

**GRATTAN TOWNSHIP  
ZONING BOARD OF APPEALS APPLICATION**

**APPLICANT:**

Date of Application \_\_\_\_\_

**APPLICATION FEE: \$575  
ESCROW : \$500**

Name of Applicant \_\_\_\_\_

*Please Print*

*If a corporation or business is the applicant, list name (s) and title (s)  
of contact person below and provide Affidavit of Agent Authorization*

Address of Applicant: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (Home) \_\_\_\_\_ Cell: \_\_\_\_\_

Address for Variance Request: \_\_\_\_\_

Parcel (s) Number (s): 41-12 \_\_\_\_\_

**VARIANCE INFORMATION:**

Article, Section & Narrative (applicant must include drawings)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator Review:

\_\_\_\_\_

*Note: This application and all fees must be submitted 21 days prior to scheduled meeting date.*

**ZBA Members have my permission to visit the property site relating to this application. Note to Applicant: This is optional and will not affect any decision related to your application**

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

**Included with this application: IMPORTANT INFORMATION REGARDING TIME LIMITS IN THE GRATTAN TOWNSHIP ORDINANCE THAT APPLY TO VARIANCES, SPECIAL LAND USES AND SITE PLANS.**

***I acknowledge that I received information regarding Zoning Ordinance Time Limits and that should my request be approved, I am required to comply with the Grattan Township Zoning Ordinance Time Limits.***

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\* OFFICE USE \*\*\*\*\*

MEETING DATE: \_\_\_\_\_ VARIANCE APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ EXPIRE DATE \_\_\_\_\_

\_\_\_\_\_ \$575 Fee Paid/Check# \_\_\_\_\_ \$500 Escrow Paid/Check# \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Entered in BS&A

Received by: \_\_\_\_\_

**COPY TO: Zoning Administrator [ ] - Supervisor [ ] - Clerk [ ] - ZBA Chair [ ] - Attorney [ ]**

**GRATTAN TOWNSHIP**  
**Board of Zoning Appeals**

**Applicant Instructions**

Per Ordinance the Board of Zoning Appeals must find reasonable evidence that a variance will not be detrimental to adjacent property or impair the intent of the Ordinance. The following documents or summaries must be completed in preparation for your appeal to the BZA.

**Overview of Application:** (Include a detailed site plan with measurements)

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A Decision will be based on the following Criteria:

**Complete a written summary for each:**

Literal enforcement of the ordinance would involve practical difficulties or cause undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation of the premises or of the use of the premises immediately adjoining the premises in question.

