

**KENTWOOD ZONING BOARD OF APPEALS**  
**PROCEDURES & REGULATIONS**  
**NON-USE VARIANCES**

The Kentwood Zoning Ordinance requires the Zoning Board of Appeals to hold a public hearing for all variance requests. The request is processed as follows:

1. Application (attached) must be submitted to the Planning Department the month prior to the hearing (see yearly meeting schedule for filing deadline).
2. Information required with application:
  - Fee of \$250 for residential non-use variance request or appeal of residential administrative decision; \$800 for commercial and industrial non-use variance requests; \$500 for appeal of commercial and industrial administrative decisions (non-refundable)
  - Legal description of property in question
  - Drawing (if applicable) of site showing requested variance.
3. Notice of hearing date sent to property owners within 300 feet and it will be published in the newspaper.
4. Planning staff prepares report of request for Board Members and applicant. No recommendation is made.
5. Hearing is held      When:            Third Monday of each month  
                                 Time:            7:00 P.M.  
                                 Where:          City Commission Chambers  
                                                    Kentwood City Center  
                                                    4900 Breton Avenue  
                                                    Kentwood, MI

The applicant or representative **MUST** attend this hearing to present the variance request.

6. Please describe on the attached form how you meet the standards below. You must satisfy **ALL** of these in order for the Board to grant your appeal.

**Section 21.04B Non-use Variance**

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that **ALL** of the following conditions are met:

1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning

district. Exceptional or extraordinary circumstances or conditions include by way of example:

- a. Exceptional narrowness, shallowness or shape of the property on the effective date of this ordinance; or
  - b. Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.
2. The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.
  3. The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.
  4. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
  5. Taken as a whole, the variance will not impair the intent and purpose of the Zoning Ordinance.
  6. The exceptional conditions or circumstances do not result from the actions of the applicant. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.

### **Section 21.05 Conditions of Approval**

In authorizing a variance or other approval permitted by this Ordinance, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.

### **Section 13.07 C.7.a.**

If the Board grants a variance to an appellant, the variance shall be exercised within one (1) year from the date of the approval, unless more time is specifically granted by the Board.

### **Section 21.03 Voting Requirements**

A majority of the membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of an applicant on any matter upon which they are required to pass under this Ordinance, or to effect a non-use variance.