



City of Bloomfield Hills
45 E. Long Lake Road
Bloomfield Hills, Michigan 48304-2322
Phone (248) 644-1520 Fax (248) 644-4813
www.bloomfieldhillsmi.net

Zoning Board of Appeals

Zoning Board of Appeals (ZBA) Application

1. Identification

Project Name _____

Applicant Name _____

Address _____

City/State/Zip _____

Phone (____) _____ Fax (____) _____

Email Address _____

Interest in the Property (e.g. fee simple, land option, etc.) _____

Property Owner (if other than applicant) _____

Address _____

City/State/Zip _____

Phone (____) _____ Fax (____) _____

Email Address _____

2. Property Information

Property Street Address _____

Permanent Parcel Number _____

Legal Description of Property

Zoning District _____

Area _____ Width _____ Depth _____

Current Use(s) _____

Zoning District of Adjacent Properties to the:

North _____ South _____ East _____ West _____

3. Prior Requests. Have you ever requested ZBA relief for this property?

No _____ Yes _____ If yes, please provide the following information:

Application No. _____ Date of Hearing _____

Relief Requested _____

Result _____



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4. Application Procedure. The following checklist includes all documents required for the

City Clerk to declare the application complete and begin the ZBA process:

NOTE: Partial sets will not be accepted for submittal.

- Application Form and Fees.** A completed application form, completed checklist and an application fee are required with the initial submittal. (Application Fee - \$500.00, Initial Escrow Deposit - \$5,000.00 for residential projects and \$10,000.00 for commercial projects. Escrow is subject to increase depending on complexity of the project. Escrow establishment form must be signed and submitted with escrow deposit.)
- Proof of Ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, i.e., copy of deed. (A copy of the tax bill is **not** sufficient proof of ownership.)
- Response to Criteria.** A completed written response to the review criteria referenced and described in Sections 6, 7 or 8 of this application.
- Copies.** At the time of initial submittal, a complete electronic file of the site plan, landscape plan, elevation drawings, color renderings, completed checklist and application documents must be emailed to building@bloomfieldhillsmi.net. When the application is approved to be placed on an agenda, staff will make contact to request the plan sets for the board and commission members.

NOTE: Submittal on or before the deadline for any given board or commission meeting does not guarantee your petition will be on that agenda. Staff will contact the applicant and property owner when the petition will be set for a hearing date.

I, _____ (applicant),
do hereby swear that the information given herein is true and correct.

Signature of Applicant

Date

Printed Name of Applicant

Signature of Property Owner (if different)

Date

Printed Name of Property Owner (if different)

I, _____ (property owner), hereby give permission for City of Bloomfield Hills officials, staff, and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.



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5. Type of Request. Please check the type of request you are applying for. If you are uncertain which request you are applying for, consult Chapter 24 Zoning, Article VI Zoning Board of Appeals or contact the City's Planning Consultant.

Request Type (place a checkmark by all applicable requests)		Complete Additional Application Section
	Dimensional Variance	6.
	Use Variance	7.
	Appeal from any order, requirement, decision or determination made by the Building Official, any administrative official or administrative body where it is alleged that there was an ERROR OR MISINTERPRETATION	8.
	Uses Requiring ZBA Approval	9.

Please describe your request, in general:



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6.

Criteria for DIMENSIONAL Variances. The ZBA may grant a dimensional or non-use variance only upon a finding that a **practical difficulty** exists. Please respond to the following statements. The applicant must demonstrate all of the following criteria in order to obtain a variance:

a. Exceptional Circumstances. Is the need for a variance due to exceptional or extraordinary circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as:

1. exceptional narrowness, shallowness or shape of a specific property;
2. exceptional topographic conditions;
3. any other physical situation on the land, building or structure deemed by the zoning board of appeals to be extraordinary; or,
4. development characteristics of land immediately adjoining the property in question that creates an exceptional constraint.

b. Substantial Justice. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

Would a lesser variance than the requested give substantial relief to the applicant and/or be more consistent with justice to other properties? **If not, please explain why.**



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c. **Not Self-Created.** Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's immediate predecessor?

d. **Public Safety and Welfare.** Will the granting of the variance create a substantial detriment to adjacent properties or materially impair the intent and purpose of this ordinance or compromise the public safety and welfare?



