

VILLAGE OF BERRIEN SPRINGS

When returning your application, the council will need the following:

- 1. Letter stating what you are requesting.**
- 2. Drawing to scale, showing outline of property, present buildings and proposed building or structures and/or use of property.**
- 3. \$75.00 filing fee.**
- 4. A public hearing may be held, depending upon reason of request.**

Request Number: _____

Filing Fee: _____



Berrien Springs, Michigan 49103
Village (269) 473-6921
Township (269) 471-2824

APPLICATION FOR VARIANCE

1. Street Address and/or Location of Request: _____

2. Parcel Identification Number (Tax I.D. No.): # _____

3. Applicant's Name: _____ Phone Number _____

Address: _____
Street City State Zip

Cell Phone _____ Email Address _____

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder

5. Applicant is being represented by: _____ Phone Number _____

Address: _____

6. Present Zoning of Parcel _____ Present Use of Parcel _____

7. Please indicate the type of variance being requested:

- Lot Coverage Lot Size/Area Lot Width Sign Parking
- Setbacks Fence Landscaping Building Height
- Accessory Building Other _____

8. Please use the lines below to state the reason(s) for the variance request:

9. Please include a detailed drawing if applicable. (Drawing does not need to be a professional drawing)

Property Owner Approval: In signing this form the members of the Zoning Board of Appeals are hereby given permission to enter my property for the purposes of evaluating my request. I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

The facts presented above are true and correct to the best of my knowledge.

Signature: _____ Date: _____

Type or Print Your Name Here: _____

All of the following criteria of the Village of Berrien Springs Zoning Ordinance Article XXIII (Section 23.05 Standards for Approvals) must be met if a variance is to be granted by the Zoning Board of Appeals. Please review the criteria below and respond where indicated below as it pertains to your request.

1. *General Standards for Approval.* In reaching its determination on an application or appeal, the Board of Appeals shall consider the following:
 - A. Whether the location, use, nature, intensity, of operation, and congestion and density of population will be in conflict with the principal permitted uses of the district or with the purposes of this Ordinance.
 - B. Whether the available sewage disposal and water supply facilities will be adequate and safe.
 - C. Whether the lot size and yard area will be in harmony with the orderly and proper development of the district.
 - D. Whether adequate access to the building or use will be provided by either existing roads (public or private) or other roads to be constructed.
 - E. Whether the building or use will be objectionable to nearby properties and their owners by reason of traffic, noise, vibration, dust, blowing sand and erosion, disposal of waste or sewage, fumes, smoke, air pollution, fire hazard, or bright flashing lights.
 - F. Whether the building or use will discourage or hinder the appropriate development and use of lands and buildings in the general vicinity.

2. *Standards for Zoning Boundary Interpretation.* When the exact boundary of a district is uncertain and upon the filing of an application for an interpretation is filed, the Board of Appeals shall first consider the boundary location based on the scale of the zoning map and secondly the intended purpose of the Village Council in placing the boundary in a location not within a property line, geographic feature or other easily identifiable geographic identifier.

3. *Standards for Approval of Variances.* In approving a variance, the Board of Appeals shall consider the following standards with respect to the application:
 - A. Please describe or demonstrate the special conditions and circumstances which exist that are particular to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district (you may attach separate submittals if needed);

RESPONSE: _____

B. Please explain why the literal interpretation of the provisions of this Ordinance would deprive you the applicant of a right commonly enjoyed by others properties in the same district under the terms of this Ordinance;

RESPONSE: _____

C. That the special conditions and circumstances for this request do not result from your actions as the applicant;

RESPONSE: _____

- D. That issuance of a variance would grant or permit the use of an existing nonconformity of a building, structure or land use through removal of the nonconforming status as it currently exists.
- E. That the variance requested is the minimum variance which would make possible reasonable use of the land, buildings or structures;

RESPONSE: _____

- F. That the Board of Appeals can issue a statement of positive findings that the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
- G. and the Board of Appeals has established such appropriate conditions and safeguards to assure conformity with the terms of this Ordinance which shall be attached as conditions of the variance

It is highly encouraged that if a Dimensional Variance is being requested that the applicant seek out a survey or a line survey to establish accuracy and calculated decisions.

It is recommended that any application made before the Appeals Board have or seek representation to be at the meeting to represent the Appeal.

Village Use Only

Date Received: _____

Application is complete: Yes No

Zoning Administrator signature: _____ Date: _____

Notes: _____

Zoning Board of Appeals Board Use Only

Meeting Date: _____

Appeal/Variance granted Appeal/Variance denied Appeal/Variance modified

Reason for action taken _____

Conditions _____

Meeting Minutes attachment

Additional attachments

Member _____

Chairman _____

Member _____

Secretary _____

Member _____