

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
REQUEST FOR A VARIANCE**

ZBA # _____
Date approved _____
Date denied _____

APPLICANTS INFORMATION:

NAME _____ Date _____
ADDRESS _____ CITY _____
STATE _____ ZIP _____ TELEPHONE (HOME) _____
Email _____ (CELL) _____

PROPERTY OWNER & LOCATION:

OWNER _____
STREET ADDRESS _____ CITY _____
PROPERTY OWNER'S PHONE _____
PARCEL ID NO. _____ SECTION NO. _____ ZONED _____

VARIANCE REQUESTED:

REASON FOR REQUEST:

ADDITIONAL REQUIRED INFORMATION:

- 1. Proof of ownership for the property of which variance is requested.
- 2. A site plan showing the location of all buildings, including the distance from all property lines to the closest point of each structure, on the subject property and within 100 feet of the property.
- 3. A copy of the latest survey drawing of the property showing all of the existing buildings on the property. Survey should be no larger than 8 1/2 x 14 inches.
- 4. A check made payable to Yankee Springs Township for the application fee of \$600.00.

I hereby agree to comply with the terms and requirements of the Yankee Springs Township Zoning and Building Ordinances and the decision of the Zoning Board of Appeals concerning this request. I understand that the penalty for violation of the above-mentioned Ordinances could be a fine, jail sentence and /or the removal of that portion of the structure in violation of the Ordinances(s) at my expense.

Applicants'
Signature: _____ **Date** _____

RIGHT TO ENTER PROPERTY:

I hereby agree to allow the members of the Township Zoning Board of Appeals, the Zoning Administrator or their representatives to enter my property for the purpose of inspecting the site of the above application.

PROPERTY OWNER/S
SIGNATURE _____ **Date** _____

FEE RECEIVED

BY _____ **DATE** _____

AMOUNT\$ _____

Cash.....Check #.....

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS**

VARIANCES:

The Yankee Springs Township Zoning Board of Appeals shall have the power to authorize a variance, from the strict adherence to the Township Zoning Ordinance, where strict adherence to the Ordinance will result in practical difficulties or unnecessary hardships to the person/s owning or having the beneficial use of the property, or sign, for which a variance is sought.

A variance may be granted only in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal supports all of the following affirmative findings:

1. *That the alleged hardships and/or practical difficulties are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the township.*

PLEASE EXPLAIN YOUR HARDSHIP AND/OR PRACTICAL DIFFICULTY WITH YOUR PROPERTY.

2. *That the alleged hardships and/or practical difficulties, which will result from a failure to grant a variance, include substantially more than mere inconvenience, or mere inability to attain a higher financial return.*

PLEASE EXPLAIN HOW FAILURE TO RECEIVE A VARIANCE WOULD AFFECT YOUR USE OF YOUR PROPERTY.

3. *That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the Zoning Ordinance, the individual hardships that will be suffered by failure of the Zoning Board of Appeals to grant a variance, and will not be contrary to the public purpose and general intent and purpose of the Zoning Ordinance.*

PLEASE EXPLAIN WHAT BENEFITS WOULD BE GAINED BY THE GRANTING OF A VARIANCE FOR YOUR PROPERTY TO YOU AND THE PUBLIC, THAT ARE NOT AVAILABLE WITHIN THE ZONING ORDINANCE.

Applicant's Signature

Date

Please use reverse side for more information if needed!

RL/sm 1-2011 zba variance pg 1 &2



Yankee Springs Township

284 N. BRIGGS ROAD- MIDDLEVILLE, MICHIGAN 49333
269-795-9091 / FAX 269-795-2388

Checklist for Considering a Non-Use Variance

A non-use variance is granted when considering the following factors and addressing the question, "How can a permitted land use be developed when there is a problem of practical difficulty in complying with the Ordinance requirements."

1. Does compliance with the strict letter of Ordinance restrictions that govern such things as setback, frontage, height or density unreasonably prevent the owner from using the property for a permitted use?
2. Would complying with the Townships' restrictions be unnecessarily burdensome for the property owner?
3. Is the plight of the landowner due to some unique circumstance of the property that is different from other properties within the area? (Such as topography, location of the well and septic, etc.)
4. If a variance is granted, would this do substantial justice to the property owner as well as to other property owners within the area?
5. If a variance is granted that would give relief to the property owner, be also more consistent with what has been granted to other property owners in similar situation?
6. Is the problem being addressed "self-created"? That is, the reason for the variance request is the property owner is trying to construct a structure that is too big for the parcel or insist on the location where another location would be in compliance with the Ordinance and the like.

If a ZBA decision is appealed to circuit court, the court reviews the record to insure that the decision complies with the constitution and laws of the state; is based upon proper procedure; represents the reasonable exercise of discretion that is granted to the ZBA and that the decision “is supported by competent, material and substantial evidence on the record”. All decisions granting or denying a variance would be accompanied by a list of reasons for the decision.

STANDARDS

NON-USE (DIMENSIONAL) VARIANCE

- A. Unique Circumstances applying to the property. Possible examples:
- Surface water/wetlands/dunes
 - Steep topography/shoreline erosion
 - Surrounded by roads on three sides
 - Presence of major transmissions lines
 - Reduced frontage due to road widening
 - Other...How is this property different?
- B. Preservation of a substantial property right.
- Is the variance necessary for the development of the property? Are there reasonable alternatives that comply with the Ordinance?
 - If the variance is not granted, will development of the property be unusually difficult or burdensome?
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- C. Will the Variance have an adverse effect on adjacent properties?
- D. Will the Variance materially impair the intent purpose of the Zoning Ordinance?
- E. Was the need for the variance self-created?

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EFFECTIVE MAY 11, 2004 THE TOWNSHIP ZONING BOARD OF APPEALS WILL NOT HEAR ANY REQUESTS UNLESS THE REQUEST INCLUDES A SURVEY DRAWING OF THE SUBJECT PROPERTY SIGNED AND SEALED BY A REGISTERED SURVEYOR.