

Frederic Township Zoning Dept.

P.O. Box 78
Frederic, MI 49733.
(989) 348-8840 Ext. 3
(989) 348-7365 Fax

FREDERIC TOWNSHIP APPLICATION FOR VARIANCE

Case # _____ ZBA _____ Date Filed _____ Fee Paid _____ Public Hearing Date _____

Date Published _____

PROPERTY CODE: _____

APPLICANT

Name _____

Address _____

City, St., Zip _____

Telephone (daytime) _____

OWNER OF RECORD (if different than applicant)

Name _____

Address _____

City, St., Zip _____

STATUS OF APPLICANT: Owner _____ Agent* _____ Prospective Owner ** _____

Notarized permission to act as agent **MUST** accompany application.

* Offer to purchase **MUST** accompany application.

I hereby make application for the following variance request, and grant permission for members of the Frederic Township Zoning Board of Appeals and Zoning Administrator to make on-site inspection of my property during daylight hours only. Permission terminates when variance is approved or denied.

Applicant's signature _____

REQUESTED ACTION: (Reason for application for variance) **ON A SEPARATE SHEET OF PAPER MUST CLEARLY STATE WHICH SECTION OF FREDERIC TOWNSHIP ZONING ORDINANCE APPLIES. (See attached). WRITE OUT CLEARLY WHAT YOU ARE REQUESTING.**

Property Address _____ Location of Property: T _____ N, R _____ W, SEC. _____

Parcel Size: Acres _____ or Lot Size _____

Current Zoning of Property _____ Ordinance Sec. _____ Page _____

DETAILED DIRECTIONS TO SITE:

SITE PLAN: (See Attached)

ATTACH ANY OTHER DATA AVAILABLE.

COMMERCIAL REQUESTS: Must show impact on traffic and public safety with proper replies from agencies involved. (All agencies must be notified: Fire, Police, etc.)

Frederic Twp Building and Zoning
P.O. Box 78
Frederic, Mi 49733-0078
Phone (989) 348-8840 Ext. 3
Fax (989) 348-7365
Douglas J. Pratt Administrator

Information to be included with an application for Variance

The Applicant shall submit five (5) copies of the following information to the Zoning Administrator.

1. Please provide a complete description of the requested improvement and specify the reason(s) a variance is needed.

2. Please provide a survey of the parcel, detailing the portion of the property involved in the variance.

3. Please provide copies of any permits or other correspondence from outside agencies required in connection with the requested improvement.

4. Answers to the following questions; (NOTE: It is not sufficient to answer the questions "yes" or "no". You **must** provide specific reasons to support your answers. Please attach additional sheets, if necessary, to provide detailed answers.)
 - A. Is the need for the requested variance due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to the applicant's personal or economic hardship?

 - B. Is the need for the requested variance the result of actions of the property owner or previous owners (self-created)?

 - C. Will strict compliance with the zoning ordinance regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements unreasonably prevent the property owner from using the property for a permitted purpose, or will strict compliance with those regulations render conformity with the purpose and intent of the zoning ordinance and those regulations unnecessarily burdensome?

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-
- D. Would granting the requested variance do substantial justice to the applicant as well as to other property owners in the district, or would granting a lesser variance than requested give substantial relief to the property owner, while being more consistent with the purpose and intent of this ordinance and providing justice to other property owners?
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- E. Would granting the requested variance cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district?
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-
-

FREDERIC TOWNSHIP

Information to be included with an application for site plan review

The Applicant shall submit five (5) copies of the following site plan drawings and data to the Zoning Administrator.

- I. A site plan drawing and other data meeting the following requirements:
 - A. All site plans shall be drawn at a scale depicting no more than one hundred (100) feet per inch and shall include plan preparation and revision dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000) feet of the site.
 - B. A survey of the property showing property line dimensions and bearings, and easements of record, required setbacks, and a written legal description.
 - C. Present zoning of the subject property and adjacent property.
 - D. All existing or proposed public and private right-of-way and easement lines located on and adjacent to the subject property.
 - E. Location and total number of curb cuts, driveways, off-street parking, and loading spaces.
 - F. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors, and proposed uses.
 - G. Location and dimensions of all existing and proposed structures, walks, open areas, walls, fences, screen plantings and/or other landscaping.
 - H. Existing and proposed sewer, water, and other utility lines, plus location and type of sewage treatment facility and water sources.
 - I. Area of subject property to be covered by buildings.
 - J. Location, size, height and orientation of all signs, trash receptacles, light fixtures, and any other accessory structures and uses.
 - K. Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to

collect, store or transport storm water or wastewater as well as point of discharge.

L. Site plans for residential projects, (single-family dwellings, multiple-family developments, mobile home parks, motels, hotels, Bed & Breakfast etc.) shall include the following additional information:

1. Minimum floor area of dwelling
2. Total number of units proposed
3. Number of bedrooms per unit
4. Areas to be used for open spaces and recreation

M. General locations of natural features such as woodlots, water bodies, wetlands, high-risk erosion areas, slopes fifteen (15%) percent and over, beach, sand dunes, drainage, and similar features.

N. Such other information regarding the development area that may be required to determine conformance with this Ordinance.

II. Answers to the following questions. (NOTE: You must provide specific reasons to support your answers. Please attach additional sheets, if necessary, to provide detailed answers.)

A. Please describe how the proposed development depicted on the site plan conforms to the applicable provisions of the zoning ordinance (including all use and dimensional standards, parking requirements, setbacks, etc.).

B. Please describe how the buildings, parking areas, signs, walls, fences, and the like depicted on the site plan are designed to minimize adverse effects on adjacent properties and future users.

- C. Please describe how the proposed development depicted on the site plan is designed to retain as many natural features on the site as possible, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or storm water runoff.

- D. Please describe how the proposed development depicted on the site plan conforms to the driveway and traffic standards of the Crawford County Road Commission. In addition, please describe how the proposed development depicted on the site plan is designed to protect the safety and convenience of pedestrian and vehicular traffic.

- E. Please describe how the proposed development depicted on the site plan conforms to any applicable fire safety and emergency vehicle access requirements.

- F. Please describe how the proposed development depicted on the site plan conforms to the standards of the Crawford County Soil Erosion and Sedimentation Control Ordinance.

- G. Please describe the reasonable precautions that will be taken to prevent hazardous materials used in connection with the proposed development depicted on the site plan from entering the environment.

- H. Please describe how the proposed development depicted on the site plan conforms to the requirements of the Michigan Department of Public Health and the Crawford County Community Health Agency. In addition, please describe how the proposed development depicted on the site plan is designed to protect current or future township residents from obnoxious, objectionable, a nuisance or dangerous off-site impacts including, but not limited to, heat, glare, fumes, dust, noise, vibration, and odors.

- I. Please describe how the proposed development depicted on the site plan conforms to all applicable state and federal statutes.

- J. Please describe how the proposed development depicted on the site plan conforms to the land use policies, goals and objectives of the township master plan.

ARTICLE IX: ZONING BOARD OF APPEALS

Section 9.01 – Zoning Board of Appeals

1. Creation and Membership:

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Act 110, of Public Acts 2006 and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members.

- A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- B. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
- D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

2. Meetings:

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

The Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

3. Jurisdiction:

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant variances as provided for in **Section 9.01.5 –Variances**.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning site plan review, special land uses and planned unit developments.

4. Exercising Power:

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

5. Stay:

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court.

6. Variances:

A. Dimensional Variances: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- 2) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- 4) Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

B. Minor Dimensional Variances for ARD and MRD only:

- 1) For the purposes of these rules, the required hearing and review of a variance request by the zoning board of appeals shall be waived for certain minor dimensional variances of principal uses, including legal nonconforming uses. Such variances shall be handled by the zoning administrator, who shall consider the provisions of sub rule (D) of this rule in making a determination. The zoning administrator shall prepare a written finding of fact that details the reasons for approval or denial of the minor variance request. Minor variances are defined as reductions in setbacks for uses on any lawful lot that are not more than 25% of the normal dimensional requirements. Such uses shall include principal or accessory buildings or structures, including decks, porches, and steps.
- 2) The zoning board of appeals or zoning administrator shall consider all of the following factors in determining if there are practical difficulties in complying with these rules:
 - (1) How substantial the variance is in relation to the zoning requirements.

- (2) Whether a substantial change will be effected in the character of the area or a substantial detriment created for adjoining properties.
- (3) Whether the difficulty can be overcome by some feasible method other than a variance.
- (4) Whether, in view of the manner in which the difficulty arose, the interests of justice shall be served by allowing the variance.
- (5) Whether the plight of the landowner is due to circumstances which are unique to his or her property and which are not created by the landowner.
- (6) Whether the variance may result in a material adverse effect on the environment.

7. Application requirements:

The applicant shall submit four (4) copies of a completed application, with associated fee, surveys, plans and data as required under Article VI: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than 31 days prior to the date of the hearing.

8. Conditions of Approval:

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 10.03 – Conditions**.

9. Notice of Hearing:

Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:

- A. For an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person filing the appeal and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than five (5) and nor more than fifteen (15) days before the public hearing.
- B. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation no less than five (5) and nor more than fifteen (15) days before the public hearing.
- C. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the variance no less than five (5) and nor more than fifteen (15) days before the public hearing.
- D. In addition to the above notice requirements, when the matter before the Zoning Board of Appeals involves a specific parcel, a notice stating the nature of the

appeal, interpretation request, or variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

10. Expiration of ZBA Approvals:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) years, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

11. Reapplication:

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to Section 10.04 of this Ordinance.