



IN ORDER FOR THIS APPLICATION TO BE SCHEDULED FOR A PUBLIC HEARING PLEASE COMPLETE THE APPLICATION ON OUR WEBSITE AT:
http://www.walker.city/community_development.php#revize_document_center_rz1600

REQUESTED VARIANCE:

The applicant hereby requests permission to:

The above is contrary to the following sections of the City of Walker Zoning

Ordinance Section(s) _____

PROPERTY DESCRIPTION:

1. **Address** _____
2. **Permanent Parcel number** _____

OWNER/APPLICANT INFORMATION:

3. **Property owner's name** _____
4. **Property owner's address** _____
5. **Applicant's Name** _____
6. **Applicant's Address** _____
7. **Applicant's phone number** _____
8. **Applicant's e-mail address** _____

INFORMATION REGARDING VARIANCE

9. **Zoning District** _____
10. **Use of Existing Premises** _____
11. **Use of Proposed Premises** _____
12. **Previous Appeals** _____

13. **Proposed site plan must be attached (all plans must be folded - rolled plans may not be accepted)**

Per Section 94-59 Granting of Variances. The board of zoning appeals may grant a variance from the provisions or requirements of this chapter if the board finds from reasonable evidence that all the following facts and conditions exist." "Dimensional Variance" complete sections a-d. For a "Use Variance" complete sections a-e.

a. Exceptional or Extraordinary Circumstances

b. Preservation of Rights

c. No Detriment

d. Not General Problem

e. Cannot be used (only for use variance)

The undersigned hereby represents that the information contained in this application and in attachments is true and correct.

Date

Applicant's Signature

IN ORDER FOR THE VARIANCE TO BE ACTED UPON THE APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT THE ZONING BOARD OF APPEALS MEETING.

ZONING BOARD OF APPEALS VARIANCE INSTRUCTIONS

Zoning Board of Appeals meetings are held on the 2nd and 4th Wednesday of each month at the City of Walker Commission Chambers, 4243 Remembrance Road, N.W., starting at 7:00 p.m.

Zoning Board of Appeals **variance request fee is \$150.00.**

A **variance request** must be in the office of the Community Development Department at least thirty (30) **days prior to the meeting date** and scheduling will be based on the date the completed application is received. The variance, if granted, is not effective for five (5) days after the date of the meeting.

A site plan will be submitted with the application. If the site plan does not exceed 11" x 17" in size, then one (1) copy of the site plan can be submitted. **If the site plan exceeds 11" x 17" in size, eleven (11) copies of the site plan must be submitted with the application.**

The Zoning Board of Appeals application must be completed on our website at:

http://www.walker.city/community_development.php#revize_document_center_rz1600

The applicant or representative must be present at the meeting in order for the Zoning Board of Appeals members to hear the variance request.

Notices of the Zoning Board of Appeals meeting are mailed to all residents within a 300-foot radius of the property involved in the variance request.

The Community Development Department will not schedule a hearing on any incomplete application. Sections (a) through (d) must be completed for a Dimensional Variance Application. Sections (a) through (e) must be completed for a "Use Variance".

The Community Development Department should be contacted at (616) 791-6858 to cancel the variance request.

The Board may grant a variance from the provisions or requirements of the Zoning Ordinance if the Zoning Board of Appeals finds from reasonable evidence that all the following facts and conditions exist.

SECTION 94-59 – GRANTING OF VARIANCES

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in that same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- (c) That authorizing such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this Ordinance to the public interest.
- (d) That the condition or situation of the piece of property or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.
- (e) With respect to the use variance that the property for which a variance is sought cannot reasonably be used in a manner consistent with existing zoning.



