

Application Number: \_\_\_\_\_ Application Fee Collected: \_\_\_\_\_ Escrow Fee Collected: \_\_\_\_\_

**ZONING BOARD OF APPEALS APPLICATION**

**Application Type:**

**Dimensional Non-use Variance:** \_\_\_\_\_ **Use Variance:** \_\_\_\_\_

**Interpretation or Appeal:** \_\_\_\_\_ **Sign Variance:** \_\_\_\_\_

Application and Escrow Fees will be collected for all applicable reviews as adopted by the Grant Township Board

**FOR OFFICE USE ONLY**

**Date:** \_\_\_\_\_

**Use Variance: \$350.00**

**Non-Use Variance: \$200.00**

**Interpretations: \$100.00**

**Other: \$100.00**

**Escrow Fee: \$500.00**

**Total Amount Due:** \_\_\_\_\_

1. **Applicant's Name:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Fax Number:** \_\_\_\_\_  

Street

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

City
State
ZIP Code

**Email Address:** \_\_\_\_\_
  
2. **Are You:**  **Property Owner**  **Owner's Agent**  **Contract Purchaser**  **Purchase Option Holder**
  
3. **Applicant's Representative:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Fax Number:** \_\_\_\_\_  

Street

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

City
State
ZIP Code

**Email Address:** \_\_\_\_\_
  
4. **Project Address:** \_\_\_\_\_ **Parcel ID Number:** \_\_\_\_\_  
**Present Zoning of Parcel:** \_\_\_\_\_ **Proposed Use of Parcel:** \_\_\_\_\_
  
5. **Indicate the reason which the variance is being requested:**

<input type="checkbox"/> Lot Coverage	<input type="checkbox"/> Height Maximum	<input type="checkbox"/> Principal Use	<input type="checkbox"/> Setbacks
<input type="checkbox"/> Lot Width	<input type="checkbox"/> Accessory Building Use	<input type="checkbox"/> Parking	<input type="checkbox"/> Sign
<input type="checkbox"/> Fence	<input type="checkbox"/> Lot Size/Area	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Other

**6. State the Reason for the Variance, Interpretation, or Appeal (attached additional required materials if needed):**

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**7. Standards:**

**A. Applications**

- 1. An application for an appeal may be submitted by a person aggrieved. Such a written application shall be submitted to the Township within 21 days of the date of the decision being appealed. The application shall be filed with the Zoning Board of Appeals and shall specify the grounds for the appeal.
- 2. Variances and other actions requiring a decision by the Zoning Board of Appeals shall be submitted to the Township on a form provided for that purpose and shall include a fee or fees as may be determined by the Township Board from time to time.
- 3. Applications shall be transmitted to the Zoning Board of Appeals along with all the papers constituting the record upon which the action appealed was taken, and a hearing shall be scheduled in accordance with the procedures of this Chapter.
- 4. Applications shall not be accepted unless all of the following information is submitted:
  - 1. A completed application form (provided by the Township);
  - 2. A complete site plan drawn to scale;
  - 3. Description of the applicant's request;
  - 4. The Zoning Board of Appeals' motion and vote, including a written justification for the decisions in accordance with each of the applicable standards;
  - 5. A summary or transcript of all competent material and evidence presented at the hearing; and
  - 6. Any conditions attached to an approved decision.

**B. Appeals**

- 1. The decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Michigan Zoning Enabling Act. The Court may affirm, reverse or modify the decision of the Zoning Board of Appeals or may remand the decision to the Zoning Board of Appeals for further hearings or action.

**Variance Review Standards**

The Zoning Board of Appeals, after a public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or undue hardships in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures or of uses so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice is done.

**1. Dimensional Non-Use Variance.** The Zoning Board of Appeals may approve a non-use variance only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following standards are met:

- a. There are exceptional or extraordinary circumstances or conditions applying to the property in question that does not generally apply to other properties in the same Zoning District. Exceptional or extraordinary circumstances or conditions include:
  - i. Exceptional narrowness, shallowness, or shape of a specific property on the effective date of this Ordinance; or
  - ii. By reason of exceptional topographic conditions or other extraordinary situations on the land, building, or structure; or
  - iii. By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
- b. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
- c. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- e. The variance will not impair the intent and purpose of this Ordinance or the Master Plan.
- f. The practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant or the applicant's predecessors.
- g. The variance request is reasonable.
- h. The variance request made is the least modification of the Ordinance provision necessary to grant appropriate relief.

**2. Use Variances.** Subject to other provisions of this Ordinance, the Zoning Board of Appeals shall have the jurisdiction to decide applications for use variances. The Zoning Board of Appeals shall not grant a use variance unless it finds that unnecessary hardship will occur unless the variance is granted. Additionally, the Zoning Board of Appeals shall not grant a use variance unless it also finds that all of the following standards below are met:

- a. The variance request, if granted, will be the minimum variance (e.g., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.
- b. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.
- c. The variance will not be detrimental to the public welfare or change the neighborhood's essential character.
- d. The variance will not impair the intent or purpose of this Ordinance or the Master Plan.
- e. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) regarding the property involved.

f. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.

g. There are exceptional, unique, or extraordinary physical conditions or circumstances that directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

h. The variance must be necessary for the preservation and enjoyment of a substantial property right, which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE-a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

i. The property cannot be reasonably used as currently zoned.

j. As specified above, the Zoning Board of Appeals must also find that unnecessary hardship will occur if a use variance is not granted.

### Important Application Procedures and Information (please read):

- 8.
- All applications must be submitted to the Township offices NO LESS THAN 30 DAYS prior to the date of a regular planning commission meeting to allow adequate time for staff review and preparation.
  - Applications will not be accepted until they are deemed complete by the Township Zoning Administrator.
  - Incomplete applications will be returned by the Zoning Administrator to the applicant.
  - All application fees and Escrows must be submitted with the application before any application will be deemed complete or ready for staff review and preparation.
  - If an application is approved, all other Township, Newaygo County, state, and federal permits must be secured before construction may commence.
  - It shall be unlawful to excavate, construct, enlarge, alter, or permit the use or occupancy of a building or structure or change the use of a building or structure until a Certificate of Occupancy has been issued by Newaygo County.
  - No excavation shall be initiated, no construction may begin, no building shall be erected, altered, moved, razed and no structural alterations (including porches, decks, patios, terraces, swimming pools, or detached accessory structures) shall be initiated until a Certificate of Zoning Compliance has been issued by the Grant Township Zoning Administrator and where required, a Building Permit has been issued by the Newaygo County Building Inspector. A building permit shall not be issued until a Zoning Compliance permit has been issued pursuant to this Ordinance.
  - All Variances will require a Public Hearing Notice published in the local newspaper and distributed by first-class mail to all surrounding property owners within a 300-foot radius of the subject property address no less than 15 Days prior to the date of the public hearing held at the Zoning Board of Appeals.

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

9. Print Your Name Here: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

10. Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Zoning Board of Appeals, Township Board, and other authorized Township officials to enter the above mentioned property.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_