

Application for Variance and/or Alteration to a Non-Conforming Structure -- Zoning Board of Appeals

City of Ann Arbor, Michigan

Notice to Applicants:

- **A pre-filing meeting is required for all applicants.** Contact Matt Kowalski (997-1517), Zoning Administrator or Brenda Acquaviva (994-2696) to arrange a meeting. Bring any available materials, including a draft application, drawings, plans, etc. for discussion.
- **When submitting, all applications must be signed and notarized.** Be sure to allow enough time to arrange for a notary before the deadline.
- **Applications must include all required information** such as drawings, site plans, floor plans and/or photographs to completely describe the request. **(See Section 5 of the Application).**
- If someone other than the actual property owner submits an application, **a letter of authorization must be provided from the property owner.** This letter must give the applicant permission to appear before the Zoning Board of Appeals regarding the specific request.
- **The ZBA normally meets on the fourth Wednesday of each month.** Public notices for each request before the ZBA are published at least 15 days prior to the meeting, in accordance with State law. **Applications must be received BY NOON at least 5 weeks prior to the meeting date.** (See Calendar Below).
- **Staff will review all applications. INCOMPLETE applications will not be scheduled.** Applications with incorrect or inadequate information will be returned to the applicant for corrections and will be scheduled for the next available meeting date.
- **Applicant must supply 4 complete packets of information or 1 original packet and an electronic version of the original packet (CD with Adobe pdf file preferred).**
- **All communication with ZBA members must be through the application and at public meetings.** Solicitation of members on an individual basis outside of these venues is inappropriate and prohibited.
- Application to the ZBA **does not guarantee the request will be scheduled** until after the application is deemed complete. See schedule below (Staff Notification).
- Filing Fees for Application for a ZBA Variance is **\$410.00. Cash, Visa, Mastercard and/or Checks made payable to “The City of Ann Arbor” are accepted forms of payment.**

Location – 100 N. Fifth Avenue, Second Floor, City Council Chambers

2008 MEETING SCHEDULE - ZONING BOARD OF APPEALS

APPLICATIONS DUE (by 12:00 p.m.)	ADMINISTRATIVE ACCEPTANCE DECISION NOTIFICATION	MEETING & PUBLIC HEARING 6:00 p.m. – Council Chambers
December 19	January 3	January 23
January 23	February 6	February 27
February 20	March 5	March 26
March 19	April 2	April 23 (Yearly Organizational Meeting after Regular Session)
April 23	May 7	May 28
May 21	June 4	June 25
June 18	July 2 *	July 23
July 16	August 6	August 27
August 20	September 3	September 24
September 17	October 1	October 24
October 22*	November 1	November 19
November 19**	November 23**	December 17**

*Due to 4th of July Holiday, Administrative Acceptance Decision falls 1 day early.

**Due to Deadlines falling near Thanksgiving and Christmas Holiday’s, dates are moved up.

APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: _____
Address of Applicant: _____
Daytime Phone: _____
Fax: _____
Email: _____
Applicant's Relationship to Property: _____

Section 2: Property Information

Address of Property: _____
Zoning Classification: _____
Tax ID# (if known): _____
*Name of Property Owner: _____

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a
variance is requested:

Required dimension: PROPOSED dimension:

Example: Chapter 55, Section 5:26

Example: 40' front setback

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance
(attach additional sheets if necessary)

Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) _____

3. What effect will granting the variance have on the neighboring properties? _____

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property _____

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued)

Existing Condition

Code Requirement

Lot area _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks _____
Parking _____
Landscaping _____
Other _____

Describe the proposed alterations and state why you are requesting this approval:

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit _____

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)

- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

Phone Number

Signature

Email Address

Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates

Signature

On this _____ day of _____, 20____, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

Notary Public Signature

Notary Commission Expiration Date

Print Name

Staff Use Only

Date Submitted: _____

Fee Paid: _____

File No.: _____

Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____