

WHAT IS A VARIANCE AND SHOULD I APPLY FOR ONE?

A variance is a zoning adjustment that permits minor changes of district requirements, where individual properties are both harshly and uniquely burdened by the strict application of the law due to uncommon or unique physical characteristics of the property. A variance is not a change in the zoning law but is a type of waiver of certain zoning requirements for a particular piece of property. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property.

1. A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow unique properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is uniquely affected by special circumstances or unusual conditions, such as narrowness, shallowness, shape, or topography and is not due to your own personal or economic difficulty. These must result in uncommon burden and unequal treatment under the strict application of the Zoning Ordinance. Uncommon hardship shall mean physical hardship relating to the property itself, as distinguished from a hardship relating to convenience, financial considerations or caprice. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is not a variance, but would be a change of the map or the text of the Zoning Ordinance.
2. You must prove that the combination of the Zoning Ordinance and the uncommon physical conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates the land and not people, the following conditions cannot be considered pertinent to the applications for a variance:
 - 1) Proof that a variance would increase the financial return from the land;
 - 2) Personal hardship;
 - 3) Self-imposed hardship.

In the later case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

3. No variance may be granted that would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purpose on the Zoning Ordinance and the Comprehensive Development (or Master) Plan. If your property is uniquely burdened by exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique only to your property, you may qualify for a variance. If you cannot meet these tests, however, then you should not apply for a variance.

CHEBOYGAN COUNTY
 PLANNING & ZONING DEPT.
 870 S. Main St., PO Box 70
 CHEBOYGAN, MI 49721
 (231) 627-8489 (TELEPHONE)
 (231) 627-3646 (FAX)

USE VARIANCE APPLICATION

\$150.00 APPLICATION FEE

RECEIPT #:	
CASH/CHECK:	
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec. /	Zoning District
Property Tax I.D. (Parcel) Number	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name	Telephone	Fax	
Address	City & State	Zip Code	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax	
Address	City & State	Zip Code	

Detailed directions to site, including nearest crossroad:

Please Note: All applicable questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. Property Information

- A. List all known deed restrictions: _____
- B. This property is unplatted, platted, will be platted. If platted, name of plat _____.
- C. Present use of the property is: _____
- D. A previous appeal has / has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.
- E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

2. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist. All use variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. Please explain how the request meets each standard.

a. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.

b. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

c. The granting of the variance will relate only to the property under control of the appellant.

d. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.

e. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? Yes No

Owner's Signature _____ Date _____

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature _____ Date _____

SITE PLAN INFORMATION Please include the following on your site plan:

- | | |
|---|---|
| 1. Property Line dimensions and Property shape. | 6. Parcels under separate ownership therein. |
| 2. Front, Rear, & Side setback dimensions. | 7. Road Right-Of-Way (ROW); access or utility easements. |
| 3. Location, shape & size of all existing & proposed buildings on property. | 8. The existing and intended use of the lot and structures. |
| 4. Location of all drives and parking areas. | 9. Place North arrow in space provided. |
| 5. Rivers, lakes, wetlands, or streams within 500 ft. | 10. Other essential zoning information. |

Distance from property line to proposed structure:

Front: _____ Rear: _____ Side: _____ Side: _____

Zoning District:

North:

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