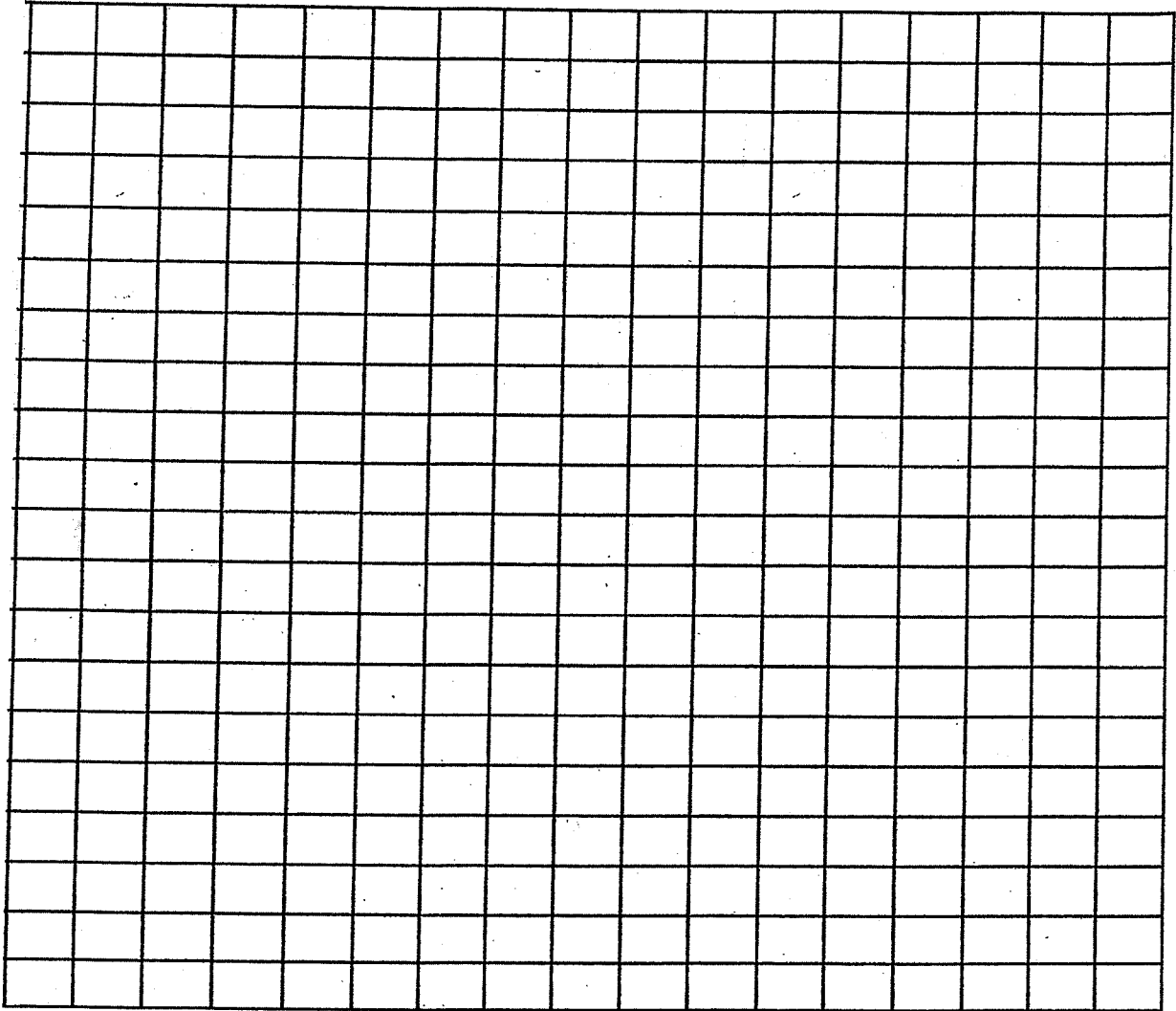
There is practical difficulty or unnecessary hardship in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured and substantial justice done.

The condition or situation of the property or the intended use of the property is not of a general or recurrent nature so as to make it a general regulation as part of the Ordinance.

The variance (will or will not) be detrimental to adjacent property and (will or will not) impair the intent and purposes of the Ordinance or the public health, safety and general welfare.

*Included with this application is important Zoning Ordinance Time Limits information. Applicants are required to read the form and sign to acknowledge receipt of form and Zoning Ordinance Time Limits information.*

# Site Plan Diagram



**GRATTAN TOWNSHIP ESCROW ACCOUNTS  
INFORMATION YOU SHOULD KNOW**

Thank you for submitting your application, application fee and Escrow to Grattan Township.

Under the Zoning Escrow Fee Resolution adopted by the Township Board, the Board has established a policy that the costs and expenses incurred by the Township in the consideration and review of the application, is to be reimbursed to the Township by the applicant through the application fee and an escrow account. In this way, these Township expenses are borne by the party making the review application, rather than by Township taxpayers in general. The reimbursement of the Township's costs and expenses is obtained through an escrow account, in addition to the application fee.

Escrow accounts are set up when an individual applies for a permit/variance which involves meeting with Planning Commission, Zoning Board of Appeals, Wetlands Review Board, Safety Board of Appeals and Storm Water Permits. Grattan Township sets this money aside specifically to cover any expenses that occur that are directly related to an applicant's request. Some of the specific uses for the escrow account are:

- Paying for newspaper Notices for Public Hearings
- Paying for preparation of 300 ft. Notices to neighboring parcels.
- Paying for any legal fees relating to the applicant's case.
- Paying for the costs of any special meetings regarding individual's case
- Paying for technical writing/composing resolutions for each case.
- Paying for services by a professional planner or engineer, if needed, for follow-up on special conditions for Special Land Use or Private Road.

The Township does much of the composing and writing resolutions as well as technical writing, but there are cases when an attorney will be consulted for legal issues. In such cases the costs of the funds due to attorney fees are charged to the escrow account. **Note: There have been cases that have consumed the original escrow account and it is necessary to request additional escrow funds.**

Many requests are fairly simple and do not require the need for legal advice. In simple cases the remaining amount of the unused escrow could be returned 60 days after the final meeting.

