
INFORMATION CONCERNING YOUR ZONING BOARD APPEAL

1. YOU OR YOUR REPRESENTATIVE MUST REPRESENT THE REQUEST BEFORE THE ZONING BOARD OF APPEALS. YOU WILL RECEIVE AN AGENDA LETTER INDICATING THE DATE AND TIME OF THE SCHEDULED MEETING YOUR CASE WILL BE HEARD. NOTICE OF YOUR APPEAL WILL BE MAILED TO ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PROPERTY UNDER APPEAL.

2. VARIANCES MAY BE GRANTED WHERE OWING TO SPECIAL CONDITIONS, A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE ZONING ORDINANCE WOULD INVOLVE PRACTICAL DIFFICULTIES OR CAUSE UNNECESSARY HARDSHIP. MONETARY HARDSHIPS ARE GENERALLY NOT CONSIDERED.

3. IT IS THE RESPONSIBILITY OF THE PETITIONER TO SHOW ALL OF THE FOLLOWING CONDITIONS EXIST, PER ZONING ORDINANCE No. 56, ARTICLE 7, SECTION 26-329, PARAGRAPH FOUR (4), SUBPARAGRAPH A THROUGH D.

 - A. THAT THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY INVOLVED OR TO THE INTENDED USE OF THE PROPERTY THAT DO NOT GENERALLY TO OTHER PROPERTIES OR CLASS OF USES IN THE SAME DISTRICT OR ZONE.

 - B. THAT SUCH VARIANCE NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTY IN THE SAME ZONE AND VICINITY.

 - C. THAT THE GRANTING OF SUCH VARIANCE OR MODIFICATION WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR MATERIALLY INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN SUCH ZONE OR DISTRICT IN WHICH THE PROPERTY IS LOCATED.

 - D. THAT THE GRANTING OF SUCH VARIANCE WILL NOT ADVERSELY AFFECT THE PURPOSE OR OBJECTIVES OF THE MASTER PLAN OF THE TOWNSHIP OF WEST BLOOMFIELD.

4. WITNESS, WRITTEN STATEMENTS, PHOTOGRAPHS OR OTHER DATA YOU FEEL IS IMPORTANCE TO JUSTIFY YOUR CASE, MAY BE PRESENTED AT THE MEETING.

5. IF APPROVED, YOUR APPEAL IS GOOD FOR ONE (1) YEAR FROM THE DATE OF APPROVAL UNLESS OTHERWISE SPECIFIED, AND MUST BE CONSUMED WITHIN THAT TIME PERIOD. **CHECK WITH THE BUILDING DEPARTMENT TO DETERMINE IF YOUR REQUEST REQUIRES A BUILDING PERMIT.**

6. IF CIRCUMSTANCES REQUIRE THAT YOU NEED AN EXTENSION TO YOUR GRANTED VARIANCE, YOU MAY NOTIFY THE PLANNING DEPARTMENT TO SCHEDULE A HEARING BEFORE THE BOARD, AT NO FURTHER COST TO YOU. **YOUR HEARING DATE MUST BE BEFORE YOUR EXPIRATION DATE.**

7. IF YOU HAVE FURTHER QUESTIONS, PLEASE DO NOT HESITATE TO CALL THE PLANNING DEPARTMENT AT (248) 451-4876

VARIANCE STANDARDS

•• NONUSE VARIANCE ••

DEFINITION: A NONUSE VARIANCE IS ONE GRANTED TO PROVIDE RELIEF FROM A SPECIFIC STANDARD IN THE ORDINANCE WHICH USUALLY RELATES TO AN AREA, DIMENSION OR CONSTRUCTION REQUIREMENT/LIMITATION. IT IS BY FAR THE MOST COMMON TYPE OF VARIANCE AND, UNLIKE USE VARIANCES, DOES NOT EFFECT WHAT LAND USE MAY BE ESTABLISHED ON A PARCEL, RATHER IT COVERS ISSUES RELATED TO HOW PERMITTED LAND USES CAN BE DEVELOPED IN THE FACE OF SOME “PRACTICAL DIFFICULTY”.

STANDARDS FOR APPROVAL:

1. THE APPLICANT MUST PRESENT THE BOARD OF APPEALS WITH PROOF OF THE EXISTENCE OF A “PRACTICAL DIFFICULTY...IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE”. (STATUTORY). COURTS HAVE HELD THAT THE FOLLOWING FOUR (4) STANDARDS ARE APPLICABLE IN DETERMINING WHETHER A “PRACTICAL DIFFICULTY” SUFFICIENT TO WARRANT RELIEF BY GRANT OF A VARIANCE EXISTS. IT WOULD SEEM AN APPLICANT WOULD ALWAYS HAVE TO MEET STANDARDS “C” AND “B” AND NOT HAVE A SELF-CREATED PROBLEM “D”. IN ORDER TO GET APPROVAL FOR A NONUSE VARIANCE UNDER THESE STANDARDS. (IF YOU MEET “B” AND “C” AND NOT “D”, YOU ARE LIKELY TO ALSO MEET “A”, HOWEVER, AN APPLICANT COULD NOT MEET “A” AND THEN FAIL TO MEET “B”, “C”, OR “D” OR A COMBINATION THEREOF, AND STILL GET APPROVAL FOR THE NONUSE VARIANCE)
 - A. WHETHER COMPLIANCE WITH THE STRICT LETTER OF THE RESTRICTIONS GOVERNING AREA, SETBACKS, FRONTAGE, HEIGHT, BULK, OR DENSITY WOULD UNREASONABLY PRESENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME.
 - B. WHETHER A GRANT OF THE VARIANCE APPLIED FOR WOULD DO SUBSTANTIAL JUSTICE TO THE APPLICANT AS WELL AS TO OTHER PROPERTY OWNERS IN THE DISTRICT, OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF TO THE OWNER OF THE PROPERTY INVOLVED AND BE MORE CONSISTENT WITH JUSTICE TO OTHER PROPERTY OWNERS.
 - C. WHETHER THE PLIGHT OF THE LANDOWNER IS DUE TO THE UNIQUE CIRCUMSTANCES OF THE PROPERTY.
 - D. WHETHER THE PROBLEM IS SELF-CREATED.
2. IN GRANTING A NONUSE VARIANCE, A BOARD OF APPEALS MUST INSURE THAT THE “SPIRIT OF THE ORDINANCE (IS) OBSERVED, PUBLIC SAFETY SECURED, AND SUBSTANTIAL JUSTICE DONE.” (STATUTORY)