

Ganges Township, Allegan County Information sheet Zoning Board of Appeals application / process

Upon receipt of the complete application, site plan, survey, fee, etc the meeting will be set; the ZBA meets on demand. The meeting will be in approx 4-6 weeks, due to noticing requirements. A notice will be published in the paper, posted at the Township Hall and the adjacent properties within 300 feet will be mailed the noticed – this is required to be done 15+ days before the meeting.

Zoning Ordinance - Article 20 Zoning Board of Appeals. The full zoning ordinance is on the Ganges Township website.

The applicant, owner, or a representative is required to attend the meeting. An authorization is required from the owner for someone else is to speak on their behalf.

The meeting will be held at the Ganges Township Hall, 1904 64th Street, Fennville (corner of 64th and 119th) typically at 6:00pm.

What to submit:

- ▶ Completed application, including survey, site plan, any other applicable information 20.4A
- ▶ Fee: \$1000.00 payable to Ganges Township (check, cash, MO)
- ▶ If the owner is not presenting, a signed authorization is required from the owner stating the authorized agent
- ▶ Provide 6 full sets of the information above

Where to submit:

Mail or hand deliver the application packet (*the above items*) to the zoning administrator:

Michigan Township Services-Allegan, 111 Grand St Allegan MI 49010
Attention to: Tasha Smalley

The packet can be emailed to check for completeness, but hard copies are still required to be provided: mtsalllegan@frontier.com

Other arrangements could be made if the above is not an option for you

Feel free to contact the Zoning Administrator, Tasha Smalley, with any questions 269-673-3239 or email mtsalllegan@frontier.com

Date Received: _____
Amount Paid: _____

Ganges Township, Allegan County
1904 64th Street, Fennville MI 49408
269-543-8316

**ZONING BOARD OF APPEALS / VARIANCE
Application**

OWNER INFORMATION

NAME - _____
PHONE - _____ EMAIL _____
ADDRESS - _____
INCLUDE CITY, STATE AND ZIP CODE

APPLICANT INFORMATION (IF DIFFERENT THAN OWNER)

NAME - _____
PHONE - _____ EMAIL _____
ADDRESS - _____
INCLUDE CITY, STATE AND ZIP CODE

PROPERTY ADDRESS _____
PROPERTY LEGAL DESCRIPTION – attach
PARCEL NUMBER (TAX ID #) 0307- _____
ZONING DISTRICT AND USE OF PROPERTY _____

DESCRIBE IN DETAIL THE VARIANCE REQUEST _____

REFERENCE ZONING ORDINANCE SECTION OR DECISION OF DENIAL FROM WHICH
YOU ARE SEEKING RELIEF AND A VARIANCE _____

I hereby grant permission for members of the Ganges Township Zoning Board of Appeals, or
other officials of the Township permission to enter the above-described property for the purpose
of gathering information related to this application.

Owner Signature _____ Date: _____

Applicant Signature _____ Date: _____

See the Information Sheet for submittal information

Please answer each of the following questions which correspond to the findings required for variance approval. The responses will be used by the ZBA in the review of your application. The request will be reviewed whether or not the questions are completely answered, but it is to your advantage to provide as detailed and complete response, as possible, to each question since it is your responsibility to provide information on each of the approval standards. If needed, feel free to attach answers on separate sheets.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include any of the following:

- a) exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance
- b) exceptional topographic conditions or other extraordinary situation on the land, building or structure
- c) any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not itself be deemed sufficient to warrant a variance.

3. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

4. The variance will not impair the intent and purpose of the Ordinance.

5. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

6. The reason set forth in the application justifies the granting of the variance and the variance and the minimum variance necessary.

See the Information Sheet for submittal information

Article 20.

Zoning Board of Appeals

Section 20.1 Membership and Procedures

- A. The Zoning Board of Appeals (ZBA) shall consist of three (3) to five (5) members appointed in compliance with the Zoning Act, who shall serve terms of three (3) years, except for members who are also on the Planning Commission or Township Board, who shall serve only as long as they are members of those bodies.
- B. A member of the Planning Commission shall be a member of the ZBA, while a member of the Township Board may be a member of the ZBA. The remaining members shall be selected from the electors of the Township. A Township Board member may not be chairperson of the ZBA.
- C. Meetings shall be held at the call of the Chairperson, and at other times as the ZBA in its rules of procedure may specify. The Chairperson, or in the Chairperson's absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the ZBA shall be open to the public. The ZBA shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record.
- E. **Alternates.**
 - 1. The Township Board may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
 - 2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
 - 3. An alternate member may be called to sit as a regular member if a regular member is absent from one (1) or more meetings.
 - 4. An alternate member called to serve on a case shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member.
 - 5. The records maintained by the Board of Appeals shall reflect the attendance and participation of an alternate member when applicable.

