



Zoning Board of Appeals Application

Please only use this application if you have been asked to by Planning and Zoning staff.

TO THE ZONING BOARD OF APPEALS OF THE CITY OF DEARBORN, WAYNE COUNTY, MICHIGAN:

I (We) the undersigned make the application to the Zoning Board of Appeals of the City of Dearborn for variances and appeals for the property and reasons described below.

A. Property and Project Information

Property Address: _____

Parcel Number (PID): _____

Parcel / Site Area: _____

Current Zoning District: _____

Current Use of Property: _____

Proposed Use of the Property _____

Please select a variance or appeal request:

Dimensional Variance

Administrative Appeal

Use Variance

Other

Please state the reason for the variance or appeal. What are you trying to accomplish as a result of this request and why?

B. Applicant Information

*Please note that the applicant **must** be the property owner*

Name/Business Name: _____

Mailing Address: _____ City: _____

State: _____ Zip Code: _____

E-Mail: _____ Cell Phone: _____



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PROJECT REPRESENTATIVE: Identify any person representing the property owner or applicant in this matter (Design professional, developer, etc)

Name/Business Name: _____

Mailing Address: _____ City: _____

State: _____ Zip Code: _____

E-Mail: _____ Cell Phone: _____

C. Required Application Attachments

A complete application must contain the following information:

Signed ZBA application form.

ZBA Application Fee

(All payments must be in the form of a check and be made out to the City of Dearborn)

- Residential Property Variance Appeal Fee: \$525
- Commercial Property Variance Appeal Fee: \$1,250
Fee includes one additional hearing if the case is tabled. Other additional hearings must pay for an additional meeting.
- Code Interpretation Review Fee: \$1,000

Proof of ownership required (The only accepted documents are: Deeds, Property Transfer Affidavits, Title Commitments, Land Contracts, or Building Leases).

Site and Building Layout (Use letterhead if possible)

Written description of the proposed site and/or building layout, building and structure design information, floor plans, parking calculations, fencing, landscaping, current environmental conditions, adjacent land uses, other pertinent information, and any additional information requested by the Planning and Zoning Manager.

Proof all taxes and municipal bills (water, sewer, etc.) are paid.

Any additional supplemental materials that you would like to be submitted into the ZBA record. This may include a letter stating the reason for the variance appeal request.



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D. Request and Affidavit

The applicant must read the following statement carefully and sign below:

The undersigned requests that the City of Dearborn review this application and related required materials as outlined in the Zoning Ordinance 32.05(C) & 3.05(D). The applicant further affirms and acknowledges the following:

That the applicant has a legal interest in the property described in this application.

That the answers and statements contained in this application and enclosures are in all respects true and correct to the best of his, her or their knowledge.

That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes, and does not constitute the granting of a variance.

That the applicant will comply with any and all conditions imposed in granting approval of this application.

If also the owner, the applicant grants the City of Dearborn staff and the Zoning Board of Appeals the right to access the subject property for the sole purpose of evaluating the application.

That the applicant has reviewed the Zoning Board of Appeals process provided on page 4 of this application.

That all submitted documents will become a public record and can be posted online to the City website unless requested otherwise.

Applicant / Representative Name: _____

Applicant / Representative Signature: _____ Date: _____

If the applicant / project representative is not the property owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she, or they are the owner(s) of the property described in this application, and:

Is/are aware of the contents of this application and all related enclosures.

Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by the City of Dearborn.

Grants the City of Dearborn staff and the Zoning Board of Appeals the right to access the subject property for the sole purpose of evaluating the application.

*Property Owner Name: _____

If the owner is an LLC, please provide the following information to verify proper ownership of the property:

Copy of Driver's License or Valid State ID

Articles or Certificate of Organization

*Property Owner Signature: _____ Date: _____

**A Notarized signature is required if different from Project Representative*

Effective 9/25



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Zoning Board of Appeals Process:



Planning & Zoning Division

1. Planning and Zoning Division **strongly recommends** applicants contact staff before submitting a variance request.
2. Submit a Zoning Board of Appeals Application and the required documents to the Planning and Zoning Division by:
Email: Cityplanning@dearborn.gov OR
Mail: Dearborn Administrative Center 16901 Michigan Avenue, Suite 6, Dearborn, MI 48126-2967
"Attn: Planning and Zoning Division" OR
Scheduled drop-off at the Dearborn Administrative Center. (Please contact the Planning and Zoning Division to schedule a time).
3. Planning and Zoning Division staff will send an email confirming the application materials were received and provide a copy of the receipt for your records.
4. Planning and Zoning Division staff will review the application materials and prepare a staff report evaluating the request and make recommendations as appropriate. Planning and Zoning Division staff will contact the applicant, or project representative, if any additional documents are needed.

