



# CITY OF NEGAUNEE

319 West Case Street, Negaunee, Michigan 49866, Phone: 906-475-7700 ext. 11 Fax: 906-475-0178

## VARIANCE APPLICATION ZONING BOARD OF APPEALS

Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Variance Requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason(s) for Variance Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a site plan, drawn to scale, indicating existing and proposed structures, dimensions and distances to lot lines.

Signature of Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_

A \$250(non-refundable) application fee must accompany the application, made payable to the "City of Negaunee"



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## Zoning Variance Process

1. An applicant for a zoning variance must submit a complete application and the appropriate application fee.
2. In addition to the application, the applicant must submit the following materials:
  - a. A legal description of the property being proposed for the variance.
  - b. A summary explaining the need for the variance being sought.
  - c. An abbreviated, scaled, site plan showing the nature of the variance request, including, but not limited to:
    - 1) property boundaries
    - 2) existing and proposed buildings or structures
    - 3) the distance from the property lines of each existing building or structure and of each proposed building or structure
    - 4) unusual physical features of the site, building or structure
    - 5) abutting street
3. A variance request must be submitted to the Planning Department at least fifteen (15) days prior to the desired Zoning Board of Appeals date. This time frame is necessary because of State law requirements for advertising and providing public notice to property owners surrounding the variance request.
4. State law requires the city to advertise the variance notice at least once before the request is brought to the Zoning Board of Appeals for public hearing. The notice must be placed in the newspaper at least 5 days before the public hearing.
5. At least five days before the public hearing, a public notice must be sent to all surrounding property owners within 300 feet of the proposed variance. This notice will indicate the nature of the proposed request, as well as the time, date and location of the public hearing.



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6. At least five days before the public hearing, the Planning Department will issue the agenda for the public hearing and a staff report regarding the applicant's request. These items will be mailed directly to the applicant and should be received at least one (1) day prior to the meeting.
7. Your attendance to the public hearing is strongly suggested. If you cannot attend, you should have someone attend on your behalf.
8. At the public hearing, the Planning Department will review each variance request to the Zoning Board of Appeals. This review will include an analysis of the request, and a recommendation on how the variance can be resolved.
9. Once the Department has completed their review of the project, the applicant is given the opportunity to address the Zoning Board of Appeals about the variance. (Should you require specific audio or visual equipment to make your presentation, please contact the Planning Department at (906) 475-7700. Your request must be received at least two (2) business days prior to the scheduled meeting.)
10. After the applicant has completed his/her presentation, the Zoning Board of Appeals may ask questions about the proposed variance request. When this question period is completed, the Zoning Board of Appeals will open the public hearing in which surrounding property owners may comment on the request or simply ask questions about the proposal.
11. When the public hearing is completed, the Zoning Board of Appeals will discuss the request once again, in an effort to reach a decision. Before rendering a positive decision regarding the variance, the Zoning Board must determine that the request satisfies all of the following findings:
  - A. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.
  - B. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully



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- adopted regulations preceding this Ordinance will not be considered self-created).
- C. That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - D. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - E. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance.
  - F. The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
12. Once the Zoning Board has reviewed the variance request in light of the aforementioned findings, they can make a decision. The decision reached by the Zoning Board of Appeals must be reached by a positive affirmative vote of at least three (3) members of the zoning Board of Appeals. If the request does not receive at least three (3) votes it is denied.
13. The decision reached by the Zoning Board of Appeals is final. Any party aggrieved by the Board's decision may appeal to the Circuit Court having local jurisdiction.