



# CITY OF FLAT ROCK

## DEPARTMENT OF BUILDING & SAFETY

25500 Gibraltar Road, Flat Rock, MI 48134

Telephone (734)782-0445 Fax (734)783-0304

[www.flatrockmi.org](http://www.flatrockmi.org)

### HOW TO APPLY FOR A VARIANCE

#### FUNCTION OF THE ZONING BOARD APPEALS (ZBA)

The Board of Zoning Appeals is a five (5)-member body, appointed by the Flat Rock City Council pursuant to the provisions of the Zoning Ordinance and State Law. The purpose of this Board is to hear appeals of determinations of the Zoning Administrator or any other administrative official in enforcing any provision of the Zoning Ordinance and to hear appeals where there are practical difficulties for dimensional variances or unnecessary hardships for use variances in carrying out the strict application of the Zoning Ordinance.

#### REVIEW AND APPROVAL PROCESS

The Zoning Board of Appeals meets the second Monday of every month at 7:00 p.m. in Conference Room A of City Hall. The following outlines the steps taken in the ZBA variance or review process.

- A. Submit all required documents and fees (*listed below*) to the Building and Safety Department **30 days prior** to the next regularly scheduled ZBA meeting. Send the request electronically to [buildingsafety@flatrockmi.org](mailto:buildingsafety@flatrockmi.org).
- B. Public Notice: A notification of the requested variances or review will be mailed to all residents and property owners within 300 feet of the subject property 15 days prior to the date of the ZBA hearing. The notification will be published in a newspaper of local circulation 15 days prior to the date of the ZBA hearing.
- C. Consultant Review: The application will be reviewed by the Planning Consultant for compliance with the Zoning Ordinance standards of approval. A letter will be prepared and forwarded to the ZBA and the applicant.
- D. ZBA Meeting Date: The applicant and/or an agent must be present at the meeting to address any questions or concerns that may arise. Action will not be taken in the absence of the applicant or an agent.
- E. ZBA Action: The ZBA may deny, approve, or approve with conditions any application. The affirmative vote of 3 members of the ZBA is necessary to approve or approve with conditions an application. Approval of a case involving a Use Variance requires an affirmative vote of 4 members of the ZBA.

Decisions of the ZBA are final. However, anyone having an interest affected by the ZBA decision may appeal that decision to the Wayne County Circuit Court.

Approval is valid for 12 months during which time conditions of approval must be fulfilled, and lawful construction or use begun, or the approval will be null and void. Structures must be completed within 24 months after the order of the ZBA or approval will be null and void.

The ZBA may, upon receiving application in writing stating reasons, therefore, extend either the 12-month or 24-month period for one additional 3-month period, if the request is received prior to the expiration of the variance.



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#### **REQUIRED DOCUMENTS**

The following lists all documents required for a complete submittal of a ZBA application for a variance or review.

***A complete application and all associated documents must be submitted 30 DAYS prior to the next available meeting date to be eligible for the agenda.***

1. **Completed Flat Rock Zoning Board Variance or Review Application.** *(Must be signed by Property Owner)*
2. **Proof of ownership of property.**
3. **Property owner authorization for an applicant to act on their behalf.**
4. **Project narrative.** *A letter to the ZBA explaining the variance or review request.*
5. **Land survey.** *A survey prepared by a professional surveyor.*
6. **Site plan.** *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
7. **Architectural plans and elevations.** *A set of drawings illustrating the details of any proposed structures.*
8. **PDF files.** *A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.*
9. **Payment of fees.** *See fee schedule for appropriate fees. Please make separate checks for application and escrow fees payable to the City of Flat Rock. Additional funds will be required for additional reviews. Escrow balances will be refunded when case is closed.*

#### **ADDITIONAL PERMIT APPLICATIONS AND PROJECT CONSULTATION**

The City of Flat Rock Ordinance and all City permit application packets are available at the Building and Safety office Monday through Friday from 8:00am to 4:30pm. They are also available online at [www.flatrockmi.org](http://www.flatrockmi.org).

**It is highly recommended that you review your project with the City Planning and Zoning Department prior to submittal. Please contact the Building and Safety Clerk with any questions at (734) 782-0445 extension 2109.**



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### ZONING BOARD OF APPEALS – APPLICATION FOR VARIANCE OR REVIEW

#### PROPERTY INFORMATION

Site Address: \_\_\_\_\_ Parcel ID #: \_\_\_\_\_

Parcel Size (Sq.Ft.): \_\_\_\_\_ Zoning District: \_\_\_\_\_

Has the property previously been approved for a variance(s)? Yes / No (If yes, indicate date: \_\_\_\_\_)

#### OWNER INFORMATION

Property Owner Name: \_\_\_\_\_ Address: \_\_\_\_\_

Property Owner Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

#### APPLICANT INFORMATION (If applicant is NOT property owner)

Applicant Name: \_\_\_\_\_ Address: \_\_\_\_\_

Applicant Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Applicant is: (i.e. contractor or business owner or architect, etc.) \_\_\_\_\_

#### TYPE OF VARIANCE AND/OR REVIEW REQUESTED

Please check one. A request for multiple types of reviews may require a separate form.

