

LAKE TOWNSHIP

5153 SCENIC HWY. (M-22)

HONOR, MI 49640

(616) 325-5202

ZONING BOARD OF APPEALS - ZBA

GENERAL INFORMATION

Members appointed by the Legislative Body (Township Board)

Not Less than 3 members, serve for 3 years after initial staggered appointments.

2 alternate members allowed; may sit in place of absent member or one that has abstained for reason of conflict of interest.

May sit in judgment on zoning conflicts, other ordinances passed by the Board, or a decision by an administrative official or body.

Must adopt by-laws to fix rules to govern its procedures, including the time within which an appeal of a decision shall be taken.

An appeal stays all proceedings, that is, any enforcement of a situation must cease, unless it is of an emergency nature or an imminent danger to life or property.

A simple majority vote is needed for a decision.

An appeal may be entered by any aggrieved person, board or commission of the Township.

All papers or data an official used to make a decision must be conveyed to the ZBA when an appeal is entered.

The ZBA shall hear an appeal within a reasonable time; shall notify the applicant, registered utilities, and all property owners and/or residents within 300 feet of the subject property; and advertise the public hearing in a newspaper from 5 to 15 days prior to the hearing.

The notice shall include: the nature of the appeal; the property involved; when and where the hearing will be held; when and where written comments may be made; and when and where the application, zoning ordinance and map may be examined.

The ZBA may approve, deny or approve a request with conditions.

A ZBA decision shall be final, however the decision may be appealed to Circuit Court for procedural review, to ensure compliance with all constitutional laws, to determine whether the decision is properly supported by material, competent evidence, and that reasonable discretion was exercised.

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A CHECK LIST - RULES FOR DECIDING A VARIANCE

The ZBA has the power to authorize a variance from the requirements of the Zoning Ordinance, provided the applicant has proven a "practical difficulty" by showing:

- 1 - That strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a legal purpose or would make adherence "unreasonably burdensome".
- 2 - The problem is due to a UNIQUE circumstance on the property.
- 3 - The problem is not SELF-CREATED or SELF-IMPOSED.
- 4 - The problem is NOT SO GENERAL as to require an amendment.
- 5 - The variance will NOT CHANGE THE CHARACTER of the area.
- 6 - The Variance will only RELATE TO THE APPLICANTS PROPERTY.
- 7 - That OTHER VARIANCES were not used for comparison.
- 8 - It is the LEAST POSSIBLE variance to allow JUDICIOUS use of the property.
- 9 - The USE would be a PERMITTED without a variance.
- 10- The variance would do SUBSTANTIAL JUSTICE.
- 11- It would ensure the SPIRIT of the Ordinance, PUBLIC SAFETY secured, and SUBSTANTIAL JUSTICE applied.
- 12- That the variance will not amount to an AMENDMENT.

No action may be taken until proof that the applicant has been notified of the hearing.

The ZBA must notify the applicant, in writing, of any action taken, variances granted or denied, with reasons, or any conditions imposed.

No re-application may be made within 1 year of denial, except in the case of new evidence.