

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 A thru E in the Additional Information and supplement found on Page 3 to justify your request for a variance.
4. Pay 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 of 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) _____

Signature of Applicant _____ Date: _____

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).

A. That the literal enforcement of the Zoning Ordinance would involve practical difficulties or cause unnecessary hardship

B. That there are exceptional or extra-ordinary circumstances or conditions applying to the property in question as to the intended use of same that do not apply generally to other properties in the same zoning district.

C. That such variance is necessary for preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity; provided that the possibility of increased financial return shall not of itself be deemed to warrant a variance.

D. That the specific conditions or circumstances of the specific piece of property or the intended use of said property for which the variance is sought do not result from the actions of the applicant. That is, the hardship cannot be self imposed.

E. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of the Zoning Ordinance or the public health, safety, and welfare.

Attach additional sheets if necessary