

Zoning and land use come into play on every real estate development regardless of size. If you are thinking about buying property or making improvements to property you already own, you need to understand and be aware of any zoning restrictions before you commit to anything. A skilled Michigan zoning and planning attorney can help ensure that your project complies with local laws and ordinances.

We advise clients on how to plan their projects and present them to the community and to city officials and planners. In this process, we counsel our clients as to the law and work with architects, traffic consultants and others to formulate a project that will meet the needs of the clients, the community and the law.

We advise clients on a wide range of zoning, planning and land use matters, including the development and implementation of general and specific plans, general and specific plan amendments, zone changes, subdivisions, conditional use permits, variances, design applications and other planning entitlements. In addition to the regular review of zoning ordinances and service to our cities' planning commissions and housing boards, we also assist clients with the legal review of other specialized land use matters.

In the complex process to gain approval, we guide our clients through the application process, the required notices, meetings with local officials and the community, the presentation of evidence before planning and legislative bodies and trial.

What is Zoning?

Zoning regulates land use, including the size, shape and permitted uses of lots and structures. Zoning dictates where people live and where they work. It controls the size of our houses and the location of stores. In most cities, it is the primary tool that guides land use.

Do I need a building permit to construct a small addition to my house or a deck around my above ground swimming pool?

Yes. Almost all construction at your home requires a building permit. Even the placement of a shed in your backyard necessitates a building permit.

My house is in a residential zone. Are there any problems that I need to consider in planning an addition or an accessory structure?

Yes. All towns and cities in Michigan regulate construction through set back requirements and percent of coverage requirements. You need to determine if your proposed addition will violate any of these dimensional requirements. If it does, you will need to seek a dimensional variance from the Zoning Board of the town or city in which your land is located.

I have a single family house located in a single-family zoning district. My mother-in-law wants to move in with me. Can I add a second kitchen to my house so that she will have the ability to be independent?

Most cities and towns consider that the addition of a second kitchen creates a two-family house which is not permitted in a single family district. Some cities and towns allow in-law apartments but have very specific rules as to their size and location. It is important that you and your attorney examine the zoning ordinances of your city or town as to whether or not you can create an in-law apartment.

If I want to build a two family in a single family zone or build an office in a residential zone, what do I do?

Each city or town has a procedure for obtaining a use variance from the zoning Board of Review. An application has to be filed with the Zoning Officer for this variance. Frequently, the planning staff will advise the Zoning Board as to whether in their opinion it will create a nuisance in the neighborhood. Use variances can be difficult to obtain and often it is wise to have expert testimony from a realtor or land use planner at the hearing.

I have extra land that I am not using on the side of my house. Can I sell this land to a builder?

Almost all cities and towns require that you obtain a subdivision of your land to divide it into two parcels. One will be for your existing home and the other will be for a buildable lot. In order to obtain a subdivision, you must apply to the Planning Board of your city or town. To do this, you will need to have a survey done of your property. It is wise to have an attorney to represent you as there are a number of issues that surface in any attempted lot split.

Master Planning vs Zoning

Master planning isn't the same as zoning, although the two should reinforce each other. Master planning is the process by which communities determine how they want to look in the future. Comprehensive plans result in a statement of the goals and objectives for the community while zoning is the regulation of land use to meet the goals of the master plan.

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