



Park Township

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Zoning Board of Appeals Note to Applicants

You have expressed interest in applying to the Park Township Zoning Board of Appeals for a variance or other interpretation of a specific section of the Township Zoning Code. You are about to embark on a process that is regulated by state law but administered by Park Township.

The Zoning Code is a document that establishes the rules or standards that regulate the use of property with the township. The Zoning Code is an ordinance, or law, that is approved by the Township Board in conformance with state laws. In our specific instance, we have nine separate designations, or zoning classifications, for properties, each with a separate set of regulations. For example, we have two commercial zoning classifications, five separate residential classifications, one agricultural classification and one special classification entitled "Planned Unit Development." Each of these classifications is also identified on a map, called the Zoning Map. Every property within the township is identified on the map that determines its specific classification.

If you are applying for a variance, you are in essence asking to "break the law" that regulates the development or use of your property. To do so, you must follow the process established by state law and "present your case" before the Zoning Board of Appeals. In order for you to be granted a variance from the applicable laws, your request must comply with, or satisfy, standards set forth in the law. The standards vary depending on the type of appeal. The most common is a non-use or dimensional variance (size, setbacks, etc.). Occasionally there may be a request for an interpretation of an ordinance, an appeal from the decision of the zoning administrator, or a use variance, which is quite rare and difficult to obtain.

The process includes completing an application, attending a required public hearing, and explaining how you meet the standards.

As to the process itself, state law requires that we conduct a public hearing. The notice for the hearing must be mailed to all of your neighbors within 300 feet and be published in the local newspaper "of general circulation." This must be done at least 15 days prior to the scheduled hearing. Most of your application fee is used to offset the cost of mailing and publishing the notice in the Holland Sentinel. Public comment is invited and it is not uncommon for the neighbors to write letters commenting on a particular application. We forward all letters and emails we receive to the Zoning Board of Appeals prior to the hearing.

State law also dictates that you meet the standards. Included with this application are the four standards for a non-use or dimensional variance as it is the most common. The standards and the related forms for a use variance are also on the website.

For review, the standards for a dimensional variance are:

- a. That strict compliance with the zoning ordinance regulating the minimum area, yard setbacks, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance *unnecessarily burdensome*.
- b. That granting the requested variance would do *substantial justice* to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the board of appeals may grant a lesser variance provided the other standards are met.
- c. That the plight of the property owner/applicant is due to *the unique circumstances of the property* (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.
- d. That the *practical difficulties alleged are not self-created*.

In order for the Zoning Board of Appeals to grant your request, you must be able to convince the members that you have met these four standards. At this point, although not required, you may wish to consult with an engineer, an attorney or an architect to assist you in preparing the application and in providing the evidence needed to prove conformity with the standards. Again, state law requires the Zoning Board of Appeals to agree that you have met the standards. If a variance is granted but the standards are not met, the regulations within the Zoning Code can become compromised and your particular variance could be overturned by a court if the decision is challenged.

At the public hearing, you will be given time to address the members and "present your case." After you have done so, the public will be offered an opportunity to comment on your request and any letters received will be entered into the "record" of the proceedings. Once all attending have had an opportunity to speak, the members of the Zoning Board of Appeals will then deliberate and discuss the merits of your appeal and the degree to which you comply with the standards as outlined. After the deliberations are completed, the members will vote and either grant or deny your request based upon their opinion as to whether the standards have been met. The decision of the members is final. Any appeals must then be made to the Circuit Court.

With the above information, please take your time to complete the application. You may add additional pages with maps, drawings or any other information that you wish the Zoning Board of Appeals to consider as they deliberate the four standards. Remember, this is your opportunity to "present your case."

If you have any additional questions, please contact the Township zoning office for more assistance.

**Zoning Board of Appeals
Procedures and Deadlines**

Deadline: The deadline to submit materials for a ZBA Meeting is the fourth Monday of the month by 5:00 pm at the Park Township Office.

For the next meeting that will be _____.

Meeting: The meeting is held the fourth Monday of the month at 6:30 pm at the Park Township Office Board Room. If there is no agenda by the deadline, there is no meeting that month.

The next meeting will be _____.

Cost: \$350.00 due with submittal by the deadline.

Submittal: Eight (8) identical packets must be submitted along with the fee by the deadline. They should be folded in 8 1/2" by 11" sizes. These packets must contain a signed ZBA application. They should also contain any supporting documents such as proof of ownership, surveys, site plans, drawings, pictures, narratives, etc.

Please refer to site plan requirements

Please call the Zoning Department with any questions. Phone 616-738-4238

PARK TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

PARCEL #70-15- ____ - ____ - ____

DATE FILED _____

PROPERTY ADDRESS _____

NAME OF APPLICANT _____ PHONE NO. _____

Email Address _____

OWNER AS PER TAX RECORD _____

Application is hereby made to the Zoning Board of Appeals for a variance of the Park Township Zoning Ordinance. The variance being applied for is contrary to SECTION NUMBER (S)

Describe the nature of the request:

___ Dimensional variance (size, setback, height, etc.) Also fill out the Dimensional supplement attached.

___ Interpretation of Zoning Ordinance. Attach a separate sheet explaining the interpretation you are seeking.

___ Appeal of a Decision of the Zoning Administrator. Attach a separate sheet explaining the reason why you feel the decision was in error.

___ Use variance. **Note:** The Use Variance Supplement is a separate form.

What are the practical difficulties or unnecessary hardships of complying with the Park Township Zoning Ordinance?

Eight (8) copies of the appeal with supportive documentation (i.e. drawings, survey, sketches of proposed plan, proposed location) to be supplied with request.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, this application and subsequent decision may be void. Further, I agree to comply with the conditions and regulations provided with any variance that may be issued. Further, I agree the variance that may be issued is with the understanding all other applicable sections of the Park Township Zoning Ordinance, and Michigan Construction Code will be complied with. Further, I agree to notify the Park Township Building Dept. for inspections when required. Further, I agree to give permission for officials of Park Township, the County of Ottawa and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand this is a Zoning Board of Appeals application, and any variance issued conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, deed restriction, or other property rights.

Signature of Property Owner

Date

Signature of Applicant

Date

Non-use Dimensional Variance Form

Following are the four (4) standards which the Zoning Board of Appeals must use in considering your dimensional variance request and a place for you to explain how you meet these standards. You may use additional sheets to answer in more detail, but you must answer all questions.

- 1) Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.

Describe how strict compliance would be unnecessarily burdensome as described in Standard #1 above:

- 2) Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Describe how this variance will do justice to you without doing injustice to the neighbors as described in Standard #2 above:

3) Whether the plight of the owner / applicant is due to unique circumstances of the property and not to general conditions of the zoning district.

Describe what is unique about your property that warrants a variance as described in Standard #3 above:

4) Whether the problem is self - created.

Describe why this problem should not be considered as self-created:
