



<p>Saginaw Charter Township Community Development 4980 Shattuck Road Saginaw, MI 48603 989-791-99865 Fax: 989-791-9859</p>

APPLICATION FOR BOARD OF ZONING APPEALS (\$250.00)

Applicant: _____

Address: _____

Telephone: _____ Fax: _____

Owner (If Different than Applicant): _____

Address: _____

Telephone: _____ Fax: _____

(Check One):

- _____ Ordinance Or Map Interpretation
- _____ Variance Request
- _____ Appeal From Administration Decision
- _____ Change from a non-conforming use to another non-conforming use

Description Of Request: _____

If you are applying for a variance, please respond to the following questions by answering yes or no:

- Can this property be put to a use which conforms with the Zoning Ordinance without a variance? Yes No

(Over)

2. Is the problem requiring a variance unique to this property?

Yes No

3. Is the problem due to general conditions in the neighborhood?

Yes No

4. If the request is granted, will the essential character of the neighborhood be changed?

Yes No

5. Is the situation causing the need for the variance self created?

Yes No

This application must be filled out completely and returned to the Community Development Department no less than thirty (30) days prior to a scheduled Board Of Appeals hearing.

A site drawing roughly to scale, indicating lot lines, existing buildings and structures, easements and other relevant features must accompany this application. This drawing shall indicate all relevant lot, structure and spacing dimensions.

I hereby grant Saginaw Township personnel involved with the review of this request permission for reasonable entry onto the above property for investigations specifically related to this request.

I further understand that if the requested appeal is granted, I am in no way relieved from all other applicable requirements of the Saginaw Township Zoning Ordinance.

Applicant's Signature: _____

Owner's Signature: _____

Office Use Only:

Date Filed: _____ Amount Paid: _____

Case Number: _____ Hearing Date: _____

Current Zoning: _____

The following is an excerpt from the Zoning Ordinance to explain the function of the Board of Appeals and basis for granting or not grant variance . . .

Duties and Power

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, variance, exception, or special approval permit as defined in this Section.

- a. Review: The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, permit decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of this Ordinance.
- b. Interpretation: The Board shall have the power to:
 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 2. Classify a use which is not specifically mentioned as part of the use regulations of any zone district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 3. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Chapter 4, Section 404 of the Saginaw Township Zoning Ordinance.
- c. Variances: The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations and off-street parking and loading space requirements, provided all of the following standards can be satisfied:
 1. The applicant can prove the existence of a practical difficulty preventing the compliance with the strict letter of the law.
 2. The situation creating the need for the variance is due to unique circumstances of the property and not a general condition in the Township as a whole.

3. The situation creating the need for the variance is not due solely to any action or desire of the applicant and therefore is not self-created.
 4. Compliance with the strict letter of the Zoning Ordinance would prohibit otherwise lawful development of the property.
 5. The granting of the variance requested will do substantial justice to the applicant as well as no reasonable injustice to other property owners in the areas, and, no better alternative would give substantial relief to the applicant.
 6. The Board of Appeals shall insure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.
- d. Rules: The following rules shall be applied in the granting of variance:
1. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit.
 2. 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 six (6) months after the granting of the variance.
 3. No application for a variance which has been denied wholly or in part by the Board 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 to be valid.