

LOWELL CHARTER TOWNSHIP
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ZONING BOARD OF APPEALS PROCESS
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The Zoning Board of Appeals holds a public hearing on all appeals. The ZBA consists of five members.

1. Application Form and Fee Schedule

An application form and fee schedule for can be obtained from the Township offices. The application fee covers the cost of advertising the public hearing, mailing notices to property owners and/or occupants of properties within 300 feet of the applicant's property, and holding a public hearing. The escrow fee covers the cost of the services provided by professional consultants retained by the Township to assist in analyzing the request.

2. Meeting Dates

The Lowell Charter Township Zoning Board of Appeals meets as necessary to consider variances at the Lowell Charter Township Hall, 2910 Alden Nash SE, Lowell, Michigan 49331.

3. Processing Period

An application for a variance to the Zoning Board of Appeals usually takes from 20-30 days.

4. Information to be Submitted by the Applicant

The applicant must submit a signed application form and any other information which will help the Board understand the request. It is helpful to submit a legible drawing of the property, buildings and natural features such as trees, steep slopes, wetland or ponds with your application which illustrates the request. This information is submitted to the Township Clerk.

The applicant should also complete the attached sheet which will explain to the Board how the variance request meets the criteria for granting a variance request.

5. Application Procedures

Whenever an application for an appeal for a variance is filed, the following steps are taken in processing the application:

- (a) An application for an appeal for a variance is submitted to the Township Clerk or the Clerk's representative along with the required fee(s). The application must be signed by the owner(s) of the property for which the application has been submitted.

Applications should also be accompanied by an accurate drawing illustrating the requested variance.

- (b) The Township Clerk, in conjunction with the Chair of the Zoning Board of Appeals, sets a public hearing date.
- (c) Notice of this public hearing is published in the Lowell Ledger and the notice is also mailed 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 which is the subject of the public hearing is within another municipality, the Lowell Township Clerk will obtain a list of those property owners and occupants in the adjoining municipality which are within 300 feet of the site to be rezoned and mail them a notice.

- (d) 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 24.07 of the Lowell Charter 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, three out of five, is necessary to pass a motion.

- (e) A copy of the Zoning Board of Appeals decision is sent 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.
- (f) An appeal of the decision of the Zoning Board of Appeals may be made to the Circuit Court of Kent County as provided for by State of Michigan law. An appeal cannot be filed with the Lowell Charter Township Board.
- (g) The activity authorized by the variance must be underway within one year of the date granted by the Board or the variance will no longer be valid. The applicant, however, may request up to a one year extension from the Board of Appeals. The request for an extension must be submitted to the ZBA before the initial approval expires.

Criteria for Granting a Variance

The Zoning Board of Appeals treats each variance request individually and approves or denies each variance request on its own merits. The Board reviews each variance request according to standards which are contained in Section 24.07 of the Lowell Charter Township Zoning Ordinance.

These standards are listed below. The applicant should read these standards and in the space following each standard explain how the variance request meets the standard and submit this with the application to the Clerk.

A. Whether strict compliance with the requirements for area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such requirements unnecessarily burdensome; (in other words, explain why would it be unreasonable for you to comply with the Ordinance requirement or what burden would be placed on you if you did comply with the requirement)

B. Whether granting the variance requested or a lesser variance where feasible would do substantial justice to the applicant as well as to other property owners in the district without altering the essential character of the neighborhood; (in other words, if the variance is granted explain why this would not adversely affect your neighbors and the character of your neighborhood)

C. Whether the plight of the landowner is due to the unique circumstances of the property; (in other words explain what unique circumstances pertaining to your property and not to other properties in the Township prevent you from complying with the requirement of the Ordinance)

D. Whether the problem is self- created; (in other words explain whether or not some action on your part created a situation which now requires a variance from the Zoning Ordinance)
