



CHARTER TOWNSHIP OF ELMWOOD

Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

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Zoning Board of Appeals

Application

Applications will not be accepted unless containing all the following information:

- 1) Completed application form with owner's signature
- 2) A scaled drawing, if applicable, with sufficient detail to indicate the nature and necessity of the request.
- 3) Cover Letter describing the request
- 4) Payment of an application fee (\$650)
- 5) Signed Escrow Policy with \$500 escrow (if found necessary by Planner or ZBA; any and all unused escrow funds will be returned per the escrow agreement)

Applications are to be submitted 45 days prior to the Zoning Board of Appeals meeting. Regular meetings are the 1st Wednesday of the Month.

Please note that no application shall be accepted for a use variance, or any other request that would effectively grant a use variance, as consideration of such a variance is not permitted under the Elmwood Township Zoning Ordinance.

Charter Township of Elmwood
Zoning Board of Appeals Application

Property Information (if applicable):

Property Address: _____

Parcel Number: 45-004- _____ - _____ - _____ Zoning District: _____

Project Name or Title: _____

Applicant

Owner (if different)

Name

Name

Street Address

Street Address

City State Zip

City State Zip

Phone Number

Phone Number

Email Address

Email Address

Contact Person (All communications from the Township will be sent to this individual regarding the submitted application) _____ Applicant _____ Owner

Type of Request: ___ Variance ___ Interpretation ___ Appeal (attach decision) ___ Other

Section(s) of Ordinance seeking Variance from or Interpretation on: _____

Required Dimension in Ordinance _____

Amount of Variance Requested from Required Dimension: _____

Previous Appeal Requests (Date, Request, Decision): _____

Other Information to explain request: _____

Dimensional Variance Approval Criteria. If you are applying for a dimensional variance, please answer, in detail, how your project meets the following standards of approval from the Zoning Ordinance:

- a. Will this request be contrary to the intent and purpose of the Zoning Ordinance?

- b. Will this request establish a use not permitted in the zoning district the property is located in?

- c. Will this request cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located?

- d. Will this request be specific to the property and not be so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical?

- e. Will this request relate only to property that is owned or occupied, or where the applicant has equitable interest?

f. Will this request be the result of a condition created by the applicant?

g. Will this request create possible precedents or affects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance?

In addition to the above questions, the variance request must also meet one of three special conditions. Please answer a minimum of one of the following questions:

a. Are there practical difficulties, which prevent carrying out the strict letter of this Ordinance? These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

b. Are there exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district? Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

- c. Will this request result in a variation necessary for the preservation of a substantial property right possessed by other properties in the same zoning district?

Zoning Ordinance Interpretations. If you are applying for an interpretation or a similar use interpretation, please note the following:

Since every type of potential use cannot be anticipated in this Ordinance, the Zoning Administrator shall determine if the use is similar to a use listed in this Ordinance. The Zoning Administrator may refer matters wherein a use not specifically listed in this Ordinance or may be substantially similar to a permitted use or permitted special land use to the Zoning Board of Appeals for its interpretation and decision.

Text interpretations shall be narrow and address only the situation being interpreted, be based on a thorough reading of this Ordinance for the purpose of implementing the intent of this Ordinance, and not have the effect of amending this Ordinance.

Interpretations shall give weight to practical interpretations by the Zoning Administrator and other administrative officials if applied consistently over a long period of time.

Interpretation of the zoning map shall be subject to the provisions of Article 4 of this Ordinance

Administrative Appeal. If you are appealing a decision to the ZBA, please note the following:

An appeal may be taken from any aggrieved person or by an officer, department, board, or bureau of this state or the local unit of government regarding any order, requirement, decision, or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of the Ordinance.

An appeal shall be filed with the ZBA and the Zoning Administrator or the body from whom the appeal is taken within sixty (60) days of the final decision being appealed. The filing shall specify the grounds of the appeal. The appeal shall be transmitted to the ZBA together with all the papers constituting the record upon which the action being appealed is taken.

In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done so using the proper requirements and standards in the Ordinance. The decision of the ZBA is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate. Regardless of the wording contained in the grounds for the appeal, if the substance of the basis for the

appeal is that the decision incorrectly evaluated the facts related to the land use application under the standards or requirements of this Ordinance, then the ZBA shall determine whether the decision was supported by competent, material and substantial evidence based on the evidence presented to or known by the decision maker. The ZBA shall not consider evidence which was not presented to or known by the decision maker.

No decision regarding a planned development may be appealed to the ZBA.

Escrow may be required.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request.

Owner Signature

Date

Applicant Signature

Date

OFFICE USE ONLY:

Case Number: _____ Fee: _____ Paid: _____

Board Decision: _____ Date: _____

Date Permit Issued: _____ Issued By: _____

Charter Township of Elmwood Escrow Policy

Accordingly, the procedure for the handling and processing of escrow deposits henceforth shall be as follows:

- A. In connection with any application for a special land use, site plan approval, zoning amendment, cluster residential development review, site condominium review, planned unit development review, appeal, interpretation, variance, or other application as required by this Ordinance, the Township may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing the application. These costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No application shall be reviewed further or considered complete, and no permit shall be issued, until all costs have been paid and/or the escrow fund has been replenished as outlined below. The Township shall account for the expenditure of all escrow funds, and the Township Clerk shall refund any unexpended funds within sixty (60) days of final action.

- B. Should the escrow fund ever dip below fifty (50%) of the original fund amount, the applicant shall be advised and required to replenish said escrow fund to the full original amount within five (5) business days of having been so notified by the Township Clerk.

- C. The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund and/or after a final decision on the application has been made. However, the applicant has no authority to approve or deny expenditures.

Amount of Escrow Deposit Required: _____

Amount of Escrow Deposit Received: _____

Date: _____

Signature: _____

Name: _____ Phone Number: _____

Address: _____
