

Casco Township Zoning Board of Appeals

Request for Variance

The Zoning Board of Appeals consists of 5 members who are residents of the Township, the first member of the Board of Appeals being a member of the Planning Commission, the second member may be a member of the Township Board, and the other three being selected and appointed by the Township Board from among the electors residing in the Township.

The Board of Appeals is empowered by Township ordinance and State law to grant a variance from the requirements of the Zoning Ordinance only when it finds, from reasonable evidence, that certain facts and conditions involved in complying with the requirements of the ordinance are met, all as outlined in the attached sheet, Page 3.

The Board shall have power to:

1. Hear applications where it is alleged that an error or misinterpretation of the Zoning Ordinance by any official charged with the enforcement of the Ordinance.
2. Adjudicate applications for variances for property with exceptional narrowness, shallowness, or unusual shape or by reason of exceptional topographical conditions or non-dimensional characteristics, extraordinary conditions of land, buildings, or development of adjacent properties, where there are practical difficulties or unnecessary hardship in carrying out the literal enforcement of the Ordinance. (Section 20.08)

The Board cannot change zoning. This can only be done by appropriate ordinance passed by the Township Board. Before deciding upon an application, the ZBA must conduct a public hearing. Notice of such hearing is given to each property owner or occupant of property within 300 feet of the property in question. At this time of the hearing, the applicant or his representative is called upon to give reasons why his appeal or application should be granted. Any interested person who is present is then given an opportunity to be heard. The applicant or his representative will have the opportunity to speak in rebuttal or may be called upon to answer questions by the Board members relative to his/her case. Reference is again made to the information on the attached sheet. Each applicant must give evidence that there are practical difficulties or unnecessary hardships involved and that the five conditions do exist.

It is mandatory that the applicant:

1. Complete the application form.
2. Submit 7 copies of a site diagram showing positions of all existing and proposed structures with setbacks from all lot lines.
3. Provide substantiating statements for 1 thru 9 in the Additional Information supplement found on Page 3 to justify your request for a variance.
4. Payment of appropriate fee.

After the Hearing is closed, the Board takes each case under advisement. The applicant is then notified after a decision is made.

ZONING BOARD OF APPEALS - CASCO TOWNSHIP
7104 107th Ave., South Haven, MI 49090 (Ph.-269/637-4441; Fax- 269/639-1991)

Application to the Zoning Board of appeals to authorize a variance from the requirements of the Zoning Ordinance.

TO THE ZONING BOARD OF APPEALS:

Request is hereby made for permission to:

Extend _____

Use _____

Erect _____

Convert _____

Alter _____

Parcel # 0302- _____ - _____

Contrary to the requirements of Section (s) _____ of the Zoning Ordinance, upon the premises known as _____ and described as: _____ (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: _____

Address: _____ Phone: _____

City _____ State _____ Zip _____

Fax: _____

2. Interest of Applicant in the premises: _____

3. Name or Owner: _____

Address: _____ Phone: _____

City _____ State _____ Zip _____

Fax: _____

4. Size of property to be effected by the variance: _____

5. Proposed use of building and/or premises:

6. Present use of building and/or premises: _____

7. Size of proposed building or addition to existing building, including height: _____

8. Has the building official refused a permit? _____

9. If there has been any previous appeal involving the premises; state the date of filing, nature of appeal and disposition of same: (use separate sheet) _____

Date: _____

Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

This application must be accompanied with a fee of \$ 250.00 payable to Casco Township.

ADDITIONAL INFORMATION FOR APPLICATION TO BOARD OF APPEALS

Since a variance cannot be authorized by the Board of Appeals unless it finds reasonable evidence that all of the following conditions exist, it is imperative that you give information to show that these facts and conditions do exist.

(Reference Section 20.08 of the Zoning Ordinance for additional requirements).

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.

2. The variance is being granted with a full understanding of the property history.

3. Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located.

4. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

5. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same Zoning District. Exceptional or extraordinary circumstances include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the date of this Ordinance;
- b. Exceptional topographical conditions;
- c. By reason of the use or development of the property immediately adjoining the property in question;
- d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

6. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same Zoning District.

7. That the variance is not necessitated as a result of any action or inaction of the applicant.

8. The variance, if granted, would be the minimum departure necessary to afford relief.

9. If involving a platted subdivision, that there is no practical possibility of obtaining more land and the proposed use cannot be located on the lot such that the minimum requirements are met.
