

**APPLICANT'S CHECKLIST FOR SUBMITTAL (ZBA HEARING)**

- \_\_\_\_\_ 1. Read the Variance and Appeals Guidelines attached to the application to understand the review process.
  
- \_\_\_\_\_ 2. Review and understand the "Finding of Fact" as outlined in the 1999 Shiawassee County Zoning Ordinance.
  
- \_\_\_\_\_ 3. Complete the application form and sign it.
  
- \_\_\_\_\_ 4. Attach the recorded deed or land contract with legal description of the parcel involved in the request to verify ownership.
  
- \_\_\_\_\_ 5. Prepare twelve (12) identical packets to accompany the application form which will aid in your request for a deviation i.e.: site plans, topography maps, photographs, documents, etc.

The application, fee, and twelve (12) packets **must** be submitted to the Shiawassee County Community Development Department by: \_\_\_\_\_  
to be considered for the Zoning Board of Appeals hearing scheduled on: \_\_\_\_\_  
\_\_\_\_\_

***Withdrawals of a application request that has been processed by Community Development for a public hearing are ineligible for a refund.***

## VARIANCE and APPEALS REQUEST GUIDELINES

Appeals and variance requests are expensive and time consuming to the applicant, staff, and Zoning Board of Appeals (Z.B.A.). Therefore, an application that has been processed for a public hearing is **not eligible for a refund**. In the interest of all involved; **the applicant is required to follow this procedure:**

1. **Make an appointment with the Zoning Administrator to:**
  - a. Explore options pertaining to the request.
  - b. Obtain help in filling out the application for an appearance before the Z.B.A.
  - c. Get suggestions on how to best present the case at the public hearing.
  - d. Understand the deadline for acceptance of an application. Provide twelve (12) copies of clear, concise, documents with the application form.
2. Understand that a variance is requesting permission to break the law.
3. Comprehend that the Z.B.A. meets and holds a public hearing only once a month; currently this hearing is held on the 2<sup>nd</sup> Wednesday of the month at 7:00 p.m. Due to ordinance requirements, a cut-off date for submittal of your 12 identical packets and application is required. This is posted in the main office of the Community Development Department.
4. Review the Z.B.A. duties as outlined below.

**(Summary of Board Action as outlined in the Shiawassee County Zoning Ordinance/June 7, 1999)**

**Section 18.4.1. Duties:** The Board of Appeals is comprised of seven (7) appointed citizens who are trained and shall have the duty to rule on those matters provided in this Ordinance for administrative review, interpretation, or variance.

**Section 18.4.3 Review:** The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, permit, or decision made by the Zoning Administrator or any other administrative official or body in administering or enforcing any provision of this Ordinance.

**Interpretation:** The Board of Appeals has the power to **Interpret** the provisions of this Ordinance, **Determine** boundary lines between zoning districts, **Classify** a use which is not specifically mentioned in the use regulations of any district according to the standards as outlined in **Section 18.4.4.C**.

**Variances:** The Board of Appeals **may** authorize specific variances from such requirements as lot area and width regulations, yard and depth regulations, off-street parking and loading space requirements, and sign and billboard regulations, provided that **all** of the following standards shall be satisfied and the record of proceedings of the Board of Appeals contains evidence supporting that conclusion:

- A. That there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- B. That a genuine practical difficulty exists because of unique 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, and shall not be recurrent in nature.
- C. That the practical difficulties or special conditions or circumstances do not result from actions of the applicant.
- D. That the variance will relate only to property under control of the applicant.
- E. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- F. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

- G. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.
- H. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit is required; except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under contemporary legal standards. In this case, the applicant shall first have sought and been denied a rezoning, Special Use Permit or PUD approval as appropriate. This option is not available if an applicant has applied for a Hardship PUD pursuant to Section 13.4.

**Section 18.4.6 Findings of Fact:** The Board of Appeals shall grant **no** variance or make any determination on an appeal or other issue requested unless the Board records specific findings of fact based directly on the particular evidence presented to them. These findings of fact must support conclusions that the standards and conditions imposed by the requirements of this Ordinance have been met. Said findings of fact shall include, but not be limited to, the following information:

1. How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.
2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
4. Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.
6. The proposed variance does not permit the establishment of any use, which is not permitted by right within the district, or any use or dimensional variance for which a Special Use Permit is necessary.
7. Findings on whether the proposed development complies with the requirements, standards, or procedures given in the Zoning Ordinance or an interpretation of the disputed ordinance provisions, if applicable.
8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
9. The possible precedents or affects which might result from the approval or denial of the appeal.
10. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

**Section 18.3.3. Fees on Appeal:** Appeal fees shall be established from time to time by the Shiawassee County Board of Commissioners sufficient to cover all costs incurred by the County pursuant to the processing of any appeal. Currently the cost for an Appeal, Variance, Interpretation, Nonconformity, and Classification is **\$200.00** per application. **There will be no refund should an applicant wish to withdraw the application once the application has been processed for a hearing or waiver.**

**Denial of Application:** No application for a variance which has been denied, wholly or partly, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

No rehearing on a denied or approved variance application shall be permitted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A **request for rehearing** shall be made within **eight (8) days** from the meeting at which the decision was made.

**No Zoning Permit shall be granted which relies upon a variance before eight (8) days have expired.**

**Call with concerns or questions to (989) 743-2396 – Community Development Department, 201 N. Shiawassee Street, 3<sup>rd</sup> Floor, Surbeck Building, Corunna, MI 48817.**

**Shiawassee County Zoning Board of Appeal**  
**Application to Appeal (other than dimensional variances)**

You are encouraged to make an appointment with the Zoning Administrator to discuss and receive a copy the specific requirements for the intended use, the requirements for approval, and the review process (Section 18.1 and 18.2).

Fee:	Date Recd:	Recd by:
Date accepted as complete:		Accepted by:
Date scheduled for public hearing:		

Petitioner's name/s:	
Petitioner's Address:	
Petitioner's Phone:	Fax:
Property Owners Name:	
Proposed Use and Location:	
Type of Permit in question: <input type="checkbox"/> Zoning Permit, <input type="checkbox"/> Sign Permit, <input type="checkbox"/> Site Plan Approval, <input type="checkbox"/> Special Use Permit	
Date the lot was created:	Date building/structure was established:
Zoning District:	Land Use:
Tax Roll Number:	Attached recorded deed or land contract with legal description

	Type of Appeal ( all that apply)	Authorizing Citation	Standards for Approval	Date of Denial	Filing Fee (\$)
<b>Variances</b>					
<input type="checkbox"/>	Essential Services (Utilities)	18.4.8	18.4.8		\$200
<input type="checkbox"/>	Waterfront setback variance	5.2.8	5.2.8		
<input type="checkbox"/>	Parking & Loading variances	7.1.5, 7.1.11	7.1.5, 7.1.11		
<input type="checkbox"/>	Signs variance	9.11	18.4.5		
<input type="checkbox"/>	Temporary Housing (time limit)	5.8 (2) b)	5.8 (2) b)		
<b>Nonconformity</b>					
<input type="checkbox"/>	Change in Use	10.3	18.4.11		200
<input type="checkbox"/>	Change in Use, (Business or Industrial Districts)	10.5	18.4.11		200
<input type="checkbox"/>	Enlargement	10.9	18.4.11		200
<input type="checkbox"/>	Structural Change, Alteration	10.9	18.4.11		200
<input type="checkbox"/>	Re-establishment, Reconstructed	18.4.11	18.4.11		200
<input type="checkbox"/>	Repair	18.4.11	18.4.11		200
<input type="checkbox"/>	Moving	18.4.11	18.4.11		200
<b>Interpretation</b>					
<input type="checkbox"/>	Meaning of text	18.4.4 A	18.4.4 A		200
<input type="checkbox"/>	"Lot of Record" status	18.4.9	18.4.9		200
<input type="checkbox"/>	District Boundaries	18.4.4 B	2.2		200
<b>Classification</b>					
<input type="checkbox"/>	Unlisted land use	2.2.3	2.26.2, 18.4.4 C		200
<input type="checkbox"/>	Use not mentioned in parking and loading requirements.	18.4.4 D	18.4.4 D		200

**Shiawassee County Zoning Board of Appeal**  
**Application to Appeal (other than dimensional variances)**

	Type of Appeal (all that apply)	Authorizing Citation	Standards for Approval	Date of Denial	Filing Fee \$
<b>Administrative Decisions</b>					
<input type="checkbox"/>	Claim of "taking"	1.3.1 D	18.4.5, 13.4		400
<input type="checkbox"/>	Zoning Permit (other than above categories)	18.4.3	18.4.3		200
<input type="checkbox"/>	Site Plan Review or Modification	14.10	18.4.10		200
<input type="checkbox"/>	Design Compatibility	5.2.10	18.4.3		200
<input type="checkbox"/>	Administrative Waiver	16.6.5 C	18.3		100
<input type="checkbox"/>	Special Use Permit	12.1.11	18.4.7		250

Applicants Statement showing how the appropriate standards for approval are met.

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(Staff Only) List below and attach all documents which resulted in original decision that is now being appealed:

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**ATTEST:**

I, the undersigned, attest that I am duly authorized by the owners of the above described land to make this specific application, and that I have reviewed the relevant portions of the Shiawassee County Zoning Ordinance, and I have reason to believe that:

1. The Zoning Ordinance does apply to the property in question
2. The approval I seek is necessary in order to carry out my immediate intended use of the property.
3. This application meets the criteria for approval cited above and the request warrants approval.

I understand that a request of a variance or a nonconformity appeal is a request for permission to violate the Ordinance; and that I have the burden to demonstrate a substantial problem in complying with the Ordinance and to explain the reason that the request should be approved.

I further attest that the information provided in this applicant is true, correct, complete, and accurate.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Print Name \_\_\_\_\_