

APPLICANT’S CHECKLIST FOR SUBMITTAL
ZONING BOARD OF APPEALS HEARING

- _____ 1. Review the Variance Request and Appeals Guidelines attached to the application to understand the review process. This is also described in Article 18 of the Zoning Ordinance.

- _____ 2. For a variance request, review and understand that the Board of Appeals shall base its decision upon review of the nine (9) review standards and make specific findings of fact based on the evidence presented to it

- _____ 3. For a variance, complete the “Variance Requested”, “Unique/Physical Characteristics” and “Summary” section on the second page of the application or attach a brief description as to why a variance should be granted.

- _____ 4. For an appeal, interpretation or classification, complete the “Appeal, Interpretation, or Classification” and “Summary” section on the second page of the application or attach a brief description of the reason for the request. *(This does not apply for variance requests.)*

- _____ 5. Complete the application form and read the “Attest” before signing. A representative may sign in place of the owner if authorized to do so.

- _____ 6. **Prepare twelve (12) identical packets** to accompany the application form which will aid in your request for a variance. The packet may include: site plans, topography maps, photographs, documents, letters, etc.

The application, fee, and packets must be submitted to the Shiawassee County Community Development Department to be accepted as a complete application by the Zoning Administrator.

Withdrawals of an application request that has been processed by the Community Development for a public hearing are ineligible for a refund.

GUIDELINES

Variance Requests and Interpretations

Variance requests and interpretations are expensive and time consuming to the applicant, staff, and Zoning Board of Appeals (“ZBA”). Therefore, an application that has been processed for a public hearing is **not eligible for a refund**. In the interest of all involved; **the applicant is required to follow this procedure:**

1. Make an appointment with the Community Development Department to:
 - a. Explore options pertaining to the request.
 - b. Obtain help in filling out the application for an appearance before the ZBA.
 - c. Get suggestions on how to best present the case at the public hearing.
 - d. Understand the deadline for acceptance of an application. Provide twelve (12) copies of clear, concise, documents with the application form.
2. Understand that a variance is requesting permission to vary from the requirements of the Ordinance by the proof of practical difficulty or unnecessary hardship.
3. Comprehend that the ZBA meets and holds a public hearing only once a month. Due to Ordinance requirements, a cut-off date for submittal of your 12 identical packets and application is required. This is posted in the main office of the Community Development Department.
4. Review the duties of the ZBA as outlined below.

Summary of Board Action as outlined in the Shiawassee County Zoning Ordinance:

Section 18.4.1 Duties: The Board of Appeals shall have the duty to rule on those matters provided in this Ordinance for review, interpretation, or variance.

Section 18.4.3 Review: The Board of Appeals shall hear and decide matters of review, interpretation and variance where prescribed in the Ordinance.

Interpretation: The Board of Appeals has the power to interpret the provisions of the Ordinance, determine boundary lines between zoning districts, and classify a use which is not specifically mentioned in the use regulations of any district according to the standards as outlined in Section 18.4.4.C.

Variations: The Board of Appeals may authorize specific variances from such requirements as lot area and width regulations, yard and depth regulations, off-street parking and loading space requirements, sign and billboard regulations, and regulations found herein. The Board of Appeals shall base its decision upon review on the standards provided below and make specific findings of fact based on the evidence presented to it.

1. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the 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 do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
2. That the practical difficulties or special conditions or circumstances do not result from actions of the applicant or property owner.

3. 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.
4. 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.
5. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.
6. That the 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 for which a Special Use Permit is required.
7. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
8. The possible precedents or affects which might result from the approval or denial or the appeal.
9. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

Application Fee: Currently the cost for an Appeal, Variance, Interpretation, Nonconformity and Classification is **\$200.00** per application. There will be **no refund** should an applicant wish to withdraw the application once the application has been processed for a hearing.

Approval of Variance Application:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location and other features of the structures or property that will in its judgment secure the objectives and purposes of this Ordinance. Such conditions shall meet the requirements of Section 14.15. The breach of any such condition shall be a violation of this Ordinance.
2. Every variance granted under the provisions of this Ordinance shall become null and void unless:
 - a. The construction authorized by such variance or permit has been commenced within one (1) year after the granting of the variance, or
 - b. The occupancy of land or premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variances.
3. No Zoning Permit shall be granted which relies upon a variance before eight (8) days have expired unless the Board of Appeals waives this requirement via roll call vote.

Denial of Variance Application: No application for a variance which has been denied, wholly or partly, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence, proof of changed conditions, or falsehood previously relied upon to make a decision is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made.

If you have any questions or concerns, you are welcome to contact this office at (989)743-2396 or email at comdev@shiawassee.net. The Community Development Department is located at 201 N. Shiawassee St., 3rd Floor, Corunna, MI 48817. Office hours are Monday-Friday, 8:00 A.M. – Noon and 1:00 P.M. – 5:00 P.M.

SHIAWASSEE COUNTY ZONING BOARD OF APPEALS APPLICATION REQUEST

REQUEST: (check all that apply)

- Lot Size Requirements Lot Frontage/Depth Requirements Setback Requirements
- Square Footage Requirements Off-Street Parking and Loading Requirements
- Sign Regulations Nonconforming Use Interpretation Classification
- Appeal of Administrative Decision Other: _____

It is encouraged to schedule an appointment with the Community Development Department to discuss the specific requirements for the intended use, general requirements for approval, and review process (Section 18.1 and 18.2 of the Shiawassee County Zoning Ordinance of 1999, as amended).

Fee: _____ Receipt #: _____ Date: _____ Received by: _____

Date accepted as complete: _____ Accepted by: _____

Petitioner Name: _____	Phone: _____
Address: _____	
City/Zip Code: _____	Email: _____
Property Owner: _____	Phone: _____
Address: _____	
City/Zip Code: _____	Email: _____

<u>PARCEL INFORMATION:</u>		
Township: _____	Section: _____	Zoning District: _____
Parcel Address/ Location: _____		
Parcel ID#: _____ - _____ - _____ - _____		
Date Parcel was Created: _____		Date Structure was Built: _____
Current Land Use: _____		Proposed Land Use: _____

<u>VARIANCE REQUESTED:</u>		
Variance Requested is from Setback, Width, Lot Requirements, etc.	Required Dimension:	Proposed Dimension:
1. _____		
2. _____		
3. _____		

APPEAL, INTERPRETATION, or CLASSIFICATION:

(Do not fill this portion out for variances.)

Describe what the appeal, interpretation or classification is in regards to:

SUMMARY:

Summarize the reason for the request:

UNIQUE/PHYSICAL CHARACTERISTICS:

Identify the unique physical circumstances or conditions, exceptional topography that creates practical difficulties in complying with the Ordinance (typically done by attaching a drawing, photographs, etc.).

ATTEST:

I, the undersigned, attest that I am duly authorized by the owner/s of the above described land to make this specific application; and, that I have reviewed the relevant portions of the Shiawassee County Zoning Ordinance and I have reason to believe that:

1. The Zoning Ordinance does apply to the request and/or property in question.
2. The approval I seek is necessary in order to carry out my intended use of the property.
3. This application meets the criteria for approval cited in Article 18 of the Zoning Ordinance and the request warrants approval.

I further attest that the information provided in this application is true and correct with the understanding that this permit application is a legal affidavit and as such knowingly providing false information is perjury subject to criminal felony penalties.

Applicant/Owner Signature

Date

Print Name