

City of Tawas City



550 West Lake Street, PO Box 568 ■ Tawas City, Michigan 48764-0568
(989) 362-8688 ■ www.tawascity.org

ZONING BOARD OF APPEALS APPLICATION

CONTACT INFORMATION

Owner:	Contractor/Applicant:		
Mailing Address:	Mailing Address:		
Phone:	Phone:		
Improvement Address:	Property Code:		
Subdivision:	Block:	Lot(s):	Zoning District:

TYPE OF REQUEST

non-use variance appeal of administrative decision other _____

REQUIREMENTS FOR APPLICATION

Please attach a separate sheet describing your request in complete detail. Include any drawings, maps, photographs of the site and/or any other documentation that might be helpful to the Zoning Board of Appeals.

When requesting a dimensional variance, include a basic site plan drawing. Show the location of your property lines, existing and proposed buildings, existing and proposed easements, building setbacks, and other items necessary to adequately and accurately show the nature of your request.

In order to receive a variance, you must meet the standards of Article 27 of the Zoning Ordinance. A copy of Article 27 is attached to this application. Your written response must address these standards and show practical difficulty by demonstrating each of the following:

- 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;
- That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
- That the plight of the property owner is due to unique circumstances of the property;
- That the problem is not self-created.

(Authority - Michigan PA 110 of 2006, as amended) Please attach a description of the request and/or sketch of the improvement, along with any additional documentation required in accordance with Article 22 of the Zoning Ordinance. It is the property owner's responsibility to ensure setback requirements are met; a survey is recommended to verify property line locations. Improvements cannot direct runoff to adjacent properties; structures and obstructions over service lines or easements are the property owner's responsibility and are not recommended.

City of Tawas City

PAGE 2

Owner:	Contractor/Applicant:
Improvement Address:	Property Code:

AFFIDAVIT

I agree that the statements and information above and submitted with this application are true, and if found not to be true, any permits that may be issued may be void. I agree to comply with the conditions and regulations provided with any permit that may be issued. I agree that the permit that may be issued is with the understanding that all applicable sections of the City of Tawas City Zoning Ordinance will be complied with. I agree to contact the Tawas City Zoning Administrator for inspection before the start of construction and when locations of proposed uses are marked on the ground. I agree to give permission for officials of the City of Tawas City, the County of Iosco, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. I understand that, if issued, this permit 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.

In consideration of the granting of this permit, I agree to comply with all applicable ordinances of the City of Tawas City, and the City shall not be liable for any damages resulting therefrom.

Property Owner's Signature

Date

Applicant's Signature

Date

Zoning Administrator's/Planning Commission's Approval

Date

Additional permits may be required from:

- Iosco County Building Department
- MI Dept. of Environmental Quality
- MI Dept. of Transportation
- other _____

ARTICLE 27. - BOARD OF APPEALS

Sec. 27.01. - Created; membership.

Pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, there shall be established and appointed by the city council, a zoning board of appeals. Such board shall consist of five members, one of whom shall be a member of the city council, one a citizen member of the planning commission with appointment by the city council coinciding with his/her planning commission term, and three members who shall be appointed by the city council. In the latter instance, one of such members shall be appointed for a one-year term, one of such members shall be appointed for a two-year term, and two of such members shall be appointed for a three-year term. Thereafter, each member shall be appointed to hold office for a full three-year term. No elected officer or employee of the city, other than the city council member, shall be a member of the board. Any vacancy in the board shall be filled by the city council for the remainder of the unexpired term. Compensation of members of the board of appeals shall be fixed by the city council.

The city council may also if it so desires appoint not more than two alternate members for the same term as regular members of the board of appeals. An alternate member may be called in the absence of a regular member of the board of appeals who will be unable to attend one or more meetings. 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 board of appeals.

The board shall annually elect its own chairman and at such other times as the board may determine by rule. All meetings of the board shall be open to the public. The board shall adopt its own rules of procedure and shall maintain a record of its proceedings which shall be filed in the office of the city council and shall be a public record. The fees to be charged for appeals shall be set by resolution of the city council.

Sec. 27.02. - Powers of zoning board of appeals.

The zoning 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 of this ordinance, but does have power to act on those matters where this ordinance provides for an appeal, administrative review, interpretation, exception or variance as defined as follows:

- A. *Administrative review.* The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance including its interpretation and interpretation of the zoning map.
- B. *Appeals.* The zoning board of appeals shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by any city administrative official or body charged with enforcement of this ordinance.
- C. *Special land use approvals.* The zoning board of appeals shall not hear appeals of decisions regarding special land use or planned unit development requests.
- D. *Non-use variance.* The zoning board of appeals may grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this ordinance or to any other non-use-related standard in this ordinance. Variances may be granted when practical difficulties prevent compliance with the strict letter of this ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. In addition, the zoning board of appeals may grant variances in height and bulk requirements for public utility installations. In granting any variance, the board of appeals may attach thereto such conditions regarding the location, character and other features

of the proposed uses as it may deem reasonable in furtherance of the purposes of this ordinance. In granting a variance, the board of appeals shall state the grounds upon which it justified the granting of a variance.

Sec. 27.03. - Appeals procedure.

Appeals and requests made to the zoning board of appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau by filing a notice of appeal with the board of zoning appeals on appropriate forms provided by the zoning administrator and payment of the required fee. The board of appeals may require the applicant to furnish such surveys, plans or other information as may be reasonably required to the board of appeals for the proper consideration of the matter.

The zoning board of appeals shall fix a reasonable time for the hearing of an appeal or request for interpretation or variance, giving due notice thereof pursuant to the notice requirements of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended. (See section 25.05.) Parties may appear at the hearing in person, or by agent or attorney.

The board of appeals may reverse or affirm wholly or partly or may modify an order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority 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 the applicant any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

Sec. 27.04. - Standards.

Each case before the zoning board of appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. The board shall give consideration to the following:

- A. The applicant must show practical difficulty by demonstrating all of the following:
 - 1. 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;
 - 2. That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 - 3. That the plight of the property owner is due to unique circumstances of the property;
 - 4. That the problem is not self-created.
- B. Plans and documentation as follows should be submitted:
 - 1. The location and size of the use.
 - 2. The nature and intensity of the operations involved in or conducted in connection with it.
 - 3. Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.
 - 4. The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood. Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.

5. Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.
6. The location and height of buildings, the locations, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
7. The nature, location, size, and site layout of the use shall be such that it will be a harmonious part of the district in which it is situated, taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.
8. The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.

C. Fees for the processing of appeals shall be established by resolution of the city council.

Sec. 27.05. - Miscellaneous.

No order of the zoning board of appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year.