Section 20.2 Interpretations

The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other questions on which the ZBA is authorized to pass. In exercising all of its powers, the ZBA shall apply the standards of this Section.

- A. **Text Interpretations:** The ZBA may hear and decide upon requests for the interpretation of the provisions of this Ordinance. In deciding text interpretations, the ZBA shall be governed by the following rules.
1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
 2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
 3. The Zoning Administrator shall keep a record of all interpretations.
 4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
 5. Nothing contained in this Section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.
- B. **Map Interpretations:** When there is any question as to the location of any boundary line between districts, upon a request for an interpretation of the Official Zoning Map, the ZBA shall establish the boundary based upon the map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.

Section 20.3 Appeals

- A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Any person aggrieved, or any officer, department or board of the Township may make an appeal to the ZBA. The grounds of every appeal shall be stated in writing as part of the application. Appeals of decisions made pertaining to Site Plan Reviews, Planned Unit Developments, Site Condominiums or Special Land Uses cannot be appealed to the Zoning Board of Appeals.
- B. An application for appeal shall be filed within twenty-one (21) days after the date of the decision that is the basis of the appeal, as demonstrated by the approval of the minutes of the meeting at which the action was taken. The appellant must file a notice of appeal and a fee with the Zoning Administrator. The notice shall specify the nature and grounds of the appeal and the application fee shall be submitted in an amount as established by the Township Board from time to time.
- C. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action being appealed was taken.
- D. An appeal stays all proceedings from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.

- E. The ZBA shall fix a reasonable time for the hearing of the appeal and give due notice to all property owners and occupants within three hundred (300) feet of the subject property via a letter sent first class mail fifteen (15) days before the public hearing, giving the time and place of the hearing. Any party may appear in person or by agent. A public hearing shall also be published in a newspaper of general circulation not less than fifteen (15) days before the public hearing. Notices shall comply with the Zoning Act.
- F. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the authority to direct the Zoning Administrator to issue a permit.

Section 20.4 Variances

- A. **Applications:** Applications for variances shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit the application to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
 - 1. A valid application for a variance shall consist of the following:
 - a) Six (6) copies of a site plan drawn to scale, which is sufficient to describe the nature of the request.
 - b) A completed application form as provided by the Township.
 - c) Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d) A legal description and parcel number of the entire property that is the subject of the request, including a staked land survey of the parcel bearing the seal of the licensed professional surveyor preparing the land survey, must accompany the variance application along with appropriate property markings on site to indicate the location of the variance request.
 - e) A statement with regard to compliance with the standards of Section 18.4, as applicable; and
 - f) Other materials as may be required by the ZBA.
- B. **Non-Use (Dimensional) Variances:** The ZBA may authorize upon written application in specific cases variances from the terms of this Ordinance where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty to the applicant. A variance from the terms of this Ordinance shall not be granted by the ZBA unless a written application for a variance is submitted and the ZBA finds all of the following standards are met.
 - 1. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include any of the following:
 - a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - b) Exceptional topographic conditions or other extraordinary situations on the land, building or structure; or

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- c) Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
 - 2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - 3. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - 4. The variance will not impair the intent and purpose of this Ordinance.
 - 5. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
 - 6. The reasons set forth in the application justify the granting of the variance and the variance is the minimum variance necessary.
- C. **Use Variances:** Use variances are prohibited.
- D. **Period of Validity:** A variance granted by the ZBA is valid for twelve (12) months from the date of its issuance, and will be invalidated if it is not acted upon in that time. However, an applicant may, upon written request to the ZBA, seek up to one (1) twelve (12) month extension of the variance. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.
- E. **Resubmission:** No variance request which has been decided by the ZBA shall be submitted for reconsideration within one (1) year from the date of the original application unless the ZBA finds that at least one (1) of the following conditions exists:
- 1. That the conditions involving all of the reasons for the original denial have been significantly altered; or
 - 2. That new conditions or circumstances exist which change the nature of the original request.

Section 20.6 Decisions of the ZBA

- A. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or affirm or modify any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.
- B. The ZBA may require a performance guarantee or impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that it is required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- C. All decisions of the ZBA shall become final at the entry of an order, or at the adoption of the minutes, unless the ZBA shall find, and so certify on the record, that it is necessary to cause the order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the ZBA a record shall be prepared including at a minimum, the following items:
 - 1. Description of the applicant's request.
 - 2. The ZBA's motion and vote.

3. A summary or transcription of all competent material and evidence presented at hearing; and
 4. Any conditions attached to an affirmative decision.
- E. The decision of the ZBA shall be final. However, a person having an interest affected by the decision of the ZBA may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the ZBA, or may remand the decision to the ZBA for further hearings or action.