



CITY OF NILES VARIANCE REQUEST

333 N 2nd Street, Niles, MI 49120
(269) 683-4700 ext. 3020
APPLICATION FEE: \$150.00
(PAYABLE TO CITY OF NILES)

FOR OFFICIAL USE ONLY: PAYMENT RECEIVED

| TYPE | | | | DATE | AMOUNT |
|------|-------|-------------|-------------|------|--------|
| Cash | Check | Money Order | Credit Card | | |

CITY OF NILES, ZONING REGULATIONS FOR VARIANCE REQUESTS: <http://ci.niles.mi.us/Business/Photos%20&%20Documents/ZoningOrdinance.pdf>

ARTICLE 12 SECTION 1201.4d: The Zoning Board of Appeals shall not vary the provisions of this Ordinance unless it finds, based on evidence presented, that the request meets **each** six (6) of the following standards.

- 1) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant’s personal or economic hardship.
- 2) That the need for the variance is not the result of actions of the property owner or previous property owners.
- 3) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for permitted purpose, or will render conformity with those regulations unnecessarily burdensome. Potential additional costs required in complying with this Ordinance shall not be deemed to made compliance unnecessarily burdensome.
- 4) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 5) That the variance will not cause adverse impacts on surrounding property, or the use and enjoyment of property in the neighborhood.
- 6) That the variance shall not permit the establishment within a district any use which is not permitted by right, or any use for which a special land use or temporary use permit is required.

PLEASE TAKE NOTICE: The Applicant is responsible for reviewing the City of Niles Zoning Ordinance, Article 12, to process this Variance Request. City staff is available for guidance at the number listed above

TO BE COMPLETED BY APPLICANT (PLEASE PRINT)

Applicant’s Name: _____ Date: _____

Company (if applicable): _____

Address: _____ City: _____ ST: _____ Zip: _____

Applicant’s Email Address: _____

Phone Number: _____ Alternate Phone Number: _____

Applicant is the: Owner Lessee Optionee Contractor/Architect

Owner’s Name: _____ Date: _____

Company (if applicable): _____

Address: _____ City: _____ ST: _____ Zip: _____

Owner’s Email Address: _____

Phone Number: _____ Alternate Phone Number: _____

1. Address of subject property: _____

2. Present Zoning of subject property: LDR MDR NC OC CB RC IND OS

Request is for: Residential Construction (New/Existing) Vacant Property Commercial Signage

3. Parcel Number of property: _____

4. Present Use of Property: _____

5. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet. _____

6. Please submit an accurate, scaled drawing of the property showing:

1. All property lines and dimension correlated with the legal description.
2. The location and dimensions of all existing and proposed structures and uses on the property.
3. Any roads, easements, drains or waterways which traverse or abut the property.
4. Dimensions necessary to show compliance with the regulations of this ordinance.

7. Indicate ordinance section(s) and variances requested:

1. Section _____ Variance requested: _____
2. Section _____ Variance requested: _____
3. Section _____ Variance requested: _____

8. Explanation of Request: Please prepare a separate signed narrative that details the practical difficulties which prevent conformance with the City of Niles Zoning Ordinance requirements and how your request meets each of the following six (6) standards:

- 1) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
- 2) That the need for the variance is not the result of actions of the property owner or previous property owners.
- 3) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for permitted purpose, or will render conformity with those regulations unnecessarily burdensome. Potential additional costs required in complying with this Ordinance shall not be deemed to made compliance unnecessarily burdensome.
- 4) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 5) That the variance will not cause adverse impacts on surrounding property, or the use and enjoyment of property in the neighborhood.
- 6) That the variance shall not permit the establishment within a district any use which is not permitted by right, or any use for which a special land use or temporary use permit is required.

AFFIDAVIT: I AFFIRM THAT BY SIGNING THIS AFFIDAVIT, I OWN OR AM THE PROVEN AGENT OF THE PARCEL(S) OUTLINED IN THIS SITE PLAN REVIEW CHECKLIST. I AGREE THAT THE STATEMENTS AND INFORMATION PROVIDED WITHIN THIS DOCUMENT ARE TRUE AND AGREE THAT IF FOUND NOT TO BE TRUE IN PART AND/OR WHOLE, THAT ANY ZONING PERMIT THAT MAY BE ISSUED TO ME MAY BE VOIDED. FURTHER, I AGREE TO COMPLY WITH THE CONDITIONS AND REGULATIONS PROVIDED WITH ANY PERMIT THAT MAY BE ISSUED. FURTHER, I AGREE THAT THE PERMIT THAT MAY BE ISSUED IS WITH THE UNDERSTANDING ALL APPLICABLE SECTIONS OF THE CITY OF NILES, MICHIGAN ZONING ORDINANCE WILL BE COMPLIED WITH AS APPLICABLE AND APPROPRIATE. I FURTHER AGREE TO NOTIFY THE CITY OF NILES, MICHIGAN'S ZONING ADMINISTRATOR AND/OR BUILDING OFFICIAL FOR INSPECTION BEFORE THE START OF CONSTRUCTION AND WHEN LOCATIONS OF PROPOSED USES ARE MARKED ON THE GROUND. FURTHER, I AGREE TO GIVE PERMISSION FOR CITY OF NILES, BERRIEN COUNTY AND STATE OF MICHIGAN OFFICIALS TO ENTER THE PROPERTY SUBJECT TO THIS PERMIT FOR THE PURPOSES OF INSPECTION. FINALLY, I UNDERSTAND THAT THIS IS A ZONING PERMIT APPLICATION (NOT A PERMIT) AND THAT A ZONING PERMIT, IF ISSUED, CONVEYS ONLY LAND USE RIGHTS, AND DOES NOT INCLUDE ANY REPRESENTATION OR CONVEYANCE OF RIGHTS IN ANY OTHER STATUTE, BUILDING CODE, DEED RESTRICTIONS AND/OR OTHER PROPERTY RIGHTS. **APPLICANT SIGNATURE/DATE:** _____ **OWNER SIGNATURE/DATE:** _____

DECISION BY ZONING BOARD OF APPEALS

_____ Granted _____ Denied _____(Granted with Conditions – attached)

Date of Decision: _____ The Zoning Administrator is hereby authorized to issue a Variance to the Applicant pursuant to approval by the Planning Commission received on _____.

Zoning Administrator's Signature

Date