

City of Marshall
Zoning Board of Appeals Variance Application
323 West Michigan ~ Marshall, MI ~ 49068

Residential \$50.00 Commercial \$100.00

Petitioner Name _____

Address _____ Phone _____

Property address for which you are seeking a variance: _____

Are you the owner? Yes No (If not, please attach owners contact information)

Current Zoning _____ Current Use _____

Zoning of abutting parcels _____

Plot Plan Attached

According to ordinance, you must include a plot plan of the site, drawn to scale, with a north-arrow, all lot lines shown, street right of ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements.

Dimensional Variance or Use Variance

Reasons for variance attached

Please see back of sheet for appropriate ZBA criteria.

Non-refundable Fees Paid

*The ZBA meets on the 3rd Thursday of each month. Application must be received by the date listed on the back of this sheet to be heard on the next scheduled meeting.

I understand that I am expected to attend the ZBA Public Hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain a permit before commencing work.

Signature of Petitioner _____ Date _____

Signature of Owner _____ Date _____

Questions concerning these requirements should be directed to Natalie Dean, Planning & Zoning Administrator, at: (269) 789-4604

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DIMENSIONAL VARIANCE

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties based upon the following criteria:

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

USE VARIANCE

The granting of a variance from the use provisions of this Ordinance shall require a finding of unnecessary hardship, based upon the following criteria:

1. **The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property.** Under this standard, the ZBA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.
2. **The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.** Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.
3. **The use variance, if granted, would not alter the essential character of the neighborhood.** This standard requires consideration of whether the intent and purpose of the Ordinance and zoning district will be preserved, and the essential character of the area will be maintained.
4. **The hardship is not the result of the applicant's actions.** Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

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