\_\_\_\_\_ Appeal of Administrative Order \_\_\_\_\_ Interpretation of Map \_\_\_\_\_ Interpretation of Section # \_\_\_\_\_

\_\_\_\_\_ Dimensional Variance (required setback, height, lot coverage, lot width, lot size, etc.)

\_\_\_\_\_ Use Variance (specify intended use): \_\_\_\_\_

\_\_\_\_\_ Variance from Zoning Ordinance Requirement - Section # \_\_\_\_\_

\_\_\_\_\_ Other (please specify): \_\_\_\_\_

#### DIMENSIONAL VARIANCE – REQUESTED DEVIATION FROM REQUIREMENTS

Please complete the table below for each deviation from the dimensional requirements which you are requesting.

Section #	Type of Dimensional Requirement	Existing Distance	Required Distance	Proposed Distance	Variance (=Required – Proposed)
Example: Table 12.02	Front Setback	28 Feet	25 Feet	20 Feet	5 Feet



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***Please only fill out the section for the type of variance or review you are requesting.***

Dimensional Variances, which are deviations from the dimensional zoning requirements, i.e. height, bulk, setback, and variances from other zoning ordinance requirements, such as the amount of investment in a non-conforming property, may only be granted by the Zoning Board of Appeals upon finding that a practical difficulty exists. All of the following conditions must be determined to apply to your case in order to determine that a true practical difficulty exists. (*Attach additional sheets if necessary.*)

Please explain how: 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.

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Please explain how: Granting the variance will provide substantial justice to the applicant, as well as other property owners.

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Please explain how: 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.

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Please explain how: 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.

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Please explain how: The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.

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Please explain how: Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of The City of Flat.

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### USE VARIANCES – EXPLANATION OF UNNECESSARY HARDSHIP

A Use Variance is a variance that permits the use of a property that is otherwise not permitted in a zoning district. The Zoning Board of Appeals may grant a requested use variance only upon finding that an unnecessary hardship exists. Explain below how the requirements in Article 19, Section 19.04 D. 2. Use Variance Review Standard of Zoning Ordinance pertains to your site. *(Attach additional sheets if necessary.)*

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### APPEALS OF ADMINISTRATIVE ORDERS, INTERPRETATIONS OF MAP OR ZONING ORDINANCE SECTIONS

Per Section 19.04(B), when an applicant believes they have been aggrieved by a decision of the Zoning Administrator, they may appeal the decision to the Zoning Board of Appeals. Per Section 19.04(C), the Zoning Board of Appeals has the authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. In the area below, please state the Section relevant to your appeal or interpretation request. Please state any facts or conditions relevant to your application. *(Attach additional sheets if necessary.)*

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### ADDITIONAL INFORMATION AND REQUIREMENTS

***Please place your initials below next to all items included in your application.***

***If you believe the information is not relevant please place 'N/A' for not applicable next to the item.***

- \_\_\_\_\_ 1) A completed application signed by the property owner.
- \_\_\_\_\_ 2) Proof of ownership.
- \_\_\_\_\_ 3) Property owner authorization for an applicant to act on their behalf.
- \_\_\_\_\_ 4) Project Narrative – *A letter to the ZBA explaining the variance or review request.*
- \_\_\_\_\_ 5) Land Survey – *A survey prepared by a professional surveyor.*
- \_\_\_\_\_ 6) Site Plan – *A set of plans to scale which include all property lines with dimensions, setbacks, existing and proposed structures.*
- \_\_\_\_\_ 7) Architectural plans and elevations – *A set of drawings illustrating the details of any proposed structures.*
- \_\_\_\_\_ 8) PDF files - *A digital PDF version of all documents must be provided either via media source (CD, DVD, USB drive) or email to the Zoning Coordinator.*
- \_\_\_\_\_ 9) Payment of fees.

***By signing below you acknowledge all of the following:***

The undersigned acknowledges that they and received and read the instructions and understands the application process.

The undersigned acknowledges that in their opinion they believe the additional information included with this application meets the submittal requirements for a variance or review application and accept all responsibility for any lack of required information.

The undersigned acknowledges that any lack of information which may result in a delay of the review process is the sole responsibility of the applicant.

The undersigned deposes that the forgoing statements and answers and accompanying information are true and correct.

The undersigned hereby authorizes The City representatives to enter the subject property in connection with this application.

Signature of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_

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

Date: \_\_\_\_\_