

SILVER CREEK TOWNSHIP – ZONING BOARD OF APPEALS

32764 Dixon St. Dowagiac, MI 49047 (269) 424-3025 Fax (269) 424-3858

The ZBA is a quasi-judicial body with two principal functions: 1). To hear and decide appeals of administrative decisions made by the Zoning Administrator during enforcement of the Silver Creek Township Zoning Ordinance; and 2). To hear and decide requests for variances from the strict terms of the Zoning Ordinance.

If you are requesting a variance, you must establish (prove to the ZBA) that your property has an existing “practical difficulty” in order for the variance to be granted. A practical difficulty is essentially the inability to comply with existing ordinances due to the unique characteristics of the property and this difficulty was not created by the property owner or prior owner.

CONSIDER THE FOLLOWING QUESTIONS BEFORE YOU APPLY:

- 1). Is there reasonable evidence of a practical difficulty unique to the property? (If the ZBA determines there is not reasonable evidence of practical difficulty, your appeal hearing may end at this point.) Practical difficulty does not include: the desire to build a structure bigger than allowed by the current setbacks; comparison to your neighbors; increasing the property value or failure of your contractor to follow the ordinance.
- 2). Is the variance requested because of any action of the applicant, owner, or predecessor?

A VALID APPLICATION FOR THE ZBA CONSISTS OF THE FOLLOWING:

1. Seven (7) copies of a site plan drawn to scale, identifying the nature of the request.
2. A completed application form (including flag receipt form).
3. Payment of the one thousand-dollar (\$1,000.00) application fee (non-refundable).
4. A survey.
5. A legal description of the property.
6. A copy of unrecorded plat, if applicable. (Not needed if you have a recorded plat. Contact assessor with questions.)

RESUBMISSION

No variance request, or substantially similar request, previously acted on by the ZBA, shall be submitted for reconsideration within one (1) year from the date of the original application. After the one (1) year period, the application will only be considered if the applicant first demonstrates the following: 1). All of the conditions/reasons for the original denial have been significantly altered, OR 2). New conditions or circumstances exist which change the nature of the original request.

APPEAL

You may file an appeal with the 43rd Circuit Court within 30 days of receipt of the decision of the ZBA. Additional fees may apply.

I acknowledge that I have reviewed the above information on the Zoning Board of Appeals process.

Signature

Date

APPLICANT/OWNER INFORMATION
APPLICANT INFORMATION (if different than owner)

Name _____ Email _____
Phone _____
Address _____ City _____

OWNER INFORMATION

Name _____ Email _____
Phone _____
Address _____ City _____

PROPERTY LOCATION

Address _____
Permanent Parcel # 14-130- _____
Zoning District _____
Property size _____
Directions & Landmarks _____

DESCRIPTION OF NONUSE VARIANCE REQUEST*

*this includes: overhangs, decks, porches and steps

OFFICE USE ONLY:

Application Fee Paid _____

Hearing Date _____

Submitted Materials: _____ Site Plan _____ Application _____ Survey _____ Q/A

Application Accepted by _____ Date _____

Date legal notices published in paper _____

Date notices mailed to neighboring property owners _____

ACTION TAKEN BY BOARD OF APPEALS

Date _____

_____ Approved _____ Denied As follows:

| | | |
|-------------------------|-------|-----------|
| Chairman Thom Brown | _____ | _____ |
| Member Nick Barnes | _____ | _____ |
| Member Wendy Fitzgerald | _____ | _____ |
| Member Bill Saunders | _____ | _____ |
| Member Ben Schilling | _____ | _____ |
| Member Jean Rowe (alt) | _____ | _____ |
| | Vote | Signature |

For two (2) part variance if applicable:

_____ Approved _____ Denied As follows:

| | | |
|-------------------------|-------|-----------|
| Chairman Thom Brown | _____ | _____ |
| Member Nick Barnes | _____ | _____ |
| Member Wendy Fitzgerald | _____ | _____ |
| Member Bill Saunders | _____ | _____ |
| Member Ben Schilling | _____ | _____ |
| Member Jean Rowe (alt) | _____ | _____ |
| | Vote | Signature |

Flag Receipt Acknowledgement Form

Silver Creek Township

32764 Dixon St. Dowagiac, MI 49047

(269) 424-3025

Name _____

Address _____

Phone/Cell phone _____

My signature on this form confirms that I have received the flags needed to mark the four corners of the proposed structure I would like to build on my property.

I understand that these flags must be placed by me so that the members of the Zoning Board of Appeals can clearly see where I plan to build, if the variance for which I am applying, is granted.

The Zoning Administrator has explained the process to me and I understand that the members will come to my site personally, prior to the scheduled date of my hearing, to familiarize themselves with the property and the surroundings. This will help them to better understand my request and how it will affect my neighbors.

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate. I hereby grant permission for members of the Silver Creek Township Zoning Board of Appeals the above-described property (or as described in the attached) for the purposes of gathering information related to this application.

Signature of Applicant _____ Date _____

ZBA MEMBERS WHO ARE ON THE PROPERTY TO OBSERVE IT WILL IDENTIFY THEMSELVES AS MEMBERS OF THE ZBA. IN ORDER TO PRESERVE THE INTEGRITY OF THE PROCESS, PLEASE DO NOT ENTER INTO A DIALOGUE WITH THEM OR ASK ANY QUESTIONS OTHER THAN TO SEE THEIR CREDENTIALS.