

CITY OF FARMINGTON

Zoning Board of Appeals

Structure. The Zoning Board of Appeals (ZBA) is an appointed five (5) member body regulated by State statute and City ordinance.

Powers. The basic function of the ZBA is to handle any appeals dealing with any City decision, ruling, or orders that deal with the City Zoning Ordinance. The Zoning Board of Appeals has a broad range of powers, as outlined in *Section 35-214 Powers*:

- A. **Appeals.** The ZBA hears and rules on any contested order, requirement, decision or determination made by the building official or any administrative official or body involving the City of Farmington Zoning Ordinance.
- B. **Map Interpretations.** The ZBA will hear and rule on any alleged uncertainty, contradiction, or conflict as to the intended exact physical location of a Zoning District Boundary according to a pre-determined set of standards (see *Section 35-214 B*).
- C. **Text Interpretations**. The ZBA has the power to interpret the regulations established in the City of Farmington Zoning Ordinance.
- D. **Non-Conforming Situations.** The ZBA has the power to rule upon proposed <u>changes</u> to non-conforming uses according to *ARTICLE 17 Non-conforming Uses, Lots, Buildings, Structures and Sites.*
- E. **Height Modifications.** The ZBA has the power to decide upon modification of structure height according to proposed design, setbacks, and potential impact on the character of the project area.
- F. **Variance.** The ZBA has the power to authorize a variance from the strict application of the current Zoning District Designation guidelines for the current Zoning Use, or a variance in the use if a hardship can be proven in each case.

Board Process. The Zoning Board of Appeals is classified as a quasi-judicial body and is required by law to follow previously accepted procedures and fairly evaluate the relevant facts in each specific appeals case. When reviewing a zoning variance, the ZBA must legally demonstrate either a practical difficulty (for property variances), or a hardship (for use variances) in order to approve the variance request.

Meetings. The City of Farmington Zoning Board of Appeals meets on the first Wednesday of each month at 7:00 p.m. Applications must be submitted to the <u>Planning and Building Department</u> located at <u>33720 W. Nine Mile Road</u> at least twenty-three (23) days prior to the regularly scheduled Zoning Board of Appeals meeting in accordance with the following schedule: Note that if site plans or other associated documents are part of the application, a **digital** copy must be provided.

Application	Zoning Board of Appeals
Submittal Date	Meeting Date
December 11, 2023	January 3, 2024
January 15, 2024	February 7, 2024
February 12, 2024	March 6, 2024
March 11, 2024	April 3, 2024
April 8, 2024	May 1, 2024
May 13, 2024	June 5, 2024
June 10, 2024	July 3, 2024
July 15, 2024	August 7, 2024
August 12, 2024	September 4, 2024
September 9, 2024	October 2, 2024
October 14, 2024	November 6, 2024
November 11, 2024	December 4, 2024

Meeting Process. At a ZBA meeting, each case will be called by the Chair and introduced by the petitioner, at which time the Board members can question the petitioner and the City of Farmington staff in an attempt to determine the appropriate ruling. At the time of the meeting, the ZBA has already had the opportunity to review all of the petitioner's plans, photos, and other documentation turned in with the ZBA application. During this section of the meeting, any members of the public who wish to offer a concise comment on the case will be called on by the Chair and are to address the Board, not the petitioner.

Once all of the materials and testimony described above have been collected and heard, the ZBA then considers the matter and makes a ruling. Decisions of the ZBA are final unless the circumstances change meaning the next avenue to pursue would be an appeal through the court system.



CITY OF FARMINGTON

For office use only
Date Filed:
Fee Paid:

Board of Zoning Appeals Application

١.	Petitioner Name _	
2.	Location of Property	
	Address	
	Cross Streets	
	Identification	
	Applicant	
	Address	
	City/State/Zip	
	Phone	
	Interest in the Property	(e.g. fee simple, land option, etc.)
	9 Property Owner 9 (Other (Specify)
	, , , , , , , , , , , , , , , , , , , ,	
	Property Owner	
	Address	
	City/State/Zip	
	Phone	Fax
	Preparer of Site Plan	
	Address	
	City/State/Zip	
	Phone	Fax
	Property Information	
	Zoning District	Area
	M Partition Valencia	Depth
	Current Use	

5. Appeal Request

Indicate grounds for appeal & complete additional section, if specified:

