WHAT IS A VARIANCE AND SHOULD I APPLY FOR ONE?

A variance is a zoning adjustment that permits minor changes of district requirements, where individual properties are both harshly and uniquely burdened by the strict application of the law due to uncommon or unique physical characteristics of the property. A variance is not a change in the zoning law but is a type of waiver of certain zoning requirements for a particular piece of property. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property.

1. A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow unique properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is uniquely affected by special circumstances or unusual conditions, such as narrowness, shallowness, shape, or topography and is not due to your own personal or economic difficulty. These must result in uncommon burden and unequal treatment under the strict application of the Zoning Ordinance. Uncommon hardship shall mean physical hardship relating to the property itself, as distinguished from a hardship relating to convenience, financial considerations or caprice. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is not a variance, but would be a change of the map or the text of the Zoning Ordinance.

2. You must prove that the combination of the Zoning Ordinance and the uncommon physical conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates the land and not people, the following conditions cannot be considered pertinent to the applications for a variance:

    1) Proof that a variance would increase the financial return from the land;
    2) Personal hardship;
    3) Self-imposed hardship.

    In the later case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

3. No variance may be granted that would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purpose on the Zoning Ordinance and the Comprehensive Development (or Master) Plan. If your property is uniquely burdened by exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique only to your property, you may qualify for a variance. If you cannot meet these tests, however, then you should not apply for a variance.

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 South Main St., PO Box 70
Cheboygan, MI 49721
(231) 627-8489 (Telephone)
(231) 627-3646 (Fax)

DIMENSIONAL VARIANCE APPLICATION

$300.00 APPLICATION FEE

RECEIPT #:	
CASH/CHECK:	
ACTION /DATE:	

PLEASE PRINT

PROPERTY LOCATION

Address	City / Village	Township / Sec. /	Zoning District
Property Tax I.D. (Parcel) Number	Subdivision or Condo. Name / Plat or Lot No.		

APPLICANT

Name	Telephone	Fax	
Address	City & State	Zip Code	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax
Address	City & State	Zip Code

Detailed directions to site, including nearest crossroad:

_____

_____

_____

_____

Please Note: All applicable questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. Property Information

A. List all known deed restrictions: _____

B. This property is ☐ unplatted, ☐ platted, ☐ will be platted. If platted, name of plat _____

C. Present use of the property is: _____

D. A previous appeal has / has not (circle one) been made with respect to these premises in the last one (1) year. If a previous appeal, rezoning or special use permit application was made, state the date _____, nature of action requested _____, and the decision _____.

E. Attach a site plan drawn per the attached directions.

II. Detailed Request and Justification

1. State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Ordinance.

_____

_____

_____

2. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following. All variance decisions made by the Zoning Board of Appeals are based on the following five (5) standards of the Cheboygan County Zoning Ordinance. Please explain how the request meets each standard.

   a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.

   _____

   _____

   _____

   b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

   _____

   _____

   _____

   c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome

   _____

   _____

   _____

   d. That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.

   _____

   _____

   _____

   e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

   _____

   _____

   _____

The Zoning Board of Appeals members will visit the site prior to the public hearing. Please clearly stake the corners of the proposed building or addition and the nearest property line. Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? ☐ Yes ☐ No

Owner's Signature _____ Date _____

AFFADAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature _____ Date _____

SITE PLAN INFORMATION Please include the following on your site plan:

1. Property Line dimensions and Property shape.
2. Front, Rear, & Side setback dimensions.
3. Location, shape & size of all existing & proposed buildings on property.
4. Location of all drives and parking areas.
5. Rivers, lakes, wetlands, or streams within 500 ft.
6. Parcels under separate ownership therein.
7. Road Right-Of-Way (ROW); access or utility easements.
8. The existing and intended use of the lot and structures.
9. Place North arrow in space provided.
10. Other essential zoning information.

Distance from property line to proposed structure:	Zoning District:	North:
Front: _____ Rear: _____ Side: _____ Side: _____		