



INSTRUCTIONS FOR COMPLETING ZONING BOARD OF APPEALS APPLICATION

The powers, duties, and limitations of the Springfield Township Zoning Board of Appeals are outlined in the Springfield Township Code of Ordinances, Chapter 40, Section 63. See attached.

Township staff are available to assist you with the application. However, the applicant is solely responsible for making sure that all needed variance requests are included, and that the application is complete.

A variance from the Springfield Township Code of Ordinances is NOT automatic. Please investigate all alternatives before requesting a variance. You may wish to document the alternatives and present them to the Zoning Board of Appeals.

For the appeals board to grant your request you must show ALL of the following:

- That there are special circumstances that exist which are peculiar to the land, structure, or building.
- That the existing special circumstances are not a result of your direct actions.
- That you would be deprived of rights commonly enjoyed by other properties in the same zoning district if the variance was denied.
- That you are requesting the minimum variance possible.
- That the variance will be in harmony with the ordinance and not injurious to your neighbors or the public.
- That there are practical difficulties that will result from your request being denied. Note that inconvenience or inability to attain higher financial gain is not grounds for granting a variance.

If you are appealing an administrative decision, please explain why you believe an error was made.

Please provide eight (8) copies of the following (do not staple together):

1. Plot plan to scale showing:

- a. Lot dimensions
- b. Location and dimensions of existing structures
- c. Existing setbacks
- d. Location of well and septic
- e. Proposed new structure or lot lines
- f. Distance from your lot to neighbors' building, well, and septic
- g. Scale of the drawing

2. Floor plan and elevations drawn to scale showing total area of any proposed new structure.

The Zoning Board of Appeals meetings are public. Your attendance at the meeting is mandatory. Your appeal will be advertised in the Oakland Press. Property owners within 300 feet will be notified of your request. Anyone wishing to speak for or against your request will be given an opportunity to do so.

Petitioner's signature

Date

Sec. 40-63. Zoning board of appeals—Powers and duties.

- (a) *Generally.* The zoning board of appeals has the power to act on matters as provided in this chapter and Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The board shall not have the power to alter or change zoning district boundaries, land use classifications of any property, or zoning ordinance text from which this chapter is derived. The specific powers of the board are as enumerated in this article.
- (b) *Administrative review.* The board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the building official or other duly authorized enforcing agent, in enforcing any provision of this chapter.
- (c) *Requests for interpretation; nondesignated land uses; record.*
- (1) The board shall hear and decide requests for interpretation of this chapter or the zoning map taking into consideration the intent and purpose of the chapter and the township master plan.
 - (2) The board shall hear and decide whether to permit land uses which are not specifically designated in any zoning district as a principal use permitted, principal use permitted subject to special conditions, or permitted accessory use. In making such a finding, the board shall consider the following:
 - a. The recommendation of the planning commission.
 - b. The specific characteristics of the use in question are clearly similar in nature to the characteristics of the uses expressly permitted in the district. Such characteristics shall include, but not be limited to:
 1. Traffic generation and circulation;
 2. Type of product sold or manufactured or type of service provided;
 3. Hours of operation; type and amount of work generated; and
 4. Impact on natural resources and community character.
 - c. The use in question is not permitted in any other zoning district.
 - (3) A record shall be kept by the board of all decisions for interpretation of this chapter or the zoning map and land uses which are approved under the terms of this section. The board shall request the planning commission and township board to review any ordinance amendment it deems necessary.
- (d) *Variances.*
- (1) The board shall have the power to hear and decide specific appeals and authorize such variances from the provisions of this chapter which will not be contrary to the public interest. A variance may be granted by the board where, due to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty. A variance shall not be granted by the board unless all of the following conditions are met:
 - a. 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 zoning district.
 - b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.
 - c. The special conditions and circumstances referenced in subsection (d)(1)a of this section do not result from the actions of the applicant.

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- d. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - e. The granting of the variance will be in harmony with the general purpose and intent of this chapter and master plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (2) In granting any variance, the zoning board of appeals may prescribe appropriate conditions and safeguards pursuant to section 40-65(g).

(Ord. No. 26, § 19.01, 9-13-1990; Ord. of 12-11-2008(2), § 1(16, 17))



ZONING BOARD OF APPEALS APPLICATION

Please Review Instruction Page Before Completing

FEE: \$300.00 DATE PAID: _____

APPLICANT

Name:	Date:
Address:	City & Zip:
Phone:	Email:
Parcel Address:	Parcel ID#
Parcel Zoning:	

OTHER PARTIES OF INTEREST (TITLE HOLDER, CONTRACT PURCHASER, PARTNERS)

Name:	Name:
Address:	Address:
Phone:	Phone:
Email:	Email:
Interest:	Interest:

VARIANCE REQUEST: The applicant requests a variance from the following Springfield Township Code of Ordinances provisions:

a) Springfield Township Code of Ordinances: Chapter _____ Section _____

Describe Variance(s) Requested:

b) What special conditions and circumstances exist which are peculiar to the land, structure(s) or building(s) involved, and which are not applicable to other lands, structures, or buildings in the same Zoning District?

c) How would literal interpretation of the provisions of the Springfield Township Code of Ordinances deprive you of rights commonly enjoyed by other properties in the same Zoning District under the terms of this ordinance?

d) Did the special conditions and circumstances referenced in (b) above result from the applicant?
YES _____ NO _____

e) Demonstrate that the variance is the minimum variance that will make possible the reasonable use of the land, building(s), or structure(s). (This can be done through both text and drawing.)
Have alternatives been explored? YES _____ NO _____ (Specify):

f) Demonstrate that the granting of the variance is in harmony with the Master Plan and Springfield Township Code of Ordinances and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare:

CERTIFICATION: I hereby certify that I have read and understand the application instructions and reviewed the Springfield Township Code of Ordinances, Chapter 40, Section 63 regarding the powers, duties and limitations of the Springfield Township Zoning Board of Appeals. I also hereby grant permission to any Township Official, consultant or employee to access the property in order to review the proposal submitted.

Signature of Petitioner: _____ Date: _____

Signature of Owner: _____ Date: _____

TOWNSHIP USE ONLY

APPROVED / DENIED By Board of Appeals on _____