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7. Criteria for USE Variances. The ZBA may grant a use variance only upon a finding that an **unnecessary hardship** exists. A use variance permits a use that is otherwise not provided for in the existing zoning district. Please respond to the following statements. In addition to the information required for other variance requests, a use variance request shall include a plot plan drawn to scale detailing the specific use and improvements proposed by the applicant, and the applicant must demonstrate all of the following criteria in order to obtain a variance:

a. **Unreasonable Current Zoning Designation.** Describe how the property cannot be reasonably used for any purpose permitted in the zoning district without the variance.

b. **Unique Circumstances.** Describe the unique circumstances peculiar to the property that exist which are not generally applicable in the area or to other properties in the same zoning district.

c. **Character of the Area.** Will granting of the variance alter the essential character of the area? Take into consideration the established type and pattern of land uses in the area as well as the natural characteristics of the site and surrounding area when evaluating these criteria.

d. **Not Self-Created.** Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's predecessors or are they self-created? Explain.



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8. Criteria for APPEALS. The ZBA is bound by the same rules, procedures, and standards of the Ordinance. The ZBA should uphold the original decision unless the record clearly shows that the original decision body or official was one or more of the following:

- a. Arbitrary and capricious.
- b. Based on an erroneous finding or a material fact.
- c. Constituted an abuse of discretion.
- d. Was based upon erroneous interpretation of the zoning code or zoning law.

Please describe how your appeal meets one of these criteria:



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9. Uses Requiring ZBA Approval. All uses as listed in any district requiring ZBA approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The ZBA appeals shall give consideration to the following:

- a. The location and size of the use;
- b. The nature and intensity of the operations involved in or conducted in connection with it;
- c. Its size, layout and its relation to pedestrian and vehicular traffic to and from the use;
- d. The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood;
- e. Taking into account among other things, convenient routes of pedestrian traffic, particularly of children;
- f. Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood;
- g. The location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- h. The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of 1 type of use to another and characteristic;
- i. The location, size, intensity and site layout of the use shall be such that its operation will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.



CITY OF BLOOMFIELD HILLS

PROPERTY OWNER ESCROW ACCOUNT ESTABLISHMENT

Property Location: _____ Date: _____

The City has established an ordinance requiring the payment of monies to reimburse the City for review expenses. Person(s) making application for reviews, approvals or other beneficial grants from the City are required to establish an escrow account to defray the costs and expenses of the City for reviews reasonably required to respond to such applications.

The City incurs considerable expenses for planning, engineering and legal reviews, and, consistent with the policy of the City, as established in the ordinance to secure payment for such reviews from the persons or entities seeking the special and singular benefit therefrom.

A single fee, adopted by resolution, shall be deposited and shall be used to defray the expenses with respect to all consultant reviews. In the event the fee is depleted due to the on-going nature of the project, additional fees shall be required in order to proceed with further reviews. In the event that the project is finalized and review fees have not been depleted, the remaining fees will be returned to the applicant in accordance with the provisions of Sections 2-601 and 2-602 of the Ordinance Code.

The following fees have been set by the City Commission and must be paid at time of application to the City:

- \$10,000.00 – Commercial projects
- \$5,000.00 – Residential projects

By signing below you hereby grant the establishment of an escrow account for the project for which you or an authorized agent are applying for. You further agree to the above terms regarding the established fees and procedures for incurring additional fees and the refund of any remaining fees upon approved completion of the project.

Failure to maintain adequate fees in this account shall place your project "on hold" until the required fees have been successfully added to your account.

The City prefers the escrow account fee be paid by the property owner as there will be several separate companies and or parties involved with the project. By having the property owner establish this account the City is able to use current software and accounting practices to monitor the account for debits and credits for invoices received by the City for your project.

Property Owner: _____ Date: _____
(Signature)

Property Owner: _____ Phone: _____
(Printed Name)

Present Address (if different from above): _____

Check Number: _____ Amount: \$ _____ Cash Amount: \$ _____



24-235 - Landscaped Open Space

All of the information below shall be provided and shown on the site plan, landscape plan, or be submitted as a separate sheet within the submittal package. All of the information below is required at the time of submittal for an application to be considered complete. Incomplete applications will not be accepted or reviewed. See the graphic on the following page for specific instructions on how the information must be displayed for the application to be considered complete.

