

OLIVE TOWNSHIP

Ottawa County
6480 136th Avenue, Holland, Michigan 49424

VARIANCE REQUEST

For an application to be considered complete, all requested information must be provided. If an item is not applicable to your application, please state “not applicable” and provide an explanation why it is not applicable.

- **Review Body:** Zoning Board of Appeals
- **Meeting Frequency:** As business is presented
- **Application Deadline:** There is no set deadline, as the meeting frequency is by request. However, it is recommended you allow at least 30 days to elapse for the application process prior the use of your variance, if granted.
- **Township Office Review:** Following review by township personnel, if any required materials are deemed missing the applicant will be notified and must provide said material, which must result in a complete application prior to the scheduling of a meeting date. Said meeting date cannot be scheduled less than approximately 20 days from the receipt of a complete application due to State public notice requirements.

**DO NOT DISCARD THIS PAGE
YOU MUST SUBMIT THIS PAGE WITH YOUR APPLICATION**

For office use

Date Received: _____ Payment of: _____ Via Check: _____ Cash: _____

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ZONING BOARD OF APPEALS

GENERAL INFORMATION:

The Zoning Board of Appeals (ZBA) consists of three residents of the Township who are appointed by the Township Board of Trustees. The ZBA is empowered by the Zoning Ordinance and state statute to grant variances to the requirements of the Zoning Ordinance *upon findings of certain facts and/or conditions that exist*. The ZBA is also empowered to make other decisions assigned to it by the Zoning Ordinance, upon certain findings and subject to specific requirements.

The Zoning Ordinance provides for three areas of Appeal:

1. A use or area (dimensional) variance;
2. An appeal of an Administrative decision; and
3. An interpretation of the Zoning Map or Zoning Ordinance text.

The ZBA cannot change the Zoning Ordinance text or the Zoning Map; this can only be performed by the Board of Trustees.

An area (dimensional) variance is granted upon a showing of “practical difficulty,” generally created by a dimensional requirement in the Zoning Ordinance. The practical difficulty must apply to the property, not to the applicant. If granted, the variance is a license to violate a specific provision of the Zoning Ordinance. Area variances typically involve setbacks, height limitations, square footage requirements, bulk, lot area and other numerical standards in the Zoning Ordinance.

A use variance is granted upon a showing of “unnecessary hardship,” which again must apply to the property and not the applicant. If granted, the variance is a license to use the property in a way not allowed by the Zoning Ordinance.

Section 27.06 of the Zoning Ordinance establishes standards which apply to all variance requests. Section 27.06 provides that neither an area variance or a use variance may be granted unless all of the following standards are met:

27.06.B.3 – Findings - Before granting any variance, the Zoning Board of Appeals must find that all of the following standards are met.

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance;
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
- d. That the condition or situation of the specific piece of property for which the variance is sought is a practical difficulty and is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance;
- e. The variance is necessary to the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zoning district; and
- f. In the case of a use variance, that there is an unnecessary hardship in that the property cannot be reasonably used as zoned.

NOTE: The applicant or a representative is required to be present at the public hearing. The applicant will be notified as to the date and time.

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ZONING BOARD OF APPEALS APPLICATION

REQUEST FEE: \$150.00
(Subject to Escrow Fees as determined by the Township)

PROCEDURE:

Name of Applicant: _____

Address of Applicant: _____

Home Telephone: _____ Business Telephone: _____

Property Location: _____

Permanent Parcel Number: _____

Subdivision: _____ Lot Number: _____

Parcel Size: _____ Current Zoning of Property: _____

Existing Use of Property and/or Structure: _____

Proposed Use of Property and/or Structure: _____

NOTE: A survey of the property documenting accurate measurements must be provided.

