

VARIANCE REQUESTS

Variances from the Norton Shores Zoning Ordinance are granted or denied by the Zoning Board of Appeals. Additionally, non-residential requests are first reviewed by the Planning Commission and a recommendation made to the Board of Appeals. All applications should include a scale drawing that clearly depicts the proposal, and a cover letter explaining the request and the applicant's "practical difficulties." "Practical difficulties" are defined as those issues that make the situation faced by the applicant unique from all other property owners and do not allow them to follow the ordinance. Applicants are encouraged to discuss their request with the staff, prior to submission, to determine if a variance is the only means to resolve the matter.

Processing Time: 35 to 60 days

Application Fee: \$250.00

FOR CITY USE

Planning Commission Date _____

Z.B.A. Date _____

Date Received _____

CITY OF NORTON SHORES, MICHIGAN
VARIANCE REQUEST

NOTE TO APPLICANT

Meetings of the Planning Commission are scheduled on the second Tuesday of each month at the Norton Shores Library, 705 Seminole Road, at 5:30 p.m. The Zoning Board of Appeals Meetings are held on the fourth Wednesday of each month in the Municipal Building, 4814 Henry Street, at 4:00 p.m.

GENERAL REQUIREMENTS

The Zoning Board of Appeals (ZBA) is created to offer reviews and decisions when an interpretation of the Zoning Ordinance or zoning district boundary is questioned, when an order or decision of an administrative official or body is questioned, when the Zoning Ordinance empowers the ZBA to hear specific uses, or when a variance from the strict interpretation of the ordinance is sought to avoid a specific hardship. A hardship must involve a unique situation rather than one that represents a minor inconvenience. The ZBA is not a legislative body, it does not have the power to rezone or change uses. Any decision of the ZBA must comply with the basic spirit (intent) of the ordinance while maintaining the public health, safety and welfare of the area and the community at large. If the request represents a significant change from the established intent, then an amendment to the Zoning Ordinance may be the proper solution.

In order to expedite a request, certain basic information must be submitted to allow ZBA members the opportunity to properly understand and consider the request. When providing the required information, the applicant may attach additional or supplemental information if deemed useful.

REQUIRED INFORMATION

- I. Name of Applicant requesting ZBA Review and Opinion

Name(s) _____

Address(s) _____

Phone(s) _____

II. Location of Property

Street name and number:

A drawing(s) indicating the following information shall also be attached to the application (such drawing shall be to scale):

1. A drawing of the subject site, lot, etc., with property line dimensions.
2. The size and location of existing buildings and specific uses on the site.
3. The size and location of any proposed buildings and/or uses on the subject site.
4. Existing buildings and/or uses on adjacent properties.
5. Existing and proposed setbacks to buildings on the subject site and to buildings on adjacent parcels along any common property lines.
6. Such building or structural elevations and/or floor plans that may be important in determining particular building heights, use areas and/or site development needs.
7. Photographs or other exhibits if you feel they aid in clarifying your request.

III. Nature of Request

Summarize the question or problem and reference the specific section(s) of the ordinance which is involved, (for example: The lot is located in an R-2 Single Family Residential District which requires a minimum side yard of seven (7) feet with the total of both yards equaling at least 17 feet, Article Eight of the Zoning Ordinance. Applicant wishes to reduce the eastern setback to four (4) feet, the setback to the west will be 13 feet which provides a total of 17 feet. Therefore, applicant requests a variance from the minimum seven (7) foot setback only).

IV. Effect of Request on Applicant

What specific problem(s) would be created to the petitioner if the request is not granted?
What are the unique conditions that apply to the property or request as opposed to other properties in the area and the City at large?

V. Effect of Request on Other Properties

1. How substantial is the variance in relating to the zoning requirements?

2. If the variance is allowed, what effect will there be regarding the increased population density thus generated on available governmental facilities?

3. Will a substantial change be affected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?

4. Can the difficulty be obviated by some feasible method, other than a variance?

5. Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance?

6. Is the plight of the landowner due to the circumstances unique to his property and not created by the landowner?

PROCESSING PROCEDURE

Residential Requests

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, residential requests will be scheduled to appear before the ZBA. This will occur only when it is found that the application is complete and all information is included.
- II. The ZBA will hold the public hearing at their next scheduled meeting. Following the hearing, the ZBA may take the following actions:
 - A. Approve the request subject to the terms and conditions set forth in the application.
 - B. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
 - C. Deny the request as not being in the public interest and as not being contrary to the basic spirit and intent of the Zoning Ordinance.
 - D. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

Non-Residential Requests

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, non-residential requests will be scheduled to appear before the Planning Commission and ZBA. This will occur only when it is found that the application is complete and all information is included.
- II. At the Planning Commission meeting, a review and discussion of the request will be held. The Planning Commission will then make a recommendation to the ZBA on whether or not the variance should be granted. Their recommendation will be based on the finding of "practical difficulties" from a planning standpoint.
- III. The ZBA will hold the public hearing at their next scheduled meeting and take into consideration the Planning Commission's recommendation. Following the hearing, the ZBA may take the following actions:
 - A. Approve the request subject to the terms and conditions set forth in the application.

- B. Approve the request subject to amended and/or additional terms and conditions they feel are reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
- C. Deny the request as not being in the public interest and as not being contrary to the basic spirit and intent of the Zoning Ordinance.
- D. Table the request pending clarification of any additional problems or questions that may arise as a result of the public hearing.

ACKNOWLEDGEMENT AND CERTIFICATION

It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that any approval of the Planning Commission and ZBA involving site improvement use and/or construction does not relieve the applicant from obtaining other applicable authorizations, (for example: site plan, building and safety and engineering approval, etc.).

The applicant(s) also understands that the submission of incomplete or inaccurate information will only result in delays. The applicant (s) also grants permission to authorized Planning Commission, Zoning Board of Appeals and City staff members to access the above referenced site address for inspection purposes.

Signature of Petitioner	Date	

Signature of Owner if If different than petitioner	Date	

2019	January	February	March	April	May	June
Submission Deadline	Dec. 11	Jan. 17	Feb. 12	Mar. 12	Apr. 16	May 14
City Council 1 st Mtg.	Jan. 2	Feb. 5	Mar. 5	Apr. 2	May 7	June 4
Planning Commission	Jan. 8	Feb. 12	Mar. 12	Apr. 9	May 14	June 11
City Council 2 nd Mtg.	Jan. 15	Feb. 19	Mar. 19	Apr. 16	May 21	June 18
Board of Appeals	Jan. 23	Feb. 27	Mar. 27	Apr. 24	May 22	June 26
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	July	August	Sept.	October	Nov.	December
Submission Deadline	June 11	July 16	Aug. 13	Sept. 10	Oct. 15	Nov. 12
City Council 1 st Mtg.	July 2	Aug. 6	Sept. 3	Oct. 1	Nov. 4	Dec. 3
Planning Commission	July 9	Aug. 13	Sept. 10	Oct. 8	Nov. 12	Dec. 10
City Council 2 nd Mtg.	July 16	Aug. 20	Sept. 17	Oct. 15	Nov. 19	Dec. 17
Board of Appeals	July 24	Aug. 28	Sept. 25	Oct. 23	Nov. 27	Dec. 18

Note: FOURTH TUESDAY OF EACH MONTH IS CITY COUNCIL WORK SESSION