



ROBINSON TOWNSHIP

12010 - 120th Avenue, Grand Haven, Michigan 49417 616-846-2210

ZONING BOARD OF APPEALS 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:** Four times per year
- **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.

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

For Use Only

Date Received _____

Payment \$ _____ Escrow Fee \$ _____

Check No. _____ or Cash _____



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION FEE: \$500.00 + ESCROW FEE MINIMUM \$1,200.00

PLEASE NOTE ESCROW FEES ON APPLICATIONS

The Board adopts an application fee to cover normal Township expenses such as clerical and Zoning Administrator costs and a specified number of meetings of the appropriate board. In addition to the nonrefundable application fee, the Board requires an applicant to reimburse the Township for all out-of-pocket expenses incurred by the Township in processing any application (including but not limited to publication expenses; mailing expenses; engineering expenses; attorney expenses; additional Board, ZBA or Planning Commission meeting expenses; any other professional expenses; etc.). This shall be done by the collection of an escrow fee at the time an application is submitted. Any unused portion of the escrow fee shall be refunded to the applicant. In the event that the escrow amount needs to be increased, the applicant shall be notified and must replenish the escrow account in the amount determined by the township supervisor before any additional action will be taken.

PROCEDURE:

Name of Applicant: _____

Address of Applicant: _____

Home Telephone: _____ Business 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: _____

NOTE: A survey of the property documenting accurate measurements must be provided. Should a variance be granted, the applicant must survey and stake the lot and any proposed buildings or structures to be constructed on it. In addition, the applicant may be required to post a performance bond guarantee in an amount to be determined by the Zoning Board of Appeals.



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Ottawa County

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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 40.6 of the Zoning Ordinance establishes standards which apply to all variances. Section 40.6 provides that neither an area variance or a use variance may be granted unless all of the following standards are met:

Section 40.6 STANDARDS FOR VARIANCES.

The Zoning Board of Appeals may grant a dimension variance or a use variance from the provisions or requirements of this Ordinance, only if the Zoning Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist.

- (A) For a dimension variance, the Zoning 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 the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.
 - (2) Such 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) Such 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 the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.
 - (5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

- (B) For a use variance, two-thirds of the members of the Zoning 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 the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.
 - (2) Such 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) Such 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 the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such 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.

Section 40.7 SITE PLANS AND SPECIAL CONDITIONS.

In considering any application, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. The Zoning Board of Appeals may, in its discretion, require the applicant to submit a site plan prepared in accordance with the content requirements of this Ordinance pertaining to site plan review. Before authorizing a use, the Zoning Board of Appeals shall determine whether the proposal would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. In making such a determination, the Zoning Board of Appeals may require the applicant to first receive a complete site plan review as provided in this Ordinance and, if necessary, to enlist the assistance of experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance. Any site plans reviewed and approved as part of a request to the Zoning Board of Appeals shall become a condition of the approved use and site development shall proceed only in accordance with the approved site plan.

Section 40.8 PUBLIC HEARING.

When an application for hearing or appeal has been filed in proper form and the fee paid with the required data, the Secretary of the Zoning Board of Appeals shall immediately place the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served in the manner required by law.