



City of Frankfort • 412 Main Street • P.O. Box 351 • Frankfort, Michigan 49635-0351
Phone: (231) 352-7117 • Fax: (231) 352-7100

Application for Variance

APPLICANT: Name: _____

Address: _____

Telephone: _____ Facsimile: _____

OWNER: Name: _____

(if different Address: _____

from applicant) Telephone: _____ Facsimile: _____

DESCRIBE YOUR REQUEST (attach additional pages): _____

PROPERTY ADDRESS: _____

PARCEL TAX ID NUMBER: _____

LEGAL DESCRIPTION OF PROPERTY (attach additional pages): _____

PRESENT ZONING OF PROPERTY: _____

PRESENT USE OF PROPERTY: _____

APPLICANT REQUIREMENTS: (Please check all that apply)

1...Paid fee (as established by the City Council) to the City for variance consideration. \$ _____

Applicant is applying for a:

2...**Zoning Variance:** Two (2) of the following facts and conditions exist: (see attached 18.06)

a... There are exceptional or extraordinary circumstances of conditions applying to the specific property that do not apply generally to other properties in the same zone.

b... A variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.

c... The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

3...**Land Use Variance:**

a... The property cannot be reasonably used for uses allowed within the district in which the property is located.

SIGNATURES:

I (we), the undersigned, certify that the information contained on this application and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the City of Frankfort for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative review which may occur after the City has taken action on my (our) request.

Applicant's Signature

Date

Owner's Signature

Date



Application for Variance

(Excerpt from the City of Frankfort Zoning Ordinance)

18.05 VARIANCES

Subject to the provisions of Section 18.06 of this Ordinance, and in addition to other duties and powers specified within this Ordinance, the Board of Appeals, after public hearing, shall have the power to decide applications for variances:

- (1) Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.
- (2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- (3) Where it is alleged that the condition or situation of the specific property or the intended use of said property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

18.06 VARIANCES PROHIBITED

No variance in the provisions or requirements of this Ordinance shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare, and, further, that two of the following facts and conditions exist:

- (1) That there are exceptional or extraordinary circumstances of conditions applying to the specific property that do not apply generally to other properties in the same zone.
- (2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.
- (3) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

18.07 LAND USE VARIANCE

The Board of Appeals shall not schedule a public hearing on a land use variance for a use not permitted in a zone or for a use requiring the report or recommendation of the Planning Commission for a period of thirty (30) days after receipt of the appeal. The Board of Appeals shall notify the Planning Commission of any such appeal and request a study and report. No decision shall be made by the Board of Appeals until the report of the Planning Commission is received, provided such report shall be made within thirty (30) days of the next regularly scheduled Planning Commission meeting. No land use variance shall be granted by the Board of Appeals unless it finds that the property cannot be reasonably used for uses allowed within the district in which the property is located.

18.08 CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals shall maintain a record of conditions which are changed.
In the event the Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the variance or fail to follow any conditions placed thereon by the Board of Appeals. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate and it shall be deemed a violation of this Ordinance.

18.09 PUBLIC HEARINGS

When an application for hearing or appeal has been filed in proper form supplied by the City and the fee paid with the required data, the Secretary of the Board of Appeals shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. A notice shall be sent at least five (5) days prior to the hearing to the applicant and to all owners of the property as shown by the City Assessor's office within three hundred (300) feet of the premises involved, or of contiguous property in common ownership, by regular U.S. Mail, with proof of posting, postage prepaid, addressed to the last known address of such property owners as shown by said records. Any interested party may appear and be heard at such hearing in person or by agent or attorney.

18.10 DECISIONS

- (1) The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- (2) Upon the date for hearing any application or appeal, the Board of Appeals may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Board of Appeals so decides.

18.11 FEES

Fees shall be established by the City Council.

18.12 TIME LIMIT

If a variance is granted or other action requested by the applicant is authorized, the necessary building permit shall be secured, and the authorized action begun within six (6) months after the date and the variance is granted and completed within eighteen (18) months of said date. The Board of Appeals may, upon good cause shown, extend either the six (6) or the eighteen (18) month period; and if the Board of Appeals further finds that conditions have altered or changed in the interval since the action was granted, the Board of Appeals shall revoke or rescind its approval. Should applicant fail to obtain the necessary permit or fail to commence work within such six (6) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal; and all permissions, variances and permits shall be deemed automatically rescinded.