

ZONING ORDINANCE VARIANCE APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

PROPERTY IDENTIFICATION

Address

Parcel #

VARIANCES. The Zoning Board of Appeals may authorize a dimensional variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.

TIME LIMIT. An appeal shall only be considered if filed within fifteen (15) days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the Zoning Administrator shall be considered final.

REPRESENTATION AT HEARING. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the direction of the Board.

PUBLIC HEARING NOTICE. Notice of the public hearing will be made to property owners within 300 feet of the appealed property, as well as published in the newspaper so that they may appear before the Zoning Board of Appeals to voice any objections, support, or to further inquire.

CIRCUIT COURT REVIEW. A decision of the Zoning Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Zoning Board of Appeals may appeal to the Circuit Court if such appeal is made to the Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing, or within twenty-one (21) days after the Zoning Board of Appeals approves its minutes.

Further information regarding the Zoning Board of Appeals is outlined in Chapter 3 of the City Zoning Ordinance. The Ordinance can be found on our website at escanaba.org.

VARIANCE DESCRIPTION

Please describe the standard(s) from which you are petitioning for a variance, the practical difficulty stemming from those standards, and any other relevant information.

Attach any evidence you may need to this application.

Ordinance section(s) (i.e.: 505.2.3)

Description of Variance

You may submit this form in person, by USPS, or by email. Please make checks payable to "City of Escanaba".

Credit cards may be accepted in-person or by phone; an additional processing fee applies.

REQUIRED STANDARDS OF REVIEW

The Zoning Board of Appeals shall make findings that a “practical difficulty” has been shown by the applicant by finding that all the following requirements have been met by the applicant for a variance. If your case does not meet all these standards, it is likely that your variance will be denied.

Special Conditions and Circumstances Unique to the Land, Structure, or Building.

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.

Rights of Similar Properties in the Same Districts.

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance.

Not a Result of Actions of the Applicant.

That the special conditions and circumstances do not result from the actions of the applicant.

Special Privileges Prohibited.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

Comparison to Other Lands, Structures, or Buildings Not a Factor.

That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be grounds for the issuance of a variance.

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Strict Compliance is Unnecessarily Burdensome.

That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons.

Substantial Justice.

That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the ZBA, however, may determine that a reduced relaxation would give substantial relief and be more just).

Impact.

That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Minimum Variance Necessary.

That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Purpose and Intent of the Zoning Ordinance.

That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance.

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FEE, CONTACT INFORMATION, & AGREEMENTFee due upon submittal: **\$400**

I certify that the information contained in this application is true and correct to the best of my knowledge and belief at the time of the application. I acknowledge that I understand and have complied with all the submittal requirements and procedures, and that this application is complete. I further understand that an incomplete submittal may cause my application to be deferred.

If any of these entities are a company and not an individual, write: "Company Name (Contact's Name)"

Owner Name

Email

Address, City, State, ZIP

Phone

Signature

Date

Applicant or Representative (if not the Owner) Name

Email

Address, City, State, ZIP

Phone

Signature

Date

***** **THIS SECTION FOR STAFF USE ONLY** *****

Date Submitted

Application correct? ☐ Yes ☐ No

Receipt #

Case #

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