



EAST GRAND RAPIDS GUIDE TO VARIANCES AND FREQUENTLY ASKED QUESTIONS

The zoning ordinance for the City of East Grand Rapids provide the standards for all development in the City. However, there may be times when an unusual feature of the property may require some deviation from these standards to allow for reasonable development or modifications to occur. In order to receive a permit in these situations, a "variance" must be granted. This guide is intended to help property owners and contractors determine when a variance may be warranted and what the process is for obtaining one.

Q How are variances granted?

Variances are ultimately heard at a public hearing before the Zoning Board of Appeals (ZBA.) For the ZBA to grant a variance, they must determine that the request meets all of the review standards for the type of variance being sought. Depending on the nature of your request, the standards of review can be found here:

- ◆ For dimensional or use variances – see [Section 5.103](#) of the zoning ordinance
- ◆ For sign variances – see [Section 8.24](#) of the Sign Regulations
- ◆ For swimming pool variances – see [Section 8.50](#) of the Swimming and Other Pool Regulations
- ◆ For fence variances – see [Section 8.62A](#) of the Fence Regulations

Q What is the difference between a “dimensional” variance and a “use” variance?

A dimensional variance involves a request to deviate from the dimensional requirements of the zoning district. Examples include a smaller yard setback than is required, more lot coverage than what is allowed, or a taller overall structure than is permitted. A use variance involves a request to establish a primary use that is not allowed in the zoning district. For example, someone wishing to establish a retail use in a residential district would need a use variance to allow this.

Q What is meant by a “practical difficulty”?

As defined in Section 5.103(C)(1), a practical difficulty generally means any unique limitation or characteristic of your property or building on your property that greatly restricts development or improvements. This could include things like an exceptionally narrow lot, a lot with severe slopes or topography, or a lot with extensive amounts of unbuildable area due to natural features (wetlands, creeks, water bodies, etc.)

Q Getting a variance would make it easier or less expensive to build or expand my home. Can I receive a variance for that?

No. As noted in Section 5.103(C)(1), a practical difficulty does not include any economic hardship or other financial consideration.

Q What is meant by “the actions of the current owner or any previous owner of the property” in standard 2?

In short: any intentional changes made to the property or any building on the property are generally not considered a practical difficulty, particularly if they limit the ability to allow other improvements that would not require a variance. Here are some examples:

- ◆ If a property owner added a patio or deck, increasing the lot coverage to its maximum, that is NOT a practical difficulty.
- ◆ If a property owner dug a pond or pool in their backyard to the extent that it limits where a building expansion can occur or where a new building can be placed, that is NOT a practical difficulty. However, a naturally occurring pond that was present before a lot is developed could be a practical difficulty.

Q My neighbors all have homes with nonconforming setbacks. If I wanted to expand my home with a nonconforming setback, can I get one?

Not necessarily. As noted in Section 5.103(C)(4), existing nonconformities on your lot or neighboring lots do not guarantee you would receive a variance. You will still need to meet all of the other standards of review.

Q I believe my request meets all of the review criteria. What do I need to do to apply?

Before applying for a variance, we recommend discussing your request with the Zoning Administrator to make sure you understand the variance process and to review the viability of your request. If you still wish to proceed, then complete and submit a [Zoning Variance Application](#), available at City Hall and online at eastgr.org. There is a \$500 non-refundable fee for most variance requests. The application form also lists other required information you would need to submit, including plans and drawings illustrating your request and a narrative that explains your request and how you believe it satisfies all of the review criteria. Please be as thorough and complete as possible in your application and materials; the City reserves the right to delay your public hearing if you have any items missing or incomplete in your application, or if there are any questions about your submission.

Q How soon can my request be heard?

The ZBA meets on the fourth Wednesday of January, March, May, July, September, and November at 5:30 PM. The application deadline for any meeting is generally 5-6 weeks in advance to allow time to review and process your request, as well as prepare all required public notices. Please contact the Zoning Administrator for specific application deadlines.

Q My request is very minor. Can't the City approve my request directly?

No. While the City will review all requests and prepare their findings about the request in relation to the review standards, the final decision on all variance requests lies with the ZBA.

Q Will my neighbors be made aware of my variance request?

Yes. The City is required to notify all property owners within 300' of the property involved regarding any variance request. In addition, a notice will be published in a local newspaper. All this will be done within 15 days of your public hearing.

Before applying for a variance, consider the following questions.

