



**Village of Bellaire**  
202 N. Bridge St., P.O. Box 557  
Bellaire, MI 49615

Phone: (231) 533-8213 [www.bellairemichigan.com](http://www.bellairemichigan.com) Fax: (231) 533-4183

## ZONING BOARD OF APPEALS APPLICATION

Property Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 \_\_\_\_\_ Applicant: \_\_\_\_\_  
 Property Number: \_\_\_\_\_ Applicant Address: \_\_\_\_\_  
 Property Owner: \_\_\_\_\_  
 Property Owner Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 \_\_\_\_\_ Email: \_\_\_\_\_

Fee Paid: \$ _____	Date Rec'd: _____	Rec'd by: _____
Case # _____	Inspection Date: _____	
Approved: _____	Denied: _____	Permit #: _____ Date issued: _____

### Purpose for Request:

**Use Variance** \_\_\_\_\_ **Dimensional Variance** \_\_\_\_\_ **Review / Appeal** \_\_\_\_\_ **Interpretation** \_\_\_\_\_

Please explain request (add additional sheets if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List any Zoning Ordinance section(s) related to the request:

\_\_\_\_\_

\_\_\_\_\_

*The Zoning Board of Appeals has power to authorize specific variances from the requirements of this Ordinance IF it finds based upon competent, material, and substantial evidence following a public hearing that all of the applicable standards have been met.*

### Affidavit:

I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further I agree, any Appeals Board ruling and subsequent permit that may be issued is with the understanding all applicable sections of the Village of Bellaire Zoning Ordinance will be complied with. Also, I agree to notify the Zoning Administrator for the Village of Bellaire 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 officials of the Village of Bellaire to enter the property subject to this permit application for purposes of inspection. Also I understand any zoning action by the Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

## Village of Bellaire Zoning Ordinance Excerpt - Section 9.04 A-C

### Section 9.04 Duties and Powers of Zoning Board of Appeals

- A. **Review** - Shall hear and decide appeals from any review, any order, requirement, interpretation, decision or determination made by the Zoning Administrator in the administration of this Ordinance. Provided, however, the Zoning Board of Appeals shall not have jurisdiction to hear appeals made by the Zoning Administrator concerning administrative decisions whether to take enforcement action for alleged violations of this Ordinance.
- B. **Interpretation** - Shall have the power to:
1. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance;
  2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision on such subject made by the Zoning Administrator.
- C. **VariANCES** - The Zoning Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance if it finds based upon competent, material, and substantial evidence following a public hearing that all of the applicable standards provided in this section have been met.
1. Dimensional VariANCES: To obtain a variance from the dimensional requirements of this Ordinance (area, setback, frontage, height, bulk, density or other dimensional requirements) the applicant must demonstrate that a practical difficulty exists by showing all of the following:
    - a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.
    - b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
    - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome
    - d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
    - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
  2. Use VariANCES: The ZBA may grant use variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in unnecessary hardship. To establish unnecessary hardship, the applicant must establish all of the following:
    - a. The building, structure or land cannot be reasonably used for any of the uses permitted by right or by special approval in the zoning district in which it is located.
    - b. The need for the requested variance is due to unique circumstances peculiar to the applicant's property and not due to general neighborhood conditions.
    - c. The proposed use of applicant's property will not alter the essential character of the neighborhood.
    - d. The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).