When a case for a Special Land Use involves Special Conditions that need to be met, escrow funds may not be returned until all of the special conditions are completed.

No building permits or other Township permits can be issued until all fees are paid relating to an applicant's case.

To indicate your understanding of the Township's policy on reimbursement of these costs and expenses, and your agreement to abide by that policy, please sign in the space indicated below.

**I have read the above information regarding the use of the Escrow Funds. I understand the use of the funds and that I am responsible for the reimbursement to the Township of its actual expenses incurred in connection with my case. I further understand the potential that my escrow account could be depleted during the course of my case and that additional funds could be requested or held until special conditions, if any, on my case are completed.**

**Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Signature

Office Use:

Date Signed and Received by Applicant: \_\_\_\_\_

Date

Initials

8/27/2013

- F. Before granting a special land use, in addition to finding that all of the previously stated requirements have been satisfied (as well as other applicable requirements stated elsewhere in this Ordinance), the Planning Commission must find that:
1. The special land use will not adversely affect adjacent uses or properties and shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent properties in the surrounding area.
  2. The special land use shall not change the essential character of the surrounding area or the neighborhood.
  3. The special land use shall not place demands on public services, roads and facilities in excess of their current capacities.
  4. The proposed special land use shall be harmonious and consistent with the intent of the Township Zoning Ordinance and Master Plan.
  5. The proposed special land use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance and Master Plan.
  6. The special land use shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas and natural areas.

**13.02 TIME LIMITATION ON SPECIAL LAND USES; REVOCATION OF SPECIAL LAND USES**

- A. The construction or other work authorized by a special land use shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the special land use; if such construction or other work is not so commenced, or if commenced, if it has not reasonably proceeded toward completion within such one-year limitation, the special land use shall be null and void and of no further effect as of the end of such one-year period, subject to other provisions in this section.
- B. Upon request of the applicant, the Zoning Administrator may grant an extension of up to one year, following the initial one-year limitation stated in subsection A, if the Zoning Administrator finds that extenuating circumstances have prevented the completion of the authorized work or if the Administrator determines that such an extension is otherwise justified in the circumstances. The applicant shall apply for any such extension within the initial one-year limitation as stated in subsection A; provided, however, that if the applicant fails to apply within such initial one year, but if such failure is the result of extremely extenuating circumstances or unusual hardship, in the sole opinion of the Zoning Administrator, then the administrator may consider, and may grant, up to a one-year extension, but such extension shall commence no later than the end of the initial one-year limitation.

- C. If at any time during the one-year period immediately following the granting of a special land use, the applicant concludes that the authorized work may not be completed within one year, or if the applicant apprehends that the Township may conclude that such work has not reasonably proceeded toward completion on a timely basis, the applicant may apply at any time during such one-year period for an extension as authorized hereunder.
- D. The provisions of this section shall apply to all previously granted special land uses, as of the effective date of this section, as to which the authorized construction or other work has not been commenced or has not reasonably proceeded toward completion, and if such construction or other work remains uncompleted, except as follows:
1. The applicant, or its successor, for the original special land use shall have up to one year from the effective date of this section in which to apply to the Zoning Administrator for a one-year extension of the original approval, but any such one-year extension shall commence as of the effective date of this section. The Zoning Administrator shall grant such extension, if it is timely applied for. In the absence of such timely application, the special land use shall be of no further force or effect if such construction or other work remains uncompleted as of one year after the effective date of this section.
  2. The Township shall notify such applicants or their successors by letter sent by first-class U.S. mail to their current tax-roll addresses, describing the provisions of this section, including the opportunity to apply for an extension as stated in this subsection D. Such letter shall be mailed within 30 days of the effective date of this section. The Township shall keep an accurate record of the mailing date of such letter, but the Township shall not be required to attend to the delivery thereof, except for the deposit of the letter into a U.S. mail receptacle. The failure of an applicant or successor to receive such letter shall not excuse a failure to timely apply for an extension, nor result in any additional right on the part of the applicant.
  3. The special land uses described in this subsection D shall continue to be effective according to their terms during the period authorized in this subsection for an application for an extension, and also during any extension granted by the Zoning Administrator; thereafter, however, any such special land use shall be void and of no further effect if such construction or other work is not completed by the end of the above-stated notification period or by the end of any granted extension. In such event, the applicant may apply for a new special land use, but the approval thereof shall be in the sole discretion of the Planning Commission, in the same manner and to the same extent as is the case with all other such applications.

