

CITY OF ZEELAND
Zoning Board of Appeals
Hearing Procedures For
Nonconforming Use Expansion Application

First, about the Zoning Board of Appeals (ZBA) itself: The Board is pledged to insure that the intent of Zeeland's Zoning Ordinance is preserved, that public safety is secured, and that substantial justice is done. It is composed of ordinary citizens who have devoted considerable time to understanding the ordinance and under what circumstances a nonconforming land use change may lawfully be granted.

Its members are bound to being impartial and to abiding by the ordinance and by state statutes and case law that govern decisions. They do not take their responsibilities lightly, and may seek guidance from the City Attorney who also attends the hearings. Decisions of the Board may be appealed to the 20th Judicial Circuit Court in Grand Haven, MI.

Second, what happens at Zeeland ZBA meetings: The chairman of the Board announces the cases that are to be heard in the order from the agenda prepared by the Zoning Administrator.

In each instance, the Zoning Administrator describes the case, emphasizing those factors believed to have made an appeal necessary. The Board may ask questions of the Zoning Administrator to be sure it understands the facts of the case as he/she sees them. Any communications that may have been received relevant to the case are read at this time.

Then the applicant (or someone representing him/her -- an attorney, architect, builder, etc.) presents his/her case. The Board will ask the applicant or his/her representative questions as well.

After that, others wishing to present evidence to support the applicant's case may do so.

Next, those opposed to the application may testify.

Then the applicant may make his/her closing arguments.

Any number of persons may testify pertaining to a particular case, but the Board will likely advise a group of people of like mind on an issue to appoint one of its members to be its spokesperson. The chairman of the Board, also in the interest of time, may limit testimony to new information. The Board may not base a decision on the number of persons or who is present at the hearing. Cases must be decided based on the relevant information that is presented.

After the Board is satisfied it has received all the relevant testimony it can expect, the hearing is closed and deliberation begins. The Board may or may not call for further testimony after the hearing is closed.

The Board tries to reach a decision before it adjourns but may find it needs more evidence before it can decide on a case. Whatever the situation, the Board will eventually vote to grant the request as submitted, grant it with conditions, grant it in part, postpone a decision for up to 60 days, or deny the request altogether.

Third, how to prepare for the hearing: The questions in the application are based upon the Zoning Ordinance itself. Information provided is important to making a case. It should be as complete and clear as possible; anything less risks the Board having to delay its decision.

An applicant will benefit from reading carefully those sections of the ordinance that pertain to his/her case, being sure not to overlook the section on nonconforming uses (ZCC Vol. II Section 4.100).

Also, an applicant would be wise to organize his/her **oral testimony** according to the questions on the application, elaborating on the points he/she made there. This will streamline the process because the Board will almost certainly come to the hearing prepared to base many of its questions upon an applicant's written comments.

Before and during the oral testimony, it is important to bear in mind that the Board is committed to being impartial, to dealing justly in each instance, applying the standards of law consistently, and balancing the rights of the applicant with the welfare of the community. Thus, the more information it has -- and the more clearly that information is presented -- the better job the Board will be able to do.

In that regard, an applicant should not be alarmed if some of the Board's questions seem to be pursuing some point that seems not to favor the applicant's position nor be surprised if some of its questions seem to be "making the case" for the applicant. It is all in the pursuit of getting at the facts, of finding an appropriate basis for a decision.

**ZONING BOARD OF APPEALS
 REQUEST FOR EXPANSION OF A NONCONFORMING USE
 City of Zeeland • 21 S. Elm Street Zeeland • Michigan 49464
 Phone (616) 772-0872 - Fax (616) 772-0880**

The plan you have proposed for your project requires an approval from the City of Zeeland Zoning Board of Appeals as provided by, Public Act 110 of 2006, as amended, (See MCL 125.3101 et. seq.), and the City of Zeeland City Code Vol. II (Section 4.100(C)(4)).

Please call the Zoning Administrator's Office to advise you of the time and place of meeting.

This application, filled out completely, along with the application fee, **fifteen folded copies of any plans or documents that are larger than 11" x 17" or any color plans that are larger than 8" x 12", a CD or PDF Format**, and other requested information and materials, must be submitted to the Zoning Administrator at least 30 days prior to your hearing date. The Board of Zoning Appeals Application fees are listed below.

Board of Zoning Appeals Application	Cost
Board of Zoning Appeals Application for Regular Meeting Hearing for a Single Family Residential Matter	\$250
Board of Zoning Appeals Application for a Non-single Family Residential Matter	\$350
Board of Zoning Appeals Application for a Special Meeting Hearing	\$500
Other Board of Zoning Appeals Matters	\$500

Your completion of **this** application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request for a zoning variance. Depending upon the information the Board receives at the hearing and its application of the law, your request may or may not be granted. You may use the backside of this application or attach extra sheets if you wish. You are encouraged to include photographs and illustrations to support your case.

Print or type

Applicant name and address

Owner name and address

Day phone _____ Evening phone _____

Day phone _____ Evening phone _____

Email Address: _____

Email Address: _____

Applicant's interest in property:

Contractor:

Phone: _____

Architect/engineer:

Phone: _____

Address of property involved in this request:

Current zoning of subject property:

With as much detail as you feel necessary, please explain your request. Use the back of this page if more space is required.

The five (5) following questions must be answered in order for your request to be considered. You should use the back of this page, or additional pages as necessary, for your responses. You are encouraged to include illustrations or photos to support your arguments.

1. Will the enlargement or extension of the non-conforming use substantially extend the probable duration of such nonconforming use? Will the proposed enlargement or expansion of the nonconforming use occur on the same premises that the use has been located on since the time of the adoption of the relevant ordinance amendment? Note: All enlargements since the use became nonconforming must be located upon and are limited to the same parcel the nonconforming use was located on at the time of the adoption of the ordinance or amendment to it. (ZCC Vol. II (Section 4.100(C)(1) a)

5. Will the expansion of the use be contrary to the public health, safety, or welfare or the spirit of the ordinance? (ZCC Vol. II Section 4.100 (C)(1) e)

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PLEASE PRINT OR TYPE**

This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions as noted in the left margin.

OFFICE USE - ITEMS INCLUDED

- _____ a) Applicant identification.
- _____ b) Street address.
- _____ c) North arrow.
- _____ d) Size of property in sq. ft or acre.
- _____ e) Property lines and dimensions.
- _____ f) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
- _____ g) Location of all structures on the land with locating dimensions and building dimensions.
- _____ h) Lot lines and all structure within one hundred feet (100') of the site's property lines including driveways and other access points along both side of the street where access to the site is proposed.
- _____ i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
- _____ j) Copy of latest surveyor's engineering drawing.

The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the application.

I hereby grant permission for members of the City of Zeeland Zoning Board of Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application.)

Signature of Applicant

Date

This application, required attachments, and filing fee of \$_____ received on _____.

Administrative Official _____

Date _____