

**NOTICE OF APPEAL**  
**Revised April, 2013**

TO: Clearwater Township Zoning 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: \_\_\_\_\_.**

**I. ACTION REQUESTED**

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

- A. Dimensional (Non-Use) Variance
- B. Ordinance or Map Interpretation
- C. Appeal from Administrative Decision
- D. Other Authorized Review

**II. 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 showing dimensions, setbacks, etc..

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): \_\_\_\_\_

**III. DETAILED REQUEST AND JUSTIFICATION**

**A. DIMENSIONAL (NON-USE) VARIANCE**

The applicant respectfully requests the Zoning 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      |
| _____ Side yard setback | _____ Placement         |
| _____ Signs             | _____ Height            |

Other (explain) \_\_\_\_\_

\_\_\_\_\_

2. If variance request deals with setbacks, indicate all distances from corners of the house and/or other structures 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 truly unusual conditions are present on his property which results in the practical difficulty to be relieved by the proposed variance.

a. Can the property in question be used in a manner permitted by the Zoning Ordinance if a variance is not granted? \_\_\_\_\_ Yes \_\_\_\_\_ No  
\_\_\_\_\_  
\_\_\_\_\_

b. Can you affirm that the practical difficulty described above is not the result of an action by you or by anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If no, explain why the practical difficulty should not be regarded as self-imposed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 restrictions of the Ordinance deny a substantial property right enjoyed by other properties in the zoning district? \_\_\_\_\_ Yes  
\_\_\_\_\_ No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. Is the variance applied for due to unique circumstances present on your property (as opposed to general conditions in the area)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, how? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Would granting the variance be detrimental to the essential character of the area? \_\_\_\_\_ Yes \_\_\_\_\_ No

If no, why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

g. Other comments in support of application: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. **STANDARDS FOR REVIEWING DIMENSIONAL (NON-USE) VARIANCES**

The standards for reviewing applications for dimensional variances are intended to ensure that variances are granted in only those circumstances where truly unusual conditions are present on a parcel. As a result, a dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

- a. The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district (e.g., unique dimensional, topographical, and/or structural conditions) thus presenting the possibility of a practical difficulty for this particular property.
- b. The requested variance is necessary to alleviate a situation which qualifies as a practical difficulty; i.e., without the variance the owner is deprived of a minimum practical legal use of his/her property such as is possessed by residents of other properties in the same zoning

district. (The possibility of increased financial return is of itself not sufficient to warrant a variance.)

- c. The requested variance is the minimum variance necessary to reasonably mitigate the practical difficulty.
- d. The practical difficulty resulting in the need for the requested variance was not created by any action of the current property owner.
- e. The requested variance will not be detrimental to adjacent property and the surrounding neighborhood.

The Board of Appeals may impose conditions on a variance that may make the difference in meeting one of the standards. For example, fencing or landscaping may reduce the potential negative impact of permitting a building closer to an adjacent property line.

**B. ORDINANCE OR MAP INTERPRETATION**

1. The appellant respectfully requests that the Zoning 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): \_\_\_\_\_

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

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**C. APPEAL FROM ADMINISTRATION DECISION**

The appellant respectfully requests the Zoning 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 REVIEW**

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

(specify according to the provisions of the local ordinance: exception to parking requirements; special use permit; 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: \_\_\_\_\_

**IV. 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? \_\_\_\_\_

**V. 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 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: \_\_\_\_\_  
Applicant's signature

Dated: \_\_\_\_\_  
Applicant's signature

For office use:

Date Received: \_\_\_\_\_  
Property Tax Code: \_\_\_\_\_  
Fee Amount: \_\_\_\_\_  
Date Fee Received: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Board Action: \_\_\_\_\_  
Action Date: \_\_\_\_\_

**PLEASE ATTACH DETAILED SITE PLANS SHOWING DIMENSIONS, SETBACKS, ETC.**