

# SPARTA TOWNSHIP

160 E. Division St. • Sparta, MI 49345-1330

Phone (616) 887-8863 • Fax (616) 887-3823

www.sparta-township.com

## Petition for Variance Variance Application Fee \$300.00

Name of Applicant: \_\_\_\_\_ Phone No. \_\_\_\_\_

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

Name, Address and Phone Number of Owner, if different from Applicant: \_\_\_\_\_

Address of Property for Variance \_\_\_\_\_

Parcel Number of Property 41-05- - - \_\_\_\_\_

Property is Located between \_\_\_\_\_ and \_\_\_\_\_ Road

Current Zoning \_\_\_\_\_ Master Plan Zoning: \_\_\_\_\_ Acres in Parcel \_\_\_\_\_

List the zoning restrictions you wish to waive with a variance and describe the reason for seeking this variance. \_\_\_\_\_

**A site plan must accompany this application.**

Would the applicant grant permission for the members of the Zoning Board of Appeals to visit the property in question? Yes \_\_\_\_\_ No \_\_\_\_\_

The applicant has read all of the attached information and understands the terms and conditions of this application and hereby applies for the requested variance.

Signature of Applicant \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE-TOWNSHIP USE ONLY**

Application fee \_\_\_\_\_

Date notices Mailed \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Date Received \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

Approved with conditions \_\_\_\_\_

## **SPARTA TOWNSHIP**

### **IMPORTANT INFORMATION and STIPULATIONS REGARDING VARIANCES**

1. Now that you have paid your fee, a date will be set for a public hearing.
2. All property owners within 300 feet of the parcel under consideration will be notified of the hearing.
3. All current and delinquent property taxes for the parcel should be paid in full prior to the hearing.
4. You should appear at the hearing to answer any questions which the Zoning Board of Appeals may have.
5. A decision will be made concerning your request. You will be sent a copy of the Decision.
6. For requests involving the splitting of property: if the ZBA approves your request, you will then need to file, with an additional fee, an Application for Land Division.
7. A variance is good for one year from the date it is granted. It may be renewed for one more year by the Zoning Administrator if he/she finds it to be appropriate. If the terms of the variance have not been fulfilled by the deadline, the variance will be null and void.
8. More detailed explanations of the procedure and the standards for variances can be found in the Sparta Township Zoning Ordinance, Sections 15.09 and 15.10, available in the office or at [www.sparta-township.com](http://www.sparta-township.com).
9. The application fee is not refundable.

### **WHAT THE APPLICANT MUST PROVE IN ORDER TO OBTAIN A VARIANCE**

In order for an applicant to obtain a variance, the applicant must demonstrate to the Sparta Township Zoning Board of Appeals that all of the standards for a variance contained in the Sparta Township Zoning Ordinance will be met. There are two types of variances – use variances and non-use/dimensional variances. Depending upon which type of variance request is involved, you will have to demonstrate to the Zoning Board of Appeals that your variance request meets all of the following:

- A. Non-use/Dimensional Variance – the Applicant must demonstrate “practical difficulty” and also the following:
  1. That the need for the requested variance is due to practical difficulties in carrying out the strict letter of the zoning ordinance arising from unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography.

2. That the asserted difficulty is not due to the applicant's personal or economic difficulty. Increased financial return alone shall not be deemed sufficient to warrant a variance.
  3. That the need for the requested variance is not the result of actions of the property owner or previous property owners.
  4. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for permitted purposes, or will render conformity with those regulations unnecessarily burdensome.
  5. That the required variance is the minimum variance necessary to do substantial justice to petitioner as well as to other property owners in the district.
  6. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
  7. That the need for the requested variance is not based primarily on nonconforming use(s) of nearby lands, structures or buildings.
- B. Use Variance – the Applicant must demonstrate “unnecessary hardship” and also the following:
1. The property cannot be reasonably used for any of the uses permitted in the zoning district in which it is located.
  2. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography.
  3. That the need for the variance is not due to the applicant's personal or economic hardship.
  4. That such unique circumstances or physical conditions of the property are not so general or recurrent in nature so as to make it reasonably practicable to address them by amending this Ordinance.
  5. That the proposed use will not alter the essential character of the neighborhood.
  6. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
  7. That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties.
  8. That the need for the requested variance is not based primarily on nonconforming use(s) of nearby lands, structures or buildings.