



**Hayes Township
Zoning Board of Appeals
Appeal or Interpretation
Application**

GENERAL INFORMATION Zoning Administrator Phone (231) 547-6961

Name of Property
Owner(s) _____

Mailing
Address _____

City _____ State _____ Zip _____

Telephone _____

PROPERTY INFORMATION

Property Tax Code Number: 15- 007- _____ - _____ - _____

Legal
Address _____

Nearest Road
Intersection _____

Zone District _____

Please type or print; fill in all blanks and return with **\$935.00** fee payable to Hayes Township

APPEAL OR INTERPRETATION REQUESTED

Relief from the following Zoning Ordinance Section(s) or actions:

Hayes Township Zoning Ordinance may be found at hayestownshipmi.gov

Section(s): _____

Submit clearly the basis of the appeal or interpretation that is being requested along with all documentation supporting the claim and/or request.

Applicant Name, Address
& Contact Information _____

Applicant Signature _____

Date _____

Property Owner _____

Property Owner Signature _____

Date _____

Zoning Board of Appeals Process - Additional Applicant Information

The purpose of the Hayes Township Zoning Ordinance is to promote the public health, safety and general welfare of the township. It encourages the use of lands in accordance with their character and adaptability and limits the improper use of land; controls sprawl and maintains rural character; controls congestion on the public roads; facilitates infrastructure and considers the character of each zoning district.

It is impossible to write the perfect ordinance that covers every conceivable use, configuration, size, water features, environmental aspects, terrain or non-conformities. Thus, the Zoning Board of Appeals was established by the Michigan Zoning Enabling Act for:

1. Interpretation of the zoning map.
2. Interpretation of the ordinance text.
3. Decisions made by the zoning administrator.
4. Decisions made for enforcement of zoning.
5. And, anything else referred to the appeals board or that the township ordinances indicate can be appealed to that board.

The Zoning Board of Appeals is made up of five Hayes Township residents who volunteer their time to serve their community. There are five members so that different perspectives are taken into account in an effort to be fair to the applicant. The Zoning Ordinance is law