



CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778

www.brightontwp.com

ZONING BOARD OF APPEALS APPLICATION

1. **Date Filed** _____ 3. **ZBA Number** _____

2. **Meeting Date** _____ 4. **Fee Paid** _____

5. Applicant Information

Name _____

Address _____

City/State/Zip _____

Phone _____ Fax _____

Email _____

Interest in the Property (e.g. fee simple, land option, etc.)

☐ Property Owner ☐ Other (Specify) _____

6. Current Property Owner Information

Name _____

Address _____

City/State/Zip _____

Phone _____ Email _____

Length of Ownership _____

7. Location of Property for which the Variance is Requested

Address _____

Cross Streets _____

Tax I.D. # _____

8. Property Information

Zoning District _____

Area (Acreage) _____ Width _____ Depth _____

Current Use _____

9. Variance Request

Total Number of Variances Requested _____

Describe your Request: _____

Section(s) of the Zoning Ordinance _____

10. Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

- b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

- c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

- d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

- e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

- f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

11. Criteria for a Use Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. Can the site be reasonably used for any of the uses allowed within the current zoning designation?

- b. Are there unique circumstances peculiar to the property and not generally applicable in the area to other properties in the same zoning district?

- c. Was the need for a variance self-created by either the applicant or the applicant's immediate predecessor?

- d. Will the capacity and operation of the infrastructure be significantly compromised?

- e. Will the granting of a use variance not alter the essential character of the neighborhood nor be a detriment to adjacent properties?

12. Criteria for Appeals and Interpretations

The Zoning Board of Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Zoning Board of Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- a. Arbitrary and capricious; or
- b. Filled to ensure consistency with ordinance standards; or
- c. Made an error, such as relying on false or inaccurate information, or
- d. Constituted an abuse of discretion; or
- e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Please describe how your appeal meets one of these criteria: _____

I, _____ (property owner), hereby give permission for the Charter Township of Brighton officials, staff, and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

Signature of Property Owner _____ Date _____

Conditions of Approval _____

**BRIGHTON TOWNSHIP
ZONING BOARD OF APPEALS (ZBA)
FILING PROCEDURE**

1. The applicant must consult with the Building and Zoning Official relative to the subject matter, in person, prior to filing any application. In addition, the applicant must receive an administrative review, in writing, from the Building and Zoning Official.
2. The applicant must be the property owner or his authorized agent. If the property owner is represented by an agent, the agent must provide a **NOTARIZED LETTER OF AUTHORIZATION** from the property owner. A copy of said authorization to be filed with application.
3. The applicant must submit one (1) paper copy and one (1) digital copy of the site plan (if available), or a sketch plan that includes the following information, where applicable:
 - a. Application must be filled out completely.
 - b. Property identification (Sidwell) number, scale, north point, and dates of submission and revisions.
 - c. Zoning classification of petitioner's parcel and all abutting parcels.
 - d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
 - e. For variances requested from any dimensional standard of this ordinance, the sketch plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
 - f. Any additional information required by the Building Official or the ZBA to make determination requested herein.
 - g. The applicant or his designated agent **MUST BE PRESENT AT ANY AND ALL MEETINGS.**

**FAILURE TO COMPLY WITH THE FOREGOING,
SHALL RESULT IN THE DENIAL OF THE PETITION.**

4. Fees: \$1,000.00
5. One (1) paper copy and one (1) digital copy of picture or color copies of picture depicting the applicant's property and adjacent properties where the variance(s) are proposed.
6. NOTE: An evaluation of water & sewer REU'S will be part of the review.

IMPORTANT NOTICE

All petitions and fee payments incidental thereto must be filed with the Planning Department **THIRTY DAYS (30)** prior to the scheduled meeting. Phone: 810.229.0562. Email: planner@brightontwp.com.

PRESENTATION

While the manner in which the applicant presents his/her case to the ZBA is a matter of individual choice, it is recommended the applicant be familiar with Article 22 and especially Section 22-06 Standards for ZBA action, and address those standards in the presentation. While there is no prescribed method to the presentation, it is obvious that the applicant should be prepared to provide all available proofs to support the request for a variance at the hearing. Building plans, photographs, witnesses and/or any other tangible evidence to support the validity of the request for variance, will be accepted and considered by the ZBA.

NOTE: USE VARIANCE REQUESTS REQUIRE A PRE-HEARING CONFERENCE.

PLEASE NOTE

- a. Sec. 22-05 (e) **Approval Period.** If construction has not commenced within twelve (12) months after the ZBA grants a variance to allow the erection or alteration of a building, then the variance becomes null and void. The period of approval may be automatically extended by twelve (12) months if the variance was sought in conjunction with a site plan for which approval has been extended by the Planning Commission.
- b. Sec. 22-07 (a) **Building Permit Required.** No order of the ZBA allowing the erection of a building or other structure shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- c. Sec. 22-07 (b) **Use Establishment.** No order of the ZBA allowing the use of a building premises shall be valid for a period longer than twelve (12) months unless such a use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building or structure, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with their terms of such permit.
- d. On any tabled item, if petitioner fails to return to the ZBA for proper disposition, within ninety (90) days, the variance shall be considered denied.