

**** ALL APPLICANTS PLEASE READ ****

Frequently Asked Questions - Variances

What is a variance?

A variance is permission to deviate from the zoning ordinance's provisions based on the characteristics of the individual parcels of land. Note that variances are based on the land, not the people using the land.

A non-use variance, also referred to as a dimensional variance, is a modification of a provision or requirement of a zoning ordinance related to such requirements such as size, location, height, landscaping, parking, and other similar provisions.

A use variance is a request to permit a use of land that is not otherwise allowed in the zoning district. Use variances are not allowed in the township.

What is (and isn't) the purpose of a variance?

The purpose of a variance is to address situations where truly unusual conditions are present on a property that may not have been anticipated by the zoning ordinance.

A variance is not intended to simply help applicants avoid inconvenience caused by a zoning requirement. The zoning ordinance requirements were reviewed by the planning commission and adopted as law by the township board. They should not be waived or varied without substantial justification.

Who has the authority to grant a variance?

The zoning board of appeals (ZBA) is the only local public body with the authority to grant variances. However, variances may only be granted if each of the standards of review in the zoning ordinance are satisfied. A non-use variance may be allowed by the ZBA when something about the property itself causes a "practical difficulty" in complying with the zoning ordinance's dimensional, building or site provisions.

What are the practical difficulty standards of review for non-use variances?

To obtain a non-use variance, the applicant must prove that a unique aspect of the property itself creates a "practical difficulty" in complying with the ordinance. The fact that complying with the ordinance would be inconvenient does not establish practical difficulty. A ZBA may grant a variance only where the applicant has provided reasonable evidence that each of the following standards are satisfied to establish practical difficulty. *This means that for a denial, the ZBA need not declare that every standard fails; it only requires that at least one of*

the standards fails. However, findings for each standard should be considered and documented.

Standard 1 – The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

- a. Exceptional narrowness, shallowness or shape of the specific property that existed when the applicable zoning ordinance provision took effect; or
- b. Exceptional topographic conditions or other extraordinary situation on the land, building, or structure; or
- c. Because of the use or development of the property immediately adjoining the property in question, the literal enforcement of the zoning ordinance requirements would involve practical difficulties; or
- d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary

Standard 2 – The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent a nature; it does not apply to other properties.

Standard 3 – A variance is necessary for the preservation and enjoyment of a substantial property right, similar to the property rights possessed by other properties in the same zoning district and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Standard 4 – A variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Standard 5 – A variance will not impair the intent and purpose of the zoning ordinance requirement that is the subject of the variance request.

Standard 6 – The practical difficulty was not self-created by any affirmative action of the applicant.

Note to Applicants: *Each of the above standards must be satisfied before the ZBA may grant a variance. Please consider each standard and document thoroughly in your application any reasonable evidence you believe supports that each standard is satisfied. **Application fees are non-refundable**, so please consider each of the above carefully prior to submitting your application. The ZBA is required by law (zoning ordinance) to find that all standards are met before granting a variance.*

CATO TOWNSHIP

309 Lincoln Ave, Lakeview, MI 48850

APPLICATION DATE: _____

Variance Application

I. Personal Information.

Applicant Information

Name: _____
First Middle Last

Address: _____

Telephone Number: _____ **Email Address:** _____

Interest in Subject Property: _____

Owner Information *(If different from applicant)*

Name: _____
First Middle Last

Address: _____

Telephone Number: _____ **Email Address:** _____

Interest in Subject Property: _____

II. Property Information.

Property Information

Address of Property: _____

Parcel Number: _____

Legal Description of the Property: *(May be attached to application)*

Zoning Classification: _____

Present Use of Property: _____

III. Variance Request.

Type of Variance Requested: _____

Section of the Township Zoning Ordinance: _____

Describe Variance Request:

IV. Standards for Consideration:

Describe the practical difficulties which prevent you from complying with the Township Zoning Ordinance on the subject property.

Describe any unique characteristics or physical conditions of the subject property that do not generally apply to other property or uses in the same zoning district and are not recurrent in nature.

Describe how these practical difficulties or special conditions or circumstances were not the result of the Applicant's actions.

Describe how the variance will only relate to property under control of the Applicant.

Describe how the variance will be in harmony with the general purpose and intent of the Township Zoning Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.

Describe how the strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the Applicant from using the property for a permitted purpose or would render conformity unnecessarily burdensome.

Describe how the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

V. Supplemental Requirements.

The Applicant shall provide the Township Zoning Administrator with the following items:

- ☐ **Copies.** Four (4) copies of the application for distribution to the Zoning Board of Appeals.
- ☐ **Application Fee.** Application fee of \$ _____ as determined by the Township Board to cover costs of process the application. Once an application is accepted as complete no part of any fee shall be refundable except on unused portion of an escrow fee.
- ☐ **Additional Requirements.** Any additional information or documents required under the Township Zoning Ordinance for specific variance requests.

VI. Signatures: I certify that all statements made above and in attached documents

submitted to Cato Township related to this application are true and accurate to the best of my knowledge and that if found to be in error, any decision of the Township based upon the contents of this application may be void.

Applicant: _____

Name: _____

Date: _____

Owner: (If applicable) _____

Name: _____

Date: _____