CITY OF WALKER
ZONING BOARD OF APPEALS
2017-2018 SCHEDULE

MEETING DATE	APPLICATION DEADLINE
NOVEMBER	
November 8, 2017	October 4, 2017
November 22, 2017	October 18, 2017
DECEMBER	
December 13, 2017	November 8, 2017
JANUARY	
January 10, 2018	December 6, 2017
January 24, 2018	December 20, 2017
FEBRUARY	
February 14, 2018	January 10, 2018
February 28, 2018	January 24, 2018
MARCH	
March 14, 2018	February 7, 2018
March 28, 2018	February 21, 2018
APRIL	
April 11, 2018	March 7, 2018
April 25, 2018	March 21, 2018
MAY	
May 9, 2018	April 4, 2018
May 23, 2018	April 18, 2018
JUNE	
June 13, 2018	May 9, 2018
June 27, 2018	May 23, 2018
JULY	
July 11, 2018	June 6, 2018
July 25, 2018	June 20, 2018
AUGUST	
August 8, 2018	June 27, 2018
August 22, 2018	July 18, 2018
SEPTEMBER	
September 12, 2018	August 8, 2016
September 26, 2018	August 22, 2016
OCTOBER	
October 10, 2018	September 5, 2018
October 24, 2018	September 19, 2018
NOVEMBER	
November 14, 2018	October 10, 2018
November 28, 2018	October 24, 2018
DECEMBER	
December 12, 2018	November 7, 2018

APPLICATIONS SHOULD BE RECEIVED IN THE CDD OFFICE NO LATER THAN 5:00 P.M.

**CITY OF WALKER
KENT COUNTY, MICHIGAN
RESOLUTION 18-476**

**A RESOLUTION REGARDING ZONING APPLICATION
FEES AND ESCROW FUND AND ESCROW FEE
REQUIREMENTS FOR CERTAIN ZONING MATTERS,
APPLICATIONS AND DEVELOPMENTS.**

At a regular meeting of the City Commission of the City of Walker, County of Kent, Michigan, held at the City Commission Chambers in said City, 4243 Remembrance Road, N.W., on the 11th day of June 2018 there were:

PRESENT: Mayor Pro Tem Carey, Comm Kent, Comm Gilbert, Comm Deschaine,
Comm Howland, Comm Grooters

ABSENT: Mayor Huizenga

The following resolution was offered by Commissioner Gilbert and seconded by Commissioner Grooters:

RECITALS

A. The City of Walker City Commission ("City Commission") has established certain fixed application fees for zoning reviews and approvals pursuant to Chapter 94 of the City of Walker Code of Ordinances, the City of Walker Zoning Ordinance ("Zoning Ordinance"), and state law.

B. There are certain matters, developments, zoning applications, and projects which require the City of Walker ("City") to incur additional and at times extraordinary out-of-pocket expenses above and beyond what is associated with typical or average zoning reviews for projects or other matters.

C. The City Commission believes that it is reasonable and appropriate to place the cost of processing zoning applications and zoning decisions for complex zoning matters, for medium and large-scale developments and other applications involving unusual costs to the City on the applicants or property owners involved rather than on all of the taxpayers of the City.

D. The City intends that zoning escrow fees be an additional type of fee, distinct from the fixed application and other fees, and also be reasonably related and proportionate to the costs incurred by the City for the particular application or zoning process or determination involved, and that such fees and reimbursements be used to

defray the costs of administrating and enforcing the Zoning Ordinance and the Michigan Zoning Enabling Act, as amended.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the City Commission intends to establish a Zoning Application Fee Schedule, to include an escrow policy as follows to accomplish the above goals. The fixed zoning fees will be included on the general fee schedule updated and adopted annually or periodically by the City Commission as part of the budgeting process.

1. The fixed basic zoning application fees specified in the fee schedule shall hereafter cover costs associated with the following:
 - (a) Applicant's appearance at regular Planning Commission, Zoning Board of Appeals, and/or City Commission meetings.
 - (b) Mailing and legal notice requirements for public hearings.
 - (c) Involvement by City Commission or other City officers or employees (excluding outside contractors or professionals such as City legal counsel, and other services and except as otherwise provided in Section 5 hereof).

