Non-Use Variance Packet

VARIANCES FROM THE REQUIREMENTS OF THE ZONING ORDINANCE

WHAT IS A VARIANCE?

It is an exception to a requirement set forth in the City of Wakefield Zoning Ordinance. For example, if the zoning ordinance requires a structure to be 30 feet from the lot line and the owner wants to build a garage 15 feet from the lot line, the owner needs to obtain a dimensional variance of 15' in order to build the garage.

WHEN IS A VARIANCE NECESSARY?

A variance may be required when a landowner wishes to improve or develop property but, due to a practical difficulty unique to the property, are unable to comply with the strict language of the Zoning Ordinance.

CAN ANYONE APPLY FOR A VARIANCE?

No. Only those persons who own the land or their agent may submit an application for a variance.

WHO DECIDES IF I WILL GET A VARIANCE?

The members of the Zoning Board of Appeals (ZBA) have the power to effect any variation in the zoning ordinance in specific cases. To grant a variance, at least three (3) members must vote in favor of the variance. In deciding a request for a variance, the ZBA shall be governed by the principles and standards defined in Title XV §155.276 of the City of Wakefield Zoning Ordinance, and applicable State law.

WHAT IS THE ZONING BOARD OF APPEALS?

The Wakefield City Council acts as the ZBA. Therefore, the ZBA consists of five (5) members. The Michigan Zoning Enabling Act of 2006 gives the Zoning Board of Appeals the power to do the following:

- Hear appeals to grant variances from the requirements set forth in the Zoning Ordinance
- Render decisions based on interpretation of text contained within the Zoning Ordinance
- Render decisions based on interpretation of the boundaries contained within the Zoning Map
- Hear appeals of an administrative order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.

The ZBA does not have authority to hear an appeal by an aggrieved person regarding a decision of the Planning Commission on an application for special use or site plan review.

The ZBA does not have the authority to grant a land use variance.

Non-Use Variance Flowchart

Application and fees are submitted

↓

City Manager reviews the application for completeness

↓

Application is processed and distributed

↓

Public Hearing is scheduled
Public Hearing Notice shall be sent by first class mail to the applicant and to all property owners within 300 feet of all property lines of the applicants property. Additionally, request for variance must be published in a newspaper of general circulation.

↓

Zoning Board of Appeals
Public Hearing and Review

↓

Denial

↓

A letter of denial is sent to applicant.

Approval

↓

Variance is issued with any applicable conditions to be met by applicant.

APPLICATION FOR
Non-Use Variance

FEE: $200.00

Location Information

Address:_____, Wakefield, MI 49968

Closet Major Cross Streets: _____ and _____

Direction to Site:_____

_____

Tax/Parcel Number:_____Current Zoning(Circle One): R1 R2 R3 C1 C2 I O

Plot/Site Plan and Other Information Requirements

On a 8 ½"x11" sheet of white paper, provide a pen and ink drawing to scale that includes all of the following:

1. Property shape, dimensions, area and intended use
2. Dimensions, location (distance from lot lines) of the building(s) to be used, be erected, moved or expanded on the property
3. Location of all abutting streets
4. Photos of property and buildings are encouraged

Reason for Request: _____

Please note the circumstances of the conditional use request.

_____

_____

_____

Before any construction starts or any issuance of a building permit is granted, an approved Variance must be on file.

Identification: To be completed by all applicants

Name		Mailing Address: Number Street, City, and State	Zip Code	Telephone
Owner or Lessee				
Applicant-For Owner				
The undersigned applicant hereby swears that the information contained in this application together with any attached exhibits or supplemental information is correct and true and that I will comply with all other State and Federal Law.				
Signature of Applicant		Address	Application Date	

Important Information

1. The Zoning Board of Appeals has the authority to require a land survey prepared by a professional surveyor or registered engineer if the Zoning Board of Appeals determines it to be necessary to insure accuracy of the plan.
2. Failure on the part of the applicant to provide complete information may delay the approval process for a variance request.
3. Incomplete information may also cause a variance to be denied.
4. In authorizing any variance, the Zoning Board of Appeals may require that a bond of ample sum, but not exceed $5,000.00 be furnished to insure compliance with the requirements, specifications, and conditions imposed by the stipulated time. Any infraction or violation of the provisions of any variance shall cause the City Manager to proceed under provisions of the Zoning Board of Appeals to complete and insure compliance (Ordinance §155.278.

Non-Use Variance Questionnaire

A Non-Use Variance is a variance from any standard requirement of the ordinance such as deviation from setbacks, parking, landscaping, density, height or bulk regulations. A non-use variance requires you to prove practical difficulty. The standards the Zoning Board of Appeals will use in determining whether a practical difficulty exists require you to provide responses to the following questions. Additional information may be attached.

A. How will strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome?

_____

_____

_____

_____

_____

_____

_____

B. How will a variance do substantial justice to the applicant, as well as to other property owners?

_____

_____

_____

_____

_____

_____

C. Is the variance requested the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners?

D. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?

E. Explain why the need for the requested variance is not self created (due to the actions of the applicant, owner, or their predecessors).