

## Village of Breedsville Zoning Board of Appeals

### APPLICATION REQUIREMENTS

*Attendance at meetings is required by applicant or representative.*

*A fee of \$500.00 must be paid before a Variance Application will be considered.*

*The Applicant is responsible to complete this form fully and accurately.*

*Questions regarding this application or meeting, please call 269-427-9029*

### Application Checklist

|  | Attached                 | N/A                      |
|--|--------------------------|--------------------------|
| 1. Completed application form  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Photographs of property and structures.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Legible plans (may include plot plan or building plans).                                | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. An 8 ½ " x 11' version of your plan<br>(Either hard copy, emailed or on a thumb drive.) | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Payment of \$500.00 fee.  | <input type="checkbox"/> | <input type="checkbox"/> |

### CONDITIONS OF APPROVAL

1. Applicant shall be deemed responsible for the accuracy of all information submitted to the Village of Breedsville. Failure to provide accurate and complete information or to make false statements may cause the Board to rescind its decisions until Board is satisfied.
2. Approval by the Zoning Board of Appeals does not include or constitute a site plan review or building compliance review.
3. Approval by the Zoning Board of Appeals does not include or waive the necessity for any other Federal, State or local permits as may be applicable to the project.

**ALL VARIANCES GRANTED BY THE ZONING BOARD OF APPEALS SHALL BE VALID FOR A PERIOD OF ONE YEAR**

Next Meeting Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Deadline for Next Meeting: \_\_\_\_\_

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### STANDARD FOR VARIANCE

Use variances require a showing of “unnecessary hardship” while non-use variances require the applicant to demonstrate a “practical difficulty.”

**In determining whether a PRACTICAL DIFFICULTY exists,  
The Board should consider the following standards:**

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk of density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
2. 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 or the property involved and be more consistent with justice to other property owners.
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
4. Whether the plight of the owner is due to unique circumstances of the property and not general conditions in the area.
5. Whether the problem is self-created.

**For a use variance, the Board must find UNNECESSARY HARDSHIP  
On the basis of substantial evidence that:**

1. The property cannot reasonably be used in a manner consistent with existing zoning.
2. The landowner’s plight is due to unique circumstances and not to general conditions in the Neighborhood that may reflect the unreasonableness of the zoning.
3. A use authorized by the variance will not alter the essential character of a locality, and
4. The hardship is not the result of the applicant’s own actions.

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1. Parcel Address: \_\_\_\_\_

2. Requested By: \_\_\_\_\_

(Name)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Phone)

\_\_\_\_\_  
(Email)

3. Are you the Legal owner of the property in question?  Yes  No If Yes, skip to question #6

4. If no, list primary owner and his/her address: \_\_\_\_\_

5. Your relationship to property owner: \_\_\_\_\_

6. Parcel number: \_\_\_\_\_

7. Nearest intersection: \_\_\_\_\_

8. What variance(s) are you requesting? (Height, setback, wall etc) **PLEASE PRINT CLEARLY!**

*Please see the back page for definition of the term "variance".*

9. What is your hardship? (Width, depth, shape, size, etc) **PLEASE PRINT CLEARLY!**

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- 10. Have you included photographs of the property?  Yes  No
- 11. Have you included building plans, a site plan, and other relevant information?  Yes  No
- 12. Have you included an 8 ½ X 11 version of your plan (hard copy, email, or thumb drive)?  Yes  No
- 13. Have you included a letter of approval from the property owner?  Yes  No
- 14. Are you building/altering/renovating an accessory structure?  Yes  No

If no, skip to question 15.

14. a I understand the ordinance limits the use of accessory structure to Residential storage (accessory structure shall NOT be used for business Purposes, commercial repair service or be inhabited)  Initial

14. b I understand the ordinance limits electrical wiring to one 120 volts. Electrical serve within the accessory structure.  Initial

- 15. Will you allow Board members to enter the property regarding this case?  Yes  No

#### **Definitions:**

**Variance:** A Variance is a modification of the literal provisions of the Zoning Ordinance that may be Granted by the Zoning Board of Appeals (ZBA) because strict enforcement of the Zoning Ordinance would cause undue hardship owing to the circumstances unique to the individual. Property on which the variance is granted. The crucial points of a variance are proving that. There is undue hardship and/or unique circumstance that applies to the property. An example Of a variance could be to allow the total height of a single-family residential home to above 30' because the property is within the floodplain and the first floor of the home must be higher than grade.

**Hardship:** A Hardship is the inability to make reasonable use of the property in accord with the literal requirements of the Zoning Ordinance. To justify a variance, a hardship must be demonstrated. and this hardship must be to unique circumstances involving the property. The unique circumstances must be related to a physical characteristic of the property itself. Not to the owner's personal situation This is because regardless of ownership, the variance will run with the land. An example of a hardship Could be a lot that is narrower than the majority of other lots on the block or a lot that is shallower. Than the other lots.

# Village of Breedsville

82 E. Main St. PO Box 152  
Breedsville, MI 49027

Fee \$500.00

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In granting a variance the Board may attach conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable.

Additional Contract Information: (please fill out this section if there are alternate individuals you would like us to contact regarding this request, i.e. contractor, architect, property owner, potential purchaser, etc)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

16. I hereby certify that the information provided on this application and on any additional submitted information is true and accurate to the best of my knowledge. I also certify that I have received permission from the property owner to request this variance.

\_\_\_\_\_  
Signature of Applicant Date: \_\_\_\_\_

#### FOR OFFICE USE ONLY:

Relevant Sections to Reference in Zoning Ordinance: \_\_\_\_\_  
\_\_\_\_\_

Language for Agenda: \_\_\_\_\_  
\_\_\_\_\_

Received By: \_\_\_\_\_ Date of Meeting \_\_\_\_\_

Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_