TALLMADGE CHARTER TOWNSHIP

Ottawa County

O-1451 Leonard Street, Grand Rapids, Michigan, 49534

VARIANCE REQUEST

For an application to be considered complete, all requested information must be provided. If an item is not applicable to your application, please state "not applicable" and provide an explanation why it is not applicable.

- **Review Body:** Zoning Board of Appeals
- **Meeting Frequency:** First Tuesday of every month
- **Application Deadline:** Forty-eight (48) calendar days prior to the first Tuesday meeting at which you desire your application to be considered.
- **Township Office Review:** Following review by township personnel, if any required materials are deemed missing the applicant will be notified and must provide said material, which must result in a complete application at least thirty (30) calendar days prior to said meeting for consideration.
- **Initial Submission Requirements:** One (1) electronic copy emailed to the Township Planner (greg@freshcoastplanning.com) and two (2) copies folded to a size no larger than 11"x14". **No rolled plans shall be accepted.**
- **Final Plan Submission Requirements**: One (1) electronic copy and seven (7) copies of all final plan materials for distribution to the Review Body are required to be folded to a size no larger than 11" x 14" and shall be clipped or otherwise secured in seven (7) equal groups. **No rolled plans shall be accepted.**

DO NOT DISCARD THIS PAGE
YOU MUST SUBMIT THIS PAGE WITH YOUR APPLICATION

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ZONING BOARD OF APPEALS

GENERAL INFORMATION:

The Zoning Board of Appeals (ZBA) consists of five residents of the Township who are appointed by the Township Board of Trustees. The ZBA is empowered by the Zoning Ordinance and state statute to grant variances to the requirements of the Zoning Ordinance *upon findings of certain facts and/or conditions that exist*. The ZBA is also empowered to make other decisions assigned to it by the Zoning Ordinance, upon certain findings and subject to specific requirements.

The Zoning Ordinance provides for three areas of Appeal:

1. A use or area (dimensional) variance;

2. An appeal of an Administrative decision; and

3. An interpretation of the Zoning Map or Zoning Ordinance text.

The ZBA cannot change the Zoning Ordinance text or the Zoning Map; this can only be performed by the Board of Trustees.

An area (dimensional) variance is granted upon a showing of "practical difficulty," generally created by a dimensional requirement in the Zoning Ordinance. The practical difficulty must apply to the property, not to the applicant. If granted, the variance is a license to violate a specific provision of the Zoning Ordinance. Area variances typically involve setbacks, height limitations, square footage requirements, bulk, lot area and other numerical standards in the Zoning Ordinance.

A use variance is granted upon a showing of "unnecessary hardship," which again must apply to the property and not the applicant. If granted, the variance is a license to use the property in a way not allowed by the Zoning Ordinance.

Section 21.07(d) of the Zoning Ordinance establishes standards which apply to dimensional variances. Section 21.07(e) of the Zoning Ordinance establishes standards which apply to use variances provides. In accordance with both Section 21.07(d) and Section 21.07(e) neither an area variance or a use variance may be granted unless <u>all</u> of the following standards are met:

21.07(d) Standards for Review - Dimension Variance. For a dimension variance, the Board of Appeals must find that all of the following facts and conditions exist.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

21.07(e) Standards for Review - Use Variance. For a use variance, two-thirds of the members of the Board of Appeals must find that all of the following facts and conditions exist.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

6. The property in question cannot be reasonably used as zoned and therefore a use variance is necessary.

NOTE: **The applicant or a representative is required to be present at the public hearing. The applicant will be notified as to the date and time.**

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ZONING BOARD OF APPEALS APPLICATION

REQUEST FEE: $750.00

PROCEDURE:

Name of Applicant: _____

Address of Applicant: _____

_____

Email: _____ Telephone: _____

Property Location: _____

_____

Permanent Parcel Number: _____

Subdivision: _____ Lot Number: _____

Parcel Size: _____ Current Zoning of Property: _____

Existing Use of Property and/or Structure: _____

Proposed Use of Property and/or Structure: _____

Point of Contact Name(POC)*: _____

*Point of Contact shall be the only person contacted by the township regarding the application

POC Telephone: _____ POC Email: _____

NOTE: Provide the legal description of the property. A survey of the property documenting accurate measurements must be provided. The applicant may be required to post a performance bond or other performance guarantee in an amount to be determined by the Zoning Board of Appeals.

VARIANCE REQUEST:

Section(s) of the Tallmadge Charter Township Zoning Ordinance from which relief is sought:

_____

_____

Reason for seeking variance: _____

_____

_____

_____

_____

_____

_____

_____

NOTE: The applicant must attach a site plan showing the dimensions of the property, setbacks to front, rear and side lot lines, the location and dimensions of all existing buildings and structures, any proposed buildings or structures, the location of any driveways or easements, the area of the property where the variance is being sought and such other information as may be required.

I agree to authorize members of the Zoning Board of Appeals and representatives from the Zoning or Building Department to enter my property in order to review the particulars of my request.

_____ _____

Date Applicant's Signature

FOR OFFICE USE

REQUEST FEE: Date Received: _____ Payment of: _____ Via Check: _____ Cash: _____

ACKNOWLEDGEMENT OF CONDITIONS & PERMIT REQUIREMENT

By signing below, the applicant explicitly acknowledges and agrees that all conditions of approval stipulated by the Zoning Board of Appeals must be fully satisfied prior to the submission of **any building permit applications** for the project.

The applicant understands that building permit applications will not be accepted, reviewed, or processed until all required Zoning Board of Appeals conditions have been met.

The applicant additionally understands that no building material, grade level or above ground site change shall occur without first receiving approval in writing from the Township Zoning Administrator, Zoning Board of Appeals, or other authorized official.

Applicant Signature: _____

Date: _____