



Application Fee: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

## APPLICATION FOR VARIANCE FROM THE ZONING ORDINANCE

**Note: If you are NOT the Property Owner, you must attach a "Letter of Consent to the Application" signed by the Property Owner**

### Applicant Information

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

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

### Subject Property

Parcel/Tax ID Number: \_\_\_\_\_

Property Address: \_\_\_\_\_ City: \_\_\_\_\_

State: Michigan Zip Code: \_\_\_\_\_ Zoning: \_\_\_\_\_ Lot Size: \_\_\_\_\_  
(Acres or Sq Ft)

### Property Owner (If Different from Applicant)

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

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

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

Phone Number: (\_\_\_\_) \_\_\_\_\_ Email Address: \_\_\_\_\_

### Type of Variance Requested

Article of the Zoning Ordinance for which a variance is sought: \_\_\_\_\_

Section Number: \_\_\_\_\_ Subsection: \_\_\_\_\_

Describe the Variance being applied for? \_\_\_\_\_

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**Standards for Consideration** (attach additional sheets if necessary)

1. Describe the difficulty or hardship that is unique to the subject property and how it is not generally shared by other properties classified in the same zoning district and/or used for the same purposes.

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2. What particular physical conditions, shape, or surroundings of the property would impose a **practical difficulty**, as opposed to a mere inconvenience, if the requirements of the Zoning Ordinance were strictly enforced?

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**The Application must include the following Attachments**

1. Attach the legal description of the Subject Property as it appears on the document which vests title in the property to the owner(s).

2. Attach an accurate, scaled drawing of the property, showing all property lines and dimensions of the property lines; all existing and proposed structures, the dimensions of the structures and distances from the property lines; and all calculations and information necessary for the ZBA to make a decision on the application.

3. Attach or list all deed restrictions for the Subject Property \_\_\_\_\_

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4. Attach a list of names and address of all other persons, firms, or corporations having a legal or equitable interest in the property at question.  Check here if no others

***Failure to provide the required information will result in an incomplete application and may cause a delay or cancellation of the Public Hearing and/or determination by the ZBA.***

**Escrow Deposit**

The Zoning Board of Appeals with respect to matters under their jurisdiction, may require an escrow deposit to be deposited with the Village in an amount sufficient to defray anticipated costs and expenses related with the review of this application. If the Zoning Board of Appeals determines that a deposit is required, the applicant will receive a Determination of Escrow Deposit stating the amount and for what purpose.

**Right of Entry**

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The filing of this application shall constitute permission from the owner/applicant to the Village to complete an on-site investigation of the subject property for purposes related to this application.

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

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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

**INITIAL REVIEW AND VERIFICATION OF COMPLETENESS:**

The Zoning Administrator will conduct an initial review of this application for completeness. Within 10 business days of receipt of the application, related documents and application fees, the Zoning Administrator will notify the applicant in writing if the Village requires further information in order to consider the application “complete”. The Zoning Administrator will also provide the applicant with a “Determination of Escrow Deposit”. Once the application is considered complete, the application and record documents will be distributed to the Members of the ZBA.

The Zoning Board of Appeals shall render its decision within sixty (60) days after the date of filing of the application.

**APPLICATION “FILED” AND SCHEDULING OF THE PUBLIC HEARING:**

This application will be considered “filed” only when:

1. Any additional documents required by the ZBA are received by the Village AND
2. Any Escrow Deposits required by the Zoning Board of Appeals are received by the Village.

The Zoning Board of Appeals will notify the applicant in writing of a Public Hearing Date that shall be scheduled.

**NOTICE OF RIGHT TO APPEAL**

**A party aggrieved by the decision may appeal to the Van Buren County Circuit Court as provided under Section 606 of the Michigan Zoning Enabling Act, Public Act 110 of 2006**



## VILLAGE OF LAWTON VARIANCE FROM THE REQUIREMENTS OF THE ZONING ORDINANCE

### **WHAT IS A VARIANCE?**

A Variance is an exception to a requirement set forth in the Village of Lawton Zoning Ordinance. For example, if the zoning ordinance requires a structure to be 30 feet from the lot line and the owner wants to build a garage 15 feet from the lot line, the owner needs to obtain a dimensional variance of 15' in order to build the garage.

### **WHEN IS A VARIANCE NECESSARY?**

A variance may be required when a landowner wishes to improve or develop property but, due to a practical difficulty that is unique to the property, are unable to comply with the strict language of the Zoning Ordinance.

### **CAN ANYONE APPLY FOR A VARIANCE?**

No. Only those persons who own the land or their agent may submit an application for a variance.

### **WHO DECIDES IF I WILL GET A VARIANCE?**

The members of the Zoning Board of Appeals (ZBA) have the power to affect any variation in the zoning ordinance in specific cases. To grant a variance, at least four (4) members must vote in favor of the variance. In deciding a request for a variance, the ZBA shall be governed by the principles and standards defined in Article XX of the Lawton Village Zoning Ordinance.

### **WHAT IS THE ZONING BOARD OF APPEALS?**

The ZBA consists of seven (7) members currently serving as the Lawton Village Council. The Michigan Zoning Enabling Act of 2006 gives the Zoning Board of Appeals the power to do the following:

- Hear appeals to grant variances from the requirements set forth in the Zoning Ordinance
- Render decisions based on interpretation of text contained within the Zoning Ordinance
- Render decisions based on interpretation of the boundaries contained within the Zoning Map
- Hear appeals of an administrative order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance

The ZBA does not have authority to hear an appeal by an aggrieved person regarding a decision of an application for special use permit or site plan review.

The ZBA does not have the authority to grant a land use variance.

## **INSTRUCTIONS FOR "APPLICATION FOR VARIANCE"**

### **APPLICATION:**

Fill out the "Application For Variance From The Zoning Ordinance" form thoroughly and include all the attachments. The application is available on line at <https://www.lawtonmi.org/forms/> under the "General" tab, then "Forms" tab, and then the "Zoning-ZBA Permits" tab or at the Lawton Village Offices located at 125 S Main, Lawton MI 49065. The application must be signed by all person(s) whose name(s) appear on the deed to the Subject Property. If the "Applicant" is an agent acting on behalf of

the property owner, attach a "Letter of Consent to the Application", signed by all owners which gives that person such authority.

**FEES:**

The amount of the Application Fee is listed in the "Village of Lawton Fee Schedule" found at <https://www.lawtonmi.org/forms/>. Make checks payable to the Village of Lawton. Application fees help cover the costs of meetings, publication, and mailings associated with the application.

**DRAWINGS:**

The Applicant must submit with the application an accurate, scaled drawing of the property, showing all property lines and dimensions of the property lines; all existing and proposed structures, the dimensions of the structures and distances from the property lines; and all calculations and information necessary for the ZBA to make a decision on the application.

**SURVEYS:**

If needed, the ZBA may require a copy of the certified survey recorded with the registrar of deeds as described in Public Act 132, 1970, or may require the services of a surveyor to determine property lines. A "mortgage survey" is not a certified survey.

**STAKES:**

The Applicant must place clearly visible stakes where the relevant property lines are located and stakes showing the location of any proposed structure that is the subject of the Application. These stakes must be in place at least two (2) weeks prior to the public hearing on the application. Failure to stake will result in the cancellation or postponement of the Public Hearing and/or the postponement of the determination.

**PROCEDURE FOR REVIEW OF THE APPLICATION**

**INITIAL REVIEW:**

The Zoning Administrator will conduct an initial review of the application for completeness. Within 10 business days of receipt of the application, related documents and application fees, the Zoning Administrator will notify the applicant in writing if the Village requires further information in order to consider the application "complete". Once the application is considered complete, the application and record documents will be distributed to the Members of the Zoning Board of Appeals.

**VERIFICATION OF COMPLETENESS:**

Within 10 business days of receipt from the Zoning Administrator, the Members of the Board of Appeals shall review the application for completeness and, after conferring with the Chairperson, indicate to the applicant in writing of any additional information and/or documents required and provide the applicant with a "Determination of Escrow Deposit".

**ESCROW DEPOSIT:**

The Board of Appeals, after review of the application, but prior to considering its merits, may establish an amount to be deposited by the applicant with the Village Clerk as an escrow deposit to defray the actual costs incurred by the Village for review of the application by professionals that may assist the Zoning Board of Appeals in making an informed decision and may include such items as legal opinions, engineering, land use planning review, testing and other third party review that may be required based on the application. The Board of Appeals shall not commence consideration of the merits of the application until the escrow deposit is received by the Village Clerk.

**APPLICATION “FILED” AND SCHEDULING OF THE PUBLIC HEARING:**

The application will be considered “filed” only when:

1. Any additional documents required by the Zoning Board of Appeals are received by the Village AND
2. Any Escrow Deposits required by the Zoning Board of Appeals are received by the Village.

The Zoning Board of Appeals will notify the applicant in writing of a Public Hearing date that shall be scheduled with 75 calendar days of the date of filing.

**CONDITIONS OF APPROVAL:**

If approved, the Zoning Board of Appeals may attach conditions to any affirmative decision, provided such conditions meet the requirements of this ordinance and The Michigan Zoning Enabling ACT, Act 110 of 2006 as amended. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Village Board, Village Planning Commission, and Master Plan. Violation of any conditions imposed shall be deemed a violation of this ordinance and punishable as a Municipal Civil Infraction.

***RETURN COMPLETED APPLICATION AND FEES TO:***

Brittany Rathbun, Lawton Village Clerk, 125 S Main, PO Box 367, Lawton MI 49065