

Napoleon Zoning Board of Appeals

General Information:

1. Meetings are the second Wednesday of each month at 6:00 p.m. in the Napoleon Township Hall, 6755 Napoleon Road, Applicant(s) or a representative must attend the meeting.
2. Notice of the hearing will be sent to all property owners within 300 feet of the property where the variance is being requested, and one notice will be published in the newspaper explaining the request for the variance. Notices and publication are required by Public Act 110 of 2006.
3. Costs: There is an application fee payable at the time of filing.
4. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance.
5. A variance granted under the provisions of this Ordinance shall become null and void unless, the construction, occupancy of land or building authorized by such variance or permit has not been commenced or taken place within one hundred eighty (180) days after the granting of such variance.
6. No application for a variance, which has been denied wholly or in part by the Board of Appeals, shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Information required in addition to the application for a variance:

An accurate, sealed drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; widths, heights, lengths, ridge heights, roof overhangs, distances between, structures, lake frontage and setbacks from water (if applicable), lot area and all calculations necessary to show compliance and/or noncompliance with the regulations of the Zoning Ordinance. This detailed drawing shows All existing buildings, decks, sheds, and all other structures on the property.

One of the following types of surveys will be required: stake survey or mortgage survey. (In some cases, a survey of adjacent properties may meet this requirement.)

- Digital pictures of all sides of the property, the area of the request and adjacent properties are required.
- The proposed variance shall be physically marked including the property lines on the site so the Board of Appeals may make an on-site review of the proposed variance.
- Written statement(s) of neighbors concerning the request are acceptable.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until a written application for a variance is submitted, demonstrating the following.

The following must be addressed in narrative form:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- That the special conditions and circumstances do not result from the actions of the applicant.
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district,

That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The Board of Appeals shall make the following findings before the application is approved:

- That the requirements of the Ordinance have been met by the applicant.
- That the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure
- That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the public interest, will not be a detriment to adjacent properties, will not alter the essential character of the area, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That the granting of the variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in public streets or roads, adversely impact drainage patterns, increase the danger of fire or endanger the public safety, restrict access of emergency vehicles, or substantially diminish property values within the area.
- That the granting of the variance shall in no manner guise or be construed to allow a change of use but shall allow only a variation or modification to the applicable requirements of this ordinance.

Conditions

- In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.
- Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- The Board may reconsider an earlier decision, if, in the opinion of the Board, circumstances justify taking such action.
- Voiding and Reapplication for Variance
- Each variance granted under the provisions of this ordinance shall become null and void unless:
 - The construction authorized by such variance or permit has been commenced within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion.
 - The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.
- No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.