

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: _____

Address: _____ Telephone: _____

Applicant's Email Address: _____ prefer email communication

Name and Address of Property Owner (if different) _____

Name of Representative: _____ Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ prefer email communication

Address of Property: _____

Parcel I.D. No. (as shown on tax bill): _____

Purpose of Request: _____

Please explain the nature of your hardship:

Signature: _____ Date: _____

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE _____
Name(s) of Person(s)

OF _____
Address, City, State Zip Telephone

THE _____ OF _____
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT _____

_____/RECORDED LAND CONTRACT PURCHASER(S) I/We/It
_____/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT _____ *

Name(s) of Person(s)

THE _____ OF _____ *

Title of Officer Name of Company

OF _____
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED _____ L.S.

SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY CAME
_____, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT _____ DID SO OF _____ OWN FREE WILL AND DEED.

NOTARY PUBLIC, _____ COUNTY, MICHIGAN
MY COMMISSION EXPIRES: _____

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Worksheet #1 - Section 20.23 - Non-use variance; practical difficulty standard.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Not self-imposed . The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. **A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the criteria to establish an unnecessary hardship.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a land-use variance.

Property cannot be used as zoned. The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or this article as it applies to the property is unreasonable and arbitrary; or confiscatory.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Property unique. The property has unique physical features or characteristics or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.

Necessary. The land use variance is necessary for the preservation and enjoyment of the property.

CITY OF WARREN ZONING BOARD OF APPEALS

PROCEDURES FOR VARIANCE APPLICATIONS

- 1) It has been determined that you must apply to the Zoning Board of Appeals for a variance. This is based on the preliminary plans for zoning exceptions to area or usage of the property. Zoning personnel at the Building Division are assigned to assist applicants and **will only accept complete applications**.
- 2) Site plans and survey documentation used in the appeal's process must be either stamped with an engineer's or an architect's seal, or be sealed by a registered land surveyor.
- 3) A complete application requires the original application form, affidavit of ownership, applicable worksheet(s), sixteen (**16**) copies of the site plan and other support documentation, and one copy of all documents electronically in pdf format for commercial submissions. All information should be concise, legible and requests must be in the proper form.
- 4) Only one original application submitted (copies and faxes are not acceptable) on the Zoning Board of Appeals form provided for applicants at the Building Division Desk. All pages of the application must be filled out completely. All pages of the application requiring signature must be signed and the affidavit of ownership shall be notarized.
- 5) One commercial variance item is \$250.00. The second item will cost \$115.00. The third and all subsequent items are \$75.00 apiece. Residential variances are \$95.00.
- 6) Commercial plans must show all property lines, building dimensions, and the square footage of both. The site plan must have complete parking layout with methods of egress and ingress shown on the plans. Identify all dimensions applicable to the request (including setbacks), proposed or existing building structures, walls, fences, paved areas, and any other additional information (i.e. site location map, easements, property line and right-of-ways, streets, signs, sidewalks, raised curbs, greenbelts, ponds, berms, barbed wire, culverts, open drains, or ditches.)
- 7) Sign request must show all signs currently on site. All signs must show the dimensions on a rendering of the sign(s). Freestanding signs must be shown on a site plan with the dimensions from the property lines.
- 8) All site plans and other documentation for the variance must be pre-folded to approximately 8 1/2" X 11" prior to acceptance. (Rolled prints or oversized papers are not allowed.)
- 9) Only after all requirements are met will the application be accepted and payment required. The completed receipt and payment are made to the "City of Warren" through the Treasurer's Office.

The processing of an application to the Zoning Board of Appeals is a multi-step procedure. The Building Division cannot give any assurance of as to when the application will be heard by the Board. (Currently an application for appeal may take up to three months or more to be heard.) Repeated inquiries only delay the zoning bureau or council office in the processing of these applications. **Applicants are notified by MAIL when their application for variance is scheduled** for a public hearing. Meetings for the Zoning Board of Appeals are held at 7:30 p.m. on Wednesday in the auditorium located inside the Warren Community Center at 5640 Arden one block west of Mound Rd. between 13 & 14 Mile Roads. The applicant or their designated representatives **MUST ATTEND** their scheduled meeting to present the variance request to the Zoning Board of Appeals.