

**VILLAGE OF PENTWATER  
ZONING BOARD OF APPEALS APPLICATION**  
*(Pentwater Community Zoning Ordinance – Chapter 18)*

Parcel Number: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
(Applicant --person filing the appeal)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(E-mail)

<u>OFFICE USE ONLY</u>	
Application number	_____
Date Rec'd	_____
Fee Rec'd	_____
Hearing date	_____
Date submitted to ZBA	_____
Action	_____
Date	_____

APPLICANT'S STANDING (INTEREST) IN THE APPEAL:

- Property owner
- Adjacent property owner
- Other affected individual. Explain: \_\_\_\_\_
- Other. Explain: \_\_\_\_\_

COMPLETE THE FOLLOWING FOR THE PROPERTY SUBJECT TO THE APPEAL

<b>PROPERTY OWNER:</b>			
<b>PROPERTY ADDRESS:</b>			
<b>PARCEL NUMBER:</b>			
<b>RECORDED PLAT OR SUBDIVISION NAME:</b>			
<b>BLOCK:</b>		<b>LOT(S):</b>	<b>*OR ATTACH LEGAL DESCRIPTION</b>
<b>ZONING DISTRICT:</b>		<b>PRESENT USE:</b>	

ACTION REQUESTED: (check one)

- To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation:  
The Section is: \_\_\_\_\_

- To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach detail maps if applicable): \_\_\_\_\_
  
- To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, location of accessory buildings, maximum amount of lot coverage, etc.):  
The Section is: \_\_\_\_\_
  
- To appeal an action of the Zoning Administrator or Planning Commission. The Zoning Administrator or Planning Commission erred (did not issue a permit, issued an enforcement).

VARIANCE REQUESTED:

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(Attach sheets if necessary) (  attached)

JUSTIFICATION FOR REQUESTED ACTION:

If you are seeking a Non-Use Variance, specify how each of the following conditions are satisfied: (*Section 18.08*)

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.

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2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.

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- 3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.

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- 4. That these are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district.

Exceptional or extraordinary circumstances or conditions include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
- b. Exceptional topographic conditions;
- c. By reason of the use or development of the property immediately adjoining the property in question; or
- d. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.

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- 5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

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- 6. That the variance is not necessitated as a result of any action or inaction to the property prior to the variance request by the applicant or his/her representative.

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(Attach sheets if necessary) (  attached)

If you are seeking a Use Variance, specify how each of the following conditions are satisfied.  
(Section 18.08)

- 1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zoning district in which it is located.

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- 2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property of uses in the vicinity in the same zoning district.

Exceptional or extraordinary circumstances or conditions include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
- b. Exceptional topographic conditions;
- c. By reason of the use or development of the property immediately adjoining the property in question; or
- d. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.

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- 3. That the proposed use will not alter the essential character of the neighborhood.

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- 4. That the variance is not necessitated as a result of any action or inaction to the property prior to the variance by the applicant or his/her representative.

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(Attach sheets if necessary) (  attached)

**ATTACH A SITE PLAN FOR VARIANCE REQUESTS**, (drawn to a scale of not less than: property under 3 acres, 1 in = 10 ft.) Depicting property, including all proposed and existing structures and other above ground streets/alleys/easements and fences/walks/landscaping/greenbelts proposed and existing.

(  attached)

**ATTACH A CERTIFIED SURVEY FOR VARIANCE REQUESTS**, (completed by a professional surveyor or engineer for the property at issue [including a written drawing showing structures and stakes set on the property boundaries or corners] in order to insure that all requirements of the Zoning Ordinance will be met.) *See Pentwater Community Zoning Ordinance Section 19.15*

(  attached)

**ATTACH A COPY OF THE INITIAL APPLICATION** concerning this issue and the zoning administrator’s (or planning commission’s) written ruling on this issue.

(  attached)

**NUMBER OF ATTACHED SHEETS:** \_\_\_\_\_

1. <input type="checkbox"/> Action Requested	Number of Pages:
2. <input type="checkbox"/> Variance Requested	Number of Pages:
3. <input type="checkbox"/> Justification	Number of Pages:
4. <input type="checkbox"/> Site Plan	Number of Pages:
5. <input type="checkbox"/> Survey	Number of Pages:
6. <input type="checkbox"/> Copy of Initial Application & Denial	Number of Pages:
7. <input type="checkbox"/> Other:	Number of Pages:

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further, I agree, any Zoning Board of Appeals ruling and subsequent permit that may be issued is with the understanding that all applicable sections of the Pentwater Community Zoning Ordinance will be complied with. Also, I agree to notify the Zoning Administrator for the Village of Pentwater for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to give permission for officials of Village of Pentwater to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action by the Zoning Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**When completed send to:**

**Village of Pentwater Zoning Administrator - 327 S. Hancock Street – P.O Box 622, Pentwater, Michigan 49449  
Phone: (231) 869-8301 Fax: (231) 869-5120**

**Notice of Meeting**

A public meeting of the Village of Pentwater Zoning Board of Appeals will be held on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at 7:00 p.m. in the Pentwater Community Hall to consider your request before the Zoning Board of Appeals. You may appear in person, or by agent, or attorney. If you do not appear personally, your representative must have a letter of authorization to act on your behalf.

\_\_\_\_\_  
Zoning Administrator                      Date

OFFICE USE ONLY

Response requested from:  
DPW \_\_\_\_\_  
Police \_\_\_\_\_  
Fire \_\_\_\_\_  
Other \_\_\_\_\_

*Please attach your response and  
RETURN WITHIN 10 DAYS OF  
THIS REQUEST  
to the Zoning Administrator*