

Village of Pentwater
327 S. Hancock Street
P.O. Box 622
Pentwater, MI 49449
Phone: (231) 869-8301 Fax: (231) 869-5120

ZONING APPLICATION – VARIANCE

Application Date _____ # _____

Applicant _____ Email: _____

Owner of Property (if different from Applicant): _____

Owner's signature (consent to application): _____

Property Address _____

City _____ Zip _____ Phone _____ Fax _____

Mailing Address _____

City _____ State _____ Zip _____

Zoning District _____ of the Village of Pentwater Zoning Ordinance

Permanent Parcel Number _____

I am requesting a _____ Dimensional (Non-Use) or _____ Use Variance

Attach Legal Description

1. Does land use conform to current zoning? _____ Yes _____ No
2. Current use(s) of adjoining properties _____

3. Who will represent applicant? _____
4. What is applicant's interest in property? _____

Applicant Signature _____

ZONING BOARD MEMBERS MAY MAKE ON SITE INSPECTIONS
REGARDING THIS APPLICATION
******* ZONING BOARD ACTION *******

NOTICES MAILED: _____ PUBLIC HEARING: _____

DATE, FINAL ACTION AND CONDITIONS: _____

APPLICANT _____

ADDRESS _____

DATE _____ VARIANCE # _____ SECTION _____

APPLICANT MUST SATISFY EACH OF THE FOLLOWING STANDARDS:

A. **First Standard – Practical Difficulty or Unnecessary Hardship.** The applicant shall indicate which type of variance it requests and shall demonstrate that the circumstances constitute **either** a practical difficulty or unnecessary hardship, as follows:

For a Dimensional (Non-Use Variance). A non-use or dimensional variance would permit the modification or waiver of a non-use zoning regulation (such as minimum requirements for setbacks, lot width, lot area, building separation, or other dimensional regulations that do not alter the fundamental type of building or use permitted). For a non-use variance -- the First Standard will be satisfied only if the Zoning Board of Appeals finds that a “**practical difficulty**” exists that prevents compliance with the non-use zoning regulation.

A practical difficulty exists when there are exceptional or extraordinary circumstances or conditions applying to the property (such as exceptional narrowness, shallowness or shape of the property, topographic conditions, conditions caused by the use or development of the property immediately adjoining the property in question), where such practical difficulty would unreasonably prevent the owner from using the property for a permitted use or would render conformity unnecessarily burdensome.

-OR-

For a Use Variance. A use variance permits a land use that is not otherwise permitted in the relevant zoning district. For a use variance -- the First Standard will only be satisfied if the Zoning Board of Appeals finds that an “**unnecessary hardship**” will exist as to the applicant’s land if the requested use is not permitted.

An “unnecessary hardship” exists when the property, as a whole, cannot be put to a conforming use because the applicant has demonstrated that the land cannot yield a reasonable rate of return when used for a use that complies with ordinance.

Applicant asserts the following to satisfy this Standard for a [Dimensional/Use] variance (attach additional pages as needed): _____

ZBA’s findings (ZBA to complete): This First Standard, for a [Dimensional/Use] variance, is [satisfied/not satisfied] based on the following: _____

B. Second Standard – Special or Unusual Circumstances. The circumstances creating the need for the variance must be peculiar to the land, structures or buildings involved and shall not be recurrent or applicable as to a sufficient number of other lands, structures or buildings in the same zoning district, to a degree that the ZBA concludes that a general zoning ordinance amendment would be more appropriate.

Applicant asserts the following to satisfy this Standard: _____

ZBA's findings (ZBA to complete): This Second Standard is [satisfied/not satisfied] based on the following: _____

C. Third Standard – Substantial Justice. The Zoning Board of Appeals should find that strict application of the ordinance provisions would deprive the applicant of property rights that are commonly enjoyed by other properties in the same zoning district.

Applicant asserts the following to satisfy this Standard: _____

ZBA's findings (ZBA to complete): This Third Standard is [satisfied/not satisfied] based on the following: _____

D. Fourth Standard – Protecting Neighborhood Properties. The Zoning Board of Appeals shall not grant the variance if it would cause a substantial detriment or harm to other lands and uses, or if in the judgment of the Zoning Board of Appeals, the variance would be contrary to the spirit and purpose of the Zoning Ordinance Regulations.

Applicant asserts the following to satisfy this Standard: _____

ZBA's findings (ZBA to complete): This Fourth Standard is [satisfied/not satisfied] based on the following: _____

E. **Fifth Standard – Not Self-Created.** If the Zoning Board of Appeals determines that the applicant or the applicant’s representatives were involved in any action or inaction with respect to the property, prior to the variance request, where such action or inaction created the circumstances which prompts the variance request, no variance shall be granted.

Applicant asserts the following to satisfy this Standard: _____

ZBA’s findings (ZBA to complete): This Fifth Standard is [satisfied/not satisfied] based on the following: _____

F. **Sixth Standard – Minimum Variance Necessary.** The Zoning Board of Appeals shall grant only the minimum necessary variance from current Zoning Ordinance provisions to afford the applicant the relief created by the requested variance.

Applicant asserts the following to satisfy this Standard: _____

ZBA’s findings (ZBA to complete): This Sixth Standard is [satisfied/not satisfied] based on the following: _____

G. **Seventh Standard – Voting.** An affirmative vote of a majority of the members of the Zoning Board of Appeals is required to grant a dimensional (non-use variance). For a use variance, an affirmative vote of two-thirds of the members of the Board of Appeals is required.

Additional Terms or Conditions: _____

The Variance request is **[approved/denied]** based on the forgoing ZBA findings, pursuant to the following vote:

AYES: Members: _____

NAYS: Members: _____

Procedures and Policies

1. **Meeting Attendance:** The applicant or representative of the applicant **MUST** attend all hearings related to the application.
2. **Application Fee:** \$_____ to be paid at time of application. Regular meetings are held on the _____ of the month.
3. **Special Meetings:** \$_____ to be paid at the time of application. Special meetings are held at the request of the applicant, if possible.
4. **Refunds/Withdrawals:** Request to withdraw applications must be in writing. No refund of the application fee will be made.
5. **Application Submittal Deadline:** _____ of the month.
6. **Applications MUST be complete.** Applications will not be processed if any documentation is missing.

Site Plan

Use the space below or attach separate pages to detail the following: property boundary lines, existing and proposed buildings, building elevations, existing and proposed roads and utilities, existing zoning, existing natural features, setback lines, vehicle egress and ingress, parking (if applicable), loading area (if applicable), landscaping, scale, who prepared drawing and the date prepared, and NORTH arrow. Additional information may be required by the zoning department.

NORTH

WEST **EAST**

SOUTH

PREPARED BY _____ DATE _____

ZONING DISTRICT _____