

NOTICE OF APPEAL

TO: Clearwater Township Board of Appeals
P. O. Box 1
Rapid City, MI 49676
231-331-6249 – Office
231-331-4375 – Fax

BY: _____
Name of Applicant

Street Address (Mailing Address)

City, State Zip

Telephone (Home & Business)

PLEASE NOTE: Allow approximately 30 days for processing of application and public hearing. All questions that apply must be answered completely. Incomplete applications will be returned. If additional space is required, number and attach additional sheets. The total number of attached sheets is: _____.

1. ACTION REQUESTED

I (we) the undersigned, request a hearing before the Clearwater Township Board of Appeals for the purpose indicated below: Check One.

- A. Variance
- B. Ordinance or Map Interpretation
- C. Appeal from Administrative Decision
- D. Other Authorized Review

2. PROPERTY INFORMATION

- A. Property number and legal description of property affected by this appeal:

Lot Size: _____

Address of Property: _____

B. List all deed restrictions (attach additional sheets if necessary). _____

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: _____

D. This area is _____ unplatted; _____ platted; _____ will be platted. If platted, name of plat: _____

E. Attach a detailed site plan or use the page attached to draw a detailed site plan.

F. Present use of the property is: _____

G. Present zoning district classification of the property is: _____

H. A previous appeal has/has not (circle one) been made with respect to these premises in the last _____ years. If a previous appeals, rezoning, or Special Use Permit application was made, state the date, nature of action requested and the decision.

Action Requested: _____

Date: _____

Decision (approved/denied): _____

3. DETAILED REQUEST AND JUSTIFICATION

A. Variance from the requirements of the Zoning Ordinance

The applicant respectfully requests the Board of Appeals grant a variance on the above described property.

1. Indicate below which of the Ordinance requirements are the subject of the variance request.

_____ Front setback _____ Area requirements

_____ Rear setback _____ Lot coverage

_____ Sideyard setback _____ Placement

_____ Signs _____ Height

Other (explain) _____

2. If variance request deals with setbacks, indicate all distances from corners of the house and/or garage to property lines, road right of way, and/or waterfront. (Include all overhangs in measurements).

_____ Existing front setback	_____ Proposed front setback
_____ Existing side setback	_____ Proposed side setback
_____ Existing side setback	_____ Proposed side setback
_____ Existing rear setback	_____ Proposed rear setback

3. State exactly what is proposed to be done on or with the property which necessitates a variance from the Zoning Ordinance: _____

4. Describe the characteristics of your property which require the granting of a variance (including dimensional information):

_____ Too narrow	_____ Shape
_____ Too small	_____ Soil
_____ Too shallow	_____ Subsurface
_____ Elevation	_____ Slope
_____ Other (specify) _____	

5. Justification for granting the requested variance. The appellant must show that strict application of the provisions of the Zoning Ordinance to his property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Ordinance. In order for the Board of Appeals to determine whether unnecessary hardship exists, the appellant should provide answers to each of the following questions:

A. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance is not granted? _____ Yes _____ No
If no, what unnecessary hardship will result if the variance is not made? _____

B. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land 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 variances). _____

C. Are the conditions on your property the result of other man made changes (such as the relocation of a road or highway)? _____ Yes _____ No
If yes, describe: _____

D. Will strict application of the terms of the Ordinance deny use of the property for any purpose to which it is reasonably adapted? _____ Yes _____ No
If yes, describe: _____

E. Is the variance applied for due to unique circumstances present on your property or to general conditions in the area? _____ Yes _____ No
If yes, describe: _____

F. Would granting the variance change the essential character of the area?
_____ Yes _____ No
If yes, how? _____

G. Would granting the variance be contrary to the intent and purpose of the Zoning Ordinance? _____ Yes _____ No
If yes, explain: _____

H. Other comments in support of application: _____

6. Standards used by the Board of Appeals in determination of the request.

A. The hardship or practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road being widened.

B. The appellant must show that a variance:

1. Will not be contrary with the intent and purpose of the Zoning Ordinance.

2. Will not cause a substantially adverse effect upon adjacent properties.
3. Will relate only to property under control of appellant.
4. Will not jeopardize the preservation of a substantial right, although the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
5. Will not essentially alter the character of the surrounding area.
6. Will not increase the hazard from fire, flood, or similar dangers.
7. Will not increase traffic congestion.
8. Will not produce nuisance conditions to occupants, or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke or lights.
9. Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the township.

B. 1. The appellant respectfully requests the Board of Appeals make an interpretation of:

_____ A. The location of district boundaries on the Clearwater Township Zoning District Map as applied to the property described in this application.

_____ B. The provisions of Article _____ Section _____ of the Clearwater Township Zoning Ordinance.

_____ C. Other (specify): _____

2. Please described in detail the nature of the problem to be interpreted and the reason for the request: _____

C. Appeal from Administrative Decision

The appellant respectfully requests the Board of Appeals to reverse/modify the Zoning Administrator's decision (copy attached), dated _____. It is alleged that the Zoning Administrator erred in (specify) _____

the interpretation of Article _____ Section _____; his order, requirement, decision, or determination regarding the issuance of a _____ permit and that reversal/modification of said decision should be granted because: _____

Specify decision sought: _____

D. Other authorized reviews:

The appellant respectfully petitions the Board of Appeals to grant the following:

(specify according to the provisions of the local ordinance: Special exception; exception to parking requirements; Special Use Permit; temporary permits; change in non-conforming use status; other) _____

according to the conditions and provisions of Article _____ Section _____ granting this authority to the Board of Appeals. Specifically state the problem (the proposed use of the property), decision sought, and justification for the request: _____

4. **IMPACT ON SURROUNDING LANDS**

If your request is granted:

A. What are likely to be the positive and negative impacts of this decision on surrounding land and neighbors? _____

B. How do you propose to minimize any potential negative impacts which your proposed activity may cause? _____

5. **AFFIDAVIT**

The undersigned acknowledges that if a variance is granted or other decision 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 Clearwater Township Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the _____ (specify: owner, lessee, or other type of interest such as authorized agent for the owner) involved in the appeal and that the answers and

statements herein contained and the information submitted are in all respects true and correct to the best of his/her or their knowledge and belief. Further that he/she/they hereby grant permission for members of the Planning Commission, Zoning Board of Appeals and the Zoning Administrator to enter the above described property for the purposes of gathering information related to this application.

If a variance is granted, the applicant has one year to complete the project before a new application must be submitted.

Dated: _____
Applicants signature

Dated: _____
Applicants signature

For office use:

Date Received: _____
Property Tax Code: _____
Fee Amount: _____
Date Fee Received: _____
Hearing Date: _____
Board Action: _____
Action Date: _____

**SEE ATTACHED ARTICLE IX SCHEDULE OF REGULATIONS FROM
CLEARWATER TOWNSHIP ZONING ORDINANCE FOR SETBACKS**

**USE THIS SHEET TO DRAW A DETAILED SITE PLAN SHOWING
DIMENSIONS, SETBACKS, ETC., OR ATTACH A DETAILED SITE PLAN**