

TYRONE TOWNSHIP ZONING BOARD OF APPEALS 2021 MEETING DATES

MEETING AT 7:00 PM

February 8, 2021

March 8, 2021

April 12, 2021

May 10, 2021

June 14, 2021

July 12, 2021

August 9, 2021

September 13, 2021

October 11, 2021

November 8, 2021

December 13, 2021

January 10, 2022

February 14, 2022

March 14, 2022

MATERIAL DUE AT 12:30 PM

January 11, 2021

February 8, 2021

March 15, 2021

April 12, 2021

May 17, 2021

June 14, 2021

July 12, 2021

August 16, 2021

September 13, 2021

October 11, 2021

November 15, 2021

December 13, 2021

January 17, 2022

February 14, 2022

Variations are limited to a maximum of 3 per meeting. Please return your application as soon as possible, cases will be handled on a first-come, first-served basis. Turning in an application by the deadline does not guarantee you will be on the agenda for the meeting dates you are requesting – it all depends on the severity of each case and the number of appeals received for a particular meeting. The ZBA chairman will determine if the meeting date will be closed due to a heavy caseload.

Criteria for Granting Variances for Dimensional (Non-Use) Requirements:

Variances and appeals from the Ordinance dimensional requirements shall be granted only in accordance with Michigan Public Act 184 of 1943, as amended, and shall be based on a finding of fact related to the criteria set forth in this section. Consistent with the decisions of courts of law in the State of Michigan, *all* of the criteria indicated below must be found by the ZBA to indicate a practical difficulty exists, thereby justifying a dimensional or non-use variance. A financial hardship of the landowner, developer or other related parties shall not be a consideration on determining if a practical difficulty exists or otherwise justify granting a variance.

1. **Unreasonable Burden:** Strict compliance with Zoning Ordinance requirements will be unreasonable or unnecessarily burdensome, preventing the use of the land for any and all permitted purposes. The demonstration of mere inconvenience is insufficient to justify a variance.
2. **Substantial Justice:** Granting of a requested variance or appeal will provide a substantial justice to the appellant as well as to other property owners in the vicinity. Resulting development permitted by a variance will relate harmoniously with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing traffic patterns, convenience of access, continuity of development, and the need for particular services and facilities in specific areas.
3. **Minimum Variance Required:** The requested variance or appeal will be the minimum variance required to provide substantial justice and the variance can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.
4. **Extraordinary Circumstances:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the area. The described circumstances or conditions shall uniquely identify this request and any variance granted to satisfy the request. The circumstances shall not be self-created by the owner or a former owner of the land. Finally, the circumstance shall be related to the land and not to the property owner, developer or any other person. No precedent shall be established for general application in the township when exceptional or extraordinary circumstances for conditions are delineated that clearly serve to identify the unique characteristics of each request.
5. **No Safety Hazard or Nuisance:** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

Appeals that are tabled have 90 days in which to come before the board for a final decision. After 90 days the full application fee will be required to reapply. If an appeal is tabled, due to insufficient information, additional fees will be incurred for the republishing of the public notice, copies for public mailings and postage.

*****IMPORTANT*****

**PLEASE STAKE OUT
PROPOSED BUILDING OR
ADDITION ON THE PROPERTY
FOR THE
TYRONE TOWNSHIP ZONING
BOARD OF APPEALS
TO SEE
WHEN THEY INSPECT
THE PROPERTY.**

**ALSO, PLEASE STAKE THE
PROPERTY LOT LINES.**

**IF YOU CANNOT CLEARLY IDENTIFY
YOUR PROPERTY CORNERS,
AN ENGINEERED SURVEY
MAY BE REQUIRED.**

PETITIONERS' INITIALS

FOR TOWNSHIP USE

ZBA NO. _____
DATE/TIME REC'D _____
REC'D BY _____
DATE RETURNED IF INCOMPLETE _____
RETURNED BY _____
AMOUNT PAID _____
CHECK# _____ DATE _____

**TYRONE TOWNSHIP
ZONING BOARD OF APPEALS APPLICATION**

NOTICE TO APPLICANT: Applicants shall provide seven (7) copies of all drawings, maps, application and other documents intended to support a variance request.

Meetings of the Zoning Board of Appeals are scheduled for the **First Monday** of the month. These meetings are held at 7:00 pm at the Tyrone Township Hall, located at 8420 Runyan Lake Road, Fenton, Michigan **Applications with all required information and all applicable fees must be submitted to the Zoning Department at least 32 days prior to the meeting. Incomplete applications will be returned and no further action will be taken until all information is submitted.**

The applicant(s) and any person or entity acting on its behalf understand(s) and agree that they will conform to and be bound by all applicable laws, ordinances, rules, and regulations that are or may be imposed by Federal, State, County, Township, or any other governmental entities or agencies that may affect this project. They fully understand and agree that they may be held liable for any and all damages which may result from their actions or inactions and that such damages may result in fines, legal penalties, and sanctions as may be levied or pursued by the said governmental agencies.

GENERAL REQUIREMENTS:

The Zoning Board of Appeals (ZBA) is created to offer reviews and decisions when an interpretation of the Zoning Ordinance or Zoning District Boundary is questioned, or when a variance from the strict interpretation of the Ordinance is sought to avoid a specific hardship. A hardship **MUST** involve a unique situation rather than one which represents a minor inconvenience. The ZBA **IS NOT** a legislative body. It **DOES NOT** have the power to rezone or change uses. Any decision of the ZBA must comply with the basic spirit (intent) of the Ordinance while maintaining the public health, safety, and welfare of the area and the community-at-large. If your request represents a significant change from the established intent, then an amendment to the Zoning Ordinance may be the proper solution.

