



## Zoning Board of Appeals (ZBA) Application Guidelines

Community Planning & Development Department  
415 Stockbridge  
Kalamazoo, MI 49001  
Phone: 269-337-8026  
[www.kalamazoo.org](http://www.kalamazoo.org)

1. ZBA applications are available from the Community Planning & Development Department, 8:00 a.m. to 4:30 p.m., Monday through Friday, or on-line at <http://www.kalamazoo.org/applications-forms-and-permits>.
2. Applications consist of the Application Guidelines, Application Form, and Variance Requirements List(s).
3. Any public agency or interested person may make a written request to the ZBA for an interpretation, use, non-use, or temporary use variance.
4. Applications should be submitted to the Community Planning & Development Department.
5. It is the applicant's responsibility to ensure that the application is complete. An incomplete application may require additional staff review time.
6. The application will be forwarded to members of the ZBA for a public hearing.
7. The application must be received by the Community Planning & Development Department **at least four (4) weeks prior** to the ZBA meeting.
8. ZBA meetings are held the second Thursday of every month, beginning at 7:00 p.m. in the City Commission Chambers, 241 W. South Street, 2<sup>nd</sup> Floor.
9. A notice of the public hearing must be mailed to the property owners and occupants within three hundred (300) feet of the subject property not less than fifteen (15) days before the public hearing.
10. The applicant will receive a notice of the public hearing in the mail, and is expected to attend the meeting.
11. The ZBA has final authority on the granting of a use, non-use or temporary use variance.
12. It is the applicant's responsibility to review the appropriate sections of the Zoning Ordinance.





## **Zoning Board of Appeals (ZBA) Variance Requirements List**

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[www.kalamazoocity.org](http://www.kalamazoocity.org)

### **Use Variance**

When granting any variance, the Zoning Board of Appeals must ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done. The Board shall approve a Use Variance on a finding there is competent, material, and substantial evidence in the record that all of the following standards are met:

1. The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in Sec. 4.1: *Use Table*, which is a right commonly enjoyed by other land in the same zone district.
2. There is unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.
3. The special circumstances are not the result of the actions of the applicant.
4. The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.
5. The granting of the variance will not adversely affect adjacent land in a material way.
6. The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.



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### **Dimensional Variance**

When granting any variance, the Zoning Board of Appeals must ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done. The Board shall approve a Dimensional Variance on a finding there is competent, material, and substantial evidence in the record that all of the following standards are met:

1. There are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.
2. The special circumstances are not the result of the actions of the applicant or titleholder of the land.
3. The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.
4. The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.
5. The granting of the variance will not adversely affect adjacent land in a material way.
6. The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.
7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria:
  - a. Existing landscaping, screening or wetlands intended to be preserved meets the intent of this section.
  - b. The landscape design proposed by the applicant meets the intent of this section.
  - c. There is a steep change in topography that would limit the benefits of required landscaping.
  - d. The proposed building and parking lot placement is setback well beyond the minimum required.
  - e. The abutting or adjacent land is developed or will be developed in the near future with a use other than residential.
  - f. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.