



# Application for Zoning Variance

3275 Central Blvd., Hudsonville, Michigan 49426-1450, 616.669.0200 fax 616.669.2330

It is **STRONGLY** recommended that any application that must go before the Zoning Board of Appeals for approval be submitted to the City at least six (6) weeks in advance of the next regular meeting. This lead time is necessary to provide an adequate review period of the application materials for compliance with applicable codes, requirements and regulations, and to publicly post the meeting in accordance with State law. The Zoning Board meets on the third (3<sup>rd</sup>) Tuesday of every month at 7:00 p.m., with the exception of December.

**NO** application will be placed on a Zoning Board of Appeals agenda until it has been determined by staff to meet **ALL** applicable codes, requirements, and regulations. As such, there is no guarantee that an application will be placed on the next regularly scheduled meeting agenda, even if submitted six (6) weeks in advance. It is the applicant's responsibility to modify (as requested by staff) and resubmit application materials in a timely matter.

The Zoning Variance application fee is **\$350 plus engineering, legal, and other professional costs.** The plan shall consist of an accurate, reproducible drawing of the site at a scale of 1" = 100' or less. **12 hard (12 11" x 17") copies and a digital copy of the plan are required after initial review. The construction authorized by the issuance of a variance by the Zoning Board of Appeals shall commence within 90 days, or the variance shall become void.**

*Attendance by the owner/owner's representative is required at the ZBA meeting when this request is considered.*

Date: \_\_\_\_\_ Application Number: **ZV** - \_\_\_\_\_

Base Fee: **\$350** PPN: \_\_\_\_\_

**APPLICANT** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**OWNER OF PROPERTY** (if different than applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Location of Property** (address): \_\_\_\_\_

Type of Appeal requested:

Interpretation: \_\_\_\_\_

Administrative relief: \_\_\_\_\_

Dimensional variance: \_\_\_\_\_

Inability to use land: \_\_\_\_\_

The Zoning Board of Appeals is bound to being impartial and to abiding by the City of Hudsonville Zoning Ordinance and by state statutes and case law that govern variances. The Board does not take its responsibility lightly, for granting a variance is essentially granting a citizen permission to break the law.

**Practical difficulty** is a legal term. The Board concludes a valid case has been made for the existence of a practical difficulty when it finds:

1. Granting the variance will provide substantial justice with regard to a unique circumstance or condition relative to your land that prevents you from enjoying the use of your property as others in the same zone district are generally able to do.
2. That the requested variance:
  - a. will not be significantly harmful to your neighbors, nor will public safety be impaired.
  - b. is consistent with the intent of the ordinance and results in preserving the spirit of the ordinance.
  - c. was not necessary by anything you did in the first place.

Existing use of building and premises: \_\_\_\_\_

Proposed use of building and premises: \_\_\_\_\_

If there has been any previous appeal involving the premises, state date of filing, character of appeal and disposition of same: \_\_\_\_\_  
\_\_\_\_\_

Variance(s) Requested (identify Section of Zoning Ordinance from which variance is sought):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For Dimensional Variance:

Proposed dimension \_\_\_\_\_ Required dimension \_\_\_\_\_ Variance amount \_\_\_\_\_

**If you are seeking a dimensional variance, please complete your application by answering the following five questions:**

The following questions are based on the five tests for granting **dimensional variances** per Section 7.02.02 G of the Zoning Ordinance. Be aware that in every instance, each of the five tests must be satisfied in order for the Board of Zoning Appeals to grant a variance. Thus, it is in your best interest to answer each of the questions clearly and completely, with as much detail as necessary to support your case for *practical difficulty*, which must be proven in order for the Board to grant a variance.

**Question 1 – Zoning Ordinance Section 7.02.02.G.1a & G.2:**

**List, in detail, the unique circumstances or conditions that apply to your property?** Some examples of unique circumstances related to land are extreme narrowness or shallowness, irregular shape, unusual topographical characteristics (like wetlands, flood plains or a deep ravine), or unusual development in adjacent property. Also, your neighbors' feeling about your request for a variance are important, but applicants should realize that neighbors' signatures on a petition or testimony at the hearing is not necessarily sufficient in itself to convince the Board that granting the variance will not be

*detrimental to the neighborhood.* Variances go with the land, not with the current landowner. Consequently, the Board may be inclined to take a broader and longer view, one that may be more impartial than do the neighbors. *Please explain here what the problem with your land is.*

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**Question 2 – Zoning Ordinance Section 7.02.02 G.1b:**

**Does the request of this variance go beyond the possibility of increased financial return for you, the applicant?** Economic gain is not a factor the Board can take into consideration and by itself is never sufficient cause to grant a variance.

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**Question 3 – Zoning Ordinance Section 7.02.02 G.3:**

**Has the immediate practical difficulty been caused by anything other than what the applicant him- or herself has done?** So-called “*self created*” *practical difficulties* may not be used to justify granting a variance. Some examples of such difficulties are purchasing property that is nonconforming, trying to undo the effect of a previously granted variance, or having previously constructed/placed structures in a location which hinders your plan for the property.

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**Question 4 – Zoning Ordinance Section 7.02.02 G.4:**

**Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to?** The Board must consider whether or not granting a variance will hinder the City of Hudsonville in achieving the very goals and objectives the ordinance is trying to accomplish. You should explain how your application is consistent with and does not violate the intent of the particular section(s) that apply to it; merely saying “it does not” is not enough. The Board will need to be convinced that the nature of your parcel *does not allow you to do* with your property *what others* in your district are *rightfully able to do*. The practical difficulty you claim cannot be based upon a condition or situation that is common in your zone district and it would make more sense for the City to amend its ordinances rather than grant individual variances.

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**Question 5 – Zoning Ordinance Section 7.02.02 G.5:**

**Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible.** The Board will expect some indication that you have, in fact, looked for possible alternatives to do what you want on your parcel. Too much is at stake for the Board to grant a variance merely for the convenience of the applicant. As the Board may only *approve the minimum variance* necessary to provide relief, it must determine that the applicant could not make legal use of his or her parcel without a variance or determine the degree at which a lesser variance should prevail.

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**This application shall also include a site plan providing applicant identification and street address, property lines, location of buildings, dimensions, significant natural features, abutting streets, etc.** You are encouraged to include photographs and illustrations to support your case.

I do hereby submit application for a Special Use Permit and understand that **all engineering, legal, and other professional costs** must be paid by the applicant.

I also authorize the Planning Commission and City Staff to access the property for inspection purposes.

The answers and statements herein contained and the information submitted are in all respects true and correct to the best of my knowledge

**CIRCLE ONE:**

I am the **owner** **lessee** **legal representative** involved in the request

\_\_\_\_\_  
Applicant's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date