

## Village of Onekama

- 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, and correspondence will be read into the record. 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. They will adopt either approve 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 written 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 written notice of their decision. Each application shall be accompanied by the payment of a <b>fee \$450.00</b> if a current property owner and a separate fee for perspective property owners. These fees will be in accordance with the schedule of fees adopted by the Village Council to cover the costs of processing the application. <b>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.</b>		
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>The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that <b>all of the Basic Conditions</b> set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.</p>			
<p><b>Basic Conditions - (For Board Member Use Only)</b> - The Board shall find that a variance request meets <b>all</b> the following conditions by majority vote of the presiding members. If <b>any</b> of the following cannot conditions are not met a variance cannot be granted.</p>			
<p>1. <i>Special conditions and circumstances exist which are peculiar to the parcel or structure involved and which are not applicable generally to other parcels or structures in the same Zoning District.</i></p>			<input type="checkbox"/> yes <input type="checkbox"/> no
<p><b>Justification: (For Board Member Use Only)</b></p>			
<p>2. <i>The special conditions and circumstances required to be demonstrated in Section 9604.C.1 do not result from the actions of the requesting person.</i></p>			<input type="checkbox"/> yes <input type="checkbox"/> no
<p><b>Justification: (For Board Member Use Only)</b></p>			
<p>3. <i>A literal interpretation of the provisions of this Ordinance would deprive the requesting person of rights commonly enjoyed by owners of other properties in the same Zoning District under this Ordinance.</i></p>			<input type="checkbox"/> yes <input type="checkbox"/> no
<p><b>Justification: (For Board Member Use Only)</b></p>			
<p>4. <i>The non-use variance, as granted, is in harmony with the general purpose and intent of this Ordinance, is not injurious to the neighborhood or otherwise detrimental to the public safety, and is the minimum variance that will provide substantial justice to the applicant by allowing reasonable use of the structure or parcel.</i></p>			<input type="checkbox"/> yes <input type="checkbox"/> no
<p><b>Justification: (For Board Member Use Only)</b></p>			
<p>5. <i>The grant of the non-use variance is appropriate because there are practical difficulties in carrying out the strict letter of this Ordinance, the spirit of this Ordinance is observed, public safety is secured, and substantial justice is done.</i></p>			<input type="checkbox"/> yes <input type="checkbox"/> no
<p><b>Justification: (For Board Member Use Only)</b></p>			

### Site Plan Requirements

The applicant is responsible to provide a survey (unless waived by the Zoning Administrator) as follows:

	The property identified by parcel lines and location, dimensions, angles, size.
	Legal description of property.
	A vicinity map showing the location of the site in relation to the surrounding street system within 300 feet of the site.
	License #, and signature of land surveyor, engineer, or architect licensed in Michigan who prepared the plan.
	Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land.
	The scale, with one inch not being less than 100 feet.
	North point.
	Contours shown at least (2) feet intervals.
	Natural features such as woodlots, waterbodies, wetlands, flood plains, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features. A statement needs to be included speaking on how each of these listed features will be altered or removed.
	Location dimensions of existing and proposed man-made features such as buildings, structures, high-tension towers, fences, pipelines, utility easements, water, storm sewer and sanitary sewer lines, private sanitary sewage facilities, excavations, bridges, culverts, storm water drainage, retention lines, on subject parcel and adjacent parcels.
	The location of proposed and main and accessory buildings, existing structures, the height of all buildings, square footage of floor space and set-backs, riparian setbacks proposed finished floor and grade line elevations, types of buildings, uses, and relation to one another and to any existing structures on site, square footage of floor area for each level.
	For a residential development, a density schedule showing the number of dwelling units per acre and a dwelling schedule showing the unit type and number of each such unit;
	Location of proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; location, size and number of parking spaces in off-street parking areas and of service lanes and service parking; and, a calculation of the percent of the land area of the parcel covered by impervious surfaces.
	Proposed location, use and size of open spaces; location of any landscaping, fences or walls on the site, location and extent of proposed alterations to the topography and other natural features, and proposed location of connections to existing utilities and proposed extensions thereof.
	Topography information based on USGS datum or selected on-site elevations.
	Generalized soil analysis.
	Soil and sediment control measures, including preventative erosion devices, both during and after any site work related to the development. (When required)
	A complete description of the proposed development including areas of the site, the number of parcels, or units, the number and characteristic of the population impact such as density, elderly persons, school children, tourists, family size, income and related material as applicable.
	Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment in the Village Sanitary Sewer system, volume of water consumption related to groundwater reserves, change in traffic volume on adjacent streets, light pollution, and any other factors the Zoning administrator deems relevant.
	Statements as to the development's impact on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution, storm water run-off, noise, and the impacts of the development to pre-development levels.
	Show any permits, and/or modifications to the site as required by any State, Federal, or local entity.
	Any additional information which the Planning Commission and/or Village Council may require during its review to facilitate its decision.

**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.

A non-use variance from the terms of this Ordinance shall not be granted by the Board unless a person, who has been given an Administrator’s notice that a land use permit has been denied and/or that a variance is required, submits within 45 days of being given such a Notice, a written request for a variance to the Board specifying the grounds that the applicant relies upon to demonstrate:

**(Applicant needs to ensure their narrative addresses the following:)**

1. That special conditions and circumstances exist which are peculiar to the parcel or structure involved and which are not applicable to other parcels or structures involved and which are not applicable to other parcels or structures in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the requesting person of rights commonly enjoyed by other parcels in the same district under the terms of this Ordinance; **and;**
3. That the special conditions and circumstances do not result from the actions of the requesting person.

No non-conforming structures or non-conforming parcels in the same zoning district and no permitted structures or permitted uses in other districts shall be considered grounds for issuance of a variance.

No variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Board to be valid.

In granting any non-use variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance, including requirements for buffering between parcels by landscaping, fencing, vegetation or other similar methods. Violations of such conditions and safeguards that are made a part of the terms of the written decision under which a non-use variance is granted shall be deemed a violation of this Ordinance and punishable under Section 9805.

A 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 Section 9805.

**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 \$450.00 enclosed or first payment of \$250.00 for potential landowners, and Site Plan for project attached (request cannot be issued without site plan) \* Please make all checks out to Village of Onekama

**Office Use Only**

<b>Fee:</b> <input type="checkbox"/> \$450.00 or first payment of \$250.00 for potential landowners.	<b>Receipt #</b>
<b>Date Received:</b>	<b>Hearing Date:</b>
	<b>ZBA-</b>