

# City of Wayland



City of Wayland  
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[www.cityofwayland.org](http://www.cityofwayland.org)

## Application for Zoning Board (ZBA) of Appeals Variance / Interpretation

Fee: \$300

PC Case Number (City Assigns): \_\_\_\_\_ Send to: [planning@cityofwayland.org](mailto:planning@cityofwayland.org)

Date Filed: \_\_\_\_\_

Tax ID #: 56- \_\_\_\_\_ Subdivision: \_\_\_\_\_ Lot No: \_\_\_\_\_

Address of Subject Property: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Appellant (If different than owner): \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Year Property was Acquired: \_\_\_\_\_ Zoning District: \_\_\_\_\_ Flood Plain (Y/N): \_\_\_\_\_

Size of Lot- Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side 1: \_\_\_\_\_ Side 2: \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_

Dimensions of Existing Structure (s) 1st Floor: \_\_\_\_\_ 2nd Floor: \_\_\_\_\_ Garage: \_\_\_\_\_

Dimensions of Proposed Structure (s) 1st Floor: \_\_\_\_\_ 2nd Floor: \_\_\_\_\_ Garage: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Percentage of Existing Structure (s) to be demolished, if any \_\_\_\_\_ %

Have there been any past variances on this property? (Yes/No): \_\_\_\_\_

If so, resolution of the variance application: \_\_\_\_\_

Please indicate the type of variance or zoning ordinance interpretation requested:

Please explain how the project meets each of the following standards:

That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone.

That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.

That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the City.

That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.

Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.

The requested variance is the minimum necessary to permit reasonable use of land.

I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.

- I acknowledge that approval of a variance only grants that which was presented to the ZBA.
- I acknowledge that I have reviewed the Wayland City Zoning Ordinance, the ZBA Application, and the ZBA Checklist and have submitted all of the required information.
- I acknowledge that filing of this application grants access to the City to conduct on-site investigation of the property in order to review this application.
- I understand that the house or property must be marked with the street address clearly visible from the roadway.
- I understand that there will be a public hearing on this item and that either the property owner or appellants shall be in attendance at that hearing.
- I understand that a Land Use Permit is required prior to construction if a variance is granted.
- I understand that any order of the ZBA permitting the erection or alteration of a building will be void after one (1) year (12 months) unless a valid building permit is obtained and the project is started and proceeds to completion.

Owner's Signature/Name

Appellant's Signature/Name

Date:

Date:

**Administrative Use Only**

Date of Application:

Fee Amount: \_\_\_\_\_

Council Action: \_\_\_\_\_ Date:

Effective Date:

## VARIANCE (ZBA) APPLICATION CHECKLIST

Please submit all information electronically to:

[planning@cityofwayland.org](mailto:planning@cityofwayland.org)

### **Site (plot) Plan with the following information:**

- Location and width of road(s) and jurisdiction (public or private road).
- Location and dimensions of existing/proposed construction.
- Dimensions, designation, and heights of existing structures on property clearly marked.
- Dimensions of property (lot lines).
- Location and dimensions of required setbacks.
- Measurement from each side of existing and proposed structure to the property lines.
- All easements.
- Any bodies of water (lake, stream, river, or canal) with water body name.
- Distance proposed structure and existing structures are from any body of water.
- Septic tank and field, sewer (grinder pump), and water well.
- All areas requiring variances clearly marked with dimensions and amount of variance requested.
- Any outstanding topographic features that should be considered (hills, drop-offs, trees, boulders, etc.)
- Any other information which you may feel is pertinent to your appeal.
- If the variance is to a setback requirement a licensed professional stamp shall be on the site plan.

### **Preliminary sketch plans:**

#### A. Elevation plans:

- Existing and proposed grade
- Finished floor elevations
- Plate height
- Building height
- Roof pitch

#### B. Floor plans:

- Dimension of exterior walls
- Label rooms
- Clearly identify work to be done
- Location of floor above and floor below

#### C. All other plans you may need to depict the variance you are requesting (surveys, grading plans, drainage plans, elevation certificates, topographical surveys, etc.).

## Variance Standards:

**Variance:** (*definition*) A modification of the literal provisions of the zoning ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property for which the variance is granted.

## Sec. 17-162 of the City Zoning Ordinance:

A variance could be considered only if the following facts exist:

- A. That the strict application of the provisions of this chapter would clearly be impractical or unreasonable.
- B. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
- C. That such variance will not violate the provisions of the Subdivision Control Act.
- D. That such variance will not have the effect of changing a land use under the city's zoning chapter. Any proposed change in land use shall be in the form of an application requesting an amendment to the zoning chapter.
  1. Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears that, at a minimum, the applicant has proven a practical difficulty and that all the following facts and conditions exist:
    2. For the purpose of the above, a "practical difficulty" exists on the subject land when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions). Demonstration of practical difficulty shall focus on the subject property or use of the subject property, and not on the applicant personally.
    3. In consideration of all appeals and all proposed variations to this Zoning Ordinance, the Zoning Board of Appeals shall, before making any variations from this Zoning Ordinance in a specific case, determine that the standards set forth above have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the City.