

Dalton Township
1616 E. Riley Thompson Rd
Muskegon, Michigan 49445
Phone: (231)766-3043
Fax: (231) 766-2636
Zoning Dept: (231) 332-6706
www.daltontownship.org/zoning

FEE: \$600.00
Plus any additional
professional fees

VARIANCE AND APPEAL APPLICATION

(setbacks, lot area, building height, placement, lot width, landscaping, signs, development standards, etc.)

1. Applicant: _____
Address: _____

2. Phone/Cell: _____ Email Address: _____

3. Owner/Business (if different than above) : _____
Address: _____
Phone/Cell: _____ Email Address: _____

4. Property Affected address: _____

5. Parcel Number: 61-07- _____

6. Property Affected Legal Description: (SEE ATTACHED)

7. Site Plan attached showing present location of structures and proposed location. _____ Yes _____ No

Present dimensional standards:

Lot Size _____	Lot Width _____
Building Height _____	Front Yard Setback _____
Side Yard Setback _____	Rear Yard Setback _____
Zone District _____	Land Use* _____

* (single family dwelling, farm, storage, etc...)

9. Proposed Variance Request: _____

10. Describe the effects on the property if the Variance is not granted: _____

11. List the specific hardship(s) relating to your variance request: _____

12. Describe alternatives to your proposal, such as other locations, designs and construction techniques, etc., and reason(s) for not pursuing the alternative(s). _____

Proof of *practical difficulty* is the key criteria for an applicant to qualify for a non-use variance. The applicant must demonstrate that their property meets the following requirements:

1. Do unique physical characteristics of your property prevent compliance with the ordinance? Explain:

2. Would granting of the Variance be contrary to the public interest? Explain:

3. Why would not getting the variance prevent you from using the property thus leaving you without any use that is permitted for the property or rendering the conformity with such restrictions unnecessarily burdensome? Explain:

I hereby grant permission for members of the Dalton Township Planning Commission, Zoning Board of Appeals, Township Board, Zoning Administrator, Building Inspector, and Fire Chief to enter the property as described in the attached application for the purpose of gathering information related to this application or request

The hereby certify that I have read and fully understand the Dimensional Variance requirements and failure to comply will result in this application being withheld from consideration by the Zoning Board of Appeals.

Signed, This Day _____, 20_____

Signature of Applicant

Date

Signature of Owner if different than Applicant

Date

Submittal Requirements for Dimensional Variance Request

You have requested to be heard by the Township of Dalton Zoning Board of Appeals. Although this is a local body, it is one required by law. Every community that enacts a Zoning Ordinance must have a Zoning Board of Appeals. The Board has the power to grant variances, or exceptions, from the terms of the Zoning Code.

A property owner may file for a variance when special conditions, unique to the property, will not allow the property owner to meet the dimensional standards of the Zoning Code. Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to the very unusual qualities or circumstances relating to the parcel in question. The property owner must demonstrate that "unnecessary hardship" is caused by the terms of the ordinance.

All applicants are strongly encouraged to schedule a pre-application meeting with the Zoning Administrator to review the code requirements and the variance necessary. Meetings should be held one week prior to submittal of the application in order to allow the applicant time to make necessary changes or additions to their application. Please call (231) 332-6706 to schedule your pre-application meeting.

Additional required documents

_____ Site Plan with scaled dimensions showing proposed request, setback distances, existing structures, landscapes, signs, public easements, driveways, utilities, parking, street lights, street names, etc.

