

## **CITY OF GROSSE POINTE FARMS**

### **ZONING BOARD OF APPEALS HEARING PROCEDURES**

Property owners who are denied a permit due to noncompliance with the provisions of the Zoning Ordinance may appeal to the Zoning Board for a hearing and decision regarding the provision(s) of the Zoning Ordinance upon which the permit denial was based. **Please refer to the Appellant procedures on page 2.**

The applicant for the Appeal of a Zoning Variance or Site Plan Approval is strongly encouraged to contact neighbors and all other property holders within 300 feet of the applicant's property to show and discuss the applicant's proposal prior to the day of the City Council meeting of which such proposal is requested to be heard. In considering these matters, the City Council values the comments of neighbors affected by the applicant's proposal and may defer a decision if, in the City Council's opinion, the neighbors were not notified adequately and on a timely basis. Please be aware that, depending upon the matter being discussed, the City Council may not consider the City's official notification by letter to neighbors as sufficiently informative or descriptive to relieve the applicant of applicant's obligation to the neighbors in these matters.

#### **Variances**

A variance shall be allowed **only if** the Zoning Board of Appeals finds the following:

1. The variance is in harmony with and serves the intent and purpose of the Ordinance after considering:
  - A. The extent of the variance in relation to the requirement of the Ordinance;
  - B. The effect, if the variance is allowed, of the increased population density produced on available governmental facilities and on the character of the district;
  - C. Whether a proposed building is in harmony with the predominant type of building in the district in size, character, location and intended use.
2. The variance will result in substantial justice being done, considering the public benefits intended to be secured by the Ordinance, the hardships or difficulties suffered if a variance is not granted, and whether the hardship or difficulty can be obviated by some method other than a variance.

3. The variance will not substantially interfere with or injure the rights of persons whose property is affected by the proposed variance.
4. The proposed variance meets the standards of Article XXV (Procedure for Review of Discretionary uses).

**Appellant Procedures**

**Before the appeal process can begin, plans must be submitted to the Building Official for review. This must be done prior to deadline date.** After a denial from the Building Official, an appeal process is started by submitting to the Department of Public Service (14 sets) of a completed Zoning Board of Appeals hearing application, (14) sets of approved plans (folded as close to 8½” x 11” as possible), a completed building permit application, an engineered site plan and a check for four hundred dollars (\$500) no later than *the following deadline dates* prior to the scheduled hearing (see page 3 for hearing dates):

January 28, 2010 (Mar)	June 4, 2010 (July)	October 1, 2010 (Nov)
March 5, 2010 (Apr)	July 1, 2010 (Aug)	October 28, 2010 (Dec)
March 25, 2010 (May)	August 6, 2010 (Sept)	December 2, 2010 (Jan '11)
April 30, 2010 (June)	August 26, 2010 (Oct)	

The plans are to be drawn to scale and shall contain the following minimum information:

1. Plot or site plan shall be fully dimensioned including all existing and proposed setbacks.
2. Proposed floor plan.
3. Building elevations of existing and/or proposed construction (what the structure will look like from adjacent properties).

It is the burden of the applicant to present sufficient evidence to the Zoning Board of Appeals, which justifies his variance request. Unless the Board has enough evidence to make a determination, a variance cannot be granted. The applicant/s or persons acting in his/her behalf should be prepared to discuss the exact size and dimensions of the proposal, the physical characteristics of the property, and also be prepared to discuss the necessity of the variance in detail.

Examples of questions typically encountered in an appeals request.

1. Is the proposal, one that other properties in the area could accomplish without a variance? (i.e., does this property present a unique situation?)
2. Is there something about the property, which is unusual and presents a problem for compliance? (i.e., is the lot irregular in shape, or unusual in topography?)
3. Is the degree of variance requested the minimal amount f feasible?

For proposed additions and structures place stakes to outline the perimeter and location for the Board’s site visit.

Parties to the appeal or their authorized agent shall appear in person at the public hearing. In some cases it is recommended that the architect/designer be present to assist the Appellant in answering the Board's questions.

### **City Administration Procedure**

Director of Public Service: Prepare a report to the Board which shall contain the plans; any other pertinent documentation; a summary of the findings and actions being appealed, and the relief requested of the Board.

City Clerk: Prepare and mail, not less than ten (10) days prior to the public hearing, a Notice of Public Hearing to neighbors within three hundred (300) feet of the appellant's property.

Planning Consultant: Review the appellant's plans and Public Service Director's report and prepare a recommendation for the Board's consideration.

### **Findings**

The board will render its decision at the end of the public hearing and may authorize a variance if the Board finds that a strict application of the Zoning Ordinance will result in practical difficulties for the appellant in the use of the property.

### **Construction**

Upon a favorable decision by the Board, the appellant shall:

1. Obtain all necessary permits from the Department of Public Service.
2. Start construction within one year of the date the variance is granted or within any extension granted by the Board.

### **Schedule of Public Hearing Dates**

**Public hearings** are on Mondays at 7:00 p.m. in the Council Chambers located on the second floor of the Grosse Pointe Farms City Hall, 90 Kerby Road and are scheduled for the following dates: \*

January 11, 2010	May 3, 2010	September 13, 2010
February 8, 2010	June 7, 2010	October 4, 2010
March 8, 2010	July 12, 2010	November 8, 2010
April 12, 2010	August 9, 2010	December 6, 2010
		January 10, 2011 ?

**\* Dates are subject to change**

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