

CITY OF LUDINGTON, MICHIGAN
Department of Building & Zoning
400 S Harrison, Ludington, MI 49431
Phone: (231) 843-2956 FAX: (231) 845-1146

APPLICATION FOR ZONING BOARD OF APPEALS PUBLIC HEARING

All Information needs to be in by _____
Your Hearing will be _____

\$500.00 Fee

NOTICE TO APPLICANT: Meetings of the Zoning Board of Appeals (ZBA) are scheduled for the *fourth Wednesday of the month*. These meetings are held at 5:30 p.m. at the City Municipal Building, 400 S Harrison St., Ludington, MI. Application with all required information and applicable fees must be submitted to the Zoning Administrator by the deadline date provided by the Zoning Administrator **before any action will take place**.

BACKGROUND INFORMATION: The Zoning Board of Appeals is created to offer reviews and decisions when an interpretation of the Unified Development Zoning Ordinance or zoning district boundary is questioned, when an order or decision of an administrative official or body is questioned, when the Zoning Ordinance empowers the Appeal Board to hear specific uses, or when a variance from the strict interpretation of the ordinance is sought to avoid a specific hardship. A hardship must involve a unique situation rather than a minor inconvenience. The Appeal Board is not a legislative body; it does not have the power to rezone or change uses. Any decision of the Appeals Board must comply with the basic spirit (intent) of the Ordinance while maintaining the public health, safety, and welfare of the area and the community at large. If your request represents a significant change from the established intent, then an amendment to the Zoning Ordinance may be the proper solution.

GENERAL REQUIREMENTS: To expedite your request, it is required that you submit certain basic information to allow the Zoning Board of Appeals members the opportunity to properly understand and consider the request.

When providing the required information, you may attach any additional or supplemental information you feel will be useful to the Board members in their deliberations.

*It is up to the **applicant** to prove to the Board that a **hardship or practical difficulty** exists. It must be shown that the request cannot be done according to what is required by the zoning ordinance. For example, the way the land is shaped or contoured may prevent the request from being placed according to what the ordinance requires.*

BOARD OF ZONING APPEALS - REQUEST FOR PUBLIC HEARING

I. Name of Applicant/Owner

A. Applicant

1. Name(s) _____

2. Address(s) _____

3. Phone No.(s) _____

B. Owner of property if different from above

1. Name(s) _____

2. Address(s) _____

3. Phone No.(s) _____

II. Location of Property:

A. Street name and number: _____

B. Indicate the location of the site on a copy of the City of Ludington Zoning Map (or similar map) and attach to the application.

C. A drawing(s) indicating the following information shall also be attached to the application (such drawing shall be to scale):

1. A drawing of the subject site, lot, etc., with property line dimensions shown.
2. The size and location of existing buildings and specific uses on the site.
3. The size and location of any proposed buildings and/or uses on the subject site.
4. Existing buildings and/or uses on adjacent properties.
5. Existing and proposed *setbacks* to buildings on the site and to buildings on *adjacent* parcels along any common property lines.
6. Such building floor plans and/or structural elevations, which may be important in determining building height, use areas, and/or development needs.

III. What specifically are you requesting?

IV. Effect on you. Explain the *specific* reasons that you cannot adhere to the strict letter of the Unified Development Ordinance. What are the *unique conditions* that apply to your property or request as opposed to other properties under your same zoning requirements?

V. Effect Other Properties If your request is granted, what effect will it have on the area?

NOTE: At the public hearing, the ZBA may take the following actions:

1. Approve the request subject to the terms and conditions outlined in the application.
2. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety, and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
3. Deny the request as not being in the public interest and as being contrary to the basic spirit and intent of the Zoning Ordinance.
4. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

Listed below are the standards by which the Appeal Board is governed in making decisions:

1. Basic Conditions. Any *Variance* granted from this chapter must meet the following basic conditions:
 - (a) The *Variance* shall not be contrary to the public interest or to the purpose and intent of the UDO.
 - (b) The *Variance* shall not cause a substantial detrimental effect upon adjacent properties or on the surrounding neighborhood.
 - (c) The *Variance* is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for the conditions reasonably practical.
 - (d) The *Variance* will relate only to the property that is under the control of the applicant.
2. Special Conditions. When all of the foregoing basic conditions can be satisfied, a *Variance* may be granted when any one of the following special conditions can be clearly demonstrated:
 - (a) There are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of the UDO. These hardships or difficulties shall not be economic, but shall be evaluated in terms of the use of a particular parcel of land. The possibility of increased financial return shall not, of itself, be deemed sufficient to warrant a *Variance*.
 - (b) There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same *Zoning District*. The circumstances or conditions shall not have resulted from any act of the applicant after the adoption of the UDO.
 - (c) The variation is necessary for the preservation of a substantial property right possessed by other properties in the same *Zoning District*.
3. Rules. The following rules shall be applied in the granting of variances:
 - (a) The *Zoning Board of Appeals* may specify, in writing, the conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of the UDO. The breach of any such condition shall automatically invalidate the permit granted.
 - (b) No application for a *Variance* which has been denied wholly or in part by the *Zoning Board of Appeals* shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the *Zoning Board of Appeals* to be valid.

Signature of Applicant /Owner

Date

Signature of Zoning Administrator/Building Inspector

Date