_____ Survey of the land

_____ Any other documents that support your request. Photographs, etc.

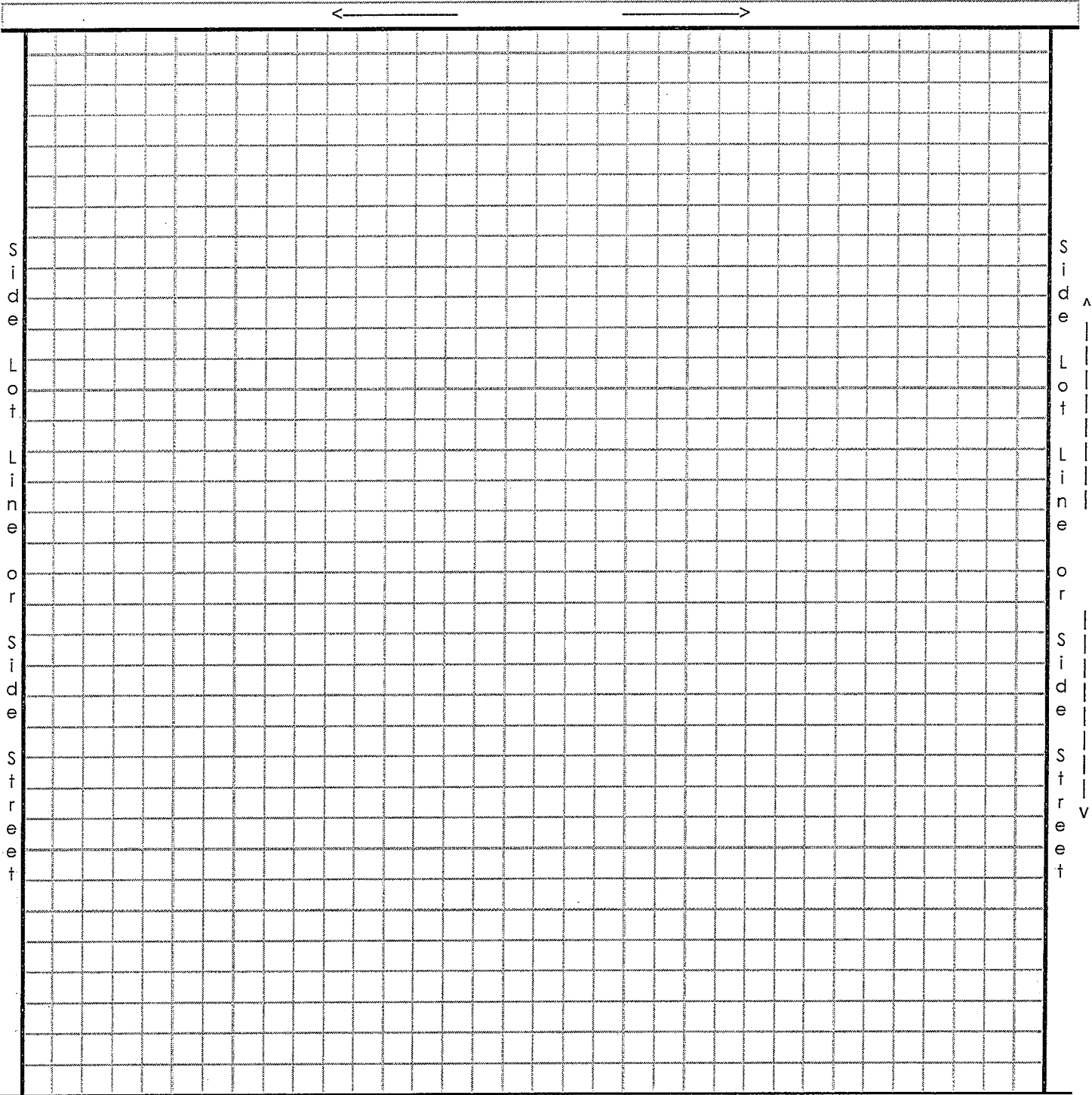
_____ Fee in the amount of \$600.00, which is non-refundable once the Public Hearing Notice is published.

NOTE: The Zoning Board of Appeals meets on the third Wednesday of each month. All submitted applications are due at least 20 days prior to the public meeting you will be required to attend

Site Plan of Property and Location of ALL Structures

*** Important *** Show all Existing and Proposed Structures; Owner Name and Address, Parcel #, Street Name, North Arrow, Parcel Dimension, Existing Structures including setbacks and approaches, Proposed Structures including setbacks and approaches, Front Rear and Side Yard Setbacks, Well and Septic, Driveway (access) with pavement type, decks, cement patios, cement walkways.

