

**Zoning Board of Appeals
Variance Application**



323 W. Michigan Ave., Marshall, MI 49068

Residential Fee: \$150.00
Commercial Fee: \$200.00

Petitioner Name:

Address:

Phone:

Email:

Property Address for Variance:

Are you the owner? Yes No (Owner is required to sign this form)

Current Zone

Current Use

Zoning of abutting parcels

Dimensional Variance

Use Variance

Required attachments

Plot Plan Attached (*According to ordinance, you must include a plot plan of the site, drawn to scale, with a north arrow, all lot lines shown, street right-of-ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements*)

Reasons for variance (*A letter must be submitted with this application addressing how you feel you meet the criteria for a Dimension or Use variance-see back*)

*The ZBA meets on the 3rd Thursday of each month. Application must be received on or before the deadline date for the next scheduled meeting.

I understand that I am expected to attend the ZBA public hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain the appropriate permits before commencing work.

Signature of Petitioner:

Date:

Signature of Owner:

Date:

Questions concerning these requirements should be directed to the Planning and Zoning Office, Trisha Nels
TNelson@cityofmarshall.com or (269) 781-5183.

DIMENSIONAL VARIANCE

Please attach a letter addressing how your situation meets these criteria:

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties based upon the following criteria:

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

USE VARIANCE

Please attach a letter addressing how your situation meets these criteria:

The granting of a variance from the use provisions of this Ordinance shall require a finding of unnecessary hardship, based upon the following criteria:

1. The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the ZBA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.
2. The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.
3. The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the Ordinance and zoning district will be preserved, and the essential character of the area will be maintained.
4. The hardship is not the result of the applicant's actions. Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

Questions concerning these requirements should be directed to Natalie Dean, Assistant City Manager & Director of Community Services, at: (269) 558-0325.

2019 Zoning Board of Appeals Submission Deadlines

The Marshall City Zoning Board of Appeals shall meet on the 3rd Thursday of the month at 7:00 pm in City Hall Council Chambers at 323 W. Michigan Avenue, Marshall, MI 49068. In the event of no business, the Zoning Board of Appeals will move to their next regularly scheduled meeting.

Submission Deadline	Meeting Date
December 21, 2018	January 17, 2019
January 28, 2019	February 21, 2019
February 25, 2019	March 21, 2019
March 25, 2019	April 18, 2019
April 22, 2019	May 16, 2019
May 27, 2019	June 20, 2019
June 24, 2019	July 18, 2019
July 22, 2019	August 15, 2019
August 26, 2019	September 19, 2019
September 23, 2019	October 17, 2019
October 28, 2019	November 21, 2019
November 25, 2019	December 19, 2019