



## Zoning Board of Appeals (ZBA) Application

### Type of Request

Request type (as defined in Section 82-74 of the Pleasant Ridge Zoning Ordinance)

- Appeal of administrative order or decision
- Dimensional (non-use) variance
- Use variance

### Property Information

<i>Street Address</i>		
<i>Parcel Identification Number</i>		
<i>Zoning District</i>		
<i>Current Use(s)</i>		

### Applicant Information

<i>Name</i>		
<i>Address</i>		
<i>City</i>	<i>State</i>	<i>Zip</i>
<i>Phone</i>	<i>Email</i>	

### Property Owner Information

- Check here if same as applicant

<i>Name</i>		
<i>Address</i>		
<i>City</i>	<i>State</i>	<i>Zip</i>
<i>Phone</i>	<i>Email</i>	

### Applicant/Property Owner's Signature

<i>I (we) do certify that all information contained in this application, accompanying plans, and attachments are completed and accurate to the best of my (our) knowledge. I (we) authorize the employees and representatives of the City to enter and investigate the above referenced property.</i>		
<i>Applicant's Signature</i>	<i>Applicant's Printed Name</i>	<i>Date</i>
<i>Property Owner's Signature</i>	<i>Property Owner's Printed Name</i>	<i>Date</i>

## Application Information

Provide the following information for the type of Zoning Board of Appeals action you are requesting.

### Appeal

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

*Requested Appeal(s):*

*Reason for Appeal:*

### Dimensional (non-use) Variance

A non-use variance is one that provides relief from a specific dimensional or design standard in the ordinance. Such variances usually relate to area, setbacks, height, or other limitations by measurement that are set forth in the Zoning Ordinance.

*Description of the requested variance(s), and applicable ordinance section(s)*

To obtain a non-use variance, an applicant must present proof that a practical difficulty exists, and that the practical difficulty relates to a unique circumstance of the property as distinguished from a personal circumstance or situation of the applicant. Use the form below and provide any other supplemental information you deem necessary to describe how each of the following tests are met:

*Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity unnecessarily burdensome.*

*The request, or a lesser request, would provide substantial justice to the landowner and neighboring property owners.*

*The plight is due to unique circumstances of the property and is not shared by neighboring properties in the same zone.*

*The problem is not self-created.*

### Use Variance

A use variance is one that allows a property to be used for a use that is not otherwise permitted in the Zoning District.

*Description of the requested variance(s), and applicable ordinance section(s)*

To obtain a use variance, an applicant must present proof that an unnecessary hardship exists, and the unnecessary hardship must relate to a unique circumstance of the property which prevents the applicant from reasonably using the property for a permitted purpose. Use the form below and provide any other supplemental information you deem necessary to describe how each of the following tests are met:

*The property cannot be used in a manner consistent with existing zoning.*

*The landowner's plight is due to unique circumstances and not to general conditions in the neighborhood that may reflect the unreasonableness of the zoning.*

*A use authorized by the variance will not alter the essential character of the zone or City.*

*The hardship is not the result of the applicant's own actions.*

## Application Instructions

1. **Completed Applications.** Applications must be submitted on the attached application for with all information typed or printed in ink along with the following:
  - a. Letter of denial from the Building Department
  - b. 8 copies of the plot plan of the subject property drawn to scale and containing (if applicable):
    - i. Shape and dimensions of the property
    - ii. All existing and proposed structures to be erected, altered, or use changed
    - iii. Building-to-building and building-to-property line relationships
    - iv. Building plans and elevations
  - c. Proof of ownership. If the applicant is not the owner of the land in fee simple title, a document (land contract, purchase agreement, option to purchase, etc.) must be provided that indicates the applicant's interest in the property.
  - d. Notarized letter from the property owner (if different than the applicant) indicating no objection to the request.
  - e. Any other information which the applicant feels will aid the City in its review.
  - f. PDF files of all of the above submitted information.
2. **Review Process.** Prior to submitting an application to the ZBA, an application for a building permit from the Building Department must be submitted. If the proposed construction does not meet the requirements of the Zoning Ordinance, the letter of denial will indicate the sections of the ordinance which are not in compliance.

