

Application Packet Variance

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF RIVER ROUGE, MICHIGAN

River Rouge City Hall
10600 West Jefferson Avenue
River Rouge, MI 48218
(313) 842-4203
www.cityofriverrouge.com



This packet contains the following:

- General overview of the application process
- The process and procedures of submitting an application
- The eligibility criteria for applications
- The evaluation criteria for applications
- The Application Form
- The Application Completion Checklist

The following other elements may be obtained at the Community Development offices on the 2nd Floor of City Hall, or via email to the Community Development Director (klaub@cityofriverrouge.org):

- The current fee schedule
- The Zoning Ordinance and Map
- Other Applications and Forms
- The City Meeting Schedule (for Zoning Board of Appeals)



GENERAL OVERVIEW

Please follow these general steps to complete your VARIANCE application with the City of River Rouge:

- 1) **Read this packet** *before* completing any forms or paying any fees. Make sure that your project meets the circumstances that require a VARIANCE review and meets the eligibility criteria for a review. These criteria are included later in this packet.
- 2) Complete and sign the **Application Form and Application Completion Checklist**, which are included later in this packet.
- 3) Determine your **application fee** – contact the Community Development office at City Hall to obtain a copy of the current fee schedule. Review the fee schedule and determine how much your application fee will be, or ask a City staff member to help you calculate your fee.
- 4) **Submit** the following items to the City:
 - a. The completed Application Form and Application Completion Checklist
 - b. All the submission items and materials that will be reviewed, as required in the Application Completion Checklist
 - c. The application fee in the form of a check, payable to the City of River Rouge. If mailing the check, please send it to:

Community Development Department
10600 West Jefferson Avenue
River Rouge, MI 48218
(313) 842-4203

If you are not sure what type of review you need for your project, do not know if your project will require appearing before a Board or Commission, or need help with any other piece of information, please contact the City or contact a specific staff member using [City Website](#), which offers a menu of all City Departments.

Phone: (313) 842-4203

Fax: (313) 842-4711



PURPOSE

The City Zoning Ordinance provides standards and requirements for VARIANCE submission and review. This packet outlines the processes and standards for all uses and structures for which VARIANCE approval is reviewed by the Zoning Board of Appeals to ensure compatibility with the character of the city and the provision of public health, safety, welfare, and other principles of sound planning. The Zoning Board of Appeals shall make the final decision on variance applications.

A variance is official permission to deviate from a requirement of the zoning ordinance. There are two types of variances: Use Variances and Non-Use (Dimensional) Variances. The authority to grant a variance is discretionary and includes the standard of “demonstrating a practical difficulty” for dimensional variances and “unnecessary hardship” for use variances. These standards are further explained in the Evaluation Criteria section of this document.

The definition of each type of variance in the Zoning Ordinance is listed below.

Zoning Ordinance Section 11.8 - Variances

- A. A **dimensional or non-use variance** allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance.
- B. A **use variance** authorizes the establishment of a use of land that is otherwise prohibited in a zoning district.

NOTE: Rezoning and Special Land Uses are different from a use variance but also affect which land uses are allowed on a property. Consult with the City’s Planning and Zoning Administrator to figure out if either of these options might be a viable alternative to a use variance for you.



PROCESS AND PROCEDURES

A. Overview

1. Completeness Review

All required application materials shall be presented to the Community Development Department by the property owner or their designated agent at least twenty-one (21) days prior to the Zoning Board of Appeals meeting where the variance application will be considered. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application will be sent to City staff for review.

2. Technical Review

An application determined to be complete will undergo a technical review by the Zoning Administrator to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the ZBA with the variance application. Once the technical review is complete, the application will be placed on the next regularly scheduled ZBA meeting.

B. Zoning Board of Appeals Review

The ZBA shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

1. Review

The ZBA will hold a public hearing at the meeting to hear comments from the public on the requested variance. After the public hearing, the ZBA will deliberate on whether the application meets the variance evaluation criteria.

2. Approval

The ZBA may approve a variance upon determination that the application is in compliance with the standards of the Zoning Ordinance and the Michigan Zoning Enabling Act. For use variances, a 2/3 vote is required for approval.

