

Use Variance



Purpose of a Variance

The Variance process is meant to provide limited relief from the requirements of the Zoning Ordinance to address extraordinary, exceptional, or unique conditions or circumstances that were not created by the property owner. Variances are not granted to remove inconveniences or financial burdens.

Board of Zoning Appeals (BZA)

The application process includes public notice in the Grand Rapids Press, postcard notification to neighbors located within 300 ft of your property boundaries, and a public hearing before the Board of Zoning Appeals. The Board of Zoning Appeals is a group of Grand Rapids residents who evaluate Variance requests and determine whether they meet specific Review Standards spelled out in the Zoning Ordinance. Conditions of approval may be attached to a decision.

Types of Variances

Because each type of Variance has its own Review Standards, it is important to know what kind of Variance is being requested. (In some cases, you may need more than one type of Variance!)
Please consult with Planning Staff (616-456-4100) before completing an application.

Dimensional Variance. A Dimensional Variance is one that permits a structure to be placed on a lot or built in a way that would not otherwise be allowed. These are generally related to zoning requirements for setbacks, lot area or width, building height, and design standards. The applicant must demonstrate that there are *practical difficulties* to compliance due to conditions unique to the property.

Use Variance. A Use Variance is one that permits a lot or structure to be used in a way that would not otherwise be allowed in that particular Zone District. The applicant must show an *unnecessary hardship* exists due to circumstances unique to the property. In some cases, a property rezoning or a text amendment to the Zoning Ordinance is more appropriate than a Use Variance.

Sign Variance. A Sign Variance is one that permits a sign that would not otherwise be allowed. Sign Variances are usually requested for the type of sign, location, or size. The applicant must demonstrate that there are practical difficulties to compliance with the Zoning Ordinance due to conditions unique to the property.



Application Use Variance

A. PROPERTY INFORMATION

Property Address _____
 Parcel Number _____ Zone District _____
 Lot Size Frontage: _____ ft Depth: _____ ft Area: _____ Acres/Sq Ft Rectangle Irregular

B. APPLICANT INFORMATION

1. Applicant

Identify the person or organization requesting the Special Land Use:

Name _____ Cell Phone _____
 Organization _____ Business Phone _____
 Mailing Address _____ Fax _____
 City _____ State ____ Zip _____ E-Mail _____

2. Applicant Interest

The applicant must have a legal interest in the subject property:

- Property Owner Purchaser by Option or Purchase Agreement
- Purchaser by Land Contract Lessee/Tenant

3. Property Owner Check here if Applicant is also Property Owner

Identify the person or organization that owns the subject property:

Name _____ Cell Phone _____
 Organization _____ Business Phone _____
 Mailing Address _____ Fax _____
 City _____ State ____ Zip _____ E-Mail _____

4. Agent

Identify any person representing the property owner or applicant in this matter:

Name _____ Cell Phone _____
 Organization _____ Business Phone _____
 Mailing Address _____ Fax _____
 City _____ State ____ Zip _____ E-Mail _____



Use Variance

C. PROJECT INFORMATION

1. Current Use of Property.

2. History of Property.

Describe how the property has been used in the past. Provide dates of operation, previously approved and denied Variances, and other pertinent information.

3. Proposed Use of Property.

4. Explain Why a Variance is Needed.

5. Zoning Ordinance Requirement(s) for which you are requesting a Variance.

List the Section Numbers and the specific requirements of the Zoning Ordinance.

6. Required Attachments

- Site Plans, Building Elevations and Floor Plans**

Enclose site plans, property survey, building elevations and floor plans that show the current and proposed uses.



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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 Grand Rapids review this application and related required documents and site plans as provided in Article 13 of the Grand Rapids Zoning Ordinance. 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 an approval of this application.
- If also the owner, the applicant grants the City of Grand Rapids staff and the Board of Zoning Appeals the right to access the subject property for the sole purpose of evaluating the application.

Applicant Name (printed)

Applicant Signature

Date

If the applicant 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 related enclosures.
- Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by the City of Grand Rapids.
- Grants the City of Grand Rapids staff and the Board of Zoning Appeals the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Name (printed)

Property Owner Signature

Date



Use Variance

The Board of Zoning Appeals (BZA) will review the application package and determine if the proposed use variance meets the required standards for approval. A use variance may only be granted by the BZA through a determination that there is evidence of an unnecessary hardship with a finding that all of the following conditions are met. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

Standard #1. Uniqueness.

Explain how the condition, location, or situation is unique to that property and the Zone District.

Standard #2. Not Self-Created.

Explain how the need for the variance was not created by an action or inaction by the applicant or the applicant's predecessors in title.

Standard #3. No Substantial Detriment.

Describe how the variance would not alter the essential character of the neighborhood, nor be a detriment to adjacent properties.



Use Variance

Standard #4. Cannot Be Reasonably Used.

Explain how the land, building or structure cannot be reasonably used for any of the uses allowed in the Zone District.

