



Instructions and Information for Application for Variance

The Zoning Board of Appeals (ZBA) may grant variances to the City of Hastings' Ordinance (Ordinance No. 616). Types of variances that may be considered by the ZBA are for relief from dimensional requirements such as lot area and width, building height, square foot regulations, yard width and depth, off-street parking, loading space, and sign regulations. All others are the work of the Planning Commission.

To obtain a variance, the applicant must show that a "practical difficulty" exists. In determining if a practical difficulty exists, the ZBA shall consider whether the following conditions exist:

1. That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special land use within the district
2. That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner or occupant of the property from using the property for a permitted purpose or would render conformity with the Zoning Ordinance unnecessarily burdensome.
3. That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.
4. That the hardship asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.
5. That the hardship asserted by way of justification for the variance is not self-created.
6. That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

These are the only legal reasons the ZBA can grant a variance. When completing your application, please keep these in mind. Questions number 2 and 3 specifically address these items.

To request a variance, complete the attached application and submit with the application fee. The application fee is non-refundable. A public hearing is required. This involves public notice in the newspaper as well as letters sent to each property owner within 300 feet of the property for which the variance is being requested.

Sec 90-87 Variance Standards and Conditions

The Zoning Board of Appeals shall have the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in the Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

(a) Standards: In determining whether practical difficulties exist, the Zoning Board of Appeals shall consider the following factors:

- 1) That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special land use within the district.**
- 2) That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner or occupant of the property from using the property for a permitted purpose or would render conformity with the Zoning Ordinance unnecessarily burdensome.**
- 3) That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.**
- 4) That the hardship asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.**
- 5) That the hardship asserted by way of justification for the variance is not self-created.**
- 6) That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.**

(b) Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Prior to attaching a

condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

- (1) That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents, and land owners immediately adjacent to the land use or activity, and the community as a whole; and,**
- (2) That the condition or limitation is related to the valid exercise of the police power, and purposes which are affected by the proposed variance; and,**
- (3) That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity and is necessary to ensure compliance with those standards.**

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.



Zoning Board of Appeals Application

Return form with fee to:

City Clerk
City of Hastings
201 E. State Street
Hastings, Michigan 49058

APPLICANT: Name: _____

Address: _____

Telephone: _____ **Cell:** _____

Applicant's Interest in Property: _____

OWNER: (If Different from Above) _____

PROPERTY INFORMATION

Legal Description: (Use attachment, if necessary) _____

Parcel Number: _____

Property Address: _____

Present Use of Property: _____

Zoning Classification: _____

Size of Property: _____

1. Nature of the Variance Requested

a. Section number(s) of Zoning Ordinance for which variance is being requested:

b. Description of variance being requested.

c. Attach a detailed lot diagram which shows size, location, and present and/or proposed improvements. Include dimensions for lot and all buildings, setbacks, etc. Minimum 8 ½" x 11"

2. Describe why you feel you cannot comply with the Ordinance as currently written. Be as specific as possible. (Use and attachment if necessary)

3. Applicant must demonstrate practical difficulties or undue hardship that you feel justify the granting of the variance. Please review the instruction sheet for an explanation of practical difficulties or undue hardship. An inconvenience is not considered a practical difficulty. (Use an attachment, if necessary)

SIGNATURES:

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

Applicant's Signature

Date

Owner's Signature *(If different from Applicant)*

Date

Fee Amount: _____

Fee Paid: _____





City of Hastings
201 E. State Street
Hastings, MI 49058
(269)945-2468
www.hastingsmi.gov



The following is a list of the 2024 meeting dates for the Hastings Zoning Board of Appeals and the application deadline dates for variance requests. Deadline extensions possible with approval by staff.

<u>Zoning Board of Appeals Meeting Dates</u>	<u>Deadline Dates for Application Submittal</u>
January 16, 2024	December 19, 2023
February 20, 2024	January 23, 2024
March 19, 2024	February 20, 2024
April 16, 2024	March 19, 2024
May 21, 2024	April 23, 2024
June 18, 2024	May 21, 2024
July 16, 2024	June 18, 2024
August 20, 2024	July 23, 2024
September 17, 2024	August 20, 2024
October 15, 2024	September 17, 2024
November 19, 2024	October 22, 2024
December 17, 2024	November 19, 2024
January 21, 2025	December 23, 2024



City of *Hastings* Michigan

(269) 945-2468
FAX (269) 948-9544

201 E. State Street 49058

2023/2024 Fee Schedule – Zoning Board of Appeals

Variance Request

Application - \$350.00