

BOWNE TOWNSHIP
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ZONING BOARD OF APPEALS PROCESS

The Zoning Board of Appeals is a quasi-judicial body charged with the authority to hear and decide appeals from any administrative enforcement action, interpretation, or regulation of the Bowne Township Zoning Ordinance; to provide interpretation of the Zoning Map; and to hear and decide requests for dimensional and use variances. The ZBA shall not hear appeals of Special Land Use decisions nor hear appeals or grant variances with respect to an approved Planned Unit Development. The ZBA consists of five members. **The Zoning Board of Appeals holds a public hearing on all appeals.**

1. Application Form and Fee Schedule

PUD Application Fee	\$ _____
<i>plus</i>	
Escrow Fee	Minimum \$ _____

Application Form and Fee Schedule

An application form and fee schedule form can be obtained from the Township offices. The Application fee covers the cost of advertising the public hearing, mailing notices to property owners and/or occupants of properties within 300 feet of the applicant's property, and holding a public hearing. The escrow fee covers the cost of the services provided by professional consultants retained by the Township to assist in analyzing the request.

2. Meeting Dates

The Bowne Township Zoning Board of Appeals meets as necessary to consider variances at the Historic Bowne Township Hall, 8240 Alden Nash Road, Alto, Michigan 49302.

3. Time Limit for Appeal

A notice of an appeal specifying the grounds thereof shall be filed with the secretary of the ZBA within 10 days after the date of the action appealed from.

4. Processing Period

An application for a variance to the Zoning Board of Appeals usually takes 30 days.

5. Information to be Submitted by the Applicant

The applicant must submit a signed application form and required fees to the Township Clerk; the application must contain all information as required by this application form, and as required by any other applicable sections of the Bowne Township Zoning Ordinance. All variance requests shall be submitted at least thirty **(30) days** prior to the meeting at which the request shall be heard. All variance applications shall be reviewed by the Township Planner to determine if the application is complete, prior to scheduling a public hearing. Applications to the Zoning

Board of Appeals that do not comply with submission requirements will not be reviewed and no action will be taken until the deficiencies are corrected.

In the case of a variance request, the applicant must also complete the attached sheet which will explain to the Zoning Board of Appeals how the variance request meets the criteria for granting a variance request.

6. Application Procedures

(1) At the meeting date for which the required notice of public hearing is given, the Zoning Board of Appeals will conduct a public hearing concerning the request. Notice of this public hearing is published in the Lowell Ledger and the notice is also mailed to occupants and property owners within 300 feet of the boundaries of the proposed property. The notice must be published and mailed at least 15 days before the date of the public hearing. Notification will be according to the requirements of Section 19.04.

(2) The appellant or a designated representative must be present at the meeting or no action will be taken on the request.

(3) In the case of a variance request for a specific parcel, seven (7) copies of a plan must be provided with the application. The plan shall be drawn to scale (based upon a property survey) and provide sufficient detail to illustrate the subject property, dimensions, structures, streets, natural features such as trees, steep slopes, wetlands, and bodies of water, and any other factors pertinent to the request. The plan shall include structures and land uses located on adjoining properties. For commercial or industrial properties, plans shall be professionally prepared. Failure to provide such information with the application will cause the request to be tabled until an acceptable site plan is submitted. The applicant shall also complete the attached sheet which will explain to the Zoning Board of Appeals how the variance request meets the criteria for granting a variance request.

(4) Applicants requesting interpretation of the zoning text shall provide written analysis of why an interpretation is being requested.

(5) Applicants appealing an administrative decision shall provide written basis for the appeal and why it is believed that the administrative decision is in error.

(6) Following deliberations, the Zoning Board of Appeals may render a decision or table the request for further study. A majority of the entire membership of the Board, three of five members, is required to pass a motion. The Board may impose reasonable conditions as part of its decision, or may modify the variance requested.

(7) A decision of the Zoning Board of Appeals is final. Further appeal of the Zoning Board of Appeals decision is to the Circuit Court. An appeal must be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of its decision. ?????

(8) Any permits shall be secured, and the authorized action begun and completed within the time period specified in the ZBA's determination. The ZBA may extend this time period only after a public hearing and for good cause. ?????

ZONING BOARD OF APPEALS VARIANCE STANDARDS

BOWNE TOWNSHIP, KENT COUNTY, MICHIGAN

A variance may only be granted if the Board of Appeals finds from reasonable evidence that all of the review standards of Section 19.05 are complied with. In the space provided below or on additional sheets, if needed, state how or why your request meets each of the review standards. Practical difficulty shall apply only in the case of dimensional variances; undue hardship shall apply only in the case of use variances.

- A. Where the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation of the premises or of the use of the premises immediately adjoining the premises in question.

- B. Where there is practical difficulty or unnecessary hardship in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured, and substantial justice done.

- C. Where the condition or situation of the property or the intended use of the property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of the Ordinance.

ZONING BOARD OF APPEALS VARIANCE STANDARDS

BOWNE TOWNSHIP, KENT COUNTY, MICHIGAN

- D. Where there is reasonable evidence that such variance will not be detrimental to adjacent property and will not impair the intent and purposes of the Ordinance or the public health, safety, and general welfare.

- E. Where there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the zoning district affected.

- F. Where such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zoning district. Financial gain alone shall not be deemed sufficient to warrant the granting of a variance.

- G. With respect to use variances, in addition to the above, that the property for which a variance is sought cannot reasonably be used in a manner consistent with existing zoning.
