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ZONING BOARD OF APPEALS (ZBA) PROCEDURES

For additional information or questions contact

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Application Fee: \$125

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
- 7:00 P.M.
- Stanton City Offices, 225 S. Camburn, Stanton, Michigan, 48888

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 City Zoning Administrator to discuss the review process.
2. *Application form.* The application form is on the City of Stanton website: www.stantononline.com or the form can be obtained from the City offices.
3. *Submit the following to the City Zoning Administrator:*
 - Application form signed by the property owner and applicant.
 - Application fee
 - Narrative describing how the request meets the standards for a variance per Section 20.06(b) of the City Zoning Ordinance.
 - An accurate drawing illustrating the requested variance.
4. The Zoning Administrator forwards the fee and application materials to the City Clerk and the application materials to the members of the Zoning Board of Appeals.

5. The ZBA Chair in conjunction with the Zoning Administrator sets a public hearing date dependent upon the availability of the ZBA members and notifies the applicant and City Clerk of the hearing date.

6. The City Clerk prepares the notice of the public hearing which is published in the Greenville Daily News. The notice is also mailed by the Clerk 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 City assessment roll. A notice is also sent to any utility, airport or railroad that registers its name with the City for purposes of receiving such notice.

In cases where property within 300 feet of the site proposed for rezoning is within another municipality, the Clerk 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 City 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 20.06 (b) of the City 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, three out of five, is necessary to pass a motion.

8. A copy of the Zoning Board of Appeals decision is sent by the City Clerk to the applicant and to the City Zoning Administrator and Montcalm County Building Inspector. The terms of the variance are incorporated in any permit subsequently issued by the Zoning Administrator or the City 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 one year from the date when the variance was granted. The Zoning Board of Appeals, however, may grant an extension of the time period for not more than one year if the applicant files a request for an extension with the Zoning Administrator 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. However, any person having an interest affected by any such decision may appeal to the circuit court to the extent and in the manner permitted by law. Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the decision, whichever comes first.

Planning Commissioner/ZBA Member Voting

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the City Commission 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 City Commission. 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 20.06(b) of the Stanton Zoning Ordinance

b) Variance Standards. In order to grant a variance as permitted by this section the Zoning Board of Appeals must find that **all** of the following standards have been met:

- 1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district and that these conditions create a practical difficulty for the applicant in using the property for a permitted use.
- 2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- 3) That granting the variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- 4) That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.