Parcel #: _____ Zoning: _____ Dimensions: _____



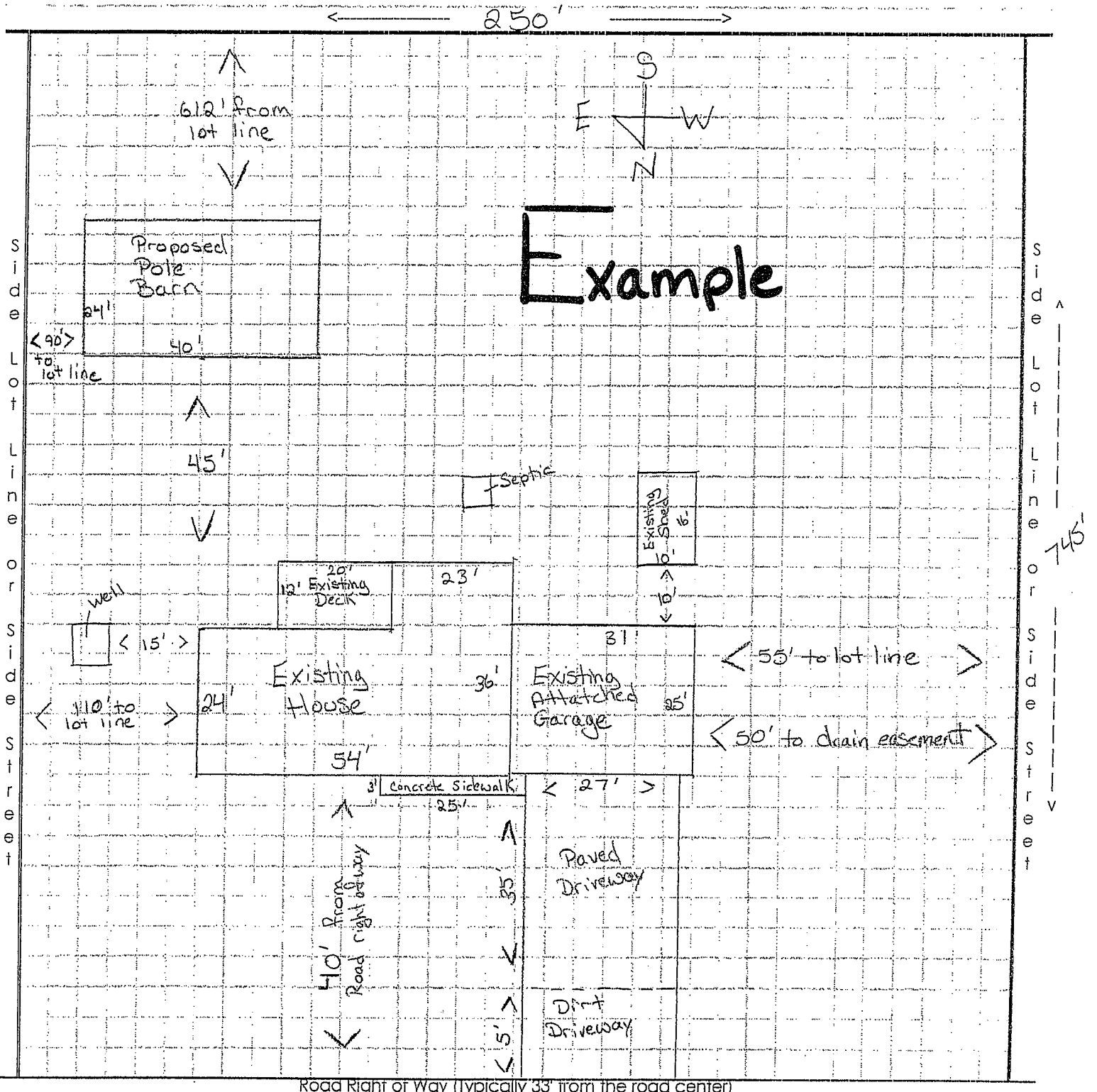
Site Address: _____ Owner Name: _____

Residential Example

Site Plan of Property and Location of ALL Structures

* Important * Show all Existing and Proposed Structures; Owner Name and Address, Parcel #, Street Name, North Arrow, Parcel Dimension, Existing Structures including setbacks and approaches, Proposed Structures including setbacks and approaches, Front Rear and Side Yard Setbacks, Well and Septic, Driveway (access) with pavement type, decks, cement patios, cement walkways.

Parcel #: 61-07-000-000-00 Zoning: R1 Dimensions: 250' x 745'



Road Right of Way (Typically 33' from the road center)

Site Address: 1234 Applesauce Lane Owner Name: Bob Trophyman

Site Plan Review Standards

The regulations are listed in Chapter 17. Site Plan Standards are intended to promote:

- A.) Safe and convenient traffic movement; both within a site and in relation to access streets;
- B.) Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;
- C.) Conservation of natural amenities and resources; and
- D.) Compliance with the provisions of this Ordinance and all other applicable Township, State, and federal laws.

17.3 Data Required For Site Plans:

(Please refer to the Dalton Township Zoning Ordinance chapter 17 at www.daltontownship.org/zoning for detailed descriptions of items listed below):

Site plans shall show the following information;

___ Geographic Location

___ Name, address and phone # of applicant/property owner

___ Name of development

___ North Arrow

___ Legend

___ Location: A location map that shows the location of the project in the broad context of the township.

___ Scale: Development site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernable.

___ Existing natural, man-made, and legal features- Site development plans shall show all existing natural, man-made and legal features on the lot where the development is to take place.
(Refer to 17.3 (8) for additional details).

___ Proposed changes in existing features, proposed new legal features, and proposed man-made features.
(Refer to 17.3 (9) for additional details).

___ All outdoor illumination with lighting fixtures. (Also refer to section 4.25 for additional lighting requirements).

___ All parking areas, proposed and existing.

___ Proposed and existing landscaping. (Also refer to section 4.37 for buffering requirements).

___ Proposed changes in existing features or new features. (Refer to 17.3 (9) for additional details).

17.3 (10) In addition to the written application and the plans, whenever the nature of the proposed development makes information and documents such as the following relevant, such documents or information shall be provided;

