



CITY OF FENTON

301 South Leroy Street ♦ Fenton, Michigan 48430-2196 ♦ (810) 629-2261 ♦ FAX (810) 629-2004

Zoning Board of Appeals Variance Application

1. Identification

Applicant Name _____
Address _____
City/State/Zip _____
Phone () _____ **Fax** () _____
Interest in the Property (e.g. fee simple, land option, etc.) _____

Property Owner (if other than applicant) _____
Address _____
City/State/Zip _____
Phone () _____ **Fax** () _____

2. Property Information

Property Street Address _____
Permanent Parcel Number _____
Legal Description of Property

Zoning District _____
Area _____ **Width** _____ **Depth** _____
Current Use(s) _____
Zoning District of Adjacent Properties to the:
North _____ **South** _____ **East** _____ **West** _____



3. **Type of Variance Requested.** Please check the type of variance you are applying for. If you are uncertain which variance you are applying for, consult *Article 27 Zoning Board of Appeals* or contact the Building Official/Zoning Administrator.

| Variance Request Type (check all applicable variance requests) | | Consult Zoning Ordinance Section | Complete Additional Application Section |
|---|---|----------------------------------|---|
| | Area Variance | 27.06.a. | 4. |
| | Use Variance | 27.06.b. | 5. |
| | Wetland Protection Setback Variance | 27.07 24.01.e. | - |
| | Flood Hazard Area Overlay Zone Variance | 27.08 24.02.g. | - |
| | Appeals from any order, requirement, decision or determination made by the Building Official/Zoning Administrator, any administrative official or administrative body where it is alleged that there was an ERROR OR MISINTERPRETATION. | 27.09 | 6. |

Describe your appeal, in general. Include discussion of criteria listed under 24.01.e or 24.02.g. if you are applying for the wetland protection or flood hazard area variances:

Upon completion of this portion, check above for an additional section to complete, then go to the last page (7.) to complete the application.



4. Criteria for AREA Variances. The Zoning Board of Appeals may grant an area variance only upon a finding that **practical difficulties** exist. Please respond to the following statements. The applicant must demonstrate all of the following criteria in order to obtain a variance:

a. General Practical Difficulty (27.06.a.1.). How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other dimensional and “non-use” matters unreasonable prevent the owner from using the property for a permitted purpose, or be unnecessarily burdensome?

b. Substantial Justice (27.06.a.1-2.). How would a variance do substantial justice to the applicant as well as to other property owners in the district?

Would a lesser variance than the requested give substantial relief to the applicant and/or be more consistent with justice to other properties? **If not, please explain why.**

c. Unique Circumstances (27.06.a.3.). Is the need for a variance due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as lot narrowness, shallowness, shape, or area? Explain.



d. Not Self-Created (27.06.a.4). Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

e. Character of the Area (27.06.a.5). Will granting of the variance alter the essential character of the area? Take into consideration the established type and pattern of land uses in the area as well as the natural characteristics of the site and surrounding area when evaluating these criteria.

f. Public Safety and Welfare (27.06.a.6). Will the granting of the variance materially impair the intent and purpose of this ordinance or compromise the public safety and welfare?



5. Criteria for USE Variances. The Zoning Board of Appeals may grant a use variance only upon a finding that an **unnecessary hardship** exists. A use variance permits a use that is otherwise not provided for in the existing zoning district. Please respond to the following statements. The applicant must demonstrate all of the following criteria in order to obtain a variance:

a. Unreasonable Current Zoning Designation (27.06.b.1.). Describe how the property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of inability to realize any return; speculation or qualitative assessment is inadequate.

b. Unique Circumstances (27.06.b.2.). Describe the unique circumstances peculiar to the property that exist which are not generally applicable in the area or to other properties in the same zoning district. Please describe features that make it impossible to earn a reasonable return without some adjustment either in the form of a variance or an amendment to the Zoning Ordinance.

c. Not Self-Created (27.06.a.3.). Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's predecessors or are they self-created? Explain.

d. Character of the Area (27.06.a.5.). Will granting of the variance alter the essential character of the area? Take into consideration the established type and pattern of land uses in the area as well as the natural characteristics of the site and surrounding area when evaluating these criteria.