Standard #5. Master Plan/Zoning Ordinance.

Describe how the variance, if granted, is consistent with, and will not materially impair, the purpose and intent of the Master Plan and the provisions of the Zoning Ordinance and District under consideration.



Application Procedures

Use Variance

1. General Information

The Grand Rapids Zoning Ordinance divides the City into districts. Each district has certain uses that are permitted in the district. The ordinance also establishes the regulations which each use must comply with and the procedure used to review new developments or changes to existing uses.

If you want to build a structure or use your property in a way that is not permitted under the Zoning Ordinance, you have the right to apply for a variance, which if approved, would give you permission to proceed with your plans.

2. Application

An application packet for a Use Variance is available from the Grand Rapids Planning Department, located on the 3rd floor of 1120 Monroe Avenue NW or at the Planning Department's website, www.grcity.us/planning under Forms and Applications. You may also call 456-4100.

The application packet contains all the information necessary for you to apply for a variance. Please read the instructions carefully and then fill in the enclosed forms and attach the items listed on the application checklist.

If you are not the property owner, it is necessary for you to obtain permission from the owner to apply for the variance.

A complete application may be submitted to the Planning Department Monday – Friday, from 7:30am to 4:00pm. An incomplete application package will not be accepted. A complete application must be submitted at least five weeks prior to the Board of Zoning Appeals meeting. See www.grcity.us/planning for the schedule of BZA meetings and application deadlines.

3. Application Fee

The application fee is applied to the cost of processing your application and notifying neighbors. No portion of the fee can be refunded if you withdraw your application. Likewise, the application fee cannot be refunded in the event of a denial by the Board of Zoning Appeals.

4. Staff Review

The application will be reviewed initially by the Planning Department staff prior to submission to the Board of Zoning Appeals (BZA). A staff person may contact you with questions or a request for additional information.

5. Notice of Public Hearing

Following staff review, the variance request will be forwarded to the Board of Zoning Appeals (BZA) for a public hearing. A notice of the public hearing will be published in the Grand Rapids Press 15 days prior to the BZA meeting. Property owners within a 300' radius of the subject property will be notified of the public hearing by post card. Interested persons may submit a letter or speak at the public hearing.

6. Neighborhood Input

Applicants are strongly encouraged to meet with neighboring property owners and the neighborhood association or business association before the hearing to answer any questions or concerns they may have.

A list of associations and contact persons is available in the Planning Department and on its website, www.grcity.us/planning

7. Board of Zoning Appeals Meeting

All meetings of the BZA are held on the 2nd floor of 1120 Monroe Avenue NW. You will be notified of the date and time of the meeting.

Each public hearing item for consideration is assigned an approximate start time. The Planning staff introduces and explains each request to the BZA. The applicant is then asked to present information on his or her proposal. The BZA may ask questions of the staff and/or applicant. The BZA then allows public comment on the application, and a chance for the applicant to address any concerns or questions. The public hearing is then closed and the BZA deliberates on the request in open session. The BZA may recommend approval, approval with conditions, denial, or may table the variance request.

The BZA uses the review standards in the applicable sections of the Zoning Ordinance as guidance in making its decision.

8. Written Notice

The applicant will be provided with a letter that documents the decision of the BZA, including any conditions of approval.

9. Appeal of Denial

If the BZA denies an application for a Use Variance, the applicant may not appeal the decision. The applicant may, however, initiate legal action against the City through the court system.



Application Checklist

Use Variance

The following items are required for a complete Variance application. Incomplete applications will be returned.

- Signed Application Form**
Complete pages 2 - 4 of the Use Variance application form. If you need additional room to answer any question, attach additional sheets and identify the property address. Application must be signed by the applicant and the property owner (if different).
- Response to Use Variance Review Standards**
Complete pages 5 and 6 of the Use Variance application form. Use additional paper if needed.
- Dimensioned Site Plan from a Property Survey (1 copy & 1 digital PDF copy)**
 - Existing or proposed buildings or additions on the property.
 - Number and location of all on-site parking spaces.
 - Existing and proposed distances to adjacent property lines.
 - Location of existing and proposed signs, if applicable.
 - Any other information relevant to the Use Variance application.
- Dimensioned Drawings and Plans (1 copy & 1 digital PDF copy)**
 - All proposed buildings and additions.
 - All existing and proposed signs on the property (photographs may be used).
 - Floor plan showing the existing and proposed layout and functions of each area.
 - For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)
- Other Helpful Information - Optional**
 - Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
 - Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
 - Letters of support from the neighbors who would be most affected by your request.
- Neighborhood Outreach**
Include a summary of activities conducted, any correspondence distributed, meeting sign-in sheets, meeting notes, letters of support, etc. Failure to conduct outreach activities may result in tabling of the application.
- Fee (FY2023): \$2,195**
Either by check made payable to City of Grand Rapids, by credit card in person at Development Center, or by credit card over the phone by calling (616) 456-4100.

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.