



Columbia Charter Township
Jackson County, Michigan
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ZONING BOARD OF APPEALS (ZBA) APPLICATION
(Variance Request/s, Appeals, & Interpretation of Zoning Ordinance Text or Map)
FEE: \$500 plus \$50 for each additional variance

Important Notice to Applicants: This application must be completed in full and 7 copies submitted to the Zoning Administrator for review. All questions must be answered completely. If additional space is needed, number and attach additional sheets.

Project Address: _____

Parcel Number (Tax ID): 000-____ - ____ - ____ - ____ - ____ . **Zoning District:** _____

Owner Information:

Name: _____ **Phone Number:** _____

Mailing Address: _____ **City:** _____ **State:** _____ **Zip:** _____

E-Mail Address: _____

Appellant (If different than owner):

Name: _____ **Phone Number:** _____

Mailing Address: _____ **City:** _____ **State:** _____ **Zip:** _____

E-Mail Address: _____

Year Property was Acquired: _____

Size of Lot (dimensions):

Front: _____ ft.; **Rear:** _____ ft.;

Side 1: _____ ft.; **Side 2:** _____ ft.;

Total Square Feet / Acres: _____

Size of Existing Structure(s): 1st Floor: _____ 2nd Floor: _____ **Garage:** _____

Size of Proposed Structure(s): 1st Floor: _____ 2nd Floor: _____ **Garage:** _____

Current Use of Property: _____ **Proposed Use of Property:** _____

Percentage of Existing Structure(s) to be demolished, if any: _____ %

Has there been any past variances on this property? Yes - No - Unknown -

If yes, state case # and resolution of variance application: _____

Front: _____ **Rear:** _____ **Side 1:** _____ **Side 2:** _____

Please indicate the type of variance, description of appeal, or zoning ordinance interpretation requested:

Please explain how the project meets each of the following standards:

This section is to be completed for variance requests only. See Zoning Ordinance Section 16.7.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

2. That the practical difficulty or special condition or circumstance is not a result of the applicant's actions.

3. That the variance will relate only to property described in the variance application.

4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.

5. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.

6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

Applicant Certification: *I/we 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 voided. I/we agree that any Zoning Board of Appeals ruling and subsequent permit that may be issued does not relieve me/us from compliance with all other provisions of the Township's Zoning Ordinance. I/we grant permission to officials of the Township, the County and the State of Michigan to enter the property subject to this application for purposes of inspection upon reasonable notification. I understand any decision or ruling by the Zoning 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.*

Applicant Signature(s) Date

Property Owner(s) Signature Date
(if different than applicant)

VARIANCE (ZBA) APPLICATION CHECKLIST:

Seven (7) sets of plans must be submitted. The sets are for the individual use of the Zoning Board members and for the Township's records. None will be returned to you. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of Variance within the Township Zoning Ordinance.

The Zoning Compliance Permit will not be released until two (2) final construction blueprints and two (2) copies of your site plan are submitted which have been prepared according to the variances granted and conditions imposed at the appeals meeting.

Zoning Board of Appeals Application Form

Site (plot) Plan with the following information:

- A property stake survey prepared by a licensed surveyor.
- Dimensions, designation, and heights of existing structures on property clearly marked.
- Dimensions of property (lot lines).
- Location and dimensions of existing/proposed construction.
- Location and dimensions of required setbacks.
- Measurement from each side of existing and proposed structure to the property lines.
- All easements.
- Location and width of road(s) and jurisdiction (public or private road).
- Any bodies of water (lake, stream, river, or canal) with water body name.
- Distance proposed structure and existing structures are from any body of water.
- Septic tank and field, sewer (grinder pump), and water well.
- All areas requiring variances clearly marked with dimensions and amount of variance requested.
- Any outstanding topographic features that should be considered (hills, drop-offs, trees, etc.)
- Any other information which you may feel is pertinent to your appeal.

