

## **City of Hastings**

### **VARIANCE REQUEST APPLICATION REQUIREMENTS**

1. Make an appointment with the Zoning Administrator or in his absence the Code Enforcement Officer to determine if a variance is required. Upon verification that a variance is needed discuss the section and/or sections of the Ordinance that are applicable
2. Submit application, application fee, supplemental information sheet, and 12 copies of a site plan to the City Clerk by the deadline stated on the attached schedule.
3. The applicant or the applicant's representative shall be in attendance at the scheduled meeting to discuss with the Board the variance request. Meetings are held the third Tuesday of each month at 7:00 p.m. in the City Hall Council chambers.
4. The Zoning Board will take action on each request that comes before them at each meeting, unless for some reason it has to be tabled until the next month.
5. The Zoning Administrator shall notify each applicant in writing of the results of their request within one week from the date of the ZBA meeting.



City of Hastings  
201 E. State Street  
Hastings, MI 49058  
(269)945-2468



The following is a list of the 2022 meeting dates for the Hastings Zoning Board of Appeals and the application deadline dates for Variance requests. Deadline extensions possible with approval by staff.

**Zoning Board of Appeals Meeting Dates**

**Deadline Dates for Application Submittal**

January 18, 2022	December 21, 2021
February 15, 2022	January 18, 2022
March 15, 2022	February 15, 2022
April 19, 2022	March 22, 2022
May 17, 2022	April 19, 2022
June 21, 2022	May 24, 2022
July 19, 2022	June 21, 2022
August 16, 2022	July 19, 2022
September 20, 2022	August 23, 2022
October 18, 2022	September 20, 2022
November 15, 2022	October 18, 2022
December 20, 2022	November 22, 2022
January 17, 2023	December 20, 2022

## 2021/2022 Fee Schedule – Zoning Board of Appeals

### **Variance Request**

Application	-	\$300.00
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**APPLICATION  
ZONING BOARD OF APPEALS  
City of Hastings  
201 E. State Street  
Hastings, MI 49058**

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

1. Applicant Name: \_\_\_\_\_  
(LAST) (FIRST) (INITIAL)  
Address: \_\_\_\_\_  
(STREET) (CITY) (STATE) (ZIP)  
Telephone: \_\_\_\_\_  
(BUSINESS) (HOME, BEEPER, ETC.)

Applicant's interest in property: \_\_\_\_\_

2. Owner Name (IF DIFFERENT FROM ABOVE): \_\_\_\_\_

3. Request: \_\_\_\_\_  
Variance: \_\_\_\_\_

Other: \_\_\_\_\_

4. Address of Property: \_\_\_\_\_

5. Legal Description: \_\_\_\_\_  
\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Applicable Fees: \_\_\_\_\_

8. Applicant's Signature: \_\_\_\_\_  
(Date)

9. Permission To Enter Property: \_\_\_\_\_  
(Date)

10. Staff Signature: \_\_\_\_\_  
(Date)

**- OFFICE USE ONLY -**

Application #: \_\_\_\_\_

Date(s) Advertised: \_\_\_\_\_

Filing Date: \_\_\_\_\_

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

Fees Paid: \_\_\_\_\_

Board Action: \_\_\_\_\_

To Clerk's Office on: \_\_\_\_\_

Supplement to Application # \_\_\_\_\_

**ZONING BOARD OF APPEALS  
APPLICATION FOR VARIANCE - SUPPLEMENTAL INFORMATION**

I, \_\_\_\_\_, hereby request a variance from Section(s)  
(Name)

\_\_\_\_\_, of the City of Hastings Code of Zoning  
(Ordinance Number(s))

Ordinances, upon the premises known as \_\_\_\_\_  
(Address or Legal Description)

\_\_\_\_\_ ,  
Hastings, Michigan, in accordance with the plans and descriptive documents attached. The

following describes the proposed activity for which a variance is required (attach additional

sheets if necessary):

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

The City of Hastings Zoning Board of Appeals will review the request for a variance to determine if the request satisfies the mandatory requirements contained within the Code of Ordinances as necessary for granting such requests. The applicant is strongly encouraged to attend the public hearing scheduled to solicit public comments regarding his/her request for a variance. The applicant will also be provided an opportunity to offer comment regarding their request, and to provide additional information to assist the Zoning Board of Appeals to properly evaluate their request.

