

# City of Potterville

## Zoning Board of Appeals Application

319 N. Nelson St. ♦ PO Box 488 ♦ Potterville, MI 48876 ♦ Phone: (517) 645-7641

Fax: (517) 645-7810 ♦ [www.pottervillemi.org](http://www.pottervillemi.org)

<p><b><u>Applicant/Appellant</u></b> <b>Name(s):</b></p> <p>_____</p> <p><b><u>Circle one</u></b> Owner                      Lessee                      Representative</p> <p><b><u>Mailing Address:</u></b></p> <p>Street _____</p> <p>City, _____ State, _____ zip _____</p> <p><b><u>Phone(s):</u></b> _____</p> <p><b><u>Property Address: (if different than above)</u></b></p> <p>Street _____</p> <p><b><u>Property Code:</u></b>    -    -    -    -</p>	<p><b><u>Office Use Only</u></b></p> <p><b>Case No.:</b></p> <p><b>Date Application Received:</b></p> <p><b>Date Application Complete (if different):</b></p> <p><b>Fee: \$400.00</b></p> <p>Check _____ Cash _____</p> <p><b><u>Board of Appeals Hearing Date:</u></b> _____</p> <p><b><u>Circle one</u></b> Approved                      Denied                      Tabled</p>
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### **INFORMATION**

The City of Potterville Board of Appeals hears the following categories of appeals in accordance with standards outlined in the City of Potterville Zoning Ordinance.

**Variance:** Permission given to the property owner to depart from the literal requirements of the zoning ordinance. Variances may be granted for exception from setback requirements, from site development requirements, parking, signage, etc.

**Interpretation of the Ordinance:** Interpretation of the ordinance when its provisions are not clear, for determining precise boundaries between zoning districts or determining a land use classification not specifically mentioned for a district.

**Review of Decision:** Appeals where it is alleged there was an error in fact, judgment, procedure or interpretation in any order, permit, requirement, or decision made by the staff of the City of Potterville (Administrative Decision), its officials (Enforcement Decision), or the Planning Commission (Special Land Use). The Board of Appeals has the power to sustain, reverse, or remand for further consideration a Planning Commission decision if it was inconsistent with the ordinance or if there was an error in fact involved in the decision.

### **1. What type of appeal are you requesting? Please Circle One.**

Variance

Interpretation of Ordinance

Review of Decision

## PROPERTY INFORMATION

**2. Current zoning of the property (*Circle one*):**

Rural Residential (R-R)      Residential (R-1, R-2, R-3, R-4)      Business (B-1, B-2, B-3)      Industrial (I-1, I-2)

**3. Current Use(s) of the Property (Please indicate if used as residence, agricultural, commercial, etc.):**

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**4. Current Use(s) of area properties: (Please indicate if residential, agricultural, commercial, etc.)**

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**5. List of persons and/or firms with equitable interest in this parcel:**

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**6. PLEASE ATTACH A LEGAL DESCRIPTION OF THE PROPERTY (Please label).**

A legal description of the parcel can be found in a deed, land contract, or tax information for your property. It must include any deed restrictions, easements, etc.

**7. PLEASE ATTACH A SITE PLAN! (Please label all attachments)**

A site plan is a scale drawing that shows the boundaries of the property, any structures, buildings on the property, public or private roads, driveways, easements, or other property features, and any natural features including bodies of water, wetlands, etc. The site plan must include measurements to all property lines and between structures.

**8. PHOTOS:** You may attach photos or drawings to illustrate your request. Please mount them on 8.5x11 inch paper and label clearly.

## APPEAL INFORMATION

**9. What part of the ordinance are you appealing?**

Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

**10. Please describe your request and what you wish the board to find:**

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**11. Justification:** Please give reasons why the Board should find as indicated above.

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**FOR VARIANCE REQUESTS:**

The Board of Appeals may grant a variance provided that all of the basic conditions listed herein and any one (1) of the special conditions listed thereafter can be satisfied. Please respond to these requirements on a separate sheet of paper.

- A. The variance will not be contrary to the public interest or to the intent and purpose of this ordinance.
- B. The variance shall not permit the establishment within a district or any use that is not permitted by right within that zoning district or any use or dimensional variance for which a conditional use permit or temporary use permit is required.
- C. The variance will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- D. The variance is not one (1) where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
- E. The variance will relate only to property that is under control of the applicant.

When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

- A. Where there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.
- B. Where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape, or topography of the property involved or to the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.
- C. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

**AFFIDAVIT**

I acknowledge that if a variance is granted or other decisions favorable to me are rendered upon appeal, that the decision does not relieve me from compliance with all other laws and regulations. I affirm that I am involved in the appeal and that the answers and statements herein contained and the information provided is true, accurate and correct. I understand that if it is not, this application and any approvals are void. I hereby give city officials permission to inspect the property to verify information and to verify compliance with rules and conditions. I also agree that I am able, financially, legally and physically, and I will commence this use, as approved, within six months.

\_\_\_\_\_  
Applicant(s) Signature(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant(s) Signature(s)

\_\_\_\_\_  
Date

**Before you deliver this to the City of Potterville, please make sure you have done the following:**

- 1. Complete all of the application. Provide complete and accurate information.**
- 2. Describe your request clearly. If requesting a variance, respond to all the requirements of the basic conditions (A-E) and special conditions (A-C). Label them clearly.**
- 3. Include a property description and a Site Plan. Label all attachments.**
- 4. Include the non-refundable application fee in cash, check, or money order.**

**If you have a question or are unsure of how to complete the application, please contact us for assistance!**