

# **Bainbridge Township Berrien County, Michigan**



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Bill Hodge, Supervisor  
Ross Rogien, Zoning Admin.  
Ron Bjes, Chairman

## **REQUEST FOR VARIANCE Article XIII**

**An application for a Variance shall be submitted through the Zoning Administrator to the Board of Appeals, accompanied by a \$500.00 filing fee. Checks should be payable to “Bainbridge Township”.**

Include the following:

1. Application.
2. Site plan in conformance with Article XI (11).
3. Copy of current paid tax bill, deed, or other proof of ownership, which includes a legal description of the property, property tax number and proof of taxes paid of said property.
4. Request for Public Hearing.

Board of Appeals meets as requested. Meetings will be set no more than sixty (60) days from application date. The applicant should be in attendance at the meeting to answer any questions that may arise. If a special meeting of the Board of Appeals is requested, a charge of \$500.00 is required to defray Township expenses.

# APPLICATION FOR A VARIANCE

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

\_\_\_\_\_  
(Address) (City) (State) (Zip)

Home Phone #: \_\_\_\_\_ / Work/Mobile Phone #: \_\_\_\_\_

Tax Code #: 11-01- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ / Zoned District: \_\_\_\_\_

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I submit this written Application to Request Variance from the Bainbridge Township Zoning Ordinance. Such Variance shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship to the above applicant.

1. Describe the special conditions and circumstances for which a Variance is required.

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

2. Explain why the special conditions and circumstances do not result from the actions of the applicant.

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

3. Explain why the requested Variance is the minimum Variance required.

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

4. Describe why the Variance, if granted, is unique to the property.

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Until a permit has been granted pursuant to Bainbridge Township Zoning Ordinance, there shall be no construction or excavation of said land. Nor shall use of the land be made toward the intended purposes of such Special Land Use Permit.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



**PUBLIC HEARING REQUEST  
FOR A VARIANCE**

11-01- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Property Tax Code Number

I hereby request a public hearing for the purpose of securing a Variance for property described by the property tax code number shown above.

The address of this property is:

\_\_\_\_\_  
(Address) (City) (State) (Zip)

The requested Variance is for the following purpose:

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

I enclose application, site plan, proof of ownership and legal description of the property, proof of paid taxes and a list of names and addresses of the owners of property within 300 feet of the property covered by this application.

\_\_\_\_\_  
(Name of applicant)

\_\_\_\_\_  
(Street and Number)

\_\_\_\_\_  
(City) (State) (Zip)

\_\_\_\_\_/\_\_\_\_\_  
(Signature) (Date)

**ARTICLE XI**

## **Site Plan and Scaled Drawing Requirements**

### **Section 11.01 - Intent**

- A. The intent of requiring site plan or scaled drawing submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this Ordinance.
- B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Bainbridge Township.

### **Section 11.02 - When Required**

- A. Variance or Special Land Use – Except for Single-Family, Two-Family: A site plan shall be prepared and submitted in accordance with Sections 11.03 A. and 11.04 with any application for:
  - 1. Variance or Special Land Use Permit, other than for a Special Land Use Permit for a Home Occupation;
  - 2. With any application for Rezoning, other than Rezoning for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use;
  - 3. With any application for a Zoning Compliance Permit or Building Permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto; and
  - 4. With any application for a Planned Unit Development or Condominium.
- B. Rezoning – Single-Family, Two-Family: A scaled drawing shall be prepared for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto and submitted in accordance with Sections 11.03 B. and 11.04 with any application for:
  - 1. Rezoning;
  - 2. Zoning Compliance Permit;
  - 3. Building Permit; or
  - 4. Variance.

### **Section 11.03 - Contents**

- A. A required site plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
1. The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
  2. Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two (2) feet.
  3. The shape, size and location of all structures on the lot including yard dimensions, height, floor area and ground coverage ratios and the finished ground and basement floor grades.
  4. Natural features such as wood lots, trees of more than one (1) foot in diameter, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
  5. Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number and layout of parking spaces shall be shown.
  6. The size and location of all existing and proposed public and private utilities and required landscaping.
  7. A vicinity sketch showing location of the site in relation to the surrounding street system.
  8. A legal description of the land and lots included in the site plan.
  9. Any other information necessary to establish compliance with this and any other ordinances.
  10. The availability of adequate utility capacity.
  11. The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development shall be prepared by a registered architect, engineer, professional community planner or land surveyor.

- B. A required scaled drawing shall be drawn at a scale appropriate to the dimensions of development and shall contain the following information:
1. A legal description of the land involved.
  2. A vicinity sketch showing location of the site in relation to the surrounding street system.
  3. The size and location of all structures proposed for and presently located on the site.
  4. The boundary lines of the parcel of land involved including dimensions and an arrow pointing north.
  5. Proposed streets and driveways. The width of streets and driveways shall be shown.
  6. Any other information necessary to establish compliance with this and any other ordinances.
  7. The name, signature and mailing address of the person who prepared the scaled drawing.

#### **Section 11.04 - Review Process and Approval**

- A. Any required site plan or scaled drawing shall be submitted, of original quality, to the Zoning Administrator along with a cover letter signed by the owner of the land and/or prospective developer providing a general explanation and background information on the proposed development.
- B. The Zoning Administrator shall examine the site plan or scaled drawing as to proper form and content and particularly as to compliance with all applicable requirements of this Ordinance.
- C. If the proposed development does not require the issuance of a Special Land Use Permit by the Planning Commission, Variance by the Board of Appeals or a Rezoning of land by the Township Board, within thirty (30) days after receipt the Zoning Administrator shall notify in writing the proposer of the development of the approval or disapproval of the site plan or scaled drawing. If the site plan or scaled drawing is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this Ordinance. The Zoning Administrator may, at his discretion, request consultation with the Planning Commission prior to his approval or disapproval of the site plan.
- D. If the proposed development requires issuance of a Special Land Use Permit, the Zoning Administrator shall transmit his findings as described in paragraph C. above, to the



Planning Commission along with a copy of the site plan and covering letter. The proposer of the development shall be notified of the status of his requested site plan approval.

- E. If the proposed development requires a rezoning of land, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Township Board which shall follow the amendment procedure as provided in Article XV (15). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- F. If the proposed development requires a Variance, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Board of Appeals which shall follow the Variance procedure as provided in Article XIII (13). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- G. The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in Section 11.03, A. The decision rejecting, approving or conditionally approving a scaled drawing shall be based upon the requirements contained in Section 11.03, B.
- H. A site plan or scaled drawing shall be approved if it contains the information required by this Ordinance and is in compliance with this Ordinance and the conditions imposed thereunder, other applicable Township, County, State or Federal laws, rules or regulations.
- I. The site plan or scale drawing as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan or scaled drawing, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and approving body.
- J. Upon approval of a site plan, the secretary of the approving body shall, within five (5) days, file with the Zoning Administrator a copy of the approved site plan or scaled drawing.