



**Application for
USE VARIANCE**
**Zoning Board of Appeals
City of Zeeland**

Community Development Department
21 S ELM ST - ZEELAND, MI 49464
Phone 616-772-0872 - Fax 616-772-0880
buildinginspector@cityofzeeland.com
www.cityofzeeland.com

The City of Zeeland will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political belief.

The plan you have proposed for your project requires a Use-Variance from the City of Zeeland Zoning Ordinance as provided by Public Act 207 of 1921, as amended, (Section 125.585), and the Zeeland City Code Volume II (Division 2).

The Planning Commission is required to review your application and send its findings to the Zoning Board of Appeals(ZBA) for consideration, after which the ZBA will hold a hearing to review and take action on your application. You may be present during the Planning Commission review. Please call the Zoning Administrator's Office to advise you of the time and place of the Planning Commission meeting when your matter will be discussed.

This application, filled out completely, along with the application fee, 8 folded copies of your site plan and related documents, and a pdf file which may be submitted by email to buildinginspector@cityofzeeland.com and other information and materials as requested by the Zoning Administrator, must be submitted at least 30 days prior to your hearing date. The Zoning Board of Appeals typically meets the third Tuesday of the month. Application fees are listed on page 6 of this application.

Your completion of this application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request for a zoning variance. Depending upon the information the Board receives at the hearing and its application of the law, your request for a variance may or may not be granted. (You may use the backside of this application or attach extra sheets if you wish. You are encouraged to include photographs and illustrations to support your case.)

Applicant Information	Owner Information
Name	Name/Contact
Company(if applicable)	Company(if applicable)
Address	Address
Phone	Phone
Email	Email

Address of property: _____

Current zoning of subject property: _____

Applicant's interest in property: _____

Contractor Information

Architect/engineer Information

Name	Name
Company	Company
Phone	Phone
Email	Email

With as much detail as you feel necessary, please explain your request. Use the back of this page or attached additional sheets if more space is required.

All of the following questions must be answered in order for your request to be considered. You may use the back of this page, or additional pages as necessary, for your responses. You are encouraged to include illustrations or photos to support your arguments.

1. Provide sufficient evidence that the building, structure or land cannot reasonably be used for a use allowed in the zone district in which it is located (Sec. 2.205C 1).

2. List all unique or extraordinary conditions and facts of this property, including, but not necessarily limited to, exceptional narrowness, shallowness, shape and topographic conditions which necessitate this variance request (Sec. 2.205C 2).

State if the conditions and facts listed above that are unique to this property or are of a general and recurrent nature in this zone district (Sec. 2.205C 2).

3. Give evidence that the granting of this variance will not alter the essential character of the neighborhood (Sec. 2.205C 3).

4. Give evidence that granting this variance will not be significantly detrimental to the adjacent property or to the surrounding neighborhood. (Sec. 2.205C 4)

5. Give evidence that the granting of this variance will not harm the intent and purpose of the Ordinance. (Sec. 2.205C 5)

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ZONING BOARD OF APPEALS
Use Variance Application**

This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions as noted in the left margin.

OFFICE USE

- _____ a) Applicant identification.
- _____ b) Street address.
- _____ c) North arrow.
- _____ d) Size of property in sq. ft or acre.
- _____ e) Property lines and dimensions.
- _____ f) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
- _____ g) Location of all structures on the land with locating dimensions and building dimensions.
- _____ h) Lot lines and all structures within one hundred feet (100') of the site's property lines including driveways and other access points along both sides of the street where access to the site is proposed.
- _____ i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
- _____ j) Copy of latest surveyor's engineering drawing.

The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the variance requested.

I hereby grant permission for members of the City of Zeeland Zoning Board of Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application.)

☐ YES ☐ NO

Signature of Applicant

Date

Printed Name

This application, 8 copies of the proposed site plan and related documents and a pdf file, as well as a filing fee of \$ _____ received by:

Administrative Official

Date

ZONING BOARD OF APPEALS

Hearing Procedures & Fee Schedule

First, about the Zoning Board of Appeals (ZBA) itself: The Board is pledged to ensure that the intent of Zeeland's Zoning Ordinance is preserved, that public safety is secured, and that substantial justice is done. It is composed of ordinary citizens who have devoted considerable time to understanding the Ordinance and under what circumstances variances to it may lawfully be granted.

Its members are bound to being impartial and to abiding by the Ordinance and by state statutes and case law that govern the granting of variances. They do not take their responsibilities lightly, for they know that granting a variance is essentially granting a citizen permission to break the law. Three members of the Board must vote the same way in order for a dimensional-variance decision to be binding, four members for a use variance. Decisions of the Board are appeal-able to the 20th Judicial Circuit Court.

Second, what happens at Zeeland ZBA meetings: The Chairperson of the Board announces the cases that are to be heard in the order determined by the Zoning Administrator.

In each instance, the Zoning Administrator describes the case, emphasizing those factors he believes have made an appeal necessary. The Board may ask questions of the Zoning Administrator to be sure it understands the facts of the case as he/she sees them. Any communications that may have been received relevant to the case are read at this time.

Then the applicant (or someone representing him/her -- an attorney, architect, builder, etc.) presents his/her case. The Board will ask the applicant or his/her representative questions as well.

After that, others wishing to present evidence to support the applicant's case may do so.

Next, those opposed to the variance requested may testify.

Then the applicant may make his/her closing arguments.

Any number of persons may testify pertaining to a particular case, but the Board will likely advise a group of people of like mind on an issue to appoint one of its members to be its spokesperson. The ZBA chairperson, also in the interest of time, may limit testimony to new information.

After the Board is satisfied it has received all the relevant testimony it can expect, the hearing is closed and deliberation begins. The Board may or may not call for further testimony after the hearing is closed.

The Board tries to reach a decision before it adjourns but may find it needs more evidence before it can decide on a case. Whatever the situation, the Board will eventually vote to grant the variance as requested, grant it with conditions, grant it in part, postpone a decision for up to 60 days, or deny the request altogether.

Third, how to prepare for the hearing: The questions in the application are based upon the Zoning Ordinance itself. Information provided is important to making a case. It should be as complete and clear as possible; anything less risks the Board having to delay its decision.

An applicant will benefit from reading carefully those sections of the Ordinance that pertain to his/her case, being sure not to overlook the section on variance procedures (Chapter 2).

Also, an applicant would be wise to organize his/her **oral testimony** according to the questions on the application, elaborating on the points he/she made there. This will streamline the process because the Board will almost certainly come to the hearing prepared to base many of its questions upon an applicant's written comments.

Before and during the oral testimony, it is important to bear in mind that the Board is committed to being impartial, to dealing justly in each instance, applying the standards of law consistently, and balancing the rights of the applicant with the welfare of the community. Thus, the more information it has -- and the more clearly that information is presented -- the better job the Board will be able to do.

In that regard, an applicant should not be alarmed if some of the Board's questions seem to be pursuing some point that seems not to favor the applicant's position nor be surprised if some of its questions seem to be "making the case" for the applicant. It is all in the pursuit of getting at the facts, of finding an appropriate basis for a decision.

Fee Schedule

Zoning Board of Appeals Application	Cost
Zoning Board of Appeals Application for Regular Meeting Hearing for a Single Family Residential Matter	\$250
Zoning Board of Appeals Application for a Non-Single Family Residential Matter	\$350
Zoning Board of Appeals Application for a Special Meeting Hearing	\$500
Other Zoning Board of Appeals Matters	\$500