

Application for Variance

Requires a public hearing before Zoning Board of Appeals.

The variance fee of \$500.00 must be submitted with the application.

Instructions and additional information on Page 2 and Page 3

Type/Nature of Appeal: Dimensional Supplemental Use Interpretation of Code/Map

APPLICANT

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: (____) _____
Email: _____

PROPERTY OWNER

Same as applicant

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: (____) _____
Email: _____

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: _____
Address: _____
City: **Jackson** State: **MI** Zip: _____
Nearest Intersection: _____

Current Zoning Designation: _____
Current Use: Residential Commercial
 Industrial Mixed

VARIANCE INFORMATION (Attach additional pages as needed, use separate form for each code section being appealed)

- List Code Section number(s) from which a variance is requested from: _____
- Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):

Is/will an attorney be representing your variance appeal: YES NO

If yes will the attorney be present at the ZBA meeting: YES NO

I hereby attest that I/we have read and understand the application form, that the information submitted is true and accurate, and agree to all the terms, conditions, and other City of Jackson Code requirements. I also give permission to the ZBA members and staff reviewers to enter my property to review aspects of the variance appeals request on the site.

Signature of Applicant

Date

Signature of Owner

(If different than applicant)

Date

If the owner cannot sign this form, the applicant shall submit a letter of consent from the property owner with this application.

OFFICE USE ONLY	
CASE: _____	Application Accepted By: _____
Materials Submitted with Application: <input type="checkbox"/> Plans <input type="checkbox"/> Letter <input type="checkbox"/> Other _____	
Total Pages Submitted: _____ Amount of Fee Paid: \$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check Check #: _____	

A. INSTRUCTIONS TO APPLICANTS FOR VARIANCE OR APPEALS.

1. Separate application forms and added fees shall be submitted for each individual, unrelated type of variance.
2. For dimensional, supplemental, or use variance requests, the applicant shall submit an 8.5" x 11" sketch plan showing: dimensions from street/property lines, sidewalks, buildings on site and on adjoining property, utility easements, and other existing facilities and structures.
3. If the owner cannot sign this form, the applicant must submit a letter from the owner, requesting the variance.

B. THE FOLLOWING ITEMS MUST BE ADDRESSED.

Your application will be considered incomplete and will not go before the Zoning Board of Appeals until Section C and/or Section D is complete; attach additional pages if necessary.

C. FOR DIMENSIONAL OR SUPPLEMENTAL VARIANCE – Provide responses for subsections 1 through 7.

In authorizing a variance with conditions, the board shall require such evidence and bond as it may deem necessary to ensure that the conditions are being and will be complied with. No variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, by a preponderance of the evidence that all of the following facts and conditions exist:

1. There are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district. _____

2. The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property.

3. Strict compliance with this chapter would unreasonably prevent the applicant from using the property for a permitted purpose or would create practical difficulties in conforming to the requirements of this chapter. _____

4. The authorizing of such variance will not be of substantial detriment to adjacent property, alter the essential character of the area, and will not impair the purposes of this chapter or the public interest. _____

5. The variance is the minimum variance possible for reasonable use of the property. _____

6. The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets or increase the danger of fire or endanger the public safety or substantially diminish property values within the area. _____

7. Such variance shall in no manner or guise be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter. _____

D. FOR USE VARIANCE – Provide responses for subsections 1 through 4.

The zoning board of appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of the following:

1. The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate. _____

2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the zoning board of appeals may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

3. The problem and resulting need for the variance has not been self-created by the applicant. _____

4. The variance will not alter the essential character of the area. In determining whether this criteria has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered. _____