- a) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in a manner requested, or is the duly appointed agent of such a person.
- b) For all Commercial and Industrial site plans, the applicant shall provide a written business plan that describes in detail the nature of the proposed use. This document will be utilized to determine if the use is permissible within the applicable zone district and its compatibility with the surrounding land uses.
- c) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.
- d) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
- e) Letters of credit or other surety devices.
- f) Time schedules for the completion of phases in the occurrence of a staged development.
- g) Calculations for drainage and storm water design detention/retention.

17.4 Standards for Granting Site Plan Approval

Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed:

_____ Site plan demonstrates that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties.

_____ Site plan demonstrates that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or storm water.

_____ Site plan shall conform to the driveway and traffic standards of the Michigan Department of Transportation and the Muskegon County Road Commission. The site plan should demonstrate that there is proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of the pedestrian and vehicular traffic has been assured. (Refer to section 4.46 for M-120 & Whitehall Management Overlay District Regulations)

_____ Site plan shall fully conform to the applicable fire safety and emergency vehicle access requirements of the Muskegon County Construction Code.

_____ Site plan shall fully conform to the Muskegon County Drain Commission standards. Drainage design should recognize existing natural drainage patterns. Storm water removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall also be made to accommodate storm water on-site wherever practical, and prevent direct discharge into surface waters.

_____ Site plan should fully conform to the Muskegon County Soil Erosion and Sedimentation Control Ordinance.

_____ Site plan should demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment; hazardous materials should be at least 200 feet from any wetland, lake or stream, and all purpose floor drains should not be connected to septic system; secondary containment facilities shall be provided for all hazardous materials of sufficient size to hold the entire volume of the materials; and wells shall be properly maintained and sealed and abandoned wells shall be plugged and capped according to state requirements.