In order for the Zoning Board of Appeals to be authorized to grant a variance, the Board must find from reasonable evidence that the variance will not be of substantial detriment to adjacent property and the surrounding neighborhood; that granting the variance will not impair the public health, safety, welfare, or the intent and purpose of the Zoning Ordinance; and that at least two of

the following conditions exist. Please describe in the space provided below how in the applicants opinion, the necessary conditions exist in the case of this particular request for a variance.

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning classification.

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2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that the possibility of increased return shall not be deemed sufficient to warrant a variance.

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3. That the condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this chapter.

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Other information in support of this appeal (attach additional sheets as necessary):

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Describe previous appeals related to the property and the disposition of these appeals.

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The applicant shall be required to provide a site plan or drawing with sufficient detail to accurately and fully describe the proposed construction, expansion, enlargement, change of use, or other improvements resulting in the need for a request for a variance. This drawing shall include building setback and separation distances, existing and proposed building dimensions, pertinent topographical features, and other information as necessary to clearly describe the site and applicable surrounding structures and lands.

I hereby depose and say that all the above and accompanying statements and documents are correct and true.

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(Signature of Appellant)

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(Date)



City of *Hastings* Michigan

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**CITY OF HASTINGS  
ZONING BOARD OF APPEALS  
CRITERIA FOR GRANTING A NONUSE (DIMENSIONAL) VARIANCE**

In granting a nonuse (dimensional) variance, the Board is required to find from reasonable evidence that

1. Such variance will not be a substantial detriment to adjacent property and the surrounding neighborhood.
2. Such variance will not impair the public health, safety, welfare, or the intent and purpose of the Zoning Ordinance.

In granting a nonuse (dimensional) variance, the Board must also find that at least two of the following three conditions exist:

1. That these are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning classification.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that the possibility of increased return shall not be deemed sufficient to warrant a variance.
3. That the condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this.



## Sec. 90-47. - Public notice requirements.



All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this section with regard to public notification.

- (1) Responsibility for public notice: The clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation the City of Hastings and mailed or delivered as provided in this section.
- (2) Notice requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
  - (a) *Newspaper notice*: The notice shall be published in a newspaper that circulates in the City of Hastings.
  - (b) *Mail and personal notice*: The notice shall be sent by first class mail or personal delivery to:
    1. The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    2. To all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of the City of Hastings.

If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.

3. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to subsection 90-47(3) registration to receive notice by mail.
- (c) *Record of mailing*: The clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.
- (d) *Content of notice*: The public notice shall:
  - 1.

Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  3. Indicate the date, time and place of the public hearing(s).
  4. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
- (3) *Registration to receive notice by mail:* Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval pursuant to subsection 90-47(2)(b)3.

(Ord. No. 407, § 1, 8-28-06; Ord. No. 431, § 1, 11-24-08)

- (6) In granting a use variance, the board may prescribe reasonable conditions and safeguards necessary to meet the spirit and intent of this chapter.

*(Code 1970, § 3.247)*

### **Sec. 90-89. - Public hearings.**



Upon the filing of any appeal, or other application in any matter of proceedings over which the board shall have jurisdiction by law or ordinance, the board shall hold a hearing on such appeal or application. Notice of the hearing shall be as required in section 90-47.

For a request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the city and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

*(Code 1970, § 3.249; Ord. No. 301, § 12(3.249), 2-10-97; Ord. No. 321, 8-23-99; Ord. No. 407, § III, 8-28-06; Ord. No. 431, § IV, 11-24-08)*

### **Sec. 90-90. - Fees.**



Upon the filing of any appeal or application to the board by any person other than an officer, department, board or agency of the city, the appellant or applicant shall pay a fee as set by resolution of the city council to defray the cost of publishing notice of the appeal or application and the board's decision thereon, of hearing and recording the matter. The cost of taking the testimony stenographically and transcribing the same shall be borne and paid for by the appellant or applicant, and the board may require such deposit to be made for such purpose as shall be reasonable in the circumstances.

*(Code 1970, § 3.251)*

### **Sec. 90-91. - Time limit for approved variances and reapplication.**



- (a) Each variance granted under the provisions of this chapter shall become void unless the construction, occupancy or other actions authorized by such variance have commenced within one year of the granting of such variance.