- *Is there another alternative for my project that meets all zoning requirements, even if it is more difficult or costs more?*
- *Have I or any previous property owner performed any work that may have created or contributed to the conditions behind my variance request?*
- *Is my request solely based on a want or desire that would not generally apply to other property owners?*
- *Is it possible I could do my project with less relief than what I am asking for?*
- *Are there other viable uses for the land or building besides what I am requesting a variance for?*

If you've answered "yes" to any of these questions, there is a good chance your variance request would be denied. If you have questions about this, please discuss this with the Zoning Administrator.

Q How can people make comments about a variance request?

Any member of the public can make a public comment on a pending variance request. This can be done either in person at the public hearing or via email or letter sent to the City. All comments received prior to the public hearing will be distributed to the ZBA members at or prior to the meeting. Please note that the City does not accept or submit anonymous comments to the ZBA. All persons wishing to make their views heard must provide their name and address.

Q If all of my neighbors support my request, will I receive a variance?

While it is always preferable for your neighbors to be in favor of your project, the ZBA does not consider personal opinions in reviewing a variance request. In other words, just because your neighbors approve of your plans does not mean a variance would be granted. Of course, the opposite is also true: if you have neighbors that disagree with your plans, that does not automatically mean your request would get denied.

Q What, then, is the purpose of public comment?

Public comment is intended to allow for any member of the public the opportunity to submit fact-based evidence regarding the request that may not have been known prior to the public hearing. To be clear: the ZBA will listen and review all public comments that are received, but only comments that are factually relevant to the request can be considered in their review.

Q The ZBA granted my variance request. What happens next?

If your variance request is granted, you will receive a letter formally stating what variance you received. From there, variance approvals must be utilized within twenty-four months of the date of your approval letter. Otherwise, the variance approval becomes null and void.

Q Once my project is complete, how long does my variance stay valid?

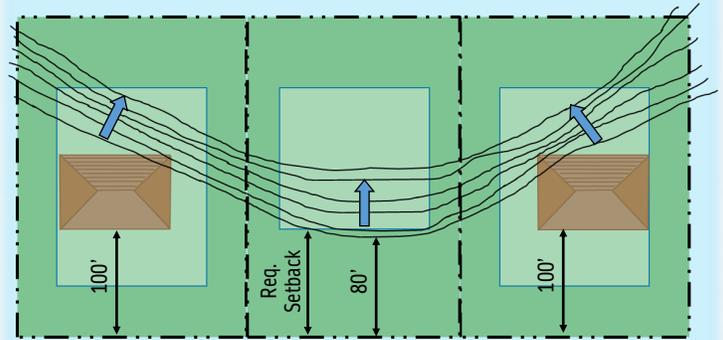
In general, variances are considered to “run with the land”, meaning that they remain in effect in perpetuity for yourself and all future property owners. The one exception, however, is when the affected part of the building or structure is demolished, destroyed, or damaged beyond 60% of its replacement value. If this happens, the original variance is nullified, though a person can attempt to seek a new variance if desired.

Q My variance was denied, but I believe the ZBA’s decision was incorrect. What can I do?

If your variance request is denied, you will receive a letter formally stating this. If you feel the ZBA’s decision was incorrect, you have 30 days from the date of that letter to seek an appeal with the Kent County Circuit Court. Please note that to win such an appeal, the Court must find that the ZBA made a clear error in considering your request, regardless of if they agree with your position or not. In addition, the Court would not consider any new evidence or arguments, and would only review the materials presented at your ZBA hearing.

If you have any other questions that are not answered here, please contact Jay Gianotti, Zoning Administrator, via email at jgianotti@eastgr.org or by phone at (616) 940-4817.

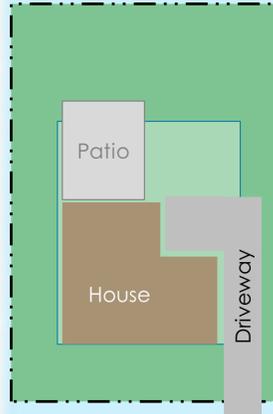
VARIANCE EXAMPLES



REQUEST – To build new home on lot with significant slopes with 50' front yard setback where 100' is required

- ✓ **Special Condition—difficult topography.**
- ✓ **Not caused by current or previous owners.**
- ✓ **Natural topography would be preserved.**
- ✓ **Requested relief will be least amount necessary.**

APPROVED



REQUEST – To build new detached garage that would raise lot coverage from 40% to 48% where a maximum 45% is allowed

- ✗ **No practical difficulty with lot.**
- ✗ **Excess coverage caused by previous owner.**
- ✗ **Request does not meet spirit of ordinance.**
- ✗ **Other options exist to bring lot into compliance.**

NOT APPROVED