

Village of Bear Lake

- 1** **Introductory Meeting with Planning Staff** - Staff will assist the applicant by explaining the Zoning Ordinance Regulations/Standards. Staff review of a request usually indicates that a site plan proposed by the applicant does not meet the standards of the ordinance. If the applicant feels that they are unable to modify their plan to meet the requirements of the ordinance or if the ZA is mistaken in their interpretation of the ordinance they have the right to request an appeal from the Zoning Board of Appeals. The applicant is encouraged to contact adjoining and nearby property owners and occupants to discuss their project prior to the Public Hearing. A copy of the mailing information for the 300' notification can be obtained from Staff upon request.
- 2** **Submission of Application** – Applicant will submit their request to the ZA who will review it to make sure they have supplied all the necessary information including a site plan. If no additional information is needed the ZA will then schedule a meeting within 30 days. ***Fee must be received before any requests are processed.***
- 3** **Public Hearing Notification** – Staff will prepare Notice of Public Hearing (Ad in Newspaper, posted on Village Web Page, Village Facebook Page (If existing), Posted at Village Hall, mailing to all owners/occupants within 300' of property). *Noticing must be at least 15 days prior to meeting date.*
- 4** **Public Hearing** - Applicant shall present their case to the Board along with any correspondence in support of their request. Staff will give their report, the public is invited to speak on the request. Public Hearing will be closed.
- 5** **Meeting** – The Zoning Board of Appeals will begin their deliberation on the request. If the Board determines that no additional information is needed they will deliberate/take action on the request. The Board will motion to approve, approve with conditions, or deny the request. If the Board determines that additional information is needed they will postpone their determination until a specified date and schedule another meeting.
- 6** **Permit** – If approved, Staff will schedule a meeting to certify the minutes. This is typically scheduled for the following week. Once minutes are certified staff will issue a Land Use Permit that states a variance was obtained and specify the variance granted.

****Average time depending on Staff availability, complete application and Meeting Schedules approx. 30-45 days***

[See Article 96 Zoning Board of Appeals](#)



Planning & Zoning
395 Third Street
Manistee, MI 49660
231.723.6041 (phone)
231.398.3526 (fax)

Request for Appeal

Zoning Board of Appeals
Please Print

Submission of Application		
After receipt of a complete application a public hearing will be scheduled. You will receive notice from the Village indicating the date and time. You or your representative should be present at the hearing to explain your request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to approve, approve with conditions, or deny your request. You will receive notice of their decision. Each application shall be accompanied by the payment of a fee \$750.00 . These fees will be in accordance with the schedule of fees adopted by the Village Council to cover the costs of processing the application. If applicant is or represents a prospective property owner; a copy of the proposed purchase agreement, that states if the variance is granted the sale will take place, must be provided.		
Applicant Information		
Name of Owner:		
Address:		
Phone #:	Cell#:	e-mail:
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address:	Parcel #	
Present/proposed Land Use:		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land:		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary:		
Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input type="checkbox"/> No If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision:		
Detailed Narrative of Request		
State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals. (Attach additional documents to application as needed)		

Detailed Request and Justification			
	Identify each requested variance	Required by Zoning	Requested by Appellant
	Front Yard Set Back	From	To
	Side Yard Set Back	From	To
	Side Yard Set Back	From	To
	Rear Yard Set Back	From	To
	Waterfront Set Back	From	To
	Height	From	To
	Lot Coverage	From	To
	Off Street Parking	From	To
	Other:	From	To
Please Mark all characteristics of your property which require the granting of a variance			
	Too Narrow	Explain:	
	Too Small	Explain:	
	Too Shallow	Explain:	
	Elevation (height)	Explain:	
	Slope	Explain:	
	Shape	Explain:	
	Soil	Explain:	
	Other:	Explain:	
Specific Variance			
<p>Variance: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.</p>			
<p>Basic Conditions - (For Board Member Use Only) - The Board shall find that a variance request meets all the following conditions by majority vote of the presiding members. If any of the following conditions are not met, a variance cannot be granted.</p>			
1.	The strict enforcement of the provisions of this Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.		<input type="checkbox"/> yes <input type="checkbox"/> no
2.	There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.		<input type="checkbox"/> yes <input type="checkbox"/> no
3.	The conditions and circumstances unique to the property were not created by the owner, or his predecessor		<input type="checkbox"/> yes <input type="checkbox"/> no
4.	The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.		<input type="checkbox"/> yes <input type="checkbox"/> no
5.	The requested variance will not be contrary to the spirit and intent of this Ordinance.		<input type="checkbox"/> yes <input type="checkbox"/> no
6.	A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.		<input type="checkbox"/> yes <input type="checkbox"/> no

