

Demand for Appeal Form



Almira Township
7276 Ole White Drive
Lake Ann, Michigan 49650

Applicant

Name: _____

Address: _____

City, State, Zip: _____

Phone: (HOME) _____

(WORK) _____

Office Use Only:

Application Number: _____

Date Received: _____

Fee Received: _____

Hearing Date: _____

Applicant's standing (interest) in the appeal:

Property Owner

Other. Explain: _____

Property Owner's (of land subject to appeal) name, address & phone
(if not the applicant)

Address of land subject to appeal (if known):

(If new construction, an address will not be known yet. An address is obtained after a building permit is issued)

Parcel number of property subject to appeal: 10-01

Property location for land subject to appeal:

Street & Number (if available): _____

Between _____ and _____ street/road _____

Subdivision _____ Lot # _____

Zoning District of property subject to appeal: _____

ACTION REQUESTED: (check one)

To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation.

The Section is: _____

To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach details of the map if applicable):

 To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.).

Specify the section and specific regulations a variance is being sought from:

 To overturn an action of the Zoning Administrator. The Administrator erred (did not issue a permit, issued a permit, enforcement): _____

RULING SOUGHT:

What is the sought ruling by the Almira Township Zoning Board of Appeals?

(attach sheets if necessary)

attached

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

State specifically the reason for this demand for appeal request:

(attach sheets if necessary)

attached

ATTACHMENTS REQUIRED:

Four copies of a plot plan, as submitted with the Application for Land Use Permit

Copy of the initial application concerning this issue and the Zoning Administrator's (or Planning Commission's) written ruling on this issue

ZONING ORDINANCE STANDARDS FOR DIMENSIONAL VARIANCES

Section 10.06

1. 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:

- a. 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.
- b. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- c. 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.
- d. 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.
- e. 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.

ZONING ORDINANCE STANDARDS FOR USE VARIANCES

Section 10.06

2. Use Variances

The ZBA may grant use variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in unnecessary hardship. To establish unnecessary hardship, the applicant must establish all of the following:

- a. The building, structure or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
- b. The need for the requested variance is due to unique circumstances peculiar to the applicant's property and not due to general neighborhood conditions.
- c. The proposed use of applicant's property will not alter the essential character of the neighborhood.
- d. The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

SUBMITTED MATERIALS

Section 10.07

The ZBA may require an appellant to submit surveys, plans, or other information deemed reasonably necessary to making an informed decision on his or her appeal. The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further I agree, any Appeals Board ruling and subsequent permit that may be issued is with the understanding all applicable sections of the Almira Township Zoning Ordinance will be complied with. Also, I agree to notify the Zoning Administrator for the Township of Almira for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to give permission for officials of Almira Township, Benzie County, State of Michigan to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action by the Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: _____ Date: _____
(Applicant)

When completed, send two copies to:
Almira Township Zoning Administrator
P.O. Box 85
Lake Ann, MI 49650

Almira Township Zoning Board of Appeals ruling:

Date of hearing: _____

Action taken by Board:

Signed: _____ Date: _____
(Chairperson, Almira Township Zoning Board of Appeals)