

CHARTER TOWNSHIP OF OSCODA

110 S. State Street, Oscoda MI 48750 Phone 989-739-9019

Case # _____

Fee: \$ _____

ZONING BOARD OF APPEALS

Application for: (See back for descriptions)

Rcpt. # _____

Variance Interpretation Administrative Review

Property Address: _____

Property Owner:

Applicant (if not owner):

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Position: _____

Property Description: Parcel No. _____

Size: _____ Zoning: _____

Cross Streets: _____ and _____

Nature of Request: _____

Rationale for Request: (For variances, also fill out page 3 and 4 of this application)

(add additional pages as necessary)

Read Carefully: I am the owner of the property included in this application or am officially acting on the owners' behalf. I hereby attest that the information on this application form, the site plan and other attachment(s) is, to the best of my knowledge, true and accurate. I hereby grant permission to the Township Staff and/or any appropriate Township Official to access this property to review the accuracy of the information submitted. Yes No

Applicant's Signature

Date

Ordinance 165, Section 8.3 Duties and Powers of Zoning Board of Appeals (Excerpts)

Section 8.3.1 Administrative Review

The Board shall hear and decide appeals where it is alleged by the person objecting that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of this Ordinance.

Section 8.3.2 Interpretations, Determinations, Classification

The Board shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between Zoning Districts.
3. Classify a use which is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable permitted use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

Section 8.3.3 Variances

The Board shall have the power to authorize, upon an appeal, specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements.

To obtain a variance, the applicant must show that the following conditions listed below are satisfied:

1. Strict application of the letter of the regulation would unreasonably prevent the owner from using the property for a permitted use, or would render conformity but be unnecessarily burdensome.
2. A lesser relaxation of the regulation than requested could not be reasonably achieved that would give substantial relief to the property owner and be more consistent with justice to other property owners.
3. The plight of the owner is due to unique circumstances peculiar to the property and not due to general conditions in the neighborhood or the zoning district.
4. The problem is not self created.
5. Granting the variance will not be of substantial detriment to adjoining property or the general welfare.
6. Granting the variance will not impair the intent or purpose of the Zoning Ordinance.

Section 8.3.5 Attachment of Conditions

The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Section 8.6 Prohibited ZBA Actions

1. No appeal shall be taken to the Zoning Board of Appeals with regard to a planned unit development or Special Permit Use decision.
2. The Zoning Board of Appeals is without authority to grant a variance on the use of land.
3. The Zoning Board of Appeals may only act on those matters brought before it through the procedures described in this Section. In no instance may they conduct business on matters outside the scope of the appeal.

Variance Application **Property Address:** _____

To obtain a variance, the applicant must show that the following conditions listed below are satisfied. Please type or write legibly; use the back or add additional sheets as necessary.

- 1. Strict application of the letter of the regulation would unreasonably prevent the owner from using the property for a permitted use, or would render conformity but be unnecessarily burdensome.

- 2. A lesser relaxation of the regulation than requested could not be reasonably achieved that would give substantial relief to the property owner and be more consistent with justice to other property owners.

- 3. The plight of the owner is due to unique circumstances peculiar to the property and not due to general conditions in the neighborhood or the zoning district.

- 4. The problem is not self created.

- 5. Granting the variance will not be of substantial detriment to adjoining property or the general welfare.

- 6. Granting the variance will not impair the intent or purpose of the Zoning Ordinance.

Property Owner's Signature

Date

For official use:

Property Address: _____ **Case #:** _____

Application Submitted: _____ Accepted as Complete: _____

Public Notice Mailing Date: _____ Publication Date: _____

Date of Public Hearing: _____ Materials to Board: _____

Zoning Board of Appeals Action: **Approved** **Approved with Conditions**
 Denied

Date

Conditions of Approval: _____

Decision Certified: _____
Chairperson Date

Letter Sent to Applicant: _____
Zoning Administrator Date