



ZBA VARIANCE REQUEST

CITY OF AUBURN HILLS COMMUNITY DEVELOPMENT DEPARTMENT
1827 N SQUIRREL RD., AUBURN HILLS, MI 48326
(248) 364-6900

VARIANCE REQUEST INFORMATION

1. SECTION OF ZONING ORDINANCE IN WHICH VARIANCE IS DESIRED:

2. WHAT IS THE EXTENT OF CHANGE DESIRED FROM THE ABOVE?

3. THE FOLLOWING PECULIAR OR UNUSUAL CONDITIONS ARE PRESENT TO JUSTIFY A VARIANCE:

4. THE FOLLOWING HARDSHIP OR PRACTICAL DIFFICULTY THAT WILL RESULT IF A VARIANCE IS NOT GRANTED:

ADDITIONAL VARIANCE REQUEST

1. SECTION OF ZONING ORDINANCE IN WHICH VARIANCE IS DESIRED:

2. WHAT IS THE EXTENT OF CHANGE DESIRED FROM THE ABOVE?

3. THE FOLLOWING PECULIAR OR UNUSUAL CONDITIONS ARE PRESENT TO JUSTIFY A VARIANCE:

4. THE FOLLOWING HARDSHIP OR PRACTICAL DIFFICULTY THAT WILL RESULT IF A VARIANCE IS NOT GRANTED:

ZONING BOARD OF APPEALS

WHAT A PETITIONER SHOULD KNOW

The City of Auburn Hills Zoning Board of Appeals exists to grant variances from the strict terms of the Zoning Ordinance when a petitioner can present facts which legally justify a relaxation of Ordinance requirements. The Zoning Board of Appeals is subject to the terms and conditions of the City of Auburn Hills Zoning Ordinance and the State of Michigan City and Village Zoning Enabling Act.

In order to grant a variance, the Board must be satisfied that the legal requirements of these laws have been met. If the requirements have not been met, the Board has no choice but to deny the variance request. It is the responsibility of the petitioner to present evidence to the Zoning Board of Appeals which justifies a variance request. Unless the Board has sufficient information to make a determination on the issues outlined below, the Board cannot grant a variance. You should be prepared to discuss the exact size and dimension of the proposal, the physical characteristics of your property; the general uses of land in your neighborhood; the exact amount of the variance requested; and be prepared to discuss the necessity of the variance. The Zoning Board of Appeals desires to give each petitioner a full, fair and impartial hearing. It can only do so if the petitioner meets his/her responsibility by producing substantial evidence of all the elements necessary for a variance.

WHAT TYPE OF VARIANCE ARE YOU SEEKING?

In addition to completing the application provided by the Community Development Department, the petitioner should understand what type of variance he/she is requesting. It is critical to identify the nature of the request because the legal requirements are different for different types of variances.

AREA VARIANCE:

An "Area Variance" is the most common type of request. Here you are asking the Zoning Board to vary the terms of the Ordinance relating to minimum lot size and width requirements; front, rear and side yard setback requirements; maximum height and density restrictions, and so forth. In the case of an area variance, the Zoning Board of Appeals must determine whether there exists something about the property itself which, as a practical matter, prohibits a structure which would otherwise be permitted and in fact is or could be enjoyed by other properties in the area.

The Board must determine whether the petitioner suffers "practical difficulties" in reasonably using his/her property and meeting the requirements of the ordinance. The Board will be interested in the following questions:

1. Is the proposal suitable to the zoning district? (i.e., is the proposal of suitable size and dimension?)
2. Is the proposal of a sort which other properties in the area could accomplish without a variance? (i.e., does this property present a unique situation?)
3. Is there something about this property which is unusual and presents a problem of compliance? (i.e., is the lot pie-shaped, or the topography so unusual so as to prevent compliance?)
4. Is the proposed structure compatible with the development in the area?
5. Is the degree of variance requested, the minimal amount feasible?
6. Is the proposal such as will not interfere with Fire protection or utilities?

The Zoning Board of Appeals may not consider facts which do not pertain to the property itself, such as personal problems of the petitioner, or problems which the petitioner has created for himself/ herself, or problems which the petitioner shares with everyone else.

INTERPRETATION:

A petitioner may request the Zoning Board of Appeals to interpret a provision of the ordinance when the petitioner disagrees with the interpretation of the Ordinance reached by the City Planner and Building Official.

WHAT INFORMATION IS REQUIRED FOR CITY REVIEW?

At a minimum, a petitioner must submit a completed Development Application, along with a “ZBA Variance Request” with applicable plot plans, site plans, or other drawings for an “Area Variance.” The plan should show all buildings on the property and the desired variance(s). The application along with seven (7) sets of plans and specifications shall be submitted no later than 30 working days before a scheduled meeting.

(Note: Items will be added to the ZBA agenda as room allows).

The “ZBA Interpretation Application” must be completed for an interpretation of a section or sections of the Zoning Ordinance. This application must also be submitted no later than 30 working days before a scheduled hearing.

The Petitioner is required to be present at the scheduled meeting of the Zoning Board of Appeals. Failure to appear will result in the item being tabled to the next regular meeting or possibly the appeal being denied.

WHAT FEES ARE REQUIRED?

Fees are outlined in the City’s Fee Schedule, available on the City’s website.

For any fee-related questions, please contact the Community Development Office at (248) 364-6900.

WHO SHOULD I CONTACT AT THE CITY REGARDING A DESIRED VARIANCE OR INTERPRETATION?

If you desire a variance or interpretation to the Zoning Ordinance, it is recommended that you contact Jeff Spencer, Building Official 248-364-6940 prior to filing an application with the Community Development Department. Mr. Spencer may ask you to schedule a meeting with Steven Cohen, Director of Community Development at 248-364-6941 to review alternative site plan designs prior to seeking an area variance for non-residential projects.