

VARIANCE REQUEST PACKET

HOW TO APPLY FOR A VARIANCE IN BATH TOWNSHIP

Variance applications can be submitted in person to the Bath Township office located at 14480 Webster Road or emailed to the Planning Department at mroblyer@bathtownship.us when the Zoning Administrator has determined that particular provisions of the Zoning Ordinance cannot be met.

Administrative Appeals to the Zoning Board of Appeals (ZBA) can be filed by anyone aggrieved by a determination made by the Zoning Administrator in the administration or enforcement of the zoning ordinance. The ZBA can reverse or affirm, wholly or partly, or may modify the Zoning Administrator's decision.

APPLICATION PROCESS & FEES

Fee Information

- Single Family Residential- \$100.00 App Fee
- Multiple- Family Residential- \$250.00 App Fee
- Office, Commercial, Industrial- \$300.00 App Fee
- Signs- \$250.00 App Fee
- Ordinance Interpretation- \$300.00 App Fee

Application Process Information

1. Submit complete application to the Planning Department with required fee.
 - Variance Application Form and questions filled out and/or completed (Pg. 2).
2. Please stake the property two weeks prior to the meeting. Township staff and ZBA members may want to conduct site visits. Please have the area in question (ex: garage, addition, deck) staked out so township staff and ZBA members can verify the location of the structure. If the property is not staked out, the variance request will be delayed.
3. Township Staff will publicly notice the ZBA meeting in the Bath-DeWitt Review and Lansing State Journal. Also, all adjacent properties within a 300ft radius from the property the variance is being requested for will receive a letter of the public meet notice in the mail.
4. The Zoning Board of Appeals holds a public hearing regarding the variance request, hold a discussion and come to a decision.
 - APPROVAL - Zoning Administrator enforces the ZBA's decision. The ZBA may impose conditions upon an affirmative decision. The ZBA may modify the request to a lesser amount than what was requested. For example, if a 10-foot variance was requested a 5-foot variance may be approved.
 - DISAPPROVAL - Applicant can appeal ZBA decision to Clinton County Circuit Court.

Standards for Variances

The ZBA **CANNOT APPROVE A VARIANCE** unless and until it finds that **ALL** of the following conditions in Section 22.05 of Bath Township Code of Ordinance are met:

- (a) That there are practical difficulties which stand in the way of carrying out the strict letter of the zoning ordinance, and there are special conditions and circumstances which exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
- (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance
- (c) That the special conditions and circumstances necessitating the variance did not result from the actions of the applicant.
- (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

QUESTIONS FOR APPLICANT

(a) That there are practical difficulties which stand in the way of carrying out the strict letter of the zoning ordinance, and there are special conditions and circumstances which exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same district.

(1) Practical Difficulty: A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape area, presence of floodplains, exceptional geological conditions) and strict compliance with the Zoning Ordinance standards would unreasonably prevent the owner from using the subject site for a permitted use or would render conformity unnecessarily burdensome. Economic hardship or optimum profit are not considerations for practical difficulty.

(b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance

(2) Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

(c) That the special conditions and circumstances necessitating the variance did not result from the actions of the applicant.

(3) Not Self-Created: Can you affirm that the hardship described above was not created by an action of anyone having an interest in the property after the Zoning Ordinance or applicable part thereof became law? Yes____ No____. If “no” explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to a variance).

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

(4) The requested variance will not grant special privileges that are denied to other properties similarly situated and in the same zoning district. Will granting the variance give the applicant any special privilege that is denied by the Zoning Ordinance to owners of other lands, structures, or buildings in the same zoning district? Please explain.

BATH CHARTER TOWNSHIP VARIANCE APPLICATION

A Variance expires 6 months after approval if work has not commenced

OFFICE USE ONLY

Submitted: _____

Appeal #: _____

Action Taken: _____

Date: _____

Check #: _____

Date Filed: _____

Appellant's Name: _____

Address: _____ Phone: _____

Owner's Name (if different) _____ Phone: _____

Address: _____

PROPERTY INFORMATION

Address of Subject Property: _____

Legal Description of Subject Property: _____

List All Deed Restrictions: _____

ACTION REQUESTED

The appellant hereby requests a hearing before Bath Charter Township Board of Zoning Appeals for the purpose indicated below:

ORDINANCE OR
MAP INTERPRETATION

VARIANCE

APPEAL FROM
ADMINISTRATIVE DECISION

I understand that if the requested appeal is granted I am in no way relieved from all other applicable requirements of the Bath Township Zoning Ordinance.

Appellant's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

A scaled site drawing must accompany this application indicating lot lines, easements, existing buildings and structures, driveways, and proposed construction, if any. Please submit seven (7) paper copies and (1) PDF copy to Bath Township's Planning Dept.