



CITY OF ST. JOSEPH
PLANNING & ZONING DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269)983-1212
Fax (269) 985-0347
www.sjcity.com

Appeal Zoning Administrators Decision or Interpretation
Zoning Board of Appeals (ZBA)
Process, Instructions and Application*

Contact City Staff to discuss Request



Make Application - must be complete -minimum 24 days prior to desired Zoning Board of Appeals Meeting - see meeting date and deadline schedule as posted annually



Public hearing before Zoning Board of Appeals- typically second Thursday of each month. Legal notice in newspaper and property owners within 300 feet sent by city.



Decision made by Zoning Board of Appeals

*See attached detailed directions for all steps involved.



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Process, Instructions and Application

1. **Appeals.** Section 14.10.1 of the Zoning Ordinances states “Appeals. Any decision of the zoning administrator may be appealed to the zoning board of appeals (see Section 15.4). An appeal must be filed within 60 days of the decision. All written records of the zoning administrator related to an appeal shall be provided to the zoning board of appeals. The board shall review the decision in light of the applicable procedures and standards in the ordinance and may overturn the decision of the zoning administrator only where the facts or law do not support the decision made.
2. **Contact Community Development Director (staff) regarding proposed request.** Staff will review zoning ordinance regulations and determine which process is appropriate for your proposed request.
3. **Submission of Application.** Complete applications must be submitted no less than 24 calendar days prior and no less than 60 days after the decision was made to the next regularly scheduled Zoning Board of Appeals (ZBA) meeting. The ZBA typically meets the second Thursday of each month, see meeting and deadline schedule at www.sjcity.com.
 - a. It is suggested that you make an appointment with staff to submit the application.
 - b. All required applications, supplemental information and fees must be submitted at one time.
 - c. You are encouraged to file before the deadline, as incomplete applications are not accepted and will delay the processing of your application.
4. **Acceptance of Application.** Staff reviews the application and supplemental information for completeness prior to formally accepting and scheduling the request before the ZBA.
5. **Public Hearing Scheduled.** City staff prepares and publishes public hearing notice in local newspaper and to all property owners within 300 feet of the site. Notice appears in the newspaper and letters are sent a minimum of 15 days prior to the scheduled public hearing.

6. **Staff Memorandum and Zoning Board of Appeals Packet Creation.** Staff prepares a staff memorandum which includes information regarding the proposed request, staff department comments, supporting information and the completed applicant and supplemental information from the applicant. Any written comments received from the public are also included. In most cases the ZBA packet is completed and delivered the Friday before the scheduled ZBA meeting and is available to the general public on the Monday before the meeting.
7. **Zoning Board of Appeals Public Hearing.** The Chair of the ZBA will open the public hearing on the request and invite the applicant to present its case to the ZBA, an overview of the request and explanation of drawings submitted should occur. The Board members can ask questions of the applicant and staff prior to inviting the audience to speak. Once all public comments have been taken, the public hearing is closed. Contact staff prior to the meeting if you need any audiovisual equipment for your presentation.
8. **Zoning Board of Appeals Deliberation.** The ZBA will begin to evaluate the request along with reviewing the applicable standards. In some cases, the ZBA will ask for clarification from staff or the applicant.
 - a. The ZBA has three options:
 - i. Motion to concur with the Zoning Administrators interpretation/decision;
 - ii. Motion to over-rule the Zoning Administrators interpretation/decision; or
 - iii. Motion to continue the item to a future meeting to obtain additional information.
9. **Recording of the Decision.** Once all meeting minutes are approved, staff will create and provide a copy of the decision packet to the applicant for their records.

Other Information

The ZBA is a quasi-judicial board, made up of five voting members and two alternates. A majority of the quorum present is needed to approve a request. The decision of the ZBA is final and any appeal of its decision is made to the Berrien County Trial Court.

Dimensional variance request is for a specific property requesting relief from the applicable dimensions established in the Zoning Ordinance (i.e., decrease front building setback)

Use variances are not permitted (i.e., request for a fast-food restaurant in a residential district).



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Appeal Zoning Administrators Decision or Interpretation **Application**

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Zoning Board of Appeals meeting. If additional space is needed, please use additional sheets of paper.

Requested Type of Appeal

_____ To interpret a particular section of the Zoning Ordinance, as it is believed the Zoning Administrator is not using the proper interpretation. List the applicable Section(s) of the Zoning Ordinance and explain why it is believed the interpretation is wrong:

_____ To interpret the zoning map, as it is believed the Zoning Administrator is not reading the map correctly. Describe and provide a copy of the portion of zoning map that is not accurate and explain why the map is not accurate and when the error took place:

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: _____

Relationship to Property Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Emergency Number: _____

E-mail Address: _____

Name of Property Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Emergency Number: _____

E-mail Address: _____

Other: _____

Relationship to Property Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Property Information

Property Address: _____

Project Name: _____

Property Code Number (Tax Number): 11-76-_____

Briefly Explain Request: _____

Appeal Zoning Administrators Decision or Interpretation Application Certification

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application; and
- E. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the _____, day of _____, 20_____, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Applicant or Authorized Agent

Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this _____ day of _____, 20_____

Notary Public

OFFICIAL CITY USE: Date Received: _____ Fee: _____
 Completed: Variance Application: _____ Site Plan Review Application: _____ Other: _____

Appeal Zoning Administrators Decision or Interpretation Application
Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant,

(Company name and contact person) to seek _____
(state request that can be made) as required by the City of St. Joseph, Michigan for the property
commonly known as _____ (street address)
and having the Property Code Number (Tax Number) of 11-76-_____.

On the _____, day of _____, 20_____, I/We have read the above certification,
understand it, and agree to abide by its conditions.

Signature of Property Owner

Name of Property Owner

Signature of Property Owner

Name of Property Owner

SUBSCRIBED AND SWORN

To before me this _____ day of
_____, 20_____

Notary Public