



Zoning Board of Appeals (ZBA) Application Guidelines

Community Planning & Development Department
415 Stockbridge
Kalamazoo, MI 49001
Phone: 269-337-8026
www.kalamazoocity.org

1. ZBA applications are available from the Community Planning & Development Department, 8:00 a.m. to 4:30 p.m., Monday through Friday, or on-line at <http://www.kalamazoocity.org/applications-forms-and-permits>.
2. Applications consist of the Application Guidelines, Application Form, and Variance Requirements List(s).
3. Any public agency or interested person may make a written request to the ZBA for an interpretation, use, non-use, or temporary use variance.
4. Applications should be submitted to the Community Planning & Development Department.
5. It is the applicant's responsibility to ensure that the application is complete. An incomplete application may require additional staff review time.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. The application must be received by the Community Planning & Development Department **at least four (4) weeks prior** to the ZBA meeting.
8. ZBA meetings are held the second Thursday of every month, beginning at 7:00 p.m. in the City Commission Chambers, 241 W. South Street, 2nd Floor.
9. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
10. The applicant will receive a notice of the public hearing in the mail, and is expected to attend the meeting.
11. The ZBA has final authority on the granting of a use, non-use or temporary use variance.
12. It is the applicant's responsibility to review the appropriate sections of the Zoning Ordinance.



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoo.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department **at least four (4) weeks prior** to the Zoning Board of Appeals meeting.

Applicant: Name _____
 Address _____
 City, State, Zip _____
 Phone _____ Cell _____
 Fax _____ Email _____

Owner: Name _____
 Address _____
 City, State, Zip _____
 Phone _____ Cell _____
 Fax _____ Email _____

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address _____

This property is located between _____ street and _____ street, on the

north south east west side of the street.

CCN# _____ Zone _____

Type of Request

Interpretation of Chapter(s) _____ Sections(s) _____

Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See *Requirements List*.)

Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See *Requirements List*.)

Appeal of an Administrative Decision

Description _____

Attachments

- \$ _____ Fee
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant Date

Signature of Owner (if different than applicant) Date



Zoning Board of Appeals (ZBA) Variance Requirements List

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoocity.org

Use Variance

When granting any variance, the Zoning Board of Appeals must ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done. The Board shall approve a Use Variance on a finding there is competent, material, and substantial evidence in the record that all of the following standards are met:

1. The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in Sec. 4.1: *Use Table*, which is a right commonly enjoyed by other land in the same zone district.
2. There is unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.
3. The special circumstances are not the result of the actions of the applicant.
4. The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.
5. The granting of the variance will not adversely affect adjacent land in a material way.
6. The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.



Zoning Board of Appeals (ZBA) Variance Requirements List

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoo.org

Dimensional Variance

When granting any variance, the Zoning Board of Appeals must ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done. The Board shall approve a Dimensional Variance on a finding there is competent, material, and substantial evidence in the record that all of the following standards are met:

1. There are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.
2. The special circumstances are not the result of the actions of the applicant or titleholder of the land.
3. The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.
4. The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.
5. The granting of the variance will not adversely affect adjacent land in a material way.
6. The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.
7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria:
 - a. Existing landscaping, screening or wetlands intended to be preserved meets the intent of this section.
 - b. The landscape design proposed by the applicant meets the intent of this section.
 - c. There is a steep change in topography that would limit the benefits of required landscaping.
 - d. The proposed building and parking lot placement is setback well beyond the minimum required.
 - e. The abutting or adjacent land is developed or will be developed in the near future with a use other than residential.
 - f. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.