Zoning Board of Appeals Meeting

The Michigan Zoning Enabling Act (MZEA) requires all requests for variances and appeals to go in front of the Zoning Board of Appeals for a public hearing. Notifications will be sent to all properties within 300 feet of the subject property as required by state law. These notifications will include the time, date, and place of the public hearing as well as a description of the request. The Zoning Board of Appeals shall then make a determination about the variance or appeal request based on the requirements and standards of the Zoning Ordinance. The Zoning Board of Appeals may approve, approve with conditions, table, or deny a variance request. Zoning Board of Appeals meetings are held monthly, and due to the notification requirements required by state law there are application deadlines.



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6. After a complete application has been submitted the item will be placed on the next Zoning Board of Appeals Agenda. The Zoning Board of Appeals 2024 meeting schedule and application deadlines are as follows:

Zoning Board of Appeals 2024 Meeting Schedule	Application Deadlines
Thursday, January 25	Friday, December 21, 2023
Thursday, February 29	Friday, February 2, 2024
Thursday, March 28	Friday, March 1
Thursday, April 25	Friday, March 29
Thursday, May 23	Friday, April 26
Thursday, June 27	Friday, May 31
Thursday, July 25	Friday, June 28
Thursday, August 22	Friday, July 26
Thursday, September 26	Friday, August 30
Thursday, October 24	Friday, September 27
Thursday, November 21	Friday, October 25
Thursday, December 19	Friday, November 22

7. The Zoning Board of Appeals shall consider whether the variance or appeal request meets the following criteria, as outlined in the Section 32.05 (F)(1 & 2) and listed below:

Criteria Applicable to Variances

- Practical Difficulties
- Substantial justice (b).
- Public safety and welfare (c).
- Extraordinary circumstances (d).
- Preservation of property rights (e).
- No safety hazard (f).
- No impact on land values (g).
- Neighborhood character (h).
- Light and air (i).
- Promotes orderly development (j).
- Traffic flow (k)
- No nuisance impacts (l).
- Impact on adjacent properties (m).
- Relationship to adjacent land uses (n).
- Relationship to master plan policies (o).

Section 32.05 (C) - When reviewing a variance request, in addition to the criteria listed above, the ZBA shall determine whether:

- Granting a deviation from the provisions of the Zoning Ordinance in a particular case will lead to uneven application of the Zoning Ordinance for all citizens
- Undermine the values of these laws that are intended to provide orderly and predictable development within the community
- Each request will be strictly scrutinized to prevent a negative impact on surrounding land uses and structures, and to preserve the citizenry's ability to rely on the provisions of the Zoning Ordinance.



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Criteria Applicable to Appeals

- Was arbitrary or capricious (a)
- Was based on erroneous finding of material fact (b)
- Constituted an abuse of discretion (c)
- Was based on erroneous interpretation of the Zoning Ordinance or law (d).

8. Zoning Board of Appeals Determination. The Zoning Board of Appeals may approve, approve with conditions, table or deny requests as follows:

Approval:

Upon determination by the Zoning Board of Appeals that the variance is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.

Approval with conditions:

The Zoning Board of Appeals may impose reasonable conditions with the approval of a variance to the extent authorized by law.

Table:

The Zoning Board of Appeals may table the variance or appeal request. The Zoning Board of Appeals or the Planning & Zoning Manager may require the applicant to revise the plans or supply additional information. The applicant shall submit any requested information or revised plans for review prior to formal action being taken.

Denial:

Upon determination by the Zoning Board of Appeals that a variance request does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the variance shall be denied. Any appeal to a decision of the Zoning Board of Appeals must be taken to the Wayne County Circuit Court.

9. The Planning and Zoning Division will send the applicant a written notification of the Zoning Board of Appeals' decision including any conditions of approval.

ZBA Decisions

If construction has not commenced within twelve (12) months after the Zoning Board of Appeals grants a variance to permit the erection or alteration of a building, then the variance becomes null and void (Section 32.05 E(6)).

Please note that any appeals from the denial of Zoning Board of Appeals decisions may be taken to Wayne County Circuit Court (Section 32.05 F(2)(e))