

# Dimensional Variance

## What is a Dimensional Variance?

A dimensional variance allows for specified deviation from the dimensional standards as found in the zoning ordinance ([Chapter 78 of Middleville Code of Ordinances](#)).

## Who Grants a Dimensional Variance?

The Zoning Board of Appeals (ZBA) is tasked with considering variance requests. The board will review the application and deliberate on the matter after the public hearing, and dimensional variances are granted by a majority vote.

## When are Dimensional Variances Granted?

- When the ZBA determines the Zoning Administrator made an error or misinterpretation in the carrying out or enforcement of the provisions of the zoning ordinance.
- Where, by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, the literal enforcement of the zoning ordinance would involve practical difficulties or would cause undue hardships.
- Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article relating to the construction, structural changes in equipment, or alterations of buildings or structures, or the use of land, buildings, or structures so that the spirit of this article shall be observed, public safety secured, and substantial justice done.

## How do I apply for a Dimensional Variance?

Applications for a variance need to be submitted to the Village Clerk specifying the grounds thereof. After a variance has been submitted, the Village Clerk will schedule the hearing.

## Why does the Application Start With the Village Clerk, but the Process Starts With Contacting the Planning/Zoning Administrator?

Variances are likely to be requested in response to the Zoning Administrator denying approval of a permit or application. However, this is not always the case. If the petitioner fails to contact the Zoning Administrator, they may miss supplemental paperwork that could be required in order for the ZBA to take action on the request. Being that variances require a public hearing, an incomplete packet can add cost and significant delays to board action.

## What are the Reasons a Variance Would be Approved or Denied?

There are five factors determining the ZBA decision. If the ZBA finds any or all the five items are not satisfactory, the variance is considered denied. Those factors are:

- That the enforcement of the literal requirements of the zoning ordinance would cause practical difficulties, as to a dimensional variance.
- That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- That literal interpretation of the provisions of the zoning ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures or buildings, and will not be contrary to the spirit and purpose of the zoning ordinance
- That the special circumstances or conditions referred to in subsection (second bullet point) do not result from the actions of the applicant.

