_____ (3) To interpret off-street parking requirements in accordance with Article 9.

_____ (4) To hear and decide appeals where it is alleged by the appellant that there is error in regard to interpretation of the provisions of this ordinance in any order, requirement, permit, decision, or refusal made by any Official or Commission in carrying out or in enforcing any provision of this ordinance.

_____ (5) Other. Specify: _____

_____ B. Dimensional Variance (Specify the dimensional variance (i.e. building height, setback, lot area) and describe the practical difficulty or hardship which supports the application for a dimensional variance based on the standards specified in §24.10 of the Village Zoning Ordinance (see attached)) _____

5. In addition to a Plot Plan conforming to the requirements specified on the attached Plot Plan Checklist, Applicant may supplement this application with additional documentation. Applicant must provide seven copies of each document submitted in conjunction with an application.

6. We/I authorize _____ to act as my authorized agent for purposes of this appeal. Applicant and/or the authorized agent specified herein MUST appear at all hearings and meetings at which this application is considered. Applicant understands that a failure to appear will result in a postponement or denial of an application.

7. Applicant acknowledges and agrees that an application fee of \$300.00 is required at the time of filing. If upon review of the application the Village determines that the professional services of an attorney, planner, or engineer are required, and additional deposit of at least \$250.00 will be required before the application is scheduled for a hearing / meeting before the ZBA. Costs associated with copying, publication and mailing of notices will be charged against the deposit amount. Applicant further agrees and understands that should the costs to the Village exceed the amount deposited, Applicant is liable for the deficiency. Any unused portions of amounts deposited by an Applicant will be refunded by the Village; provided, however, there will be NO refund based upon the outcome of the appeal.

I acknowledge that I have read, understand and agree to the foregoing terms and conditions. If signing below in a representative capacity, I represent that I have authority to do sign on behalf of the Applicant.

Signature of Applicant
Title (if applicable)_____

Date

Signature of Property Owner*

Date

*required if Applicant is not the owner of the property identified in this application.

To be completed by the Municipality:

Date Received _____, 20__

Fee Received \$ _____

Case Number _____

Copy sent to:

Administrative Official _____, 20__

Planning Commission _____, 20__

Board of Appeals _____, 20__

Property is presently zoned as _____

Further Actions:

Zoning Board of Appeals Conditions for Granting a Variance

The Village of Armada Zoning Ordinance, §24.10, entitled *Variances*, provides that:

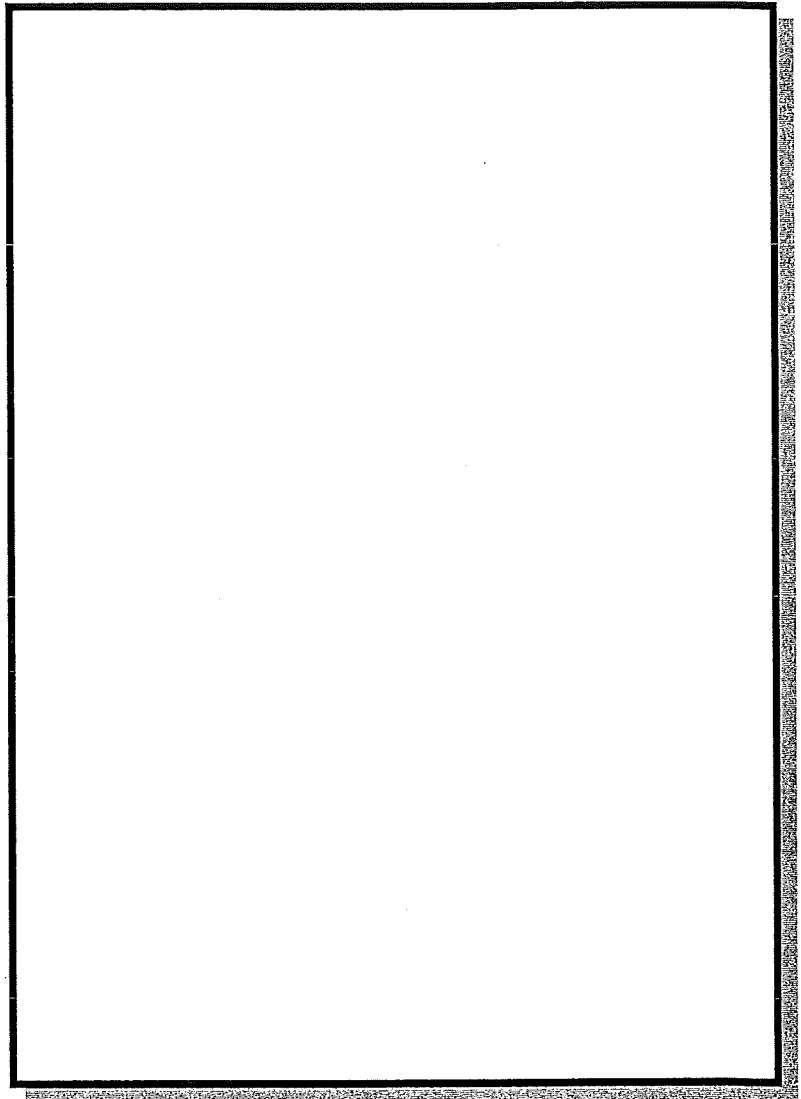
The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from dimensional requirements of the Zoning Ordinance regulations would result in exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Ordinance.

Variations shall be granted only in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCLA 125.3101 et seq.), and the provisions of this Article. The Board shall state the grounds upon which it justifies the granting or denying of a variance. Variations shall not be granted unless the Board finds that the following conditions exist:

- A. That special conditions and circumstances exist, unique to the land or structure involved, that are not applicable to other land or structures in the same district, and that do not result from the actions of the applicant.
- B. That the variance is the minimum necessary to permit a reasonable use of the land, building, or structure, and does not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- C. That the variance will not be contrary to the spirit and intent of this Ordinance, and will not permit the establishment of any use that is not a principal permitted use in the Zoning District. The existence of nonconforming structures or uses of land in the same district, or structures or uses of land in other districts, shall not be considered grounds for the issuance of a variance.
- D. That the variance will not cause any adverse effect or substantial detriment to adjacent properties, the neighborhood or the Village, and will not increase the hazard of fire, endanger public safety, create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
- E. That substantial justice will be done for the applicant and other property owners in the neighborhood, and that the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity.
- F. That exceptional practical difficulties in the use of the property or exceptional undue hardship upon the owner of such property exist, and literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance. The showing of mere inconvenience is insufficient to justify a variance.
- G. That the variance request does not result from action by the Planning Commission or Village Council on an amendment, special approval use, Class A nonconforming designation or planned development.
- H. That the conditions or circumstances pertaining to the property for which the variance is sought cannot be reasonably addressed by other means defined in this Ordinance.

PLOT PLAN CHECK LIST

1. Indicate all existing and proposed structures.
2. Indicate any driveways.
3. Mark north direction.
4. Indicate lot dimensions and dimensions of all existing and proposed structures.
5. Indicate corner or interior lot.
6. Indicate streets, locations, and names.
7. Indicate all easement locations and dimensions.
8. Indicate square footage of interior lots.
9. Drawing must be to scale.
10. SEVEN copies of plot plan or site plan MUST be submitted with application.
11. Mortgage survey or other site plan may also be attached.



A separate attachment of the plot plan, site plan, mortgage survey may be submitted.