

S7 - BZA HARDSHIP RELIEF APPLICATION

The petitioner shall have the burden of presenting substantial evidence that the denial of the application has prevented all reasonable economic use under the standard in Sec. 61-4-103 of this Code.

Information to be submitted for Hardship Relief Petition

The applicant shall submit the following information for consideration of a Hardship Relief Petition. In addition, the Board of Zoning Appeals may request additional information which is reasonably necessary, in the Body's opinion; to arrive at a conclusion concerning whether there has been a denial of all reasonable economic use.

1. Name of the Petitioner: _____

Contract Number: _____ Email: _____

2. Property Owner Name: _____

Property Owner Address: _____

City: _____ State: _____ Zip: _____

Form of ownership (Check one):

Sole Proprietorship Joint Venture Partnership

For-Profit Not-For-Profit Corporation Other

And where owned by a (Check one):

Corporation Partnership Joint Venture

The names and addresses of all principal shareholders or partners

3. Price paid: _____ and other terms of sale of the property:



The date of purchase _____ and the name of the party from whom purchased _____ including the relationship, if any, between the petitioner and the party from whom the property was acquired:

4. Nature of the protectable interest claimed to be affected, including, but not limited to, fee simple ownership, or leasehold interest

5. Terms, including sale price, of any previous purchase or sale of a full or partial interest in the property by the current owner, applicant, or developer prior to the date of application:

6. All appraisals of the property that were prepared for any purpose, including financing, offering for sale, or *ad valorem* taxation, **within the three (3) years prior to the date of application:**



7. The assessed value of and *ad valorem* taxes on the property for the previous three (3) years:

8. All information that concerns current mortgages or other loans secured by the property, including:

Name of the mortgage or lender:

Current interest rater:

Remaining loan balance:

Term of the loan:

Other significant provisions, including, but not limited to, right of purchasers to assume the loan:

9. All listings of the property for sale or rent, price asked and offers received, if any, during the period of ownership or interest in the property:



10. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years [2010-2013] which concern the feasibility of development or utilization of the property (List studies and attach copy):

11. For income producing property, itemized income and expense statements from the property for the previous three (3) years [2010-2013] (List properties and attach statements):

12. Evidence and documentation of improvements, investments, or expenditures for professional and other services related to the property that were made during the past three (3) years [2010-2013] (List improvements and attach evidence and documentation):



13. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property (List liens or encumbrances and attach information):

14. Any applicable offer to purchase, land contract, or rental or lease agreement with such document being signed by both seller and buyer, landlord and tenant, or lessor and lessee (List offer and attach agreement):



THE HARDSHIP RELIEF PETITION

The Hardship Relief Petition must provide information which is sufficient for the Law Department and the Board of Zoning Appeals to determine that the petitioner possesses a protectable interest in property under the Fifth Amendment to the United States Constitution and under the 1963 Michigan Constitution.

For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations.

In the event that any of the information which is required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

1. Prior to any public hearing, the board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use.
2. To the extent possible within thirty (30) days of the filing of a Hardship Relief Petition and submission of all information that is specified in Sec. 61-4-104 of this Code, the Board's staff shall report its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use.
3. In the event a public hearing for a hardship relief petition is scheduled by the Board of Zoning Appeals, the proposed use shall be subject to side plan review by the Planning and Development Department as provided for in Sec. 61-3-113(5) of this Code.
4. To the extent possible, within thirty (30) days following receipt of the staff report that is specified in Sec. 61-4-112 of this Code, the Board of Zoning Appeals shall hold a public hearing to determine whether there is an affected property interest and whether all reasonable economic use of the property has been prevented as a result of a final action on the application.
5. The Board of Zoning Appeals' staff report shall be entered into the record. The Board shall allow an opportunity during the hearing for the appellant and any member of the public to offer either written or oral testimony regarding the proposal under consideration.
6. In applying the "All Reasonable Economic Use" standard of this division, the Board of Zoning Appeals shall consider, among other items, information or evidence.
7. The petitioner shall have the burden of presenting substantial evidence that the denial of the application has prevented all reasonable economic use under the standard in Sec. 61-4-103 of this Code.
8. The Board of Zoning Appeals shall make the specific findings in determining the Appeal, on the basis of the evidence, including testimony, presented. These findings shall be included as part of the report which accompanies its decision.
9. The Board of Zoning Appeals may adopt any legally available incentive or measure that is reasonably necessary to offset any denial of reasonable economic use, and may condition such incentives upon approval of specific development plans.
10. Where the Board of Zoning Appeals finds that the denial of the application would create a substantial economic hardship, the Board may consider additional relief to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the denial of all reasonable economic use.
11. Based upon the evidence, including testimony, presented, the Board of Zoning Appeals shall render a decision as to the merits of the Hardship Relief Petition and any recommended relief.
12. The Board may require proof of correction of any violations or deficiencies prior to the approval of any Hardship Relief Petition.
13. Any incentives that are adopted by the Board of Zoning Appeals pursuant to this division shall run with the land and may be transferred and utilized by successive owners of the property or parties in interest.