Site Plan Requirements

The applicant is responsible to provide a survey (unless waived by the Zoning Administrator) as follows:
 Site plan review and approval must comply with the requirements of Sections 9403.A., 9403.B., and 9403.D. of this Ordinance.

	General Information Required: All site plans shall be drawn at a scale of at least one (1") inch equals one hundred (100') feet and include plan preparation and revisions dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000') feet of the site.
	The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
	A survey of the property showing property line dimensions and bearings, any easements of record, required setbacks, and a written legal description.
	Notation of all federal, state and local permits required.
	Bear the seal of the responsible licensed professional engineer, professional land surveyor, or registered landscape architect prior to issuance of a land use permit.
	Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.

	Additional Information if Commission Review was required: Site plans which are subject to Commission review shall provide the following information in addition to that which is required by Section 9403. of this Ordinance:
	A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.
	A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations.
	Location of natural features such as, but not limited to, woodlots, streams, floodplains, lakes, ponds, and existing topography at ten (10') foot intervals within one hundred (100') feet of the site.
	Location and dimensions of existing structures within one hundred (100') feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.
	Location and dimensions of proposed structures, including building elevations and floor plans.
	Location and dimensions of existing public rights-of-way (including paving material), private roads, or access easements of record.
	Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
	Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
	Location and dimension of existing and proposed exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge
	Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses, including a completed sign permit application.
	Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
	Location, spacing, type and size of proposed plant materials.
	Any required screening walls or landscape buffers between the use and the adjacent properties.
	Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
	The Commission reserves the right to require additional surveys and reports as they deem necessary. These reports may include but not necessarily be limited to reclamation plan, environmental impact statement, pollution incident

	prevention plan, visual impact analysis, evacuation plan, wetlands determination, traffic impact analysis and detailed engineering reviews.
	Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.

Rules – The following rules shall be applied in the granting of variances

Under no circumstances shall the Board grant a variance to allow a use not permitted under the terms of this Ordinance in the Zoning District involved. The permission and duration associated with temporary uses in the Village as defined in the definitions chapter of this ordinance.

Conditions: The Zoning Board of Appeals may impose conditions upon an affirmative decision. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
2. Be related to valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals and the landowner. The Zoning Board of Appeals shall maintain a record of changes granted in conditions.

Stay: An appeal shall postpone all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed that by reason of facts stated in the certificate a postponement would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be postponed except by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by a court of competent jurisdiction.

Rehearing: No rehearing on an application denied by the Zoning Board of Appeals shall be granted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made within eight (8) days of the decision of the Zoning Board of Appeals. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

Reapplication: After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Administrator to be valid.

Fee: A fee as established by the Village Board, shall be paid to the Village at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Zoning Administrator, Planning Commission, or Village Council is the initiating party.

Performance Guarantee: In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit or certified check acceptable to the Village covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Village Treasurer to insure faithful conformance with the conditions or completion of the improvements.

Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the total membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

Granting of a variance does not excuse the applicant from any other portion of the Zoning Ordinance.
 Violations of the Zoning Ordinance will be punishable under Article 98 of the Village of Bear Lake Zoning Ordinance.

Authorization

AFFIDAVIT:

The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the Village Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner, or have contract to purchase the property if variance is granted) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature: _____ Date: _____

Signature: _____ Date: _____

Fee of \$750.00 enclosed and Site Plan for project attached (request cannot be issued without site plan)

* Please make all checks payable to Village of Bear Lake

Office Use Only

Fee: \$750.00 must be paid before application is processed.

Receipt #

Date Received:

Hearing Date:

ZBA-