

**CHARTER TOWNSHIP OF CALEDONIA
APPLICATION FOR APPEAL AND VARIANCE**

The Zoning Board of Appeals (ZBA) shall act upon all questions as they may arise in the administration of the zoning ordinance. It shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under or to affect any variation in the Zoning Ordinance. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the township, county, or state.

OFFICIAL USE ONLY

Date Received:

Check Number:

Applicant's Name _____ **Daytime Phone** ()

Agent's Name _____ **Daytime Phone** ()

Address _____ **Zip code** _____

Email Address _____

Property interest of applicant (owner, contract purchaser, etc.) _____

Name of owner (if different than above) _____

*If Applicant is not the owner of the property for which the appeal / variance is proposed, please attach a notarized statement from the owner granting permission to the agent to seek the variance on his/her behalf.

Existing Zoning District _____

The appeal / variance is being requested for the following described property:

Address _____ **Parcel Number:** 41 - 23 -

Legal Description (a copy of the recorded deed may be substituted)

I wish to appeal a decision from the Zoning Administrator or Planning Commission which requires that:

I wish to seek a variance from the zoning ordinance provision which requires that:

Summary of Facts and Response to Variance Standards: *Note, the ZBA must find in the affirmative that the request meets ALL standards listed below to be approved. Please use separate sheet of paper if necessary.*

- (a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.

- (b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.

- (c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.

- (d) That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.

- (e) That the condition or situation of the property or the intended use thereof is not of so general or recurrent a nature.

Signature of Petitioner _____ Date _____

Petitioner's printed name _____

Please see "Instructions for Filing an Application for Appeal or Variance" for the list of supportive materials which must accompany this petition, and deliver or mail to the Charter Township of Caledonia, 8196 Broadmoor Ave. SE, Caledonia, MI 49316, phone (616) 891-0070.

**INSTRUCTIONS FOR FILING
AN APPLICATION FOR APPEAL OR VARIANCE**

- 1.) An Application for Appeal or Variance may be obtained from the zoning administrator. Applications must be completed and submitted to the zoning administrator, together with the required fee and supportive materials, at least four (4) weeks prior to the Zoning Board of Appeals (ZBA) meeting at which the petition is to be considered. The ZBA meets on an as-needed basis.
- 2.) The meeting of the ZBA will be advertised as a public hearing, and the board will hear the petitioner and/or his/her representative and all other interested parties who may appear and wish to be heard. All testimony and evidence presented at this hearing must be under oath.
- 3.) As soon as practicable after the public hearing, the ZBA will submit its decision of approval, disapproval, or approval with conditions. Any such conditions will be set forth in writing and must be signed by both the petitioner and the chairperson of the ZBA.
- 4.) Required supportive materials include:
 - a.) Each application must be accompanied by the appropriate application and escrow fees in accordance with the schedule of fees adopted by the Township Board on October 5, 2016.

	<u>Application Fee</u>	<u>Escrow Fee</u>
Residential Variance	\$150	\$0
Non-residential Variance	\$450	\$0
Interpretation of Zoning Ordinance or Zoning Map	\$0	\$0

Application and escrow fees shall be in the amount established by resolution of the Township Board of Trustees. Application and escrow fees are for the purpose of reimbursing the Township for its expenses in the review and handling of applications. The application fee is nonrefundable.

- b.) Proof of ownership, which may consist of a copy of a deed or other acceptable instrument.
- c.) Letter of authorization. In the event that the owner of the property in question does not represent himself/herself at the ZBA public hearing, he/she must provide a letter which authorizes another specific person to represent him/her at such hearing.
- d.) Site plan. This plan must be at a suitable scale and be no larger in size than 24" x 36" and no smaller than 8½" x 11". The site plan must show all data pertinent to the proposed variance, and shall include at least the following:
 - (1) Date of the drawing
 - (2) Scale
 - (3) North arrow
 - (4) Name of the person or firm who drew the plan
 - (5) Locations and dimensions of property lines, abutting rights-of-way, easements, setbacks, off-street parking, proposed landscaping, and existing and/or proposed structures.

Please provide 10 copies of all application materials (including 10 copies of the fully dimensioned site plan which depicts the land affected by the proposal) as follows:

- 2 folded 24x36 copies of full submittal package
- 7 copies of 11x17 reductions
- 1 digital copy of entire submittal in pdf format

- 5.) The ZBA may act upon all questions as they may arise in the administration of the zoning ordinance. It will hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the zoning ordinance. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant in any matter upon which they are required act. Such appeal may be made by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State.

- 6.) The ZBA cannot alter or change the zoning district classification of any property, nor make any change in the terms of intent of the zoning ordinance. The ZBA may act on those matters whereby statute or ordinance provision is made for an administrative interpretation. The ZBA may authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements.