

**APPLICATION FOR THE BARRY COUNTY ZONING BOARD OF APPEALS  
HEARING ON EXTENSION OF NON-CONFORMING USE**

**\*\*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, County Zoning Board of Appeals for the County of Barry, State of Michigan.

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

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

Request \_\_\_\_\_

\_\_\_\_\_

in the \_\_\_\_\_ zone needs variance approval per Article 4, Section 404 of the Barry County Zoning Ordinance of 2008.

Assistance with this application is available from the Barry County Planning & Zoning Office at (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

\_\_\_\_\_  
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**

III. **PROPERTY INFORMATION**

Site address of property or road name: \_\_\_\_\_

**Attach a copy of the survey with legal description of the property  
(Note: A mortgage report survey is NOT acceptable!) If a survey is not  
submitted then the application will not be accepted.**

a. The survey must show the following:

- 1. Show the number of building(s) including house and/or mobile home(s), driveway, septic system, well, etc., where presently located on the property. Include size of structure(s), distances between structures and distance from property lines and road(s).
- 2. Show the location of proposed structure (with dotted lines) on the site plan and approximate date the structure will be located on the property.

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

\_\_\_\_\_ and the decision **approved / denied** (circle one).

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

IV. **VARIANCE REQUEST**

1. Please explain the exact nature of your request (what is the existing non-conforming use, and how do you propose to extend that use).

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

2. Would granting the variance change the essential character of the area?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Would granting the variance be contrary to the intent and purpose of the Zoning Ordinance? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**V. PLEASE ANSWER THE FOLLOWING QUESTIONS**

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

b. Have you placed or started to build the structure? If yes, when? \_\_\_\_\_  
\_\_\_\_\_

c. Are there any other buildings or structures presently on this property?  
Yes \_\_\_\_\_ How many? \_\_\_\_\_ No \_\_\_\_\_

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? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- f. Will the proposed use be detrimental or injurious to property values in the neighborhood?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- g. Attach any additional information you may wish to furnish.
- h. Do you grant the ZBA permission to access your property to view the proposed site?  
Yes \_\_\_\_\_ No \_\_\_\_\_

**VI. 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.