

## CITY OF MIDLAND

### ZONING BOARD OF APPEALS

#### Application Procedures - Use Variance

The applicant will provide the following information for a **use variance**:

1. A location map of the proposed site. Information on the location map shall include (at a minimum):
  - a. Proposed lot(s) for which the use variance is proposed, including all lot dimensions and structures on the lot.
  - b. Adjacent lots with existing uses identified.
2. A typewritten, or clearly handwritten letter outlining the variance request.
3. Responses to the variance criteria listed on the Criteria for Approval form.
4. Written consent of all owners of the property in question.

The City of Midland will provide the following information:

1. Variance application form.
2. Instructions on preparing a plot plan (if needed).
3. Procedures used by the Zoning Board of Appeals.
4. Information about appeals, variances, temporary permits or special approvals.
5. Applicable variance criteria or special instructions.
6. Notification of affected property owners within 300 feet.

The Zoning Board of Appeals has the authority to require a land survey prepared by a professional surveyor or registered engineer if the Zoning Board of Appeals determines it to be necessary to insure accuracy of the plan.

**NOTE: Freehand, unscaled, incomplete plot plans will not be accepted. Failure on the part of the applicant to provide complete information may delay the approval process for a variance request. Incomplete information may also cause a variance to be denied.**



**ZONING BOARD OF APPEALS  
Application Form**

Date \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

TAX ID NUMBER (parcel code): \_\_\_\_\_

APPEAL FROM ARTICLE(S): \_\_\_\_\_, Section(s) \_\_\_\_\_

TYPE OF APPEAL:

AREA/DIMENSION \_\_\_\_\_ USE VARIANCE \_\_\_\_\_

INTERPRETATION \_\_\_\_\_ ADMINISTRATIVE REVIEW \_\_\_\_\_

BRIEF DESCRIPTION OF REQUEST: \_\_\_\_\_

Lot Area: \_\_\_\_\_ Lot Depth: \_\_\_\_\_ Lot Width: \_\_\_\_\_ Existing Zoning of Parcel \_\_\_\_\_

**APPLICATION FEE: \$125.00 payable to the City of Midland**

APPLICANT SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PHONE NUMBER (\_\_\_\_) \_\_\_\_\_

CELL PHONE (\_\_\_\_) \_\_\_\_\_

FAX (\_\_\_\_) \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

**USE VARIANCE  
ZONING BOARD OF APPEALS  
Criteria for Approval**

The Zoning Board of Appeals may grant a requested “use” variance only upon finding that an unnecessary hardship exists. An unnecessary hardship is when the restrictions of the zoning ordinance on the property, when its environment is considered, is so unreasonable as to constitute an arbitrary and capricious interference with basic private property rights. A “use” variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of unnecessary hardship shall require demonstration by the applicant of all of the following:

- a. Can the property be reasonably used for any purpose permitted in the zoning district without a variance?

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- b. What are the unique circumstances peculiar to the property that are not generally applicable in the area or to other properties in the same zoning district?

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- c. Will the variance alter the essential character of the area? In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

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- d. Why has the problem and resulting need for the variance not been self-created by the applicant?

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