Area (SF = square feet)	Existing SF	%	Change SF	Proposed SF	%
Total Lot area	0				100%
Impervious Surface*					
Home ₁		0.00%			0.00%
Driveway ₂		0.00%			0.00%
Patios ₃		0.00%			0.00%
Accessory buildings ₄		0.00%			0.00%
Accessory structures ₅		0.00%			0.00%
Other ₆		0.00%			0.00%
Total impervious		0.00%			0.00%
Exempt Areas*					
Driveway Allowance ₇					
Walkway allowance ₈					
Total exemption					
Total Landscaped Open Space*	0	100.00%	0.00%	0	100.00%

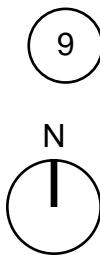
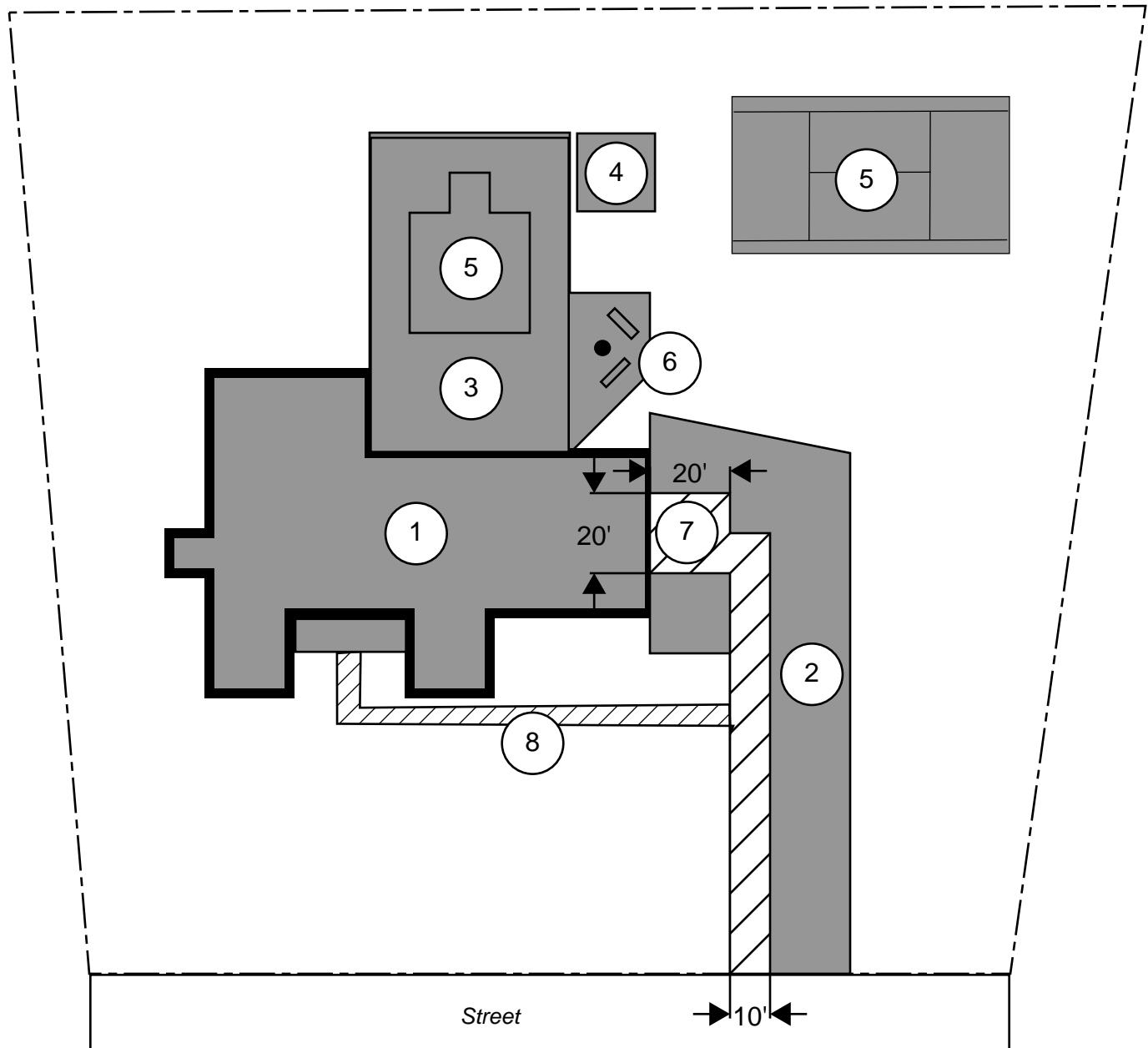
The open space diagram should contain the information below. Please refer to the next page for a sample diagram.

