

City of Harbor Springs

160 Zoll Street * Post Office Box 678
Harbor Springs, Michigan 49740-0678
Phone: (231) 526-2104 Fax: (231) 526-6865
www.cityofharborsprings.com

Application for Zoning Variance

Application fee - \$175.00

Property Owner Information

Owners name _____

Owners mailing address _____

Phone _____ Fax _____ E-mail _____

I hereby depose and say, under the penalties of perjury, that all of the statements and/or information contained herein or submitted with this application are true. I acknowledge that if a variance is granted, it becomes permanently attached to the land, and may not be transferred to another property. I give permission for the Zoning Board of Appeals and City Staff to go on to and examine the property described in this application.

Owners signature _____ Date _____

Agent Information (if applicable)

Agent name _____

Phone _____ Fax _____ E-mail _____

I hereby depose and say, under the penalties of perjury, that I have full authority to represent the owner of the property, as the attached written statement from the property owner states.

Signature _____ Date _____

Property Information

Parcel address _____

Property I.D. no. _____

Zoning district _____

Nature of Request

Zoning Ordinance from which a variance is being requested. ARTICLE _____ SECTION _____

SUBSECTION _____ PARAGRAPH _____

requirement from above (set backs etc.) _____

Description of the proposed variance and how it deviates from the zoning Requirement.

In addition to this application form, the items described on the following page shall be submitted and shall accompany the application. The application fee is \$175. Checks shall be made payable to the CITY OF HARBOR SPRINGS.

Required Supplemental Application Information

1. A written narrative description signed by the property owner, which clearly address the following, in the following order.
 - a. If an agent of the property owner will be representing the property owner at the Zoning Board of Appeals meeting, a signed statement form the property owner granting authority to the Agent to represent him or her in connection with the request.
 - b. An explanation of why the proposed construction, alteration or use cannot comply with the zoning code.
 - c. A description of exceptional or extraordinary circumstances or conditions applying to the property, land buildings or structures that do not apply generally to other properties in the same zoning classification.
 - d. Proof that the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity (note: a possible increased financial return shall not, or itself, be deemed sufficient to warrant a variance.)
 - e. An explanation of how an approval of the variance request would not be of substantial detriment to adjacent property.
 - f. An explanation of the condition or situation of the specific piece of property or the intended use of the property for which the variance sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situation.
 - g. A report of when the structures or buildings on the property were constructed and when the lot or parcel was platted, if applicable.
 - h. A statement indicating whether a viable alternative exists relative to the proposed plan that would not require a variance.

2. Ten (10) copies of site plan and elevation drawings illustrating the following:

When possible, drawings and plans are requested to be provided in electronic files (PDF format) by e-mail to: citymanager@cityofharborsprings.com

- a. The overall lot, lot lines and lot line dimensions drawn to a readable scale. (A survey may be required.)
- b. All existing and proposed structures on the lot.
- c. The distance from each existing or proposed structure to the lot line and between each structure.
- d. Total square footage and/or acreage of the lot.
- e. Total square footage of each existing and proposed structure.
- f. Height of each existing and proposed structure.
- g. Any other information relevant to the request.

Additional Requirements & Information

1. The applicant shall physically stake at the subject site all proposed building additions and/or new construction, a minimum of six (6) days prior to the meeting date in which the Zoning Board of Appeals will hear the request.
2. A variance granted by the Zoning Board of Appeals shall expire: (1) if construction of the project described in the application for variance is granted has not begun within one (1) year from the date the variance is granted; or, (b) if the property described in the application for variance is not used under the terms of the variance within said year; or, (c) if construction of the project described in the application for variance is timely begun, but has not been completed within two (2) years from the date of the granting of the variance.
3. If the variance shall expire as stated above, the variance approval shall become null and void, unless renewed or extended by specific action of the Zoning Board of Appeals. To extend a variance, the applicant shall submit a written letter requesting said extension and stating the reasons why the extension is warranted. If the variance is not extended before its expiration, then a new variance application shall be required.
4. A Two-thirds (2/3) vote of the entire Zoning Board of Appeals is required to approve a variance. Approval of any variance requires at least four (4) affirmative votes.

I certify that I have read all instructions, that I have read Article 24 of the Zoning Code, have submitted the required information and materials, I have read the public hearing procedure on the following page, and I understand that if all items are not properly complied with, my variance request will not be heard and I will be required to reapply and submit a new fee.

Property owner or agent signature

Date

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ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

1. **Order of the public hearing.** The order of the public hearing includes the following steps:
 - a. The Chairperson shall open the hearing.
 - b. The City staff shall present an overview of the request, the facts of the case, and any correspondence received in connection with the application.
 - c. The applicant (and/or agent) shall present any comments and explanation of the case.
 - d. Any graphic material utilized in the presentation of the case may be displayed for all members of the public and the Board members to view during the presentation.
 - e. The hearing will be opened for public comment. The public comment period is not a debate. Questions may be answered, to the extent possible, once public comment is closed. All public comments shall be addressed to the Board, not the applicant (and/or agent).
 - f. The public comment period will be closed.
 - g. The Chairperson shall ask Board members if they have questions. During this time, Board members may ask questions of clarification to the city staff or applicant (and/or agent)
 - h. The Chairperson will close the question portion of the meeting. Discussion past this point will not include comments from the applicant or the public.
 - i. The Board shall deliberate and discuss the request based on the criteria of considering a variance request, followed by a motion and action. Said action shall be supported with facts based on the criteria as part of the motion.

2. **Hearing rules.** The following hearing rules may apply to public hearings of the Harbor Springs Zoning Board of Appeals:
 - a. A public hearing is designed to receive comments on the subject proposal. Only comments regarding the subject will be accepted, and the Board and applicant will not be required to answer questions posed by members of the public unless deemed appropriate by the Chairperson
 - b. All persons wishing to comment shall be given an opportunity to do so during the public comment period.
 - c. The person addressing the Board shall give his/her name and address and make comments directly to the Board.
 - d. The person addressing the Board shall give his/her comments to three (3) minutes.
 - e. Everyone shall have an opportunity to speak before a person is allowed to speak a second time.
 - f. The public hearing is not a debate. Questions raised during public comment may be answered, to the extent possible, at the end of the hearing.
 - g. The Chairperson may, at his/her discretion, terminate unreasonably repetitive, irrelevant, or lengthy comments that are non-productive to the issue at hand.
 - h. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing and/or adjournment.
 - i. If at anytime during the hearing the Chairperson feels no other relevant comments are being stated or the public is out of order, a motion may be requested to close the public hearing.