

HOWELL TOWNSHIP ZONING BOARD OF APPEALS

3525 Byron Road

Howell, MI 48855

Phone: (517) 546-2817 fax: (517) 546-1483

APPLICATION INSTRUCTION SHEET

Meetings are held the third Monday of the month, as requested. All information Must be submitted 30 days prior to the meeting. You will receive a copy of the Newspaper notification and agenda.

- 1) Fill out the attached application, leave no blanks. If not applicable place n/a in the space provided.
- 2) The application is to be signed (by both applicant and owner). Both signatures are to be notarized.
- 3) Submit 10 copies of all information (legals, proof of ownership, blue prints – please fold, drawings, photographs etc...).
- 4) Include a self addressed stamped envelope to receive a copy of the minutes.
- 5) Submit application and fee (\$400.00 residential or \$600.00 commercial).
- 6) 10 days prior to the meeting clearly stake and label all property lines (relative to request). Clearly stake area and/or footprint of any proposed buildings. Item will be removed from the agenda if not properly staked.

HOWELL TOWNSHIP
ZONING BOARD OF APPEALS

Date ___/___/___ Fee:\$____.____ Chk # _____ Parcel ID: 4706-___-___-___ File # _____

NATURE OF REQUEST (CHECK APPLICABLE ONE)

- ? APPLICATION FOR VARIANCE
- ? APPLICATION FOR INTERPRETATION OF ZONING ORDINANCE PROVISION
- ? APPEALING PLANNING COMMISSION DECISION
- ? APPEALING ZONING ADMINISTRATOR DECISION

1. COMPANY AND/OR APPLICANT NAME: _____

2. TELEPHONE: () ___-___-___ FAX: () ___-___-___

3. CONTACT PERSON AND MAILING ADDRESS: _____
_____ City _____ State _____ zip _____

4. LOCATION OF PROPERTY: _____ BETWEEN _____ & _____

5. ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY.

6. CURRENT ZONING CLASSIFICATION: ? AR ? RA ? RB ? MFR ? OS ? NSC ? RSC ? HSC
? HC ? I

7. APPLICANT IS: ? OWNER ? TENANT ? LAND CONTRACT PURCHASER

8. Give details of your request and reasons why the request should be granted. Attach additional sheets if necessary _____

9. Have previous appeal(s) been made on this property? ? Yes ? No
If yes a. Date of appeal _____
b. Nature of appeal: _____
c. Decision: _____

10. If this is an appeal of the Zoning Administrator or Planning Commission's decision, give the following information:

- a. Appealing the Zoning Administrator's decision ? Yes ? No
- b. Appealing the Planning Commission's decision ? Yes ? No
- c. Grounds for appealing: _____
Specify ordinance sections which substantiate your reason for appealing: _____

11. If the request is for an interpretation of the ordinance, provide the following:

- a. Zoning Ordinance section: _____
- b. Applicant's interpretation of the Ordinance section. Attach supporting material, if any.

12. INFORMATION NEEDED FOR A VARIANCE REQUEST:

- a. Zoning Ordinance section _____
- b. Is this a request for a dimensional variance? _____
- c. Is this a request for a use variance? _____
- d State the minimal acceptance variance being requested: _____
- e. Give date and decision of Zoning Administrator or Planning Commission. _____

13. APPLICANT MUST ACKNOWLEDGE THE FOLLOWING REGARDING PROPERTY:

- A. That special conditions and circumstances exist which are Peculiar to the land use, land, structure, or building in the Same zoning district _____
- B. That the literal interpretation of the provision of this Ordinance will deprive the Applicant of rights commonly Enjoyed by other properties in the same zoning districts Under the provision of the ordinance. _____

14. THE APPLICANT HEREBY ACKNOWLEDGES THE FOLLOWING:

(Applicant to initial paragraphs 1 thru 7)

- 1. That granting of the variance request will not confer upon The Applicant any special privileges that are denied by the Provisions of the ordinance to other lands, under the Provisions of the ordinance. _____
- 2. The practical difficulties or unnecessary hardship in the Strict application of the ordinance was not created or Caused by the Applicant. _____
- 3. The Zoning Board of Appeals cannot grant a variance For a use that is not permissible in the designated zoning District. _____
- 4. The Board of Appeals has the right to prescribe Conditions and safeguards for any variance granted _____
- 5. The Applicant acknowledges that the use for Construction authorized by such variance or permit Must be commenced within *one year* of granting the Variance, otherwise the variance is null and void. _____
- 6. No application for a variance which has been denied Shall be resubmitted for a period of one year except On grounds of new evidence of change of conditions. _____

7. Applicant acknowledges he has received and read Article XXII entitled "Zoning Board of Appeals". _____

I hereby depose and say that all the above statements and information contained in this Application and any attachments submitted herein are true and accurate.

Subscribed and sworn to before me this day of _____, _____

Owner's signature

Notary Public

Print name

Print name

Date __/__/_____

_____ **County, MI**

Applicant's Signature

My Commission expires: _____

Print Name

Section 22.07 VARIANCES.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

15. A written application is submitted, demonstrating:

- 1) That special conditions and circumstances exist which are peculiar to the land use, land, structure or building in the same zoning district.
- 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.
- 3) That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.
- 4) That no nonconforming uses of other lands, structures or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- 5) Applicants shall also follow the outline of requirements prescribed by the Zoning Board of Appeals when applying for an appeal for an interpretation of or a variance from the provisions or requirements of this Zoning Ordinance.

16. The Board of Appeals shall make findings that the requirements of this Ordinance have been met in the zoning districts in which it is located by the applicant for the variance requested.

17. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.

18. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.

19 In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made a part of Ordinance, and punishable under Section 21.06 of this ordinance.

20. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.

(Ord. No. 1 eff. Jan. 8, 1983; amend. By Ord. No. 97 eff. Feb. 23, 2000)

Section 22.08 VOIDING OF AND REAPPLICAITON FOR VARIANCES.

1. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one year after the granting of such variance.
2. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to valid.
(Ord. No. 1 eff. Jan. 8, 1983)

Section 22.09 PROCEDURE FOR APPEALING TO THE BOARD OF APPEALS.

1. **Appeals, how taken.** Appeals may be made to the Board of Appeals in the following manner:
 - 1) The person, firm or agent thereof making the appeal, shall file in writing to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal.
 - 2) The Township Clerk, after the review by the Zoning Administrator for completeness of the application, submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
2. **Who may appeal.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
3. **Fee for appeal.** A fee schedule prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing an application for an appeal. The appeals fee shall immediately be placed in the Township General Fund.
4. **Effect of appeal.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.