1. Includes home, covered porches and attached garages
2. Entire driveway area
3. All patio areas
4. All detached buildings such as sheds, garages and pool houses
5. All pools, sports courts, etc.
6. Any other impervious surfaces, such as fire pits
7. Permitted as a 10' wide path, the shortest distance from the ROW to the garage, with a 20' x 20' area in front of the garage (see graphic on back of page)
8. Includes only necessary sidewalks from driveways to the home, as determined by the City's building official or planning consultant
9. North arrow
10. Scale
11. Key
12. Page landscape open space plan is found on

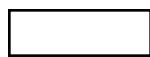


Open Space Diagram

(not to scale)



10 20 40



Open Space



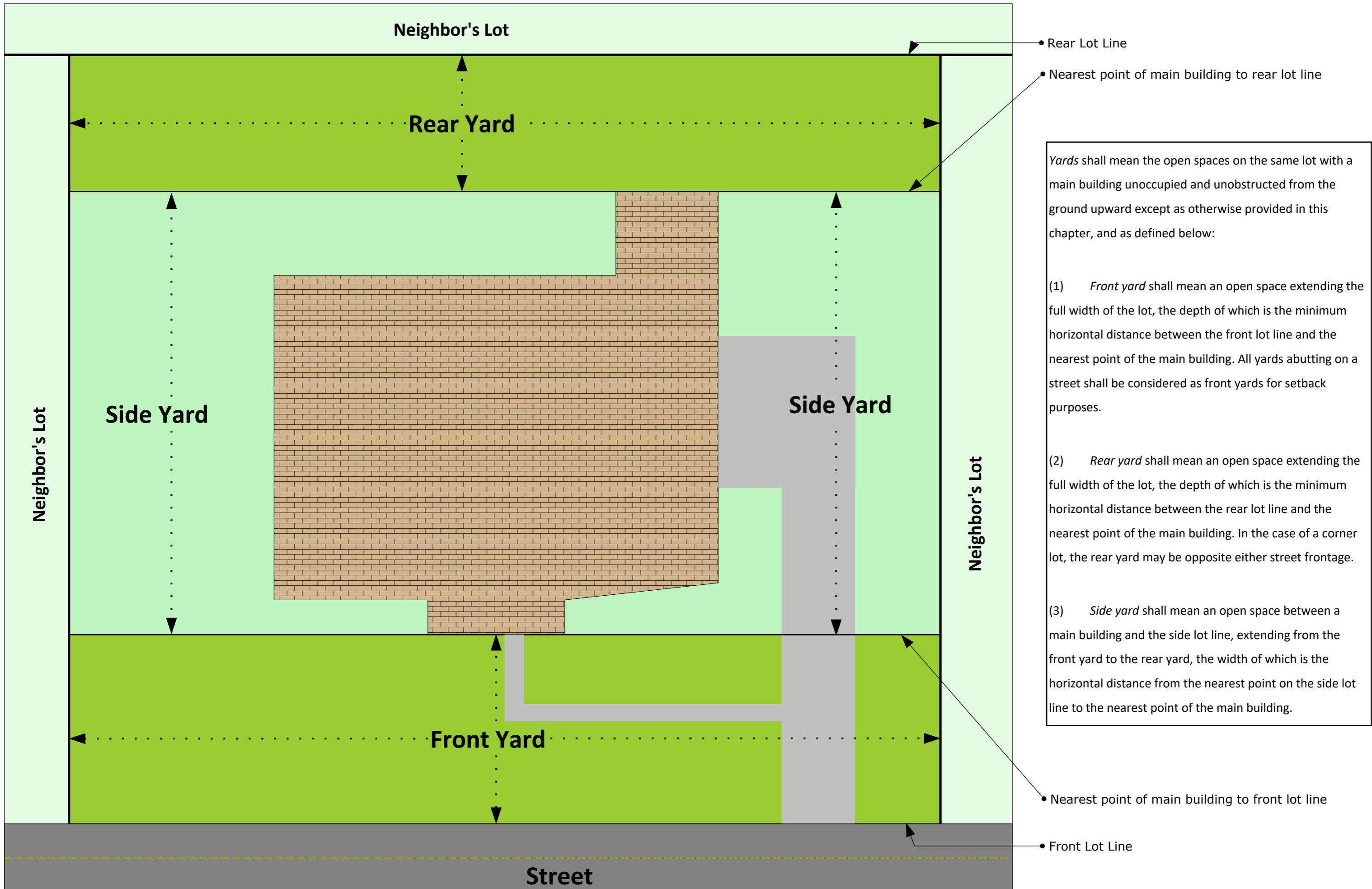
Impervious surface



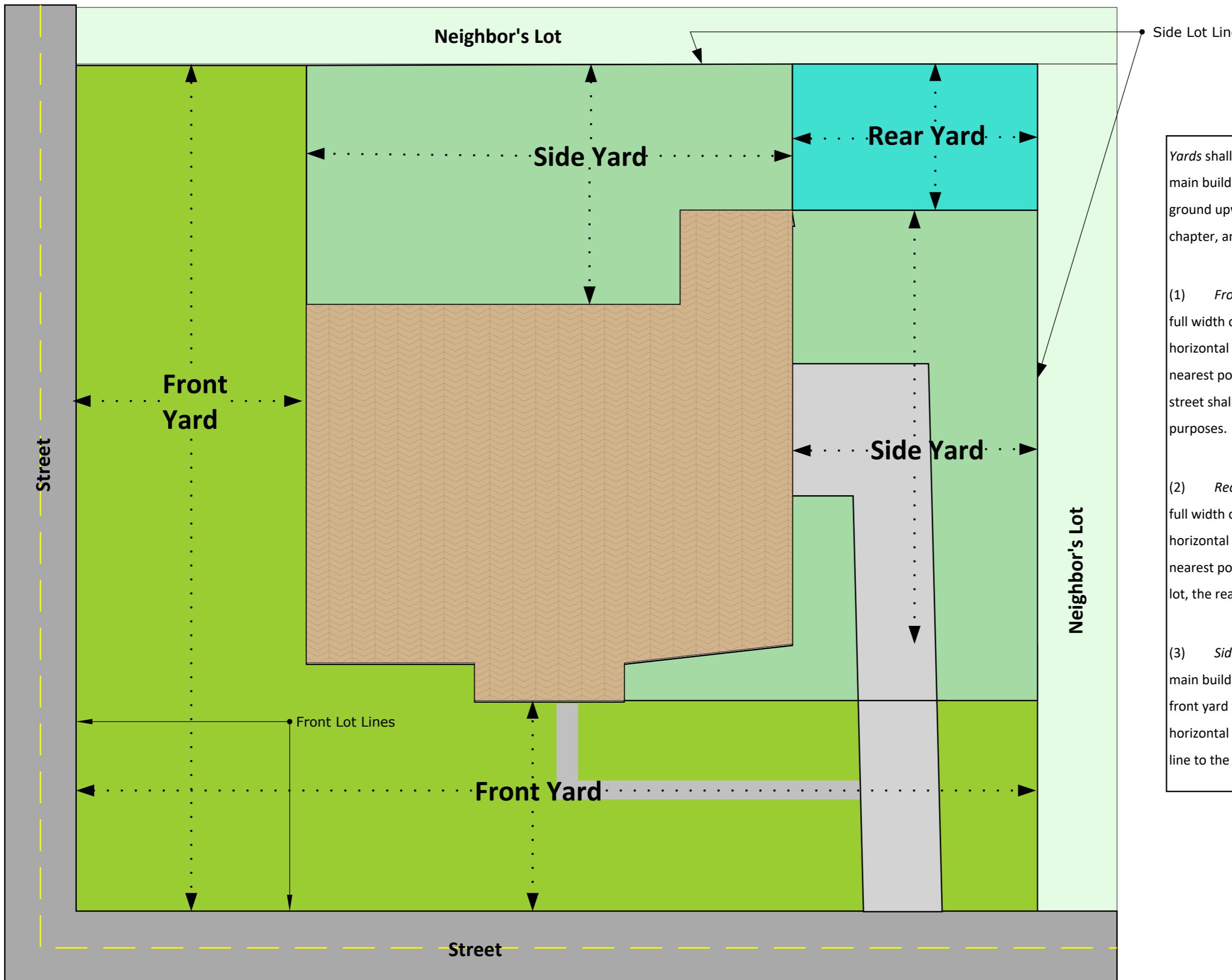
Exempt areas

Please indicate
what page the
landscape open
diagram can be
found on:

Guide for Application of Section 24-3; Yards - Interior Lot



Guide for Application of Section 24-3; Yards - Corner Lot



Yards shall mean the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined below:

- (1) *Front yard* shall mean an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.
- (2) *Rear yard* shall mean an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard* shall mean an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Guide for Application of Section 24-3 & 24-196; Required vs. non-required yards - Interior Lot (A-4 District)

