

ZONING BOARD OF APPEALS PACKAGE

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Oregon Township

Lapeer County Michigan

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POLICY FOR APPLICATIONS MADE UNDER THE OREGON TOWNSHIP ZONING ORDINANCES

All applications for matters to be decided by the Oregon Township Planning Commission or the Oregon Township Zoning Board of Appeals (rezoning, special land use, site plans and variances) shall be submitted to the Township office no later than **thirty (30)** days prior to the next meeting of the Planning Commission or the Zoning Board of Appeals. The **thirty-day** (30) filing requirement shall apply to the completed application, which shall include the application form, any required plans or drawings; any required supporting documentation and full payment of fees.

Additional supporting information may be submitted by the applicant at any time. Subsequent to receipt of all required application items, the Zoning Administrator shall review the entire application and shall determine whether or not the application items submitted comply with all Township requirements for submission to the Planning Commission or Zoning Board of Appeals.

If the Zoning Administrator determines the application is insufficient, the Zoning Administrator shall communicate the deficiencies to the applicant.

Motion #088-09
Adopted - June 3, 2009

ZONING BOARD OF APPEALS

VARIANCE STANDARDS

In order to justify granting a variance, Michigan statute provides that the ZBA must determine that an **unnecessary hardship** or **practical difficulty** exists. Court decisions have indicated that the following factors must exist to make such a determination:

1. That the situation was not self-created.
2. That the circumstances are unique to the property.
3. That the character of the neighborhood would not be altered by granting the variance.
4. That the land cannot be reasonably built upon in conformance with the zoning ordinance.

Michigan statute also obligates the ZBA to make its variance decisions so that the **spirit of the ordinance is observed, public safety secured, and substantial justice done.**

The ZBA decision must also conform to any specific standards, which may be contained in the local zoning ordinance.

ARTICLE 18

Zoning Board of Appeals

Section 18.01. MEMBERSHIP. There is hereby established a Zoning Board Of Appeals. The Zoning Board Of Appeals shall consist of five (5) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board Of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 18.02. APPEALS. An appeal may be taken to the Zoning Board Of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission. The Zoning Board Of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board Of Appeals shall give notice of the hearing to the parties involved. The Zoning Board Of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within five hundred (500) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

Section 18.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board Of Appeals shall have the authority to grant only non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties or unnecessary hardships imposed in carrying out the strict letter of the Ordinance. In considering variance requests, the ZBA shall make the following findings:

- A. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - B. That a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
 - C. That the hardship or special conditions or circumstances do not result from actions of the applicant.
 - D. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
 - E. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
 - F. That the variance requested is the minimum amount necessary to mitigate the hardship.
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Section 18.04. DECISIONS. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board Of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 18.05. QUORUM REQUIREMENTS. The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 18.06. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ZONING BOARD OF APPEALS

The following requirements are needed to process your application. If the requirements are not met this would delay your meeting date. The application will have to be sent back to you for the lack of detailed information not submitted.

(1) APPLICATION:

Must submit **eight (8)** copies of the application and site plan, if required.

(2) SITE DRAWING:

1. The site plan **MUST INCLUDE:** showing location, property line dimensions, and set back of **ALL** buildings, driveways existing on the subject property and specific uses on the site.
2. Indicate the size and location of any **PROPOSED** buildings and/or uses on the subject site.
3. Indicate **PROPOSED** setbacks to buildings on the subject site and to buildings on adjacent parcels along any common property lines.
4. Indicate such building or structural elevations, floor plans and hardships which may be important in determining particular building heights, use areas and/or site development needs.

(3) SEE ATTACHED FEE SCHEDULE

APPLICATION FOR ZONING BOARD OF APPEALS OREGON TOWNSHIP

Applicant's Name: _____

Address: _____

Phone: () _____ Cell: () _____

Legal Owner: (if other than applicant) _____

Address: _____

Phone: () _____ Cell: () _____

Name of Proposed Development: (if applicable) _____

Parcel Identification Number: 44-017- _____ Zoning: _____

Attach complete Legal Description.

Explanation: Describe in detail the nature of the request, including the Section of the Ordinance being appealed. Identify your claimed unnecessary hardship or practical difficulty that will result if the variance is not granted and what unique circumstances are present that justify the request. **Financial hardship does not constitute a legal basis to support the granting of a variance;**

***Section of Ordinance asking variance from:** _____ **Article No.** _____

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate. Board members have my permission to perform on-site reviews, as required, of my property.

Applicant's Signature Date
Date

Legal Owner's Signature Date
(Required if not Applicant)

This application will not be accepted if incomplete. Eight (8) copies of all required materials must be submitted no later than 30 calendar days prior to a Zoning Board of Appeals meeting.

**PLANNING COMMISSION FEES
AND
ZONING BOARD OF APPEALS FEES**

PLANNING COMMISSION FEES:

OUTDOOR ASSEMBLY APPLICATION: \$ 700.00
(\$200.00 of fee is refunded if the Assembly is conducted in compliance with Ordinance #4000 & 4001)

REZONE :

- Simple Rezone – no development (no escrow deposit required).....\$ 500.00
- Complex Rezone – for current or future development

Section 19 of Zoning Ordinance (Amendments and Rezoning) \$1,400.00

- Site Plan Review Required (see additional fees below)
- Escrow Deposit Required for Engineering & Professional Fees.....\$3,500.00
(due upon application) up to actual costs.

Section 20 of Zoning Ordinance (Voluntary Rezoning Agreement) ... \$1,400.00

- Site Plan Review Required (see additional fees below)
- Escrow Deposit Required for Engineering & Professional Fees.....\$3,500.00
(due upon application) up to actual costs.

SITE PLAN REVIEW:

- Performance Bondsee Zoning Ordinance Section 16.05
- Residential (if required)..... \$ 500.00
- Commercial..... \$1,500.00
- Escrow Deposit Required for Engineering & Professional Fees.....\$3,500.00
(due upon application) up to actual costs.
- Moving lot lines in a platted sub **ONLY**..... \$ 350.00

SPECIAL LAND USE..... \$ 500.00

- If Site Plan Review required, see additional fees above

TENTATIVE / FINAL / PRELIMINARY PLAT.....(Origination fee) \$1,000.00*

*Plus actual costs, and all other costs and fees required by statute or required by law.

ZONING BOARD OF APPEALS APPLICATION FEES:

Variance request.....\$ 500.00

SPECIAL MEETINGS Planning Commission or Zoning Board of Appeals (additional)\$ 500.00

(Special meeting requests require thirty (30) day notice to allow for necessary publication and mailing)

~All fees are non-refundable with the exception of undisbursed escrow deposit monies~