

## **INSTRUCTIONS FOR COMPLETING APPLICATION FOR VARIANCE**

Identify owner and any lessee of the property as to which you are asking for a variance. Only an owner of property (or an agent who provides the Board with written authority from the owner) can ask for a variance.

Line 1: Often, the deed to a piece of property will specify what can and cannot be built on the property. Or it may specify the ways in which the site may or may not be divided or used. In addition, some subdivisions have rules involving, for example, whether fences can be built on the property. If there are any restrictions in your deed or any subdivision rules, please supply those on line 1.

Lines 3 - 5: When you ask for a zoning variance, *you are asking permission to do something which violates the Zoning Ordinance*. So you need to explain why the law should not apply to you. In order for the Board to grant you a variance, the Board must decide that obeying the law would create a special problem for you which is a) different from everybody else, and b) harsh (for example, you can't use your property at all if you don't get the variance). The Board must also decide that the variance would be fair to the people who are protected by the Zoning Ordinance, such as your neighbors. So on line 3, you need to tell the Board why your situation is so special that you can't obey the law that everyone else must obey. On line 4, you need to tell the Board the bad things which would happen to you if the variance isn't granted. On line 5, you need to explain to the Board why it is fair to your neighbors to allow this variance, as well as the reason this variance would be consistent with the spirit of the Zoning Ordinance.

Lines 6 and 7: If you think the law preventing you from carrying out your plans for your property is a bad law, you should write a letter to the City Council asking that the law be changed so that you -- and others like you -- can do what the law currently forbids. On line 6, please state whether or not you wrote such a letter and, if so, what happened as a result. If you did not write such a letter, please use line 7 to tell the Board why you didn't write such a letter.

Lines 8 and 9: Sometimes, a property owner would be able to use his land -- or build on it -- just as he/she would like if the site were in a different zoning district. Have you tried to get your property rezoned? On line 8, please state whether you tried to get your property rezoned and, if you did, what happened. If you did not try to get your land rezoned, please use line 9 to say why you didn't try.

There are certain other instructions on the form. Please follow those instructions, as well as the additional instructions on the back side of this form. Note that if an agent signs the application on behalf of the owner, the agent must provide written proof of his/her authority to sign the application.

Please note that your application will be reviewed to make sure you have answered every question directly. So remember to complete each line. The Board is required to make a decision on each of the questions presented on lines 3-5, so pay special attention to those questions. Your application will also be reviewed to ensure that you submit a complete set of materials to the Board.

The Inspector who reviews these materials will use the following checklist:

\*Note: If paperwork is 11" x 17" or smaller 1 copy is required – If larger 10 copies are required.

- \_\_\_ \*1 Copy of Plot Plan drawn to scale, showing
- \_\_\_ Shape and dimensions of the lot
- \_\_\_ Existing buildings and accessory buildings
- \_\_\_ Lines within which the proposed structure is to be erected or altered
- \_\_\_ Existing and intended use of each building or part of a building
- \_\_\_ Number of families or household units building is designed to accommodate
- \_\_\_ Miscellaneous lot information (state type of information here): \_\_\_\_\_
- \_\_\_ Adjacent lots with building locations and address numbers
- \_\_\_ Photograph or architectural rendering or rendering
- \_\_\_ Plan of the building, sign, or property involved (in addition to the plans which accompany the permit application) in any new construction, addition or alteration

For signs only:

- \_\_\_ \*1 copy of plot plan, drawn to scale, clearly showing the proposed location of the sign (for all signs, this means plot plans showing the sign's location on the property, complete with setbacks from all property lines; for wall signs, this includes the road frontage of the property and an elevation depicting the length of the façade and the sign's location thereon)
- \_\_\_ \*1 detailed plan of the proposed sign(s), including a color rendering of same

Your appeal will be placed on the Board's agenda once your application and accompanying materials have been reviewed and approved.

### **FEE SCHEDULE FOR ZONING BOARD OF APPEALS**

Payment by check only -- payable to: City of Livonia

Section 21.10 Filing Fees. Each application for appeal shall be given a number and shall be accompanied by a filing fee as determined by the schedule below:

- A. Zoning Board of Appeals Fees. Each petition to the Zoning Board of Appeals shall be accompanied by a fee of four hundred and fifty dollars (\$450.00). This fee includes all variance requests and similar petition with regard to a single applicant and single property which are 1) heard at the same hearing, 2) mailed in the same mailing, and 3) published in the same publication, notwithstanding that such requests may require separate supportive findings in order to be granted. Tabled cases and other matters which are reheard through no fault of the applicant do not require any additional fee, but if the applicant or applicant's representative fails to appear on the scheduled hearing date or request and is granted an postponement of the hearing subsequent to the mailing of legal notices, an additional fee of one hundred (\$100.00) shall be required and paid prior to the newly established hearing date. (Code of Ordinances Section 15.56.035 (B))
- B. Rehearings and renewals of temporary variances require the payment of a new fee as determined by this schedule.
- C. Appeals for additions or modifications to existing single-family residential uses in zoning districts other than residential shall be subject to the existing single-family residential fee.
- D. Sign appeals shall be considered as separate appeals and are not to be incorporated with other appeals.

**APPLICATION FOR VARIANCE**

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(Owner of Premises)	(Street Address)	(City)	(Zip Code)	(Telephone)	(Fax)
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(Lessee)	(Street Address)	(City)	(Zip Code)	(Telephone)	(Fax)
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(Contractor)	(Street Address)	(City)	(Zip Code)	(Telephone)	(Fax)
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The property address is \_\_\_\_\_

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? \_\_\_\_\_  
\_\_\_\_\_
2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:  
\_\_\_\_\_  
\_\_\_\_\_

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City’s Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:  
\_\_\_\_\_  
\_\_\_\_\_
4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:  
\_\_\_\_\_  
\_\_\_\_\_
5. Explain why you think this variance would be fair to the neighbors and others who might be affected. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. If you have not attempted to have the zoning ordinance amended, why hasn’t this attempt been made?  
\_\_\_\_\_  
\_\_\_\_\_

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: \_\_\_\_\_  
 \_\_\_\_\_
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? \_\_\_\_\_  
 \_\_\_\_\_

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. **Note** that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

**OWNER'S AFFIDAVIT**

COUNTY OF WAYNE )  
 STATE OF MICHIGAN )

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: \_\_\_\_\_

Please print name of property owner: \_\_\_\_\_

**NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 (Notary Public, Wayne County, Michigan)  
 My Commission expires \_\_\_\_\_

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

**NOT TO BE COMPLETED BY APPLICANT**

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated \_\_\_\_\_, which reads as follows:

\_\_\_\_\_  
 I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

\_\_\_\_\_  
 (Supervisor)

Application for permit filed \_\_\_\_\_ Violation Issued \_\_\_\_\_