

SECTION 18.10 VARIANCES PERMITTED
(As Amended by Ordinance 52-I, Adopted 8-28-2006)

~~Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:~~

- ~~(a) — Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel or property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which would, without undue hardship, be included as part of the lot.~~

Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Zoning Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- (a) Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel or property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which would without undue hardship, be included as part of the lot.
- (b) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- (c) Where it is found that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.

SECTION 18.11 VARIANCES PROHIBITED
(As Amended by Ordinance 52-I, Adopted 8-28-2006)

~~No variance granted under this Ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located. No variance in the provisions or requirements of this Ordinance shall be affected by the Board of Appeals unless it finds from~~

~~reasonable evidence that such variance will not be of evidence that such variance will not be of substantial detriment to the adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety and welfare and, further, that at least two of the following facts and conditions exist:~~

No variance granted under this Ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located. No variance in the provisions or requirements of this Ordinance shall be affected by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance will not be of evidence that such variance will not be of substantial detriment to the adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety and welfare and, further, that at least two of the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or
- (c) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

SECTION 18.12 SPECIAL CONDITIONS
(As Amended by Ordinance 52-I, Adopted 8-28-2006)

~~In considering any applications, the Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 18.08.~~

In considering any applications, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Zoning Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this ordinance as provided in Section 18.08.

VARIANCE AND APPEAL

The Zoning Board of Appeals (ZBA) will decide any question involving the interpretation of provisions of the Zoning Ordinance. This includes the determination of the exact location of any district boundary of the Zoning Map and the interpretation of allowable uses in existing lots of record. Additionally, they decide any request for variances. Examples of subjects that the ZBA has authority to review include:

- Interpretation of the zoning map;
- Appeal a decision of any administration official;
- Appeal a decision of any building official;
- Interpretation of the Zoning Ordinance; or
- Other matters as identified by the Zoning Ordinance

Once a decision is made by the Township regarding any specific case or request; it is final unless appealed to the ZBA.

Instructions

An application is included in this manual. The applicant must submit a completed application including all fees and documentation to the Building Inspector and file a notice of application with the Board of Appeals. Not less than fourteen (14) days prior to the meeting when the request will be considered, the applicant shall submit the following information:

- Nine (9) completed copies of the application (included in this manual)
- Nine (9) individually folded copies of a site plan or sketch plan as described on page 26 of this manual
- The required review fees

Zoning Board of Appeals' Procedures

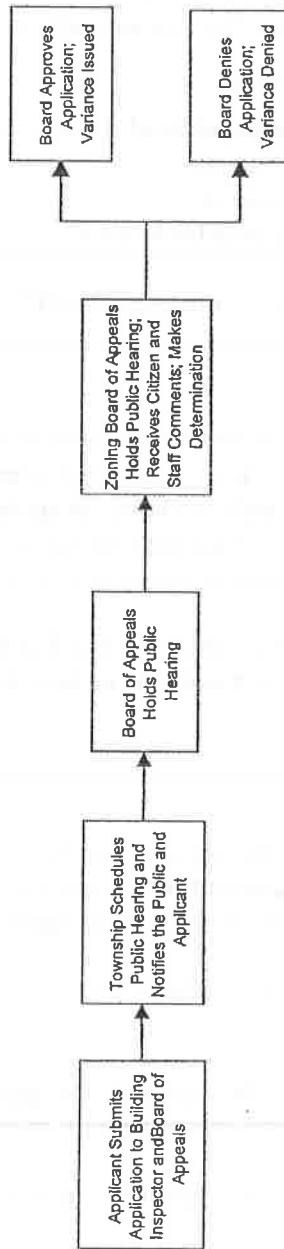
The presence of three (3) of the five (5) ZBA members will constitute a quorum. However, the concurring vote of a majority of the members of the ZBA is necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant.

- a. Applications or appeals shall be taken by filing a notice with the Building Inspector and with the Board of Appeals.
- b. The Secretary of the Board will place the application or appeal on the calendar for hearing at the next ZBA meeting then publicize the hearing and ensure all legal requirements have been met.
- c. After the public hearing, the Board may reverse or affirm, in whole or part, or modify the order, requirements, decisions or determinations.
- d. If the ZBA finds that granting the request will result in the detriment of the health, safety or welfare of the citizen, the request will not be approved. If the Board finds the appeal is consistent with the policies and standards of the Township, the request will be approved.

Action by the Zoning Board of Appeals

- The ZBA may impose whatever reasonable restrictions or conditions as it deems necessary on any variance as a condition of approval. Some cases may be deferred to a later meeting ("tabled") if the ZBA requires additional information. Upon receipt of the supplemental information the Board will take action.

MONITOR TOWNSHIP, BAY COUNTY, MICHIGAN
VARIANCE AND APPEAL REVIEW PROCESS





Charter Township of Monitor

TOWNSHIP APPLICATION FEE LIST
 UPDATED ON APRIL 24, 2017

<u>PLANNING COMMISSION:</u>	
<u>APPLICATION FOR:</u>	
Rezoning – per parcel	\$1,000.00
Ordinance Amendment	\$1,000.00
Special Use Permit	\$ 700.00
* Each Additional Site Plan Submitted for Review	\$ 600.00
Extension, prior to expiration	\$ 390.00
Site Plan Review	\$ 700.00
* Each Additional Site Plan Submitted for Review	\$ 600.00
Site Sketch Review	\$ 450.00
Special Planning Commission Meeting	\$ 750.00
Subdivision Review, first 20 lots or less	\$ 850.00
(Preliminary, Final Preliminary, and Final Plat) Each	\$ 850.00
Each lot in excess of 20 lots	\$ 8.00
Site Condo	\$1,000.00
Home Occupation when submitted with a site sketch	\$ 600.00
Enlargement of non-conforming structures 1 & 2 Family dwellings and their accessory structures when submitted with a site sketch (Sec. 16.05)	\$ 600.00
Additional fees for professional services of Township Attorney and/or Planner. Note*	ACTUAL COST

<u>ZONING BOARD OF APPEALS:</u>	
Application for variance	\$ 250.00
Additional fees if Township Attorney and/or Planner is required. Note **	

LAND DIVISION APPLICATION + \$30 per each split	\$ 200.00
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APPLICATION FOR I.F.T.	\$ 350.00
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<u>WIRELESS COMMUNICATIONS PERMIT:</u>	
Application	\$ 250.00

<u>CONSTRUCTION BOARD OF APPEALS:</u>	
Application for variance	\$ 500.00

Note*. In the event the application requires additional services, these professional services will be billed to the applicant on an actual cost basis. Such charges must be paid prior to the issuance of any permits by the Township.

Note** Applications for variances or for appeals of administrative decisions generally do not require the services of the Township attorney or professional planner. In the event that, at the Township's sole discretion, any professional services are required by the Zoning Board of Appeals, the cost of such services will be billed to the applicant on an actual cost basis. Such charges must be paid prior to the issuance of any permits by the Township.