City staff and consultants will review the ZBA application and supporting materials. If it is determined that one or more applicable item(s) are not included or need to be modified, the applicant will be contacted. Incomplete applications will not be placed on a ZBA agenda until all necessary information is submitted and reviewed.

The applicant will be notified of the date and time that the public hearing will be held by the ZBA. A representative for the project must be present at the public hearing. ZBA meetings are generally held the second or fourth Tuesday of each month at 6:00 pm. After the public hearing, if the application is acted upon, the Building Department will be notified of the action taken.

Notice of the public hearing is provided in accordance with Act 110 of the Public Acts of 2006, as amended. Notification is provided to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of structures within 300 feet of the subject property. The notice is also published in a paper of local circulation not less than 15 days prior to the public hearing.

3. **Fees.** A \$500 application fee must be provided before the application can be processed. Checks should be made payable to the City of Pleasant Ridge.
4. **Questions or Clarifications.** Please contact the Building Department at 248-541-2901 with any questions or clarifications.

## Explanation of Standards for Variances

### Dimensional (Non-Use) Variances

The Michigan Courts have established a four-part test to determine if practical difficulty exists. An applicant must demonstrate that all four parts of the test are met to show that a practical difficulty exists.

1. Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity unnecessarily burdensome.

- a. *The ZBA must determine if there is a way to accomplish the same purpose without a variance, even if it will be more inconvenient or more expensive for the applicant.*
  - b. *Variations must be related to circumstances that are unique to the property, not those unique to the property owner. For example, the property having an odd shape or unique physical circumstances may be justifications for a variance, but the size of your family or the amount or size of your possessions are not.*
2. The request would provide substantial justice to the landowner and neighboring property owners.
    - a. *The request is the minimum necessary to allow the property to be used for the permitted purpose.*
    - b. *Approval of the variance will not confer a special benefit to the property owner compared to the owners of similar properties in the zone.*
3. The plight is due to unique circumstances of the property and is not shared by neighboring properties in the same zone.
    - a. *How is the property in question unique compared to other properties in the zone?*
    - b. *How does the unique circumstance of the property prevent it from being used for a permitted purpose?*
4. The problem is not self-created.
    - a. *Did the applicant take some action that created the need for the request? For example, proposing to construct a structure that encroaches into a required setback when a structure that complies could be built is a self-created variance.*
    - b. *If there is a circumstance that exists, such as the shape of the lot, easements, or other situations that were not created by the property owner or prior property owners that preclude the use of the site for a permitted use, the problem can be judged to not be self-created.*

## Use Variances

The Michigan Courts have established a four-part test to determine if an unnecessary hardship exists. An applicant must demonstrate that all four parts of the test are met to show that an unnecessary hardship exists, and that a use variance is warranted.

1. The property cannot reasonably be used in a manner consistent with existing zoning.
  - a. *The applicant must demonstrate that a reasonable return cannot be earned from any of the uses permitted by the existing zoning,*
2. The landowner's plight is due to unique circumstances and not to general conditions in the neighborhood that may reflect the unreasonableness of the zoning
  - a. *The applicant must demonstrate that the subject property is different than other properties in the same zoning district.*
  - b. *Is the hardship shared by all other properties within the same zoning district? If so, the area should be reviewed by the Planning Commission to determine if the zoning for the entire area should be changed.*
3. A use authorized by the variance will not alter the essential character of the City.
  - a. *If approved, the variance must not change the essential character of the neighborhood or the City.*
  - b. *What elements of the proposed use will protect the essential character of the City?*
4. The hardship is not the result of the applicant's own actions.
  - a. *The applicant must demonstrate that their actions did not create the need for the variance.*