

## EAST BAY TOWNSHIP – Office of Planning & Zoning

1965 North Three Mile Rd.

Traverse City, MI 49696

Phone (231) 947-8647

Fax (231) 922-2094

### REQUIREMENTS FOR MAKING APPLICATION FOR A VARIANCE

(06/06/03)

*Please Note: Each Meeting of the Appeals Board Shall Be Limited to the Hearing of Four (4) Applications.*

All applications must be submitted thirty (30) day prior to the regular monthly meeting of the Zoning Board of Appeals.

1. The Applicant shall submit, along with the completed application, a survey of the property, drawn by a professional surveyor (commercial & large development applications must provide 10 copies of a complete survey). The survey shall include the following:
  - a. Current boundary lines
  - b. Road/easement right-of-way
  - c. Any existing improvements (buildings, well, septic, driveways, etc.)
  - d. Location of approved septic system and well (for vacant parcels and parcels with systems requiring a location change due to the appeal request of if impacting the variance request)
  - e. Proposed changes/additions for which the variance is being sought
2. Reasons for the variance (such as topography, septic location, saving trees, etc...) shall be clearly stated by the property owner.
3. Hardship shall be stated by the property owner, IE: a lot-of-record that does not conform to current zoning, an intended use which is not compatible, or such other conditions conveying hardship not of the owners making.
4. All applications must be signed by the property owner. If the owner chooses to be represented by another party he/she must also sign the application.
5. Property in question shall have all property lines involved, plainly marked and visible for an on-site inspection prior to the public hearing.\*
6. The building site shall be clearly marked (“STAKED OUT/FLAGGED”) for the on-site inspection, prior to the public hearing.\*

Items #5 and #6 apply to site review

Questions? Concerns? We are here to help. Pre-submission meetings, for assessment of your application are available and encouraged. To schedule an appointment with the Township Zoning Administrator, please call the Office of Planning and Zoning at (231) 947-8681.

The Zoning Board of Appeals meets on the second Tuesday of each month, at 6:30 pm. If you are unsure of the application deadline and/or date of the meeting, please contact the Office of Planning and Zoning.

VARIANCES: The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot areas and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the Basic Conditions and any one of the Specific Conditions are forth herein can be satisfied.

a. Basic Conditions: The Board shall find that a variance request meets all of the following conditions.

- 1) The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
- 2) The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zoning district, or any use or dimensional variance for which a special land use permit is required.
- 3) The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
- 4) The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
- 5) The requested variance shall related only to property that is under control of the applicant.
- 6) The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
- 7) There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

b. Special Conditions: When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated:

- 1) Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
- 2) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
- 3) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

c. Rules: The following rules shall be applied in the granting of variances:

- 1) The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- 2) Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a Township Land Use Permit within one year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.
- 3) No application for variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals evidence and whether it maybe have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all sharing, notice and fee requirements of this ordinance.

**EAST BAY CHARTER TOWNSHIP**

Office of Planning & Zoning  
1965 North Three Mile Rd.  
Traverse City, MI 49696

Phone (231) 947-8647

Fax (231) 922-2094

<b>ZONING BOARD OF APPEALS APPLICATION</b>			
<b>FEES:</b>	<b>RESIDENTIAL</b>	<b>\$50</b>	paid: <input type="checkbox"/> Yes    Check # _____
	<b>COMMERCIAL</b>	<b>\$1000</b>	paid: <input type="checkbox"/> Yes    Check # _____
<b>SPECIAL MEETING ADD \$1000 TO ABOVE FEE</b>			

File No. \_\_\_\_\_ Date Rec. \_\_\_\_/\_\_\_\_/\_\_\_\_ Hearing Date \_\_\_\_/\_\_\_\_/\_\_\_\_

*Above is for office use only*

**IMPORTANT PLEASE READ THE FOLLOWING:**

1. Appeal applications must be submitted in the name of the owner of the property, the owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent he/she must sign also.
3. To process your application a survey, drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning thirty (30) days prior to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the second Tuesday of each month.
4. Each Meeting of the Appeals Board shall be limited to the hearing of four (4) applications.
5. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_

Authorized Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Property Identification Number (PIN):** 28-03-\_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Property Location (address if available) \_\_\_\_\_

**Type of Request** \_\_\_\_\_

- Variance    Special Land Use Denial    Temporary Use    Conditional Use
- Site Plan Review Denial    Non-conforming Use    Special Exception
- Interpretation    Other – specify \_\_\_\_\_

Section of Ordinance Applicable (office use only) \_\_\_\_\_

If this request is for an appeal from determination by the Zoning Administrator; date of denial \_\_\_/\_\_\_/\_\_\_

Have any previous applications, regarding this property, been submitted to the Board of Appeals?

Yes  No If yes, please give file number \_\_\_\_\_, and a description of the prior request \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is the subject property  Unplatted  Platted – If Platted give name of Plat \_\_\_\_\_

**Describe the request being made, with reasons that include; the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved.** (Please attach separate sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Owner \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

*~for office use only~*

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment:

Grand Traverse County Road Commission  Grand Traverse County Soil/Erosion Department

Grand Traverse County Metro Fire Department  Township Engineer

Others \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**ACTION TAKEN:**  Approved  Approved w/ conditions  Denied

**Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNELSS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.**