

Village of Mackinaw City

Community Development Department
102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701
Telephone: (231) 436-5351 Fax: (231) 436-4166
Email: sschnell@mackinawcity.org

WHAT IS A VARIANCE AND SHOULD I APPLY FOR ONE?

A variance is a zoning adjustment that permits minor changes of district requirements, where individual properties are both harshly and uniquely burdened by the strict application of the law due to uncommon or unique physical characteristics of the property. A variance is not a change in the zoning law but is a type of waiver of certain zoning requirements for a particular piece of property. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use variances are strictly prohibited.

- 1. A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow unique properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is uniquely affected by special circumstances or unusual conditions, such as narrowness, shallowness, shape, or topography and is not due to your own personal or economic difficulty. These must result in uncommon burden and unequal treatment under the strict application of the Zoning Ordinance. Uncommon hardship shall mean physical hardship relating to the property itself, as distinguished from a hardship relating to convenience, financial considerations or caprice. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is not a variance, but would be a change of the map or the text of the Zoning Ordinance.**
- 2. You must prove that the combination of the Zoning Ordinance and the uncommon physical conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates the land and not people, the following conditions cannot be considered pertinent to the applications for a variance: 1) Proof that a variance would increase the financial return from the land; 2) Personal hardship; 3) Self-imposed hardship. In the later case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.**
- 3. No variance may be granted that would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purpose on the Zoning Ordinance and the Comprehensive Development (or Master) Plan.**

If your property is uniquely burdened by exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique only to your property, you may qualify for a variance. If you cannot meet these tests, however, then you should not apply for a variance.

**VILLAGE OF MACKINAW CITY
APPLICATION FOR VARIANCE**

I hereby apply for a variance from the terms of the Mackinaw City Zoning or Sign Ordinance.

Applicant's Name: _____

Property Address: _____

Property ID#: _____

1. Exact variance from the Ordinance desired:

2. Exceptional circumstances or conditions applying to the land, building, or use which do not apply generally to land, buildings, or uses in the same district are:

3. Granting this application is necessary for the preservation and employment of substantial property rights as follows:

4. Granting this application will not materially affect adversely the health or safety of persons, public welfare, or property in that neighborhood:

Additional sheets may be attached.

Zoning or Sign Permit Application must be attached or already on file.

Date

Signature

Print Name