

KENTWOOD ZONING BOARD OF APPEALS
PROCEDURES & REGULATIONS
NON-USE VARIANCES

The Kentwood Zoning Ordinance requires the Zoning Board of Appeals to hold a public hearing for all variance requests. The request is processed as follows:

1. Application (attached) must be submitted to the Planning Department by the second (2nd) Monday of the month prior to the hearing (see yearly meeting schedule).

Example: For a hearing in February the application will be due the second (2nd) Monday in January.

2. Information required with application:
 - Fee of \$130 single and two family and accessory buildings; \$330 for all other requests (non-refundable)
 - Legal description of property in question
 - Drawing (if applicable) of site showing requested variance.
3. Notice of hearing date sent to property owners within 300 feet and it will be published in the newspaper.
4. Planning staff prepares report of request for Board Members and applicant. No recommendation is made.
5. Hearing is held When: Third Monday of each month
 Time: 7:00 P.M.
 Where: City Commission Chambers
 Kentwood City Center
 4900 Breton Avenue
 Kentwood, MI

The applicant or representative **MUST** attend this hearing to present the variance request.

6. Please describe on the attached form how you meet the standards below. You must satisfy **ALL** of these in order for the Board to grant your appeal.

Section 21.04B Non-use Variance

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that **ALL** of the following conditions are met:

- 1) That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district.

Exceptional or extraordinary circumstances or conditions include:

- a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance; or
 - b) by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
 - c) by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
- 2) The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 - 3) The 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 be of itself be deemed sufficient to warrant a variance.
 - 4) The variance will not be detrimental to adjacent property and the surrounding neighborhood.
 - 5) The variance will not impair the intent and purpose of this Ordinance.
 - 6) That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

Section 21.05 Conditions of Approval

In authorizing a variance or other approval permitted by this Ordinance, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.

Section 13.07 C.7.a.

If the Board grants a variance to an appellant, the variance shall be exercised within one (1) year from the date of the approval, unless more time is specifically granted by the Board.

Section 21.03 Voting Requirements

- A. Except as noted in B, below, a majority of the membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official body, or to decide in favor of an applicant on any matter upon which they are required to pass under this Ordinance, or to effect a non-use variance.

- B. A concurring vote of two-thirds (2/3) of the membership of the Zoning Board of Appeals shall be necessary to grant a use variance.