



Zoning Board of Appeals Request for Variance

CHARTER TOWNSHIP OF GRAND BLANC
5371 S. Saginaw Street, PO Box 1833
Grand Blanc, MI 48480
Phone: (810) 424-2766 Fax: (810) 424-2767
ZONING ORDINANCE IS AVAILABLE ON LINE
www.twp.grand-blanc.mi.us

YOUR APPLICATION MUST BE RETURNED TO THE PLANNING AND ZONING DEPARTMENT FOUR (4) WEEKS PRIOR TO THE MEETING DATE.

Date: _____

ZBA # _____

Address of Property	
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Name of Applicant(s)	
Address, City and Zip	
Phone / fax	
E-Mail	

Location of Property <i>Include cross-streets and directions, name of subdivision, etc.</i>	
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Zoning Classification of Property	
Legal DESCRIPTION PLEASE <i>attach additional sheet(s), if necessary, such as mortgage or certified survey.</i>	
Do you own the property? <i>If not, indicate Power of Attorney or provide Letter of Authorization from Owner.</i>	



Zoning Board of Appeals Request for Variance

CHARTER TOWNSHIP OF GRAND BLANC

<i>Section of Ordinance from which Variances are requested. Attach additional sheets if necessary.</i>	<i>Section</i>	<i>Requirement</i>	<i>Proposed</i>
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REASON FOR VARIANCE REQUEST: Section 7.4 requires the Zoning Board of Appeals to consider the following items before approving a variance. Please complete the items below using the attached sheet as a guide:

<i>Practical difficulty:</i>	
<i>Unique Situation:</i>	
<i>Not self-created:</i>	
<i>Substantial justice:</i>	
<i>Minimum variance necessary:</i>	
<i>Compliance with other laws:</i>	

Applicant hereby consents to allow Township representatives access to property.

Signature of Applicant: _____ Date: _____

Printed Name of Applicant: _____

NOTICE

A BUILDING PERMIT MUST BE OBTAINED AFTER APPROVAL OF A VARIANCE. THIS REQUEST FOR VARIANCE DOES NOT INCLUDE ANY BUILDING PERMIT FEES REQUIRED BY THE CHARTER TOWNSHIP OF GRAND BLANC. PLEASE INCLUDE A SURVEY OR PLOT PLAN (SEE SAMPLE ATTACHED). ALSO INCLUDE DRAWINGS, PICTURES, AND ANY OTHER DOCUMENTATION THAT THE BOARD MAY NEED TO CONSIDER YOUR REQUEST.

STAFF USE ONLY

DATE RECEIVED: _____

FEE PAID: _____

Grand Blanc ZBA Variance Fee Structure

*Proposed July 25, 2013
Revised December 4, 2013*

Dimensional Variances (Single Family Residential uses)

Clearzoning Review Fee - \$150

Township Fee (prorated for Board members, advertising, staff time, and postage) = \$200
\$350.00

Prorated Meeting fee for CZ = \$75

Total fee = \$425.00*

Dimensional Variances (Non-Single Family Residential uses)

Clearzoning Review Fee - \$450

Township Fee (prorated for Board members, advertising, staff time, and postage) = \$450

Prorated Meeting fee for CZ = \$100

Total fee = \$1,000* + \$100 for each additional variance requested at the same time

Sign Variances

Clearzoning Review Fee - \$350 for 1st sign; \$150 for each additional sign variance on same property

Township Fee (prorated for Board members, advertising, staff time, and postage) = \$450
\$800.00

Prorated Meeting fee for CZ = \$100

Total fee = \$900.00* for one sign

Temporary Uses

No change – No review by Clearzoning at this time.

(*note – the fee for CZ attendance at a regular ZBA meeting is \$450; if a minimum of 4 items CZ reviewed are on agenda, there will be no additional meeting fee charged by CZ to attend ZBA mtg.)

Development, nor make any change in the terms of this Ordinance. The Zoning Board of Appeals may grant a variance to the site design standards for a Special Land Use as specified in Article 4, provided such variance shall be approved prior to any decision by the Planning Commission on the Special Land Use.

