

**BARRY COUNTY ZONING BOARD OF APPEALS  
APPLICATION FOR HEARING AND NON-USE VARIANCE**

**\*\*FOR OFFICE USE ONLY\*\***

CASE NUMBER \_\_\_\_\_ RECEIPT NUMBER \_\_\_\_\_

DATE RECEIVED \_\_\_\_\_ DATE OF HEARING \_\_\_\_\_

FEE \$250.00 (Non-refundable)      TOWNSHIP \_\_\_\_\_      SECTION \_\_\_\_\_

PARCEL NUMBER(S) \_\_\_\_\_

**I) NOTICE OF APPEAL FOR VARIANCE APPROVAL**

To Richard Patterson, Chairperson, Zoning Board of Appeals, County of Barry, State of Michigan

Please take notice that the undersigned hereby appeals the following order, requirement, decision of determination of the Zoning Administrator or designee of said County made on the \_\_\_\_\_ day of \_\_\_\_\_,

I/We the undersigned request a hearing before the Barry County Zoning Board of Appeals for the purposes indicated: Non-Use Variance

Request for \_\_\_\_\_

\_\_\_\_\_ in the \_\_\_\_\_ zone needs variance approval per Article 31, Section 3107 Duties & Powers of the Zoning Board of Appeals of the Barry County Zoning Ordinance of 2008.

Assistance with this application is available from the Barry County Planning & Zoning Office (269) 945-1290

**APPLICANT: BEGIN HERE!!      NOTE: THE ORIGINAL MUST BE SUBMITTED AND IN INK  
APPLICATIONS FILLED OUT IN PENCIL & SITE PLANS DRAWN IN PENCIL CANNOT BE ACCEPTED.  
THE ORIGINAL FORMS MUST BE SUBMITTED (NO FAXES OR COPIES)!!**

**II) Applicant Identification:**

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Name of Property Owner(s)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

**DEADLINE FOR VARIANCE APPEALS IS \_\_\_\_\_ AT NOON.  
This appeal will be advertised per Public Act 110 of 2006, as amended**

**I. Property Information**

Address or site location of property: \_\_\_\_\_

Attach a copy of the legal description of the property (i.e., a deed, land contract, or survey – tax receipt descriptions are not acceptable).

a. A previous application for a variance, special use permit or rezoning on this land (circle one) has/has not been made with respect to these premises in the last \_\_\_\_\_ years. If a special use permit application was made, state the date, and nature of the action requested \_\_\_\_\_

and the decision: (circle one) approved denied

b. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land.  
\_\_\_\_\_  
\_\_\_\_\_

- c. Attach a survey showing the following information below as required:
1. Property dimensions and legal descriptions, including angles, lot area, and an arrow pointing North. Also show the number of buildings and/or manufactured home(s), driveway, etc. where presently located on the property. Include the size of structure(s), distance between structure(s) and distance from property lines.
  2. A vicinity sketch showing the location of the site in relation to the surrounding street/road system and other land uses within three hundred feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
  3. Location and dimensions of all existing and proposed structures, open areas, walls, fences, screen planting and/or other landscaping and lighting.
  4. Existing and proposed sewer, water and other utility lines plus location and type of sewage treatment facility and water source.
  5. Required setback of the zoning district, percentage of total project area to be covered by buildings.
  6. The intended use, size, shape, location, height, and floor area of proposed buildings and finished ground and basement grades (both horizontal and vertical).
  7. Natural features such as wood lots, wetlands, streams, county drains, lakes or ponds, & manmade features such as existing roads & structures, and indicate which are to be retained & which are to be removed or altered.
  8. Existing public right-of-way(s) and private easement(s) of record.
  9. Proposed streets, driveways, malls, parking spaces, sidewalks, with indications of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways & sidewalks, and the total number of parking spaces, and the dimensions of a typical individual parking space and associated aisles.



**III. Justification for Granting the Requested Variance:**

The applicant should be able to show strict application of the provisions of the Zoning Ordinance to his/her property that would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the ordinance. In order for the board of appeals to determine whether unnecessary hardship exists, the applicant should provide answers to each of the following questions:

a. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance is not granted? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, what unnecessary hardship will result if the variance is not granted?

\_\_\_\_\_  
\_\_\_\_\_

b. To the best of your knowledge, can you affirm that the hardship described above is not self-created? Yes \_\_\_\_\_ No \_\_\_\_\_

c. Is the variance applied for due to unique and unusual circumstances present on your property or to general conditions in the area (such as the relocation of a road, highway, business, or septic system)? Yes \_\_\_\_\_ No \_\_\_\_\_

d. Will strict application of the terms of the Ordinance deny use of the property for any purpose to which it is reasonably adapted? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how? \_\_\_\_\_  
\_\_\_\_\_

e. Would granting the variance be contrary to any Plat Restrictions?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, how? \_\_\_\_\_  
\_\_\_\_\_

f. Would granting the variance be contrary to the intent and purpose of the Zoning Ordinance?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, how? \_\_\_\_\_  
\_\_\_\_\_

**VI. Please Answer the Following Questions, if applicable**

a. Present use of the property: \_\_\_\_\_

b. Have you placed or started to build the structure? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, when? \_\_\_\_\_

c. Are there any other buildings or structures presently on this property?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, how many? \_\_\_\_\_

- d. Are you requesting permission to place more than one dwelling unit on the same parcel?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- e. Will the proposed use adversely affect the health, safety, or enjoyment of property of persons who live or work in the neighborhood? Yes \_\_\_\_\_ No \_\_\_\_\_
- f. Do you grant the ZBA permission to access your property to view the proposed site?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- g. Attach any additional information you may wish to have considered.

**VII. Affidavit**

I/We the undersigned affirm that I/We (circle one) are the owner(s), agent(s) of the owner, lessee, or other type of interest involved in the applications; and that if this request is granted that in accordance with Article 31, Section 3107 of the Barry County Zoning Ordinance of 2008, actual construction or placement in accordance with the plans herewith submitted will begin within one (1) year from the date of the granting of a variance, will be completed within one (1) year from said date, and that I/We are able from a legal, financial and physical basis to do so; and that the answers and statements herein contained and information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief.

I/We understand if this variance approval is granted a permit must be obtained and utilized within one (1) year and if the variance is denied the fee for the cost of the variance request will not be refunded.

I/We understand that if approval is given by the Zoning Board of Appeals that I/We would still need to obtain building, electrical, health department and any other applicable permits before proceeding with any placement, construction, or land use.

\_\_\_\_\_  
Applicant/Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Property Owner Signature

\_\_\_\_\_  
Date

**PLEASE NOTE THE FOLLOWING:**

**Article 31, Zoning Board of Appeals, Section 3107, Duties & Powers, C Variances (3 Rules)**

- C. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has received a County zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

**Michigan Zoning Enabling Act Public Act 110 of 2006 effective July 1, 2006**

**125.3606, Circuit Court, review, duties, Section 606 (3)** An appeal under this section shall be filed within thirty (30) days after the zoning board of appeals certifies its decision in writing or approved the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.