

11. The Planning Commission shall notify persons within 300 feet of the site plan within ten days of the first meeting.
(Ord. No. 97-002, 7-15-97; Amend. of 6-21-06)

300.1303 Variance review procedures.

Sec. 13.03.

- A. *Intent.* These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, or his predecessors in title, a literal enforcement of the Ordinance would result in an unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, or size of yards, and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or uses in an adjoining District.
- B. *Procedures.*
1. An application for the approval of a variance shall be made, by an owner of an interest in the lot, to the Township Clerk accompanied by the necessary fees and documents as provided in this Ordinance.
 2. The application shall be accompanied by a site plan drawn to the scale of 1" = 20' and placed on a standard sheet and containing the following information:
 - a. Dimensional elements for which a variance is requested.
 - b. Dimensional relationships of the subject lot to the structures on all adjacent lots.
 3. The application shall be accompanied by an affidavit by the applicant explaining:
 - a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.
 - b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same Zoning District.
 - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

- d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.
 - e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
4. The Township Clerk shall notify the applicant and all owners of an interest in lots, as recorded on the Township tax roll, and within 300 feet of the subject lot upon which a variance is requested, of the time and place of the Board of Zoning Appeals meeting at which such application will be considered; provided, however, such notice shall be given not less than 15 days before such meeting.
 5. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice, as required heretofore, or within not more than 35 days after receipt of the application by the Township Clerk, and hear and question any witness appearing before the Board.
 6. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the applicant, the Township Board, the Building Inspector, and the Township Planning Commission within two weeks from the time of the meeting at which it considered the application.
 - a. The Board shall not approve an application for a variance unless it has found positively that:
 - (1) The strict enforcement of the Zoning Ordinance would cause unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.
 - (2) The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same Zoning District.
 - (3) The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - (4) The requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.

- (5) The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.
7. The Building Inspector shall, upon receipt of the notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the Township Treasurer attesting to the payment of all required fees, issue a building permit on such other approval permitting the variance, subject to all conditions imposed by such approval.
8. No order of the board permitting the erection of a building or the split of a substandard lot shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained, or the review and approval of the lot split is initiated within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
9. When a variance has been denied by the Board of Zoning Appeals, the variance shall not be reconsidered for a period of one year following the date of denial.

(Amend. No. 5, 8-16-93)

300.1304 Appeals procedures.

Sec. 13.04.

- A. *Intent.* These appeals procedures are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the Township Zoning Ordinance, except the issuance of a variance which shall follow the procedures of Section 13.03 of this Ordinance.
- B. *Procedures.* An appeal shall be filed with the officer from whom the appeal is taken and with the Board of Zoning Appeals specifying the grounds for the appeal.
 1. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the appeal is taken.
 2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.