7. Modification of parking up to 10 percent of the total parking area, provided there is no change in the approved driveway location(s).
  8. Changes required or requested by the Township, the Kent County Road Commission, or other county, state, or federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change that the Zoning Administrator determines is not a minor change shall be submitted to the Planning Commission as a site plan amendment, and shall be reviewed in the same manner as the final site plan, including payment of an application fee.

#### **17.07 TIME LIMITATION ON APPROVAL OF SITE DEVELOPMENT PLAN**

- A. The construction or other work authorized by a site plan approval shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the site plan approval; if such construction or other work is not so commenced, or if commenced, if it has not reasonably proceeded toward completion within such one-year limitation, the site plan approval shall be null and void and of no further effect as of the end of such one-year period, subject to other provisions in this section.
- B. Upon request of the applicant, the Zoning Administrator may grant an extension of up to one year, following the initial one-year limitation stated in subsection A, if the Zoning Administrator finds that extenuating circumstances have prevented the completion of the authorized work or if the Administrator determines that such an extension is otherwise justified in the circumstances. The applicant shall apply for any such extension within the initial one-year limitation as stated in subsection A; provided, however, that if the applicant fails to apply within such initial one year, but if such failure is the result of extremely extenuating circumstances or unusual hardship, in the sole opinion of the Zoning Administrator, then the administrator may consider, and may grant, up to a one-year extension, but such extension shall commence no later than the end of the initial one-year limitation.
- C. If at any time during the one-year period immediately following the granting of a site plan approval, the applicant concludes that the authorized work may not be completed within one year, or if the applicant apprehends that the Township may conclude that such work has not reasonably proceeded toward completion on a timely basis, the applicant may apply at any time during such one-year period for an extension as authorized hereunder.
- D. The provisions of this section shall apply to all previously granted site plan approvals as to which the authorized construction or other work has not been commenced or has not reasonably proceeded toward completion, and if such construction or other work remains uncompleted, except as follows:
1. The applicant, or its successor, for the original site plan approval shall have up to one year from the effective date of this section in which to apply to the

Zoning Administrator for a one-year extension of the original approval, but any such one-year extension shall commence as of the effective date of this section. The Zoning Administrator shall grant such extension, if it is timely applied for. In the absence of such timely application, the site plan approval shall be of no further force or effect if such construction or other work remains uncompleted as of one year after the effective date of this section.

2. The Township shall notify such applicants or their successors by letter sent by first-class U.S. mail to their current tax-roll addresses, describing the provisions of this section, including the opportunity to apply for an extension as stated in this subsection D. Such letter shall be mailed within 30 days of the effective date of this section. The Township shall keep an accurate record of the mailing date of such letter, but the Township shall not be required to attend to the delivery thereof, except for the deposit of the letter into a U.S. mail receptacle. The failure of an applicant or successor to receive such letter shall not excuse a failure to timely apply for an extension, nor result in any additional right on the part of the applicant.
3. The site plan approvals described in this subsection D shall continue to be effective according to their terms during the period authorized in this subsection for an application for an extension, and also during any extension granted by the Zoning Administrator; thereafter, however, any such site plan approval shall be void and of no further effect if such construction or other work is not completed by the end of the above-stated notification period or by the end of any granted extension. In such event, the applicant may apply for a new site plan approval, but the approval thereof shall be in the sole discretion of the Planning Commission, in the same manner and to the same extent as is the case with all other such applications.

#### **17.08 CONDITIONS OF APPROVAL**

- A. As part of a final site plan approval, the Planning Commission may impose reasonable terms and conditions.
- B. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- C. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- D. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- E. The Zoning Administrator may make periodic inspections of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.