3. Conditional Approval

The ZBA may approve a variance upon determination that the application is in compliance with the standards of the Zoning Ordinance and the Michigan Zoning

PURPOSE



Enabling Act and attach conditions to the variance approval. Such conditions must be necessary to meet the intent of the Zoning Ordinance and designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

4. Denial

The ZBA may deny a variance upon determination that the application is not in compliance with the standards of the Zoning Ordinance and the Michigan Zoning Enabling Act.

5. Appeals of Administrative Decisions

The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the ZBA by the person, firm, or corporation aggrieved, or by an officer, department, board, or bureau of the City affected by the order, requirement, decision, or determination, provided that a notice of appeal application is filed with the City within a reasonable time of the order, requirement, decision, or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Inspector certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the Building Inspector would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

C. Record of Action

The City shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

1. Minutes

All minutes from any meeting where the variance was considered.

2. Finding of Fact

The decision on a variance application shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed. Each decision of the ZBA shall include a written record of the ZBA's findings and determinations in the case.



EVALUATION CRITERIA

The following criteria shall be used as a basis upon which variance applications will be reviewed and approved.

11.8.1 Dimensional (Non-Use) Variances

The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all the following:

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render Ordinance conformity unnecessarily burdensome.
- B. The variance will do substantial justice to the applicant, as well as to other property owners.
- C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
- D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, and cannot be solely economic in nature.
- E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

11.8.2 Use Variances

The ZBA may grant a requested "use" variance only upon finding that an unnecessary hardship exists. An unnecessary hardship is when the restrictions of the Zoning Ordinance on the property, when its environment is considered, is so unreasonable as to constitute an arbitrary and capricious interference with basic private property rights. A finding of unnecessary hardship shall require demonstration by the applicant of all the following:

- A. The property cannot be reasonably used for any purpose permitted in the zoning district without a variance.
- B. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- C. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
- D. The problem and resulting need for the variance has not been self-created by the applicant.



GENERAL APPLICATION FORM

NOTICE TO APPLICANT: Applications must be submitted to the City *in substantially complete form*. The application must be accompanied by the data specified in the Zoning Ordinance and Application Completion Checklist, plus the required review fees.

DATE:		PROJECT ADDRESS/NAME:	
APPLICATION TYPE			
Please check the box or boxes for the type of application you are submitting.			
<input type="checkbox"/> Site Plan <input type="checkbox"/> Rezoning <input type="checkbox"/> Special Land Use <input type="checkbox"/> Planned Unit Development (PUD) <input type="checkbox"/> Condominium Development <input type="checkbox"/> Manufactured Home Development <input type="checkbox"/> Plat Review <input type="checkbox"/> Landscape Plan Review		<input type="checkbox"/> Non-use (Dimensional Variance) <input type="checkbox"/> Use Variance <input type="checkbox"/> Land Division (Lot Split) <input type="checkbox"/> Land Combination (Lot Combination) <input type="checkbox"/> Master Deed or Similar Document Review <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Other _____	
APPLICANT		TITLEHOLDER OF PROPERTY (if different than Applicant)	
LEGAL NAME:		LEGAL NAME:	
COMPANY:		COMPANY:	
MAILING ADDRESS:		MAILING ADDRESS:	
CITY, STATE, ZIP:		CITY, STATE, ZIP:	
PHONE:		PHONE:	
EMAIL:		EMAIL:	
SIGNATURE:	DATE:	SIGNATURE:	DATE:
<i>By signing above, it is agreed that: I hereby certify that the information given herein, and that all information and data furnished in connection with this application, is true and correct. I acknowledge that I am solely responsible for any and all errors and omissions.</i>			

**Community Development Department
City of River Rouge, Michigan**



PARCEL ID (PROPERTY TAX ID) NUMBERS	ACREAGE
PROPERTY TAX ID NUMBER(S): # # # #	TOTAL ACREAGE IMPACTED BY DEVELOPMENT: Gross: Net:
ZONING DISTRICT	LAND USE
CURRENT ZONING:	CURRENT LAND USE:
PROPOSED ZONING:	PROPOSED LAND USE:

PROPERTY LEGAL DESCRIPTION
PROPERTY DESCRIPTION: If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., Acreage parcel), provide metes and bounds description. Attach separate sheets if necessary.

