



**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 15 complete sets by the BZA submission deadline.	

Case # _____

NOTE: To apply for a variance, the Building Official must first determine the type and extent of variance needed. To do this, you must first apply for a Building Permit. The Building Official reviews the plans to determine any needed variances. DO NOT file this application until you have fulfilled this requirement. BZA applications filed without meeting this requirement are considered to be incomplete and are deferred to a future meeting.

Building Permit Application and Building Official Variance Letter - required

- Building Permit Application submitted on (date) _____
- Copy of Building Official variance determination letter is attached to this application.

Apps that do not meet these requirements are considered incomplete

PROPERTY ADDRESS FOR REQUEST	ZONING DISTRICT	PARCEL ID NUMBER

Petitioner

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Email: _____

Petitioner's interest in property Owner Other (specify) _____

Property Owner

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Email: _____

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.

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)

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

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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)

Property Description

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

Building Setbacks From Property Lines

	Existing	Proposed
Front		
Side		
Side		
Rear		

Property Survey/Sketch Requirement for Non-Use (Dimensional) Variances

Property survey/sketch attached as required. See the "Submission Information" section on page 7 of this form for a complete description of when a survey or sketch is required.

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 must be submitted to the Building Department by the submission deadline identified on the application deadline schedule as posted on the City’s website and at the Building Dept. The applicant may also call the Building Department at (248) 449-9902 for this information.

15 identical packets that include all of the following:

- Completed application (on top of each packet). Folders, binders, bound copies, etc. are not allowed.
- Building Official Variance Determination Letter (DO NOT submit to the BZA if you have not 1) applied for a building permit, and 2) attached the Building Official’s determination letter to this application. Applications without this information are considered incomplete.
- Proof of ownership (deed, title, etc.).

▪ **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.
 - 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.
 - For front-yard variance requests on single-family lots, the Building Official may waive the survey requirement if permanent features (such as a public sidewalk, curb or street) are determined by the Building Official to clearly indicate the location of the front property line. If a survey is not required by the Building Official, a sketch, drawn to scale, that shows all the information listed above, must be submitted with the front yard variance request.
 - Failure to provide a certified survey or sketch meeting these requirements will defer the application to a future meeting.

- A PDF file of the complete submission emailed to msmith@ci.northville.mi.us by the submission deadline. NO THUMB DRIVES OR FLASH DRIVES. **The PDF file must exactly match the paper submission.**
- Applicable fee. Applications filed without the fee are considered incomplete. **A timely submission is the fee and paper submission.**

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. Due to statutory publication requirements, applications submitted without first filing a building permit application and receiving the Building Official’s variance determination letter, or applications found to be incomplete, including due to missing or inaccurate information are deferred to a future BZA meeting.
2. 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.
3. 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 the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167 unless otherwise noted. Check the City’s website and meeting agenda for up-to-date meeting information.

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 and 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.