4. Appeals of Administrative Decisions

- A. **Eligibility to file an appeal.** An appeal, within the limits of authority described in Section 7.4.3 above, may be taken to the Zoning Board of Appeals by any person, firm, corporation, department or other party aggrieved by a decision, permit, requirement, possible error or refusal to act by the Building Department, other administrative officials or the Planning Commission.
 - B. **Filing an appeal.** All applications for appeal shall be filed with the Building Department. The application shall include the grounds for such appeal and any required administrative fee to cover the necessary notification and investigation expenses incurred by the township. The Zoning Board of Appeals shall consider appeals filed within forty-five (45) business days of the applicants receipt of official notice of the decision which is being applied.
 - C. **Stay of proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed unless the Building Department certifies to the Zoning Board of Appeals that, for reasons stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceeding shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or a court of record.
 - D. **Processing the appeal materials.** The Building Department shall transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken. The Zoning Board of Appeals shall render a decision using the materials which were part of the record available to the administrative person or body when the decision being appealed was made; no new information shall be provided by the applicant.
 - E. **Public hearing.** The Zoning Board of Appeals shall select a reasonable time and place for a hearing of the appeal without unreasonable delay. Notice of the public hearing shall be given as required in Section 7.4.2.E.
 - F. **Representative at hearing.** Any person may appear and testify at the hearing, either in person or by duly authorized agent or representative.
 - G. **Decisions on appeals.** The Zoning Board of Appeals may reverse, affirm or modify the order or requirement, decision or determination appealed, in whole or in part. Decisions involving a variance from a standard of this Ordinance shall be in accordance with Section 7.4.5. In reaching such decisions, the Zoning Board of Appeals shall have all powers of the Building Department or other administrative body from whom the appeal is taken.
 - H. **Effective date.** Decisions and orders of the Zoning Board of Appeals shall become effective five (5) days after the decision is reached, unless the Zoning Board of Appeals shall find immediate effect is necessary to preserve a substantial property right and shall so certify in the record.
 - I. **Final authority.** Decisions of the Zoning Board of Appeals shall be final. Appeals of a Zoning Board of Appeals decision shall be to a court of law.
5. **Variances** (See also Section 7.4.6, "Recording of Variance and Appeal Decisions")
- A. **General variances.** The Zoning Board of Appeals may authorize a variance from the strict application of the area or dimensional standard of this Ordinance when the applicant demonstrates all of the following conditions "a - e" or condition f applies.
 - i. **Practical difficulty.** A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the zoning ordinance standards would unreasonably prevent the owner from using of the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.

- ii. **Unique situation.** The demonstrated practical difficult results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the Ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.
 - iii. **Not self created.** The applicants problem is not self created.
 - iv. **Substantial justice.** The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).
 - v. **Minimum variance necessary.** The variance shall be the minimum necessary to grant relief created by the practical difficulty.
 - vi. **Compliance with other laws.** The variance is the minimum necessary to comply with state or federal laws, such as farming activities protected by the "Right to Farm Act" or accessory facilities to meet the needs of handicapped individuals protected under the Americans with Disabilities Act.
- B. **Variance from access management and private road standards.** The Zoning Board of Appeals may grant a variance only when the applicant demonstrates all of the following conditions exist.

- i. There are exceptional or extraordinary circumstances or conditions to the property different than typical properties in the same zoning district such as topographic features, quality mature trees, limited sight distance or wetlands.
- ii. Strict compliance with this Ordinance standards would unreasonably prevent the owner from using of their property for a permitted use or would result in unnecessary loss of important natural features.
- iii. Granting the variance would benefit the public in terms of traffic operations and safety.

C. **Variance from wetland setback.** The Zoning Board of Appeals may permit a variance from the required ten (10) feet setback from a wetland regulated by the Michigan Department of Natural Resources if the applicant demonstrates all of the following conditions exist.

- i. The setback is not necessary to preserve the ecological and aesthetic value of the wetland.
- ii. The natural drainage pattern to the wetland will not be significantly affected.
- iii. The variance will not increase the potential for erosion, either during or after construction.
- iv. No feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed; or MDNR permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.

D. **Variance for reception antennae.** The Zoning Board of Appeals may permit a variance from the standards for accessory reception antenna listed in Section 4.57 in consideration of the following factors:

- i. The applicant demonstrates that a practical difficulty exists on the subject site and strict compliance with the standards of this Ordinance would not provide "reasonable" reception. "Reasonable reception," as used in this section does not mean perfect reception from each satellite of the many satellites in space.

