



# ZONING BOARD OF APPEALS APPLICATION

DATE STAMP

\$200 APPLICATION FEE COLLECTED

32325 Franklin Rd • Franklin MI 48025-1199 • Phone (248) 626-9666 • Fax (248) 626-0538

The undersigned hereby applies for a variance to (describe project)

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**SUBMIT ORIGINAL APPLICATION WITH APPEAL**

<b>I. LOCATION OF PROPERTY / BUILDING</b>		Historic District? <input type="checkbox"/> yes <input type="checkbox"/> no	Zoning District	Lot Size Acreage
Address:				
City/Village:		Township:	County:	Zip Code:
Between		And		
<b>II. PARCEL IDENTIFICATION #</b>				
<b>A. OWNER</b>				
Name:			Telephone No:	
Address:		City:	State:	Zip Code:
<b>B. ARCHITECT OR ENGINEER</b>				
Name:			Telephone No:	
Address:		City:	State:	Zip Code:
License No:			Expiration Date:	
<b>C. APPELLANT</b>				
Name:			Telephone No:	
Address:		City:	State:	Zip Code:
License No:			Expiration Date:	
<b>III. DENIAL</b>				
The following is an appeal from a determination made by:			Date of denial:	
<i>(signature)</i>				
Have previous requests for variance or interpretation of the Zoning Ordinance involving this property / issue been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, please provide the date the application was filed:				

**IV.** In the space below, describe your request in detail for a variance or interpretation (attach additional pages as needed)

Describe any unique physical circumstances or conditions affecting the property. This may include such factors as shape, size, narrowness or shallowness, steep slope, or other conditions that are particular to the property (attach additional pages as needed)

**V.**

Do the unique physical circumstances or conditions as described above exist throughout the neighborhood or district where the property is located? (attach additional pages as needed)

**VI.**

Describe why the property cannot be reasonably developed in conformity with the provisions of the Zoning Ordinance, giving  
**VII.** consideration to the unique physical circumstances or conditions affecting the property (attach additional pages as needed)

**VIII.** Explain who or what has created the hardship, other than the applicant (attach additional pages as needed)

If the variance is granted, explain how it will not alter the essential character of the neighborhood or district where the property is  
**IX.** located and how it will not substantially or permanently impair the appropriate use or development of the adjacent property

**X. APPLICANT INFORMATION :**

**IF THE APPEAL IS NOT SUBMITTED BY THE OWNER, A LETTER OF AUTHORITY STATING THE OWNER'S CONSENT TO SUCH AN APPEAL IS REQUIRED.**

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the following information:

Name:		Telephone No.	
Address:	City:	State:	ZIP:
Federal ID no. (if applicable)			

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent, and we agree to conform to all applicable laws of the State of Michigan. All information submitted on this application is accurate to the best of my knowledge.

Section 23a of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Signature of Applicant	Print Name	Application Date
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**XI. FOR INTERNAL USE ONLY**

	REQUIRED	APP / REJ	DATE	BY
A ~ BUILDING PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
B ~ CULVERT PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
C ~ FENCE PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
D ~ FLOODPLAIN PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
E ~ LANDFILL PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
F ~ SOIL EROSION PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
G ~ TREE REMOVAL PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
H ~ WETLANDS PERMIT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
I ~ HISTORIC DISTRICT	<input type="checkbox"/> Yes <input type="checkbox"/> No			
J ~ ZONING BOARD **	<input type="checkbox"/> Yes <input type="checkbox"/> No			

\*\* Zoning District \_\_\_\_\_ Required Setback \_\_\_\_\_ Front \_\_\_\_\_ / \_\_\_\_\_ Side \_\_\_\_\_ Back \_\_\_\_\_

Proposed Setback \_\_\_\_\_ Front \_\_\_\_\_ / \_\_\_\_\_ Side \_\_\_\_\_ Back \_\_\_\_\_

**XII. VALIDATION**

Approved by:

*(signature)*

**VILLAGE OF FRANKLIN BUILDING OFFICIAL**

**DATE STAMP**

## NONUSE VARIANCE

A Nonuse Variance (also known as Dimensional Variance) is a modification of the literal provisions of the zoning ordinance which is authorized by the Zoning Board of Appeals (ZBA) when strict enforcement of the zoning ordinance would cause significant "practical difficulties" for the property owner due to the circumstances unique to the property.

Uniqueness includes such things as odd shape and/or small sized lot; creek, pond and wetland conditions; and certain natural features such as bedrock, large / heritage trees, or a ravine.

An applicant must present to the ZBA proof of the existence of a "practical difficulty" that prevents the applicant from complying with the strict requirements of the ordinance. Courts have held the following standards are applicable in determining whether a "practical difficulty" sufficient to warrant relief by grant of a variance exists in each applicant's appeal.

- 1.) Whether strict compliance with area, setbacks, frontage, height, bulk or density would *unreasonably* prevent the owner from using the property for a permitted purpose, or would render conformity *unnecessarily* burdensome (economic hardship is **NOT** an acceptable reason for granting a variance)
- 2.) Whether a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others
- 3.) Whether the plight of the owner is due to unique circumstances of the property
- 4.) Whether the problem is self-created (does the appellant have a true need or is this a desire?)

The Zoning Board of Appeals must always ensure that the "spirit of the ordinance is observed, public safety secured and substantial justice done."

Applicant is responsible for 100% of all consultant fees incurred by the Village PLUS a 10% administrative fee