Building / Construction Plans:

- All proposed exterior elevations showing existing and proposed exterior walls, roof, architectural features, doors, windows, etc.
- Include full exterior dimensions of structure (height and width of structure on all sides).

Floor Plans:

- All proposed usable floor level area (including basements, attics, detached accessory structures, etc.)
- Doors, windows, bay windows, chimneys, stairways, etc.

Proof of Ownership: Include one of the following:

- a) Warranty Deed – showing title transaction bearing Jackson County Register of Deeds stamps,
OR
- b) Notarized letter of authorization from seller of property giving the purchaser authorization to sign a Zoning Compliance Permit.

VARIANCE PROCESS:

Once a project is submitted:

The Zoning Administrator will review your submittal to make sure you have submitted a complete set of project plans.

Once the project has been deemed complete by the Zoning Administrator:

The project will be scheduled for a Zoning Board of Appeals (ZBA) hearing. ZBA hearings are typically held on Thursday evening at 7:00pm.

Once the project has been scheduled for a ZBA hearing:

All property owners within a three hundred (300) foot radius of the subject property shall be notified if the date and time of the public hearing on your variance request and the basic nature of your proposed project and variances being requested, and the owner's name and address of the subject property. Notices will be sent on or before fifteen (15) days prior to the date of the hearing.

A public hearing notice stating all appeals for a given date will be published in the Tuesday edition of the Brooklyn Exponent fifteen (15) days prior to the date of the hearing.

At the ZBA meeting/hearing:

- You and/or your representative (Lawyer, builder, contractor, relative, friend, etc.) should attend.
- Variance requests/appeals are taken in order of submission.
- Unless your variance request/appeal is tabled due to lack of information, insufficiency of drawings, etc., you will know the decision of the request at the meeting before you leave.
- **No Permits will be available for pick up on the night of the meeting, so please do not ask the Zoning Administrator for them that night. You may bring the requirements for the Permits to the Township on the next business day.**
- In the event that the Zoning Board of Appeals **does not grant** your variance request there will be **no refund** of the filing fee, as it pays for administration costs, the member's reviewing and meeting time, and noticing costs in the newspaper and for postage.

If the project has been approved:

You will need to submit a completed Zoning Compliance Permit, at minimum two (2) sets of your final construction plans and two (2) copies of your site plan from which your project will actually be constructed, before your Zoning Compliance Permit will be released. If the Board has made special conditions, they must be met before your Zoning Compliance Permit will be released.

If the project is denied:

Section 16.7 (c) of the Zoning Ordinance states that a one (1) year period must elapse before a rehearing of the appeal "except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA."

Section 16.8 of the Zoning Ordinance governs appeals to Circuit Court. If you desire to appeal the decision of the Zoning Board of Appeals, you need to contact your attorney for filing appeals to Circuit Court.

DEFINITIONS TO UNDERSTAND (As defined in the Zoning Ordinance):

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings and structures located thereon. Lot coverage shall not be deemed to include fences, walls, decks, patios or swimming pools. In the case of a building, the coverage shall be measured from the building's exterior wall faces.

Lot Lines: The lines bounding a lot (*See Figure 21-2 in the Zoning Ordinance*).

- a. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the road right-of-way or easement from which it gains access. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road right-of-ways or easements unless designated otherwise on a recorded plat. In the case of a through lot, the front lot line shall be as designated on the plot plan or site plan, subject to approval of such plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the case of a waterfront lot, the ordinary high-water mark or a lawfully erected seawall.
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line.

Setback: The minimum distance by which any specified building, structure, or use must be separated from a lot line or other specified feature.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance.

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (*See Figure 21-2 in the Zoning Ordinance*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building or other feature as may be specified. See definition for "lot lines" as applied to corner lots and through lots. There shall be maintained a front yard on each street side of a corner lot.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or other feature as may be specified. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner at the time of plot plan approval. See definition for "lot lines" as applied to corner lots and through lots.
- c. **Side Yard:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or other feature as may be specified.