



# Request for Appeal (Variance) Zoning Board of Appeals A Step-By-Step Guide



- 1** **Introductory Meeting with Planning Staff** - Staff will assist the applicant by explaining the Zoning Ordinance Regulations/Standards. Staff review of a request usually indicates that a site plan proposed by the applicant does not meet the standards of the ordinance. If the applicant feels that they are unable to modify their plan to meet the requirements of the ordinance or if the ZA is mistaken in their interpretation of the ordinance they have the right to request an appeal from the Zoning Board of Appeals. The applicant is encouraged to contact adjoining and nearby property owners and occupants to discuss their project prior to the Public Hearing. A copy of the mailing information for the 300' notification can be obtained from Staff upon request.
- 2** **Submission of Application** – Applicant will submit their request to the ZA who will review it to make sure they have supplied all the necessary information including a site plan. If no Additional information is needed the ZA will then schedule a meeting within 30 days. ***Fee must be received before any requests are processed.***
- 3** **Public Hearing Notification** – Staff will prepare Notice of Public Hearing (Ad in Newspaper, posted on City Web Page, City Facebook Page, Posted at City Hall, mailing to all owners/occupants within 300' of property). *Noticing must be at least 20 days prior to meeting date.*
- 4** **Public Hearing** - Applicant shall present their case to the Board along with any correspondence in support of their request. Staff will give their report, the public is invited to speak on the request, and correspondence will be read into the record. Public Hearing will be closed.
- 5** **Meeting** – The Zoning Board of Appeals will begin their deliberation on the request. If the Board determines that no additional information is needed they will deliberate/take action on the request. They will adopt either approve or deny the request. If the Board determines that additional information is needed they will postpone their determination until a specified date and schedule another meeting.
- 6** **Permit** – If approved, Staff will schedule a meeting to certify the minutes. This is typically scheduled for the following week. Once minutes are certified staff will issue a Land Use Permit that states a variance was obtained and specify the variance granted.

***\*Average time depending on Staff availability, complete application and Meeting Schedules approx. 30-45 days***

[Article 25 Zoning Board of Appeals](#)



## Request for Appeal

City of Manistee Zoning Board of Appeals

Please Print

Submission of Application		
<p>After receipt of a complete application a public will be scheduled. You will receive written notice from the City indicating the date and time. You or your representative should be present at the hearing to explain your request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to approve, approve with conditions, or deny your request. You will receive written notice of their decision. Each application shall be accompanied by the payment of a <b>fee \$750.00</b> in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application.</p>		
Applicant Information		
Name of Owner:		
Address:		
Phone #:	Cell#:	e-mail:
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address:		Parcel #
Present/proposed Land Use:		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land:		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary:		
<p>Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision:</p>		
Detailed Narrative of Request		
<p>State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals.</p>		

Detailed Request and Justification			
	Identify each requested variance	Required by Zoning	Requested by Appellant
	Front Yard Set Back	From	To
	Side Yard Set Back	From	To
	Side Yard Set Back	From	To
	Rear Yard Set Back	From	To
	Waterfront Set Back	From	To
	Height	From	To
	Lot Coverage	From	To
	Off Street Parking	From	To
	Other:	From	To
Please Mark all characteristics of your property which require the granting of a variance			
	Too Narrow	Explain:	
	Too Small	Explain:	
	Too Shallow	Explain:	
	Elevation (height)	Explain:	
	Slope	Explain:	
	Shape	Explain:	
	Soil	Explain:	
	Other:	Explain:	
Specific Variance			
<p>The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that <b>all of the Basic Conditions</b> and <b>any one (1) of the Specific Conditions</b> set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.</p>			
Basic Conditions - The Board shall find that a variance request meets all of the following conditions.			
1. <i>The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.</i>			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>			
2. <i>The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.</i>			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>			
3. <i>The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.</i>			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>			
4. <i>The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.</i>			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>			
5. <i>The requested variance is for property under the control of the applicant</i>			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>			
6. <i>The requested variance was not self-created by the applicant or property owner.</i>			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>			

7. <i>There is not an alternative that would allow the improvement to the property without the requested variance.</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
8. <i>The requested variance is the minimum amount necessary to still permit the reasonable use of the land.</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
<b>Special Conditions</b> - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:	
<i>Are there practical difficulties with the property that prevents full compliance with the requirements of the ordinance? [Practical difficulties are evaluated in terms of the use of the parcel. Neither the fact the appellant could incur additional costs to achieve full compliance or receive additional income with less than full compliance are to be considered]</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
<i>Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
<i>Is the requested variance for a right possessed by other properties in the same zoning district?</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>Justification:</b>	
<b>Site Plan Requirements</b>	
The applicant is responsible to provide a survey and legal description (unless waived by the Zoning Administrator) as follows:	
	The property, identified by parcel lines and location and size
	The scale, north point.
	Natural features such as woodlots, waterbodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
	The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings, square footage of floor space and set-backs.
	The proposed driveway, if any.
	If the parcel is a result of a parcel split resulting after the adoption of this ordinance, then the required site plan shall show all structures and buildings, drawn to scale, that are located on the adjacent property.
	Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.
	Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site
	Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and identification of service lanes and service parking
	Any proposed alterations to the topography and other natural features shall be indicated.
	Any proposed location of connections to existing utilities and proposed extensions thereof.
	A description of the proposed development
	A vicinity map showing the location of the site in relation to the surrounding street system.

<b>Rules – The following rules shall be applied in the granting of variances</b>		
<p>The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.</p>		
<p>Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.</p>		
<p>No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.</p>		
<b>Authorization</b>		
<b>AFFIDAVIT:</b>		
<p>The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.</p>		
<p>Signature: _____ Date: _____</p>		
<p>Signature: _____ Date: _____</p>		
<p><input type="checkbox"/> <b>Fee of \$750.00 enclosed and Site Plan for project attached (request cannot be issued without site plan)</b></p>		
<b>Office Use Only</b>		
<b>Fee:</b> <input type="checkbox"/> \$750.00		<b>Receipt #</b>
<b>Date Received:</b>	<b>Hearing Date:</b>	<b>ZBA-</b>