- D. That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties and will not be contrary to the spirit and purpose of this Ordinance.
- E. No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

In approving a use variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

#### **18.08 TIME LIMITATIONS ON VARIANCES**

- A. The construction or other work authorized by a variance shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the variance; if such construction or other work is not so commenced, or if commenced, if it has not reasonably proceeded toward completion within such one-year limitation, the variance shall be null and void and of no further effect as of the end of such one-year period, subject to other provisions in this section.
- B. Upon request of the applicant, the Zoning Administrator may grant an extension of up to one year, following the initial one-year limitation stated in subsection A, and if the Zoning Administrator finds that extenuating circumstances have prevented the completion of the authorized work or if the Administrator determines that such an extension is otherwise justified in the circumstances. The applicant shall apply for any such extension within the initial one-year limitation as stated in subsection A; provided, however, that if the applicant fails to apply within such initial one year, but if such failure is the result of extremely extenuating circumstances or unusual hardship, in the sole opinion of the Zoning Administrator, then the administrator may consider, and may grant, up to a one-year extension, but such extension shall commence no later than the end of the initial one-year limitation.
- C. If at any time during the one-year period immediately following the granting of a variance, the applicant concludes that the authorized work may not be completed within one year, or if the applicant apprehends that the Township may conclude that such work has not reasonably proceeded toward completion on a timely basis, the applicant may apply at any time during such one-year period for an extension as authorized hereunder.
- D. The provisions of this section shall apply to all previously granted variances, as of the effective date of this section, as to which the authorized construction or other work has not been commenced or has not reasonably proceeded toward completion within one year after the granting of the variance, and if such construction or other work remains uncompleted, except as follows:

1. The applicant, or its successor, for the original variance shall have up to one year from the effective date of this section in which to apply to the Zoning Administrator for a one-year extension of the original approval, but any such one-year extension shall commence as of the effective date of this section. The Zoning Administrator shall grant such extension, if it is timely applied for. In the absence of such timely application, the variance shall be of no further force or effect if such construction or other work remains uncompleted as of one year after the effective date of this section.
2. The Township shall notify such applicants or their successors by letter sent by first-class U.S. mail to their current tax-roll addresses, describing the provisions of this section, including the opportunity to apply for an extension as stated in this subsection D. Such letter shall be mailed within 30 days of the effective date of this section. The Township shall keep an accurate record of the mailing date of such letter, but the Township shall not be required to attend to the delivery thereof, except for the deposit of the letter into a U.S. mail receptacle. The failure of an applicant or successor to receive such letter shall not excuse a failure to timely apply for an extension, nor result in any additional right on the part of the applicant.
3. The variances described in this subsection D shall continue to be effective according to their terms during the period authorized in this subsection for an application for an extension, and also during any extension granted by the Zoning Administrator; thereafter, however, any such variance shall be void and of no further effect if such construction or other work is not completed by the end of the above-stated notification period or by the end of any granted extension. In such event, the applicant may apply for a new variance, but the approval thereof shall be in the sole discretion of the Board of Appeals, in the same manner and to the same extent as is the case with all other such applications.

#### **18.09 APPEALS AND OTHER APPLICATIONS FOR RELIEF**

- A. An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.
- B. An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.
- C. An application or appeal shall be filed not later than 30 days after the order, decision or determination as to which the application or appeal is taken.
- D. An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township and shall pay the required application fee and deposit any required sum into a Township

GRATTAN TOWNSHIP ZONING ORDINANCE  
TIME LIMITS FOR VARIANCE'S, SPECIAL LAND USE SITE PLANS AND PLANNED UNIT  
DEVELOPMENTS (PUD)

This document is to insure that all applicants, who apply for Zoning Variances, Special Land Uses, Planned Unit Developments or any construction within the Township that requires a site plan, understand that there are Time Limits set in the Grattan Township Zoning Ordinance.

A copy of Sections 18.08, 13.02 and 17.07 – Time Limits on Variances, Special Land Uses and Site Plan Approvals (updated in January of 2011) is attached for your review.

The Grattan Township Zoning Ordinances are subject to change. Please view the current Ordinances available on the Grattan website at [www.grattantownship.org](http://www.grattantownship.org) . A copy for viewing or purchase is available at the Grattan Township Office.

**I have read the above information and attached information from the Zoning Ordinance regarding Time Limits. I understand the issues of Time Limits that apply to my requested application.**

**Estimated date to begin project:** \_\_\_\_\_

**Estimated completion date:** \_\_\_\_\_

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**

<i>Office Entry</i>
<i>Deadline for Extension:</i> _____

**Questions regarding Zoning Ordinances** Contact Grattan Township Zoning Administrator: Gregg Converse – 691-7431 or email [gconverse@comcast.net](mailto:gconverse@comcast.net)

.....  
*Office Entry*

**Date Signed and Received by Applicant** \_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Initials**