

WAYLAND TOWNSHIP

PO Box 1 1060 129th Avenue Bradley, MI 49311

Phone: 269 -792-6394 Fax: 269 -792-0366

www.waytwp.org

ZONING BOARD OF APPEALS (ZBA) PROCEDURES

For additional information or questions contact

Professional Code Inspections (PCI)

Kirk Scharphorn Jr. or Lori Castello, Zoning Administrators

1575 142nd Avenue Dorr, MI 49323

Ph: 616-877-2000 Fax: 616-877-4455

www.pcimi.com

Application Fee: \$ _____

The application fee covers the cost of advertising the rezoning, mailing notices to property owners and/or occupants of properties within 300 feet of the applicant's property, and holding a public hearing.

Zoning Board of Appeals Meeting Dates, Time, & Place.

- The ZBA meets upon request
- 6:30 P.M.
- Wayland Township Offices, 1060 129th Avenue, Bradley, Michigan, 49311

Processing Period

A request to the Zoning Board of Appeals usually takes 30 to 45 days to process assuming all required information is provided.

Application Procedures

- 1. Pre-application Conference.* Before submitting a formal application for to the ZBA the applicant is encouraged to meet with the Township Zoning Administrator to discuss the review process.
- 2. Application form.* The application form is on the Wayland Township website: www.waytwp.org or the form can be obtained from PCI.
- 3. Submit the following to Professional Code Inspections*
 - Application form signed by the property owner and applicant.
 - Application fee
 - Narrative describing how the request meets the standards for a variance per Section 21.5.E of the Wayland Township Zoning Ordinance.
 - An accurate drawing illustrating the requested variance.
- 4.* PCI forwards the fee and application materials to the Township Clerk and the application materials to the members of the Zoning Board of Appeals. The Planning Commission Secretary will forward the information to PCI and the Township Clerk.

5. The ZBA Chair sets a public hearing date dependent upon the availability of the ZBA members and notifies the applicant and Township Clerk of the hearing date.

6. The Township Clerk prepares the notice of the public hearing which is published in the Allegan County News. The notice is also mailed by PCI 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.**

The mailing list is taken from the most recent Township assessment roll. A notice is also sent to any utility, airport or railroad that registers its name with the Township for purposes of receiving such notice.

In cases where property within 300 feet of the site proposed for rezoning is within another municipality, PCI will obtain a list of those property owners in the adjoining municipality which are within 300 feet of the site to be rezoned and mail them a notice of the public hearing. An affidavit of the mailing is made and kept in the Township files.

7. A hearing on the appeal for a variance is held, at which time the applicant may appear in person or by agent or attorney. The Board also accepts comments or questions from the audience. The Board may approve, deny or table a variance request.

The Board bases its decision on whether or not the variance request meets the criteria listed in Section 21.5.E of the Wayland Township Zoning Ordinance. **These criteria are attached.**

The Board may impose conditions in granting a variance request.

A majority vote of the entire membership of the Board, two out of three, is necessary to pass a motion.

8. The effective date of an approved variance is 10 business days after the granting date unless otherwise determined by the ZBA.

9. A copy of the Zoning Board of Appeals decision is sent by the Township Clerk to the applicant and to the Township Zoning Administrator and Building Inspector. The terms of the variance are incorporated in any permit subsequently issued by the Zoning Administrator or the Township Building Inspector.

Validity of an Approved Variance

Any variance granted by the Zoning Board of Appeals shall become void if the construction, occupancy or other actions authorized by such variance have not commenced within six (6) months from the date when the variance was granted. The Zoning Board of Appeals however, may grant a reasonable extension if the applicant files a written request for an extension with the Zoning Board Chair before the variance period expires and the Zoning Board of Appeals finds that an extension is warranted due to circumstances beyond the control of the applicant. Such request shall be considered at a public meeting of the Board of Appeals but a public hearing shall not be required.

Appeal of ZBA Decisions

The decision of the Zoning Board of Appeals shall be final, and any party aggrieved by any such decisions may appeal to the Circuit Court for Allegan County. Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing or signed by the chairperson or 21 days after the Zoning Board of Appeals approves the minutes of this decision.

Planning Commissioner/ZBA Member Voting

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property.

CRITERIA/STANDARDS FOR THE GRANTING OF A VARIANCE *From Section 21.5.E of the Wayland Township Zoning Ordinance*

The Zoning Board of Appeals may grant a variance if it finds based on competent material and substantial evidence on the whole record that **one or more of the following facts or conditions exist:**

- 1.** Special conditions or circumstances exist which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the same district and which conditions or circumstances will cause unnecessary hardship or practical difficulties if this Ordinance is enforced.
- 2.** Literal interpretation of the provisions and requirements of this Ordinance would deprive the appellant of property rights commonly enjoyed by other properties in the same Zoning district under the terms of this Ordinance;
- 3.** Special conditions or circumstances do not exist or result from the actions of the appellant (i.e. self imposed hardship);
- 4.** Authorization of the variance will not cause substantial detriment to the neighboring properties and will not be contrary to the spirit, purpose and intent of this Ordinance;
- 5.** The property cannot reasonably be used in a manner consistent with existing Zoning requirements;
- 6.** Non-conforming uses of neighboring lands, buildings or structures and other non-related variances shall not in itself be grounds for the authorization of a variance.