

APPENDIX IV

Formal Statement of Chairperson

Welcome Ladies and Gentlemen:

THE BOARD OF ZONING APPEALS FUNCTIONS AS A QUASI-JUDICIAL BODY WITH SPECIFIC POWERS AND LIMITATIONS AS OUTLINED IN THE VARIOUS SECTIONS OF THE ZONING ORDINANCE AND THE STATE STATUTES. THE ZONING ORDINANCE SETS THE STANDARDS THE BOARD MUST USE IN REACHING ANY DECISION. ONCE A DECISION OF THE BOARD BECOMES FINAL, ONLY THE COURTS CAN MODIFY OR REVERSE THAT DECISION. THIS BOARD IS NOT EMPOWERED TO CHANGE THE TERMS OR INTENT OF AN ORDINANCE, THEREFORE, YOU MUST PETITION THE VILLAGE COUNCIL IF YOU WISH TO AMEND AN ORDINANCE.

One of the most common requests that the Board considers is for non-use variances. Before a variance can be granted, the statute and the Ordinance require that certain requirements be satisfied. These are as follows:

1. A practical difficulty or unnecessary hardship must be demonstrated.
 - a. Where strict compliance with area, setback, frontage, height, bulk, or density requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - b. Where the plight of the owner is due to unique circumstances of the property.
 - c. Where the problem is not self-created.
2. Whether a variance would do substantial justice to the petitioner as well as to other property owners in the district.
3. That the spirit of the Ordinance is observed, public safety secured and justice done.

Therefore, if the facts presented in a public hearing are affirmative and support all three (3) requirements, the Board of Appeals, under the authority of Public Act 207 of 1921 as amended, may vary or interpret the literal terms of Ordinance No. 159.

The affirmative vote of ~~three~~ (3) members of the Board is necessary to approve or deny any variance brought before the Board.

Public hearing procedures will be:

- .01 Chair will introduce case by case number and name or address of property or development in question.
- .02 Secretary will report on the case and will read related correspondence.
- .03 Petitioner will present case.
- .04 Open public hearing to all persons.
- .05 Close public hearing.
- .06 Board questions and discussion
- .07 Board action.

All individuals who enter information into the public record are asked to state their name, spelling of your name, address, and statement of facts.

APPLICATION FOR BOARD OF ZONING APPEALS

VILLAGE OF ALMONT

(Please Print or Type)

INSTRUCTIONS: Please complete all of the required information. Please contact the Village at (810) 798-8528 if you have any questions.

Applicant

Representative

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

PHONE: _____

Legal Owner

NAME: _____

ADDRESS: _____

Street

City

State

Zip

PHONE: _____

NAME OF PROPOSED DEVELOPMENT: _____

CURRENT USE OF PROPERTY: _____

PARCEL IDENTIFICATION NO.: _____

COMPLETE LEGAL DESCRIPTION (Use opposite side or attach separately.)

EXISTING ZONING: _____ LOT SIZE: _____

REQUEST: Variance Other: _____

EXPLANATION: (Describe in detail the nature of the request, including the Section of the Ordinance being appealed.

Identify your claimed unnecessary hardship or practical difficulty **UNIQUE TO THE PROPERTY ITSELF AND NOT SIMPLY UNIQUE TO THE PROPERTY OWNER'S OWN SITUATION**, which will result if the variance is not granted and what unique or unusual circumstances are present that justify the request. Attach additional sheets, if necessary.)

DATE: _____

Applicant's Signature

ACTION:

Approved

Denied

Legal Owner's Signature (if not the applicant)

DATE: _____

OFFICE USE ONLY: Review Fee _____

Date _____ Public Hearing Date: _____

Application # _____ Date Notices Sent: _____