



CITY OF MIDLAND

ZONING BOARD OF APPEALS

Application Procedures - Area or Dimension Variance

The applicant will provide the following information for an **area** or **dimension** variance:

1. A complete scaled plot plan of the subject property identifying:
 - a. Lot dimensions.
 - b. Location of all buildings on the lot.
 - c. Location of buildings on adjacent lots affected by the variance.
 - d. Existing setbacks.
 - e. Unusual characteristics of the lot (steep slope, tree stands, etc.).
 - f. Proposed addition(s) with setbacks clearly 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.



**Planning Department
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

Interpretation

Use Variance

Administrative Review

Brief Description of Request:

Lot Area: _____ Lot Depth: _____ Lot Width: _____

Existing Zoning of Parcel _____

APPLICATION FEE: \$400.00 payable to the City of Midland

APPLICANT SIGNATURE _____

NAME _____

MAILING ADDRESS _____

PHONE NUMBER (____) _____

CELL PHONE (____) _____

FAX (____) _____

E-MAIL ADDRESS _____

**AREA OR DIMENSION (NON-USE) VARIANCES
ZONING BOARD OF APPEALS
Criteria for Approval**

The Zoning Board of Appeals may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- a. How will strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome?

- b. How will a variance do substantial justice to the applicant, as well as to other property owners?

(Continued on reverse side)

c. Is the variance requested the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners?

d. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?

e. Has the problem and resulting need for the variance been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors?
