

**KENTWOOD ZONING BOARD OF APPEALS**  
**PROCEDURES & REGULATIONS**  
**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 second (2<sup>nd</sup>) Monday of the following months hearing.

Example: The meeting for February the application will be due the second (2<sup>nd</sup>) Monday in January.

2. Information required with application:
  - Fee of \$130 single and two family and accessory buildings; \$330 for all other requests (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 21.04C Use Variance**

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

1. The condition, location, or situation of the specific piece of property or of the intended use of the property is unique to that property in the zoning district in which it is located.

2. The building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located.
3. The use variance will not alter the essential character of the neighborhood, nor the intent of the City Master plan, nor be of detriment to adjacent properties.
4. The requested use is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning districts.
5. The variance will not impair the intent and purpose of this Ordinance.
6. The immediate unnecessary hardship causing the need for the variance request was not created by the applicant.

#### **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. Except as noted in B, below, 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 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.
- B. A concurring vote of two-thirds (2/3) of the membership of the Zoning Board of Appeals shall be necessary to grant a use variance.