alleged that there was an ERROR OR MISINTERPRETATION. MAP INTERPRETATIONS 18.04.B. Sec TEXT INTERPRETATIONS 18.04.C. Sec NON-CONFORMING SITUATIONS 18.04.D. & Article 17 HEIGHT MODIFICATIONS 18.04 E. VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type: O Dimensional (Area) Variance O Use Variance O Lise Variance O Accessory Reception Antenna Facilities C Cellular Towers and Antenna 18.05 D.4.	Specific appe	al request type (pick one)	Consult Zoning Ordinance Section	Comp Addition Applica Secti
TEXT INTERPRETATIONS 18.04.C. Sec NON-CONFORMING SITUATIONS 18.04.D. & Article 17 HEIGHT MODIFICATIONS 18.04 E. VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type: Dimensional (Area) Variance Use Variance Accessory Reception Antenna Facilities Cellular Towers and Antenna 18.05 D.4.	determination administrative alleged that	made by the Building Official, any official or administrative body where it is there was an ERROR OR	18.04 A.	Sectio
NON-CONFORMING SITUATIONS 18.04.D. & Article 17 HEIGHT MODIFICATIONS 18.04 E. VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type: Dimensional (Area) Variance Use Variance Accessory Reception Antenna Facilities Cellular Towers and Antenna 18.05 D.1. Sec 18.05 D.2. Sec 18.05 D.3. 18.05 D.4.	MAP INTERPI	RETATIONS	18.04.B.	Sectio
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VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type: O Dimensional (Area) Variance O Use Variance O Accessory Reception Antenna Facilities C Cellular Towers and Antenna 18.05 D.1. Sec. 18.05 D.2. 18.05 D.3. 18.05 D.4.	NON-CONFO	RMING SITUATIONS	l .	
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Use Variance 18.05 D.2. Sec Accessory Reception Antenna Facilities 18.05 D.3. Cellular Towers and Antenna 18.05 D.4.			18.05 AD.	
Accessory Reception Antenna Facilities Cellular Towers and Antenna 18.05 D.3. 18.05 D.4.	O Dimensi	onal (Area) Variance	18.05 D.1.	Sectio
Cellular Towers and Antenna 18.05 D.4.	000 Vai	iance	18.05 D.2.	Sectio
Celidia Towers and Antenna 10.00 D.4.	7000330	ory Reception Antenna Facilities	18.05 D.3.	
	Ocildiai	Towers and Antenna		
Fences 18.05 D.5.	Fences		18.05 D.5.	

Upon completion of this portion, check above for an additional section to complete, then go to the last page (**Section 9.**) to complete the application.

6. Section 6. Specific criteria for APPEALS and INTERPRETATIONS

The Board of Zoning Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Board of Zoning Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- a. Arbitrary and capricious; or
- b. Filled to ensure consistency with ordinance standards; or
- c. Made an error, such as relying on false or inaccurate information, or
- d. Constituted an abuse of discretion; or
- e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Describe how your appeal meets one of these criteria:						
	WW. 44-44-74-74-74-74-74-74-74-74-74-74-74-7					
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7.	Section 7. Criteria for a DIMENSIONAL (Area) Variance						
	Please respond to the following statements. The application must me order to obtain a variance.						
	a.	Practical Difficulties . How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other dimensional and non-use matters create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render the conformity unnecessarily burdensome? Note that the showing of mere inconvenience is insufficient to justify a variance.					
	b.	Substantial Justice					
		How would a variance do substantial justice to the applicant as well as to other property owners in the district?					
		Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?					
	C.	Public Safety and Welfare. Will the granting of the variance materially impair the intent and purpose of this ordinance or compromise the public safety and welfare?					

d.	Not Self-Created . Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?
e.	No Safety Hazard or Nuisance. Will the granting of variance or appeal increase the hazard of fire or otherwise endanger public safety or create a public nuisance?
f.	Relationship to Adjacent Land Uses. Will the development permitted upon granting the variance relate harmoniously in a physical and economic sense with adjacent land uses while not altering the essential character of the neighborhood?
g.	Minimum Variance Necessary . Is the variance requested the minimum amount necessary to permit reasonable use of the land? Explain, provide specific figures if necessary.

8.	Se	ection 8. Criteria for a USE Variance
		ease respond to the following criteria. The application must meet all of the statements order to obtain the use variance.
	a.	Unreasonable Current Zoning Designation. Describe how the property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of inability to realize any return.
	b.	Unique Circumstances. Describe the unique circumstances peculiar to the property that exist which are not generally applicable in the area or to other properties in the same zoning district. Please describe features that make it impossible to earn a reasonable return without some adjustment.
	C.	Not Self-Created. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's predecessors or are they self-created?

d. Capacity of Roads, Infrastructure and Public Services. Will the capacity and operations of public streets and other facilities be compromised?

Character of Neighborhood. character of the area? Explain.		variance,	, if	granted,	alter	the	essentia
Minimum Variance Necessar							
necessary to permit reasonable necessary.	e use of the	c land: L		, p	ac op	COINC	, ngures i
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8. Section 9. Completing the BZA Application
In order to start the review process the applicant must submit a complete application. The following checklist includes all documents required for the Zoning official to declare the application complete and begin the review process:
A. Application, Fees and Copies. Complete the preceding application form, as directed, and sign and date the application in the blanks provided below. Deliver this form, the filing fee, 9 sets of drawings or prints, and one each of any letters, maps, photographs or supplementary information to the City of Farmington Building Department. The City will require 14 days to process the completed application.
B. A completed Elevation Plan. For any applicant requesting a variance when a structure, fence, sign, remodeling, addition and/or any construction will be above grade, the following information must be included on plans drawn to a scale of at least ½" to 1" on a sheet or sheets that are at least 24" x 18":
The elevations of all proposed new structures including all portions above grade level
The elevations for the entire structure of any building to be added to or remodeled including all portions above grade level
All doors, windows, roof lines, outdoor mechanical equipment, chimneys, porches, overhangs, signs, fences and other structural or permanent components of the building(s)
A copy of the complete legal description of the property and proof of property ownership should accompany this application.
I, (applicant), do hereby swear that the above
statements are true.
Signature of Applicant Date Signature of Property Owner Date
I,(property owner), hereby give permission for City of Farmington officials, staff, and consultants to go on the project property for purposes of verifying information provided on the submitted application.
Zoning Board Appeal or Interpretation: —— Applicable —— Not Applicable
Approved/Denied:
Conditions of Approval: