

**COURTLAND TOWNSHIP
ZONING BOARD OF APPEALS APPLICATION**

Application for:
 Variance Section(s) _____
 Other _____

APPLICANT INFORMATION

Name _____
Address _____
Phone _____ Fax _____

PROPERTY INFORMATION

Name (if different than applicant) _____
Address or Location _____
Permanent Parcel Number _____
Current Zoning _____

DETAILED Description of Proposed Use/Request (attach additional pages if needed)

I hereby attest that the information on this application form is, to the best of my knowledge, True and accurate.

Signature of Applicant _____ Date _____

I hereby grant permission for members of the Courtland Township (Zoning Board of Appeals, Township Board, Zoning Administrator) to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application. (Note to Applicant: This is optional and will not affect any decision on your application.)

Signature of Applicant _____ Date _____

DO NOT WRITE BELOW THIS LINE

Date Received _____ Application Fee Paid _____

Submitted Materials Site Plan Application Legal Description Other(explain)

Application Accepted by _____ Date _____

COURTLAND TOWNSHIP APPLICATION INFORMATION
(COPY TO APPLICANT)

Your application requires approval by the:

Zoning Board of Appeals

Township Board

As a:

Variance from Section(s) _____ of the Zoning Ordinance.

Other _____

The following materials are required to be submitted as part of this review. The application will not be considered complete, and will not be accepted, until all of the items have been submitted.

Written statements why you feel you meet each of the 5 standards for Use Variance, or Non-Use Variance. (See attached Standards of Review)

Completed application form

Legal Description of the property noted on the application

Copy of Survey if available

Copy of Drawings showing current Building and proposed Building with footages to lot lines, measured from the closest point, usually from the eaves.

Must post address of property by road for ZBA members convenience

Must put **Stakes** on corners of your property lines for ZBA members convenience

Must also put **Stakes** on corners of new purposed building or addition

Review Fee of \$200.00

For earliest consideration by the Zoning Board of Appeals this application, and all of the required materials, must be submitted to the Township Clerk or Zoning Administrator no later than 4:00 p.m. 28 days prior to the Z.B.A. meeting.

If a completed application and all required materials are received by the Submission Date, the Zoning Board of Appeals will consider the application at their next scheduled meeting.

Attendance by a representative of the applicant is required. All meetings, unless otherwise notified, will be held at the Township Hall, 7450 14 Mile Road, at 7:00 p.m.

I hereby acknowledge receipt of this information and a completed copy of this form has been provided to me.

Signature of applicant

Date

AFFIDAVIT OF AUTHORIZATION

As property owner, I _____, hereby grant

Authority to Applicant, _____, to act on

My behalf for the following request: _____

Signature of Property Owner

Date

SECTION 14.02 JURISDICTION. (2-16-99)

- A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 14.04.
- B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.
- D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.

SECTION 14.03 PROCEDURE ON APPEAL.

- A. An appeal from any order, requirements, decision, or determination of any administrative official or body shall be taken within 30 days by the filing with the Township Clerk of a Notice of Appeal, specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.
- B. Upon such appeal, or upon receipt of a request for an interpretation of the Zoning Ordinance, or request for a variance, the Zoning Board of Appeals shall hold a public hearing. Notice of the public hearing shall be given as provided in Section 15.09 of this Ordinance. [Section 14.03.A-B amended 8/2/06]



SECTION 14.04 STANDARDS OF REVIEW.

- A. Non-Use Variance.** A non-use variance is a variance concerned with area, height, setback, lot coverage, or similar characteristics of a structure or use. Non-use variances also include the enlargement of nonconforming uses or alteration of nonconforming structures. A non-use variance may be granted only when all of the following conditions are found to be met:
 - 1. That strict compliance with the Ordinance would either (1) prevent improvement of the property in a manner which is reasonable customary and consistent with other properties in the area, or (2) cause practical

difficulty in strict compliance with the Ordinance, resulting in significant or unjustified expense, destruction or demolition of attractive features of the property, or similar reasons.

2. That relief would not be a substantial detriment to adjacent property or change the essential character of the area, and would not materially impair the purposes of this Ordinance or the public interest.
3. That the practical difficulty complained of was not created as a result of any action taken by the applicant or predecessors in interest to the property which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance for future improvements.
4. That the variance is requested to address exceptional and extraordinary circumstances or conditions applying to the property itself, such as:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or
 - d. by reason of the use or development of the property immediately adjoining the property in question.
5. That the variance requested is the minimum necessary to address the practical difficulty complained of. If the Zoning Board of Appeals finds that a variance is justified, but that the extent of the variance requested is greater than necessary to address practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for.

Or → (B.)

Use Variance. A use variance is a request for permission for a use of land which the Zoning Ordinance would otherwise prohibit for the property in question. A use variance may be granted only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met:

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located.
2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally

apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

- a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary; or
 - d. by reason of the use or development of the property immediately adjoining the property in question.
3. That the proposed use will not alter the essential character of the neighborhood.
 4. That the undue hardship complained of was not created by the applicant or any predecessor in interest to the property in question.
 5. That the variance requested is the minimum variance necessary to address the undue hardship complained of. If the Zoning Board of Appeals finds that the variance is justified, but that the extent of the variance requested is greater than necessary to address practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for. **[Section 14.04.A-B amended 12/3/03]**

- C. Prior to the Zoning Board of Appeals hearing on a request for a use variance, the Zoning Board of Appeals may request that the Planning Commission consider such request and that the commission forward a report to the Zoning Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

SECTION 14.05 DECISIONS OF THE ZONING BOARD OF APPEALS.

- A. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it. The following is necessary for approval:
 1. The concurring vote of a majority of the full authorized membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of an of an administrative official or body, or to decide in favor of the applicant on any matter upon which it is required to pass under, or to grant any non-use variance.