ENVIRONMENTAL INFORMATION	
Please check all items that are relevant for your project. The Community Development Department will notify you if you are required to appear before the Environmental Protection Board for any items.	
<input type="checkbox"/> Storage of hazardous materials <input type="checkbox"/> Storage of waste <input type="checkbox"/> Treatment of hazardous materials <input type="checkbox"/> Treatment of waste <input type="checkbox"/> Disposal of hazardous materials <input type="checkbox"/> Disposal of waste <input type="checkbox"/> Use of underground storage tanks <input type="checkbox"/> Use of above ground storage tanks	<input type="checkbox"/> State or County permits for environmental activity <input type="checkbox"/> State or Federal permits for air or water discharges <input type="checkbox"/> Federal RCRA or other environmental permits <input type="checkbox"/> Use of hazardous chemicals

**Community Development Department
City of River Rouge, Michigan**



PROFESSIONALS WHO PREPARED PLANS		
ENGINEERING	ARCHITECTURE	OTHER _____
NAME:	NAME:	NAME:
COMPANY:	COMPANY:	COMPANY:
MAILING ADDRESS:	MAILING ADDRESS:	MAILING ADDRESS:
CITY, STATE, ZIP:	CITY, STATE, ZIP:	CITY, STATE, ZIP:
PHONE:	PHONE:	PHONE:
EMAIL:	EMAIL:	EMAIL:
OTHER ESSENTIAL INFORMATION		
<p>If you would like to mention any other essential information, such as your future plans to apply for another type of review for this property, please write about it here.</p>		
FOR CITY USE ONLY		
PROJECT NAME:		
APPLICATION NUMBER:		
FEE PAID Yes/No: Date Paid: Check #: Check Amount (\$):		
ANTICIPATED FEE BREAKDOWN Planning: Engineering: Building/City: TOTAL ANTICIPATED FEE:		
OTHER NOTES:		



APPLICATION COMPLETION CHECKLIST

Type: Variances (Use and Non-Use)

Complete all pages of this checklist as a component of your application.

Per Zoning Ordinance Article 11, the general required items of an application for a variance are listed below. Additional detail on exact submission requirements is found on the following pages.

Submission Item	Included in Submission?
1. A completed Application on the City form.	
2. Payment of all required fees and escrows.	
3. For Non-Use Variances: A plot plan drawn to scale and with a north arrow, existing lot lines, street rights-of-way, easements, buildings and structures, setback dimensions, parking areas, driveways, sidewalks, zoning of surrounding properties, and other site improvements.	
4. A written description of the proposed variance and the reasons for the request (the "narrative") – see item B below.	
5. A written description of how the requested variance meets the evaluation criteria – see item C below.	
6. Any additional information deemed necessary by the Zoning Board of Appeals or City staff to determine compliance with provisions in these regulations.	

A. Please check the boxes below to indicate which kind of variance(s) you are applying for.

- Use Variance.** Authorizes the establishment of a use of land that is otherwise prohibited in a zoning district.
- Non-Use (Dimensional).** Allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance.

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B. Narrative. Please describe the proposed variance and the reasons for the request. If needed, you may sketch in this section.

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City of River Rouge, Michigan



C. EVALUATION CRITERIA. Please write a description of how the requested variance meets the evaluation criteria below. PLEASE NOTE there are SEPARATE CRITERIA for Use Variances versus Non-Use Variances.

Use Variances.

1. The property cannot be reasonably used for any purpose permitted in the zoning district without a variance.

2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district

3. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

4. The problem and resulting need for the variance has not been self-created by the applicant.



Non-Use (Dimensional) Variance.

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render Ordinance conformity unnecessarily burdensome.

2. The variance will do substantial justice to the applicant, as well as to other property owners.

3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

4. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, and cannot be solely economic in nature.

5. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.