_____ Site plan should fully conform to the requirements of the Michigan Department of Public Health and the Muskegon County Health Department.

_____ Site plan should fully conform to all applicable state and federal statutes.

_____ Site plan should fully conform to the land use policies, goals and objectives of the Dalton Township Master Plan.

Dalton Township Minimum Requirement for Lot Size & Setbacks

Agricultural/Resource Conservation

1. Minimum lot area – 5 acres
2. Min. lot width – 250 feet
3. Max lot coverage – 10%
4. Max bldg height – 2.5 stories or 35 feet, whichever is less
5. Front yard setback – 50 feet
6. Side yard setback – 25 feet
7. Rear yard setback – 50 ft min.
8. Min floor area – 1,000 sq feet & a min. core area of living space measuring at least 20 x 20 ft. in size.

R-1 Low Density Residential

1. Minimum lot area – 1 acre
2. Min lot width – 150 feet
3. Max lot coverage – 15%
4. Max bldg ht – 2.5 stories or 35 feet, whichever is less
5. Front yard setback – 40 feet
6. Side yard setback – 15 feet
7. Rear yard setback – 30 feet
8. Minimum floor area -1000 sq. ft. & a min. core living space of 20 by 20 feet in size.

C-1 Neighborhood Commercial

1. Minimum lot area – 20,000 sq. ft.
2. Maximum lot area – one acre
3. If served by sewer – min. lot size is 15,000 sq. ft.
4. Min. lot width – 100 feet
5. Max bldg ht – 2.5 stories or 35 feet,
6. Max lot coverage – 60%
7. Front yard setback – 50 feet
8. Side yard setback – 25 feet
9. Rear yard setback – 40 feet

R-2 Medium Density Residential

1. Minimum lot area – 1 acre
2. If served by water & sewer and part of a subdivision, site condo, or PUD – min lot size shall be 10,000 sq. ft.
3. Min lot width – 110 feet
4. Max lot coverage – 25%
5. Max bldg ht – 2.5 stories or 35 feet, whichever is less
6. Front yard setback – 40 feet
7. Side yard setback – 15 feet
8. Rear yard setback – 25 feet
9. Minimum floor area -1000 sq ft & a min. core living space of 20 by 20 feet in size
10. Any subdivision, site condo, or multi-family dwelling located in this district shall be connected to public sewer and water.

C-2 Regional Commercial

1. Minimum lot area – 20,000 sq. ft.
2. If connected to pub. Sewer – min lot size is 15,000 sq. ft.
3. Min. lot width – 100 feet.
4. Max lot coverage – 60%
5. Max bldg. height – 2.5 stories or 35 ft, whichever is less.
6. Front yard setback – 40 feet.
7. Side yard setback – 20 feet.
8. Rear yard setback – 25 feet.

RM – Manufactured Home District – outside of a Man. Home park.

1. Min. lot size - 20,000 sq. ft.
2. Min. lot width – 75 feet
3. Max lot coverage – 25%
4. Front yard setback – 40 feet
5. Side yard setback – 15 feet
6. Rear yard setback – 25 feet
7. Min. floor area – 760 sq. ft. with a min. core living area in accordance to Section 4.12 of the Zoning Ordinance.

D-1 Industrial District

1. Min. lot area – 40,000 sq. ft.
2. Min lot width – 200 ft.
3. Max lot coverage – 35%
4. Front yard setback – 70 feet
5. Side yard setback – 30 feet.
6. Rear yard setback – 30 feet.

**Waterfront setback is 100 feet in any district.

* Accessory buildings shall have a max building height of 24 feet. Setbacks for Acc. Bldgs is 6' from rear & side yards – measured from eaves; in C1, C2, and D1, Acc. Bldgs over 200 sq. ft. have different setbacks.