

**LYON TOWNSHIP ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCES**

Fees

Date: _____

\$200 for variance on a single family residential lot

\$500 for all other variances or appeals (including more than one single family lot)

Paid?

Part I: Applicant Information

Name of Applicant: _____

Address, City, State, ZIP: _____

Phone #: _____ Fax #: _____

Email: _____

Name of Property Owner (if different): _____

Address, City, State, ZIP: _____

Phone #: _____ Fax #: _____

Email: _____

Name of Representative (if different): _____

Address, City, State, ZIP: _____

Phone #: _____ Fax #: _____

Email: _____

Part II: Property Information

Property Address: _____

Tax ID#: _____

Zoning District: _____

Part III: Request

Check which applies: Variance from Zoning Ordinance Interpretation of Zoning Ordinance

Administrative Review/Appeal of Decision

If administrative review/appeal of decision, provide minutes of Planning Commission or Township Board meeting or written rejection of Township official. Describe the circumstances of case in separate letter and attach to this application.

1) **Describe the proposed variance or other action that is being sought.** Identify the section of the Zoning Ordinance from which relief or interpretation is requested (*Example: Section 36.02 Schedule of Regulations – min. 30-foot side setback requirement in R-1.0 district*):

2) The Zoning Board of Appeals may grant a variance from the dimensional requirements (i.e. height, setback, bulk) of the Zoning Ordinance upon finding that practical difficulties exist. An applicant must demonstrate that **ALL** of the statements below are **TRUE**.

Please be advised that the Zoning Board of Appeals can only grant a variance where an unusual circumstance of the property in question leads to practical difficulties for the particular property owner. A greater return (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA has no power to legislate or create new regulations; its purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

Provide a written response to each of the questions below. Additional information may be provided on separate sheets if the space on this form is inadequate.

a. Will strict compliance with the dimensional requirement unreasonably prevent using the subject property for a permitted use or will conformance be unnecessarily burdensome, and why?

b. Will the variance request do substantial justice to the applicant/property owner and other property owners, and why?

c. Will a lesser variance than requested give substantial justice to the applicant/property owner and be just to other property owners?

d. Is the need for the variance due to unique circumstances to the subject property that are not found on other properties in the area or other properties in the same zoning district? Describe the unique circumstances.

e. Is the problem and need for the variance self-created by the applicant/property owner or the previous property owners? How did the problem come about?

f. Attach a plot plan to this application that complies with the requirements of Section 8.03 of the Zoning Ordinance. In brief, the plot plan must show the subject property and all structures on the property, including dimensions, any easements, location of any drainage courses, ponds or wetlands, and all existing utilities (including septic systems and wells). If the request involves a site plan for Planning Commission and/or Township Board approval, the site plan prepared in accordance with Article 5.00 will satisfy the plot plan requirement.

Plot plan attached (10 copies)

Request involves site plan

PLEASE NOTE: A PDF file of the plan must also be submitted.

Part IV: Applicant Endorsement

Note: Signatures must be witnessed by a notary. A public notary is available at the Township Hall during normal business hours.

All information contained herein and attached is true and accurate to the best of my knowledge. I acknowledge that the Zoning Board of Appeals will not consider my application or request unless all the information in this application and the Zoning Ordinance have been submitted. I further acknowledge that the Township and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this request for variance.

Signature of Applicant

Signature of Property Owner

Name of Applicant (Print)

Name of Property Owner (Print)

The foregoing instrument was acknowledged before me this ____ day of _____ in the year _____, by:

Notary Public

Ten Tips for a Successful Variance Request

#1 Do you really need a variance?

Do you understand why your permit was denied? Do you really need a variance, or just want one? Can you live within the ordinance requirements?

#2 Do Your Homework

Talk to the Building Department. Talk to your neighbors. Look, see and observe if similar variances have been granted. Understand the legal test for granting a variance.

#3 When Filing an Application

Write neatly and clearly on the application. Give specifics about why you need the variance, what is your practical difficulty and why the ordinance is unfair to you based on your particular situation. Make sure to provide all required information and attachments. Try to avoid presenting any new information to the ZBA during the hearing. Consider asking the ZBA to table your request to the next meeting if you are not able to provide all the necessary documents in time.

#4 Before the Hearing

Don't be alarmed if a member(s) of the ZBA visits your property, so be sure to clean up your property if possible. Let your neighbors know you have requested a variance. If your neighbors support your request, ask them to come to the hearing and give a brief statement or write a short letter to the ZBA. If time and your schedule permit, attend a ZBA hearing to see how the meeting is run and the proper procedures.

#5 Also Before the Hearing

If you expect opposition, review your application file to check for any written statements in the file submitted by others. Be prepared to deal with the written objections at the hearing. Consider modifying your request to address the objections.

#6 At the Hearing

Review the agenda. If there are cases similar to yours, listen to how the Board responds to those cases. Look for your neighbors in the audience. If you weren't expecting them, try to find out why they came. Listen carefully to the Board members' comments about your case – they may be trying to negotiate a compromise. Avoid an "all or nothing" attitude.

#7 During Your Presentation

Remember the Board has read your application, has seen your supporting material and has probably visited the property. And they are Township residents, too. Be concise and to the point. Summarize your request but don't read your application word-for-word. Never be rude, threatening or confrontational.

#8 Sign Variance?

Be sure you have a genuine need and not a marketing ploy. Be prepared to be flexible if asking for a size variance. Be prepared to explain why you need more signs if your request involves the number of signs. Don't forget you are subject to the practical difficulty standard as well.

#9 Dimensional Variance?

Demonstrate why your property is unique in terms of size, shape or topography. Be clear that the practical difficulty was not self-created. Make sure to seek the bare minimum needed to correct the problem. Explain why the variance, if granted, will not negatively impact any neighbor or alter the essential character of the land.

#10 Variance Approved!!

Re-apply for your permit and make sure you comply with the variance.