

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



4583 E Snow Road  
Berrien Springs, Michigan 49103  
Phone (269) 471-2824  
Fax (269) 471-2826

### APPLICATION FOR VARIANCE or SPECIAL LAND USE

1. Street Address and/or Location of Request: \_\_\_\_\_

2. Parcel Identification Number (Tax I.D. No.): # \_\_\_\_\_

3. Applicant's Name: \_\_\_\_\_ Phone Number \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Cell Phone \_\_\_\_\_ Email Address \_\_\_\_\_

4. Are You:  Property Owner  Owner's Agent  Contract Purchaser  Option Holder

5. Applicant is being represented by: \_\_\_\_\_ Phone Number \_\_\_\_\_

Address: \_\_\_\_\_

6. Present Zoning of Parcel \_\_\_\_\_ Present Use of Parcel \_\_\_\_\_

7. Please indicate the type of variance or special use being requested:

- Lot Coverage  Lot Size/Area  Lot Width  Sign  Parking
- Setbacks  Fence  Landscaping  Building Height
- Accessory Building  Special Use \_\_\_\_\_
- Other \_\_\_\_\_

8. Please use the lines below to state the reason(s) for the variance request:

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

9. Please include a detailed and scaled drawing and site plan. (graph paper can be provided and if used each square of the graph paper is equal to 1 ft.)

**Property Owner Approval:** In signing this form the members of the Zoning Board of Appeals or Planning Commission are hereby given permission to enter my property for the purposes of evaluating my request. I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

**The facts presented above are true and correct to the best of my knowledge.**

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

Type or Print Your Name Here: \_\_\_\_\_

**All of the following criteria must be met if a variance is to be granted by the BSOT Joint M-139 Corridor Zoning Board of Appeals. Please review the criteria below and respond where indicated below as it pertains to your request.**

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.

**RESPONSE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
5. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.

**RESPONSE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

**RESPONSE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. The requested variance is the minimum variance that will make possible the reasonable use of the land.
8. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

**RESPONSE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Please provide your answers (or why they do not apply to you) to the M139 Joint Place-Based-Code Standards below:

---

When reviewing and deciding whether to approve a site plan, special land use, special area plan or other request within the Place Based Code overlay, the applicable reviewing body shall apply the appropriate standards of the applicable municipal Zoning Ordinance, and shall also be guided by the following standards:

- A. If the proposed development supports the preservation of the region's natural infrastructure and visual character derived from topography, farmlands, and waterways.
  - B. If the proposed development is compact and pedestrian-oriented.
  - C. If proposed thoroughfares are designed to disperse and reduce the length of automobile trips.
  - D. If proposed housing units provide a range of housing types and price levels to accommodate diverse ages and incomes.
  - E. If the proposed development includes a range of civic space including parks, plazas, and playgrounds, distributed within neighborhoods and town centers.
  - F. If proposed buildings and landscaping contribute to the physical definition of existing or proposed thoroughfares as civic places.
  - G. If the proposed development adequately accommodates automobiles while respecting the pedestrian and the spatial form of public areas.
  - H. If the design of proposed thoroughfares and buildings reinforces safe environments, but not at the expense of accessibility.
- 

---

**\*\*\***

**It is highly encouraged that if a Dimensional Variance is being requested that the applicant seek out a survey or a line survey to establish accuracy and calculated decisions.**

**\*\*\***

**It is recommended that any application made before the Appeals Board have or seek representation to be at the meeting to represent the Appeal.**

**Staff Use Only**

Date Received: \_\_\_\_\_

Application is complete: Yes    No

Zoning Administrator signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning Board of Appeals Board Use Only**

Meeting Date: \_\_\_\_\_

Appeal/Variance granted       Appeal/Variance denied       Appeal/Variance modified

Reason for action taken \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Meeting Minutes attachment**

**Additional attachments**

Member \_\_\_\_\_

Chairman \_\_\_\_\_

Member \_\_\_\_\_

Secretary \_\_\_\_\_

Member \_\_\_\_\_