2. In addition to the fixed zoning fees, all other expenses and costs incurred by the City which are directly associated with processing, reviewing and approving or denying a zoning application for uses specified in Section 3 hereof shall be paid (or reimbursed to the City) from the funds in an Escrow Account established with the City by the applicant as provided herein. The City may draw funds from an applicant's Escrow Account to reimburse the City for out-of-pocket costs and expenses incurred by the City relating to the application and zoning process. Such reimbursable costs and expenses include, but are not limited to, expenses related to the following:
 - (a) Mailing, legal notices and officer compensation for special Planning Commission meetings or subcommittee meetings.
 - (b) Mailing, legal notices and officer compensation for special City Commission meetings and City Commission subcommittee meetings.
 - (c) Mailing, legal notices, and officer compensation for special Zoning Board of Appeals meetings.
 - (d) Services of the City Attorney directly related to the application and zoning process.
 - (e) Services of an outside engineer directly related to the application and zoning process.

- (f) Services of an outside planner directly related to the application and zoning process.
 - (g) Services of other professionals working for the City which are directly related to the application and zoning process.
 - (h) Any additional public hearings, required mailings and legal notice requirements necessitated by the application and zoning process.
3. Applications and zoning processes involving the following shall be subject to the Escrow Fund requirement:
- (a) Site plan reviews.
 - (b) Planned Unit Developments.
 - (c) Special Use permits.
 - (d) Any rezoning.
 - (e) Plats.
 - (f) Site Condominiums.
 - (g) Variance, administrative appeal, interpretation, or other proceedings before the Zoning Board of Appeals where City officials determine that the scope of the project or application will likely require the assistance of one or more City outside professionals or involve the additional costs referred to in Section 1 hereof.
 - (h) Land division approvals if the City Commission or Zoning Board of Appeals is involved.
 - (i) Mobile home parks.
 - (j) Mineral extractions.
 - (k) Private roads.
 - (l) Other zoning reviews involving complex or unusual issues.
4. The escrow fees for each application and zoning process for uses or matters specified in Section 3 hereof are established at \$500.00 increments commencing with an initial \$2000.00. Escrow fees shall be provided by the applicant to the City Treasurer at the time of application. No zoning application shall be processed, including matters pending with the City as of the effective date of this Resolution, prior to the required escrow fee having been deposited with the City Treasurer. Any excess funds remaining in the Escrow Account after the application has been fully processed, reviewed and the final City decision has been rendered regarding

the project will be refunded to the applicant with no interest to be paid on those funds. At no time prior to the City's final decision on an application shall the balance in the Escrow Account fall below \$500.00. If the funds in the Escrow Account shall drop below \$500.00, an additional deposit of \$500.00 by the applicant into the Escrow Account shall occur before the application review process will be continued. Additional amounts above \$2000.00 may be required to be placed in the Escrow Account by the applicant at the discretion of the City based upon the scale or scope of the proposed project.

5. No building permit or final City approval or permit shall be granted for an application or project until all outstanding out-of-pocket costs and expenses incurred by the City as specified above have been reimbursed to the City from the Escrow Account.
6. The City Treasurer and/or Clerk shall maintain records regarding the Escrow Account and shall authorize the disbursement of escrow funds in writing. Such escrow funds (from one or more applicants) shall be kept in a separate City bank account.
7. The City shall collect and apply escrow funds in a reasonable fashion.
8. If an applicant or person objects to the reasonableness or amount of escrow funds it/he/she must deposit with the City, or how the escrow funds have been applied, it/he/she can appeal the City's determination regarding such matters to the City Commission. All such appeals shall be in writing and shall be made not later than thirty (30) days after final City action regarding the application. The decision of the City Commission shall be final.
9. Nothing herein shall be construed or interpreted as limiting the authority of the City to adopt separate fee schedules relative to non-zoning matters involving the design, engineering, and construction of building, improvements and developments within the City.
10. This Resolution shall invalidate and supersede any prior resolutions to the extent of any conflict.

The foregoing Resolution was offered for adoption by Commissioner Kent and seconded by Commissioner Howland, the vote being as follows:

YEAS: 6 _____

NAYS: 0 _____

RESOLUTION NO.18-476 DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the City of Walker City Commission at the time, date and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: Sarah J. Bydalek
Sarah J. Bydalek, City Clerk, MMC