

Appeal



Purpose of the Appeal Process

Under the Zoning Ordinance, the Planning Commission, Planning Director and code enforcement staff are empowered to make decisions that affect how property is used and developed. In order to provide a fair and equitable process, the Zoning Ordinance allows appeals of many of those decisions to the Board of Zoning Appeals (BZA).

Board of Zoning Appeals (BZA)

The application process for an Appeal includes public notice in the Grand Rapids Press, postcard notification to neighbors located within 300 ft of your property boundaries, and a public hearing before the Board of Zoning Appeals. The Board of Zoning Appeals is a group of Grand Rapids residents who evaluate Appeals and determine whether the decision was made using the proper requirements and standards of the Zoning Ordinance.

Types of Appeals Permitted

The following decisions may be appealed to the BZA:

- Special Land Use
- Optional Plan Review
- Director Review
- Counter Review
- Use Determination
- Administrative Departure
- Code Enforcement Orders

Appeals to a denial of a Special Land Use must be filed within 15 days of the decision. All other appeals must be filed within 30 days. "Conditions of Approval" are not appealable.



Application Appeal

A. PROPERTY INFORMATION

Property Address _____

Parcel Number _____ Zone District _____

Lot Size Frontage: _____ ft Depth: _____ ft Area: _____ Acres/Sq Ft Rectangle Irregular

Current use of property _____

B. APPLICANT INFORMATION

1. Applicant

Identify the person or organization requesting the Appeal:

Name _____ Cell Phone _____

Organization _____ Business Phone _____

Mailing Address _____ Fax _____

City _____ State ____ Zip _____ E-Mail _____

2. Applicant Interest

The applicant must have a legal interest in the subject property:

- Property Owner Purchaser by Option or Purchase Agreement
- Purchaser by Land Contract Lessee/Tenant

3. Property Owner Check here if Applicant is also Property Owner

Identify the person or organization that owns the subject property:

Name _____ Cell Phone _____

Organization _____ Business Phone _____

Mailing Address _____ Fax _____

City _____ State ____ Zip _____ E-Mail _____

4. Agent

Identify any person representing the property owner or applicant in this matter:

Name _____ Cell Phone _____

Organization _____ Business Phone _____

Mailing Address _____ Fax _____

City _____ State ____ Zip _____ E-Mail _____

C. APPEAL INFORMATION

1. Date of Decision Being Appealed _____

2. Decision Making Entity

- Planning Commission Planning Director/Department Code Enforcement



Application Appeal

C. APPEAL INFORMATION (CONT.)

4. Applicant's Reason(s) for Appeal

Describe the decision being appealed and how the decision was made contrary to the proper requirements and standards of the Zoning Ordinance, including but not limited to Section 5.13.05. (Use additional paper if needed.)

D. REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests that the City of Grand Rapids review this application and related required documents and site plans as provided in Article 13 of the Grand Rapids Zoning Ordinance. The applicant further affirms and acknowledges the following:

- That the applicant has a legal interest in the property described in this application.
- That the answers and statements contained in this application and enclosures are in all respects true and correct to the best of his, her or their knowledge.
- That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes, and does not constitute the granting of a variance.
- That the applicant will comply with any and all conditions imposed in granting an approval of this application.
- If also the owner, the applicant grants the City of Grand Rapids staff and the Board of Zoning Appeals the right to access the subject property for the sole purpose of evaluating the application.

Applicant Name (printed)

Applicant Signature

Date

If the applicant is not the property owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and:

- Is/are aware of the contents of this application and related enclosures.
- Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by the City of Grand Rapids.
- Grants the City of Grand Rapids staff and the Board of Zoning Appeals the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Name (printed)

Property Owner Signature

Date



Application Procedures

Appeal

1. General Information

Under the Zoning Ordinance, the Planning Commission, Planning Director, and code enforcement staff are empowered to make decisions that affect how property is used and developed.

In order to provide a fair and equitable process, the Zoning Ordinance allows appeals of many of those decisions to the Board of Zoning Appeals (BZA).

2. Time Limits

An appeal of a Special Land Use (SLU) decision must be filed within with the BZA within fifteen (15) days of the decision. Conditions of approval of an SLU or an Optional Plan Review (OPR) cannot be appealed. All other appeals must be filed with the BZA within thirty (30) days after the decision.

3. Application

An application packet for an Appeal is available from the Grand Rapids Planning Department, located on the 3rd floor of 1120 Monroe Avenue NW or at the Planning Dept's website www.grcity.us/planning under Forms and Applications. You may also call 456-4100.

The application packet contains all the information necessary for you to apply for an appeal. Please read the instructions carefully and then fill in the enclosed forms and attach the items listed on the application checklist. If you are not the property owner, it is necessary for you to obtain permission from the owner to apply for the variance.

A complete application may be submitted to the Planning Department Monday – Friday, from 7:30am to 4:00pm. An incomplete application package will not be accepted. A complete application must be submitted at least one month prior to the Board of Zoning Appeals meeting. See www.grcity.us/planning for the schedule of BZA meetings and application deadlines.

4. Application Fee

The application fee is applied to the cost of processing your application and notifying neighbors. No portion of the fee can be refunded if you withdraw your application or are denied by the Board of Zoning Appeals.

5. Notice of Public Hearing

Planning Department staff will forward the appeal request to the Board of Zoning Appeals (BZA) for a public hearing. A notice of the public hearing will be published in the Grand Rapids Press 15 days prior to the BZA meeting. Property owners within a 300' radius of the subject property will be notified of the public hearing by post card. Interested persons may submit additional information for consideration.

6. Board of Zoning Appeals Meeting

All meetings of the BZA are held on the 2nd floor of 1120 Monroe Avenue NW. You will be notified of the date and time of the meeting.

Each public hearing item for consideration is assigned an approximate start time. The Planning staff introduces and explains each request to the BZA. The applicant is then asked to present information on his or her proposal. The BZA may ask questions of the staff and/or applicant. The BZA then allows public comment on the application, and a chance for the applicant to address any concerns or questions. The public comment period is then closed and the BZA deliberates on the request in open session. The BZA may approve the appeal, approve with conditions, deny, or table the appeal request.

In deciding an appeal, the BZA is limited to determining whether or not the decision that was made was done so using the proper requirements and standards of the Zoning Ordinance.

7. Written Notice

The applicant will be provided with a letter that documents the decision of the BZA, including any conditions of approval.

8. Appeal of Denial

If the BZA denies an appeal, the applicant has no other appeal options with the City. The applicant may, however, initiate legal action against the City through the court system.



Application Checklist

Appeal

The following items are required for a complete Appeal application. Incomplete applications will be returned.

Signed Application Form

Complete pages 2 - 3 of the Appeal application form. If you need additional room to answer any question, attach additional sheets and identify the property address. Application must be signed by the applicant and the property owner (if different).

Fee (FY2022): \$1,453

Payment options:

Check (payable to City of Grand Rapids)

Credit card in person at Development Center

Credit card by phone by calling (616) 456-4100

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.