In order to expedite your request, it is required that you submit certain basic information to allow ZBA Members the opportunity to properly understand and consider the request.

When providing the required information, you may attach additional or supplemental information if you feel that it will be useful. In certain situations, pictures can be a way of providing information.

REQUIRED INFORMATION:

A. Name of Applicant / Owner Requesting ZBA Review and Opinion.

A. Applicant

1. Name(s) _____

2. Address(es) _____

3. Phone number(s) _____

B. Owner of property if different than above

1. Name(s) _____

2. Address(es) _____

3. Phone number(s) _____

II. Type of Appeal (Place an "X" next to one or more that apply)

Administrative Review

Interpretation of Zoning Text and/or Map

Variance from the strict areal and dimensional requirements of Ordinance No. 36/Section No. _____

III. Location of property – if a specific site is involved

A. Street name & number if assigned: _____

B. Subdivision & lot number (if platted) or property tax identification number:

- C. General location map showing the parcel in relation to the general area (such as a copy of the section map obtained at the Tyrone Township Office). Identify all abutting roads (public and private), easements, etc.
- D. Scaled drawing of parcel (showing property line dimensions) on which the variance request is located. The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (1" = 100') for sites three (3) acres or more.

In the same scale as previously mentioned, the drawing shall show the following:

- (1) Size & location of all structures, present & proposed, on the parcel. Existing & proposed setbacks to buildings on the subject site, and buildings on adjacent parcels along any common property line.
 - (2) Location of driveways, parking areas, and sidewalks (present and proposed).
 - (3) Location of well & septic drain field (including any future alternate location for septic drain field if required by the Livingston County Health Department).
 - (4) Location of any overhead or underground utilities (gas, electric, telephone, cable TV, etc.).
 - (5) Topography of parcel (as close as possible) showing hills, swamps, ponds or lakes, sand or gravel excavations, etc.).
 - (6) Drainage of parcel, both present and any proposed changes.
- E. In regard to variances that pertain to side, front or rear setbacks, the petitioner must verify that the lot or acreage corner monuments or irons are visible for Zoning Board Members' inspection and also for the Zoning Administrator to use in enforcing the ordinance setback requirements. This includes all road right-of-way lines. In Site Condominium Developments the building envelope shall be marked (staked) also.
 - F. Variances that pertain to location, height, size, etc., of a proposed building, alteration, or addition must contain a front, rear, and side elevation drawing. (Floor plans which may be important in determining particular building heights, use areas and/or site development needs may be helpful)

G. You may also include photographs or other exhibits if you feel they aid in clarifying your request.

IV. Nature of Request: (What are you specifically requesting?)

Summarize your question or problem and reference a specific section(s) of the Zoning Ordinance involved. (For example: “My lot is located in an R-1 single-family district which requires a minimum side yard setback of 20 feet, according to Section 20.01 (Schedule of Regulations) of the Zoning Ordinance. I wish to set my building 15 feet from the side lot line. Therefore, I am requesting a 5-foot side lot line setback variance”.)

(use extra paper if necessary)

State the **Unreasonable Burden** related to your property.

(use extra paper if necessary)

State the **Substantial Justice** related to your property.

(use extra paper if necessary)

List the **Extraordinary Circumstances** related to your property.

(use extra paper if necessary)

What are the impacts of your request in terms of **Health, Safety and Environmental Concerns** to your property and adjacent properties?

(use extra paper if necessary)

PROCESSING PROCEDURE:

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits to the Township Clerk’s Office, a review of such application and materials will be made by the Zoning Administrator. If the application and materials will be made by the Zoning Administrator. If the application and materials are complete and the proper fee is paid, the publication and public hearing process will begin. If the information is not complete, the application will be returned to the petitioner and unnecessary delays will be encountered.
- II. The ZBA Chairperson will schedule a public hearing when it appears all necessary documentation will be available for a public hearing.
- III. At the public hearing, the ZBA may take the following action:
 - A. Approve the request subject to the terms and conditions set forth in the request/application.

- B. Approve the request, subject to amended and/or additional terms and conditions which they believe are reasonable and appropriate to maintain the public health, safety, and welfare. This may also include financial or other guarantees that will ensure your compliance with the stated terms of approval.
- C. Deny the request as not being in the public interest and as being contrary to the basic spirit and intent of the Zoning Ordinance.
- D. Table the request pending clarification of any additional problems or questions which may arise as a result of the public hearing.

ACKNOWLEDGMENT AND CERTIFICATION

It is hereby acknowledged that the applicant(s) has/have fully read and completed the above application. It is also understood that any approval of the ZBA involving site improvement or construction does not relieve the applicant from obtaining other applicable authorization within the time frames set forth in the Zoning Ordinance or any other applicable ordinances. (For example: land use permit, site plan, building and health, engineering approval, etc.)

The applicant(s) also understands(s) that the submission of incomplete or inaccurate information will only result in delays.

THE APPLICANT GIVES PERMISSION FOR TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEMBERS TO TRESPASS ON APPLICANT’S PROPERTY FOR THE PURPOSE OF REVIEWING VARIANCE REQUEST.

| | |
|---|---------------|
| _____ Signature of Petitioner | _____ Date |
| _____ Signature of Petitioner | _____ Date |
| _____ Signature of Owner (if different that Petitioner) | _____ Date |

ZONING BOARD OF APPEALS ACTION:

The appeal was granted/denied/tabled for the following reasons:

Gregory Carnes, Chairman
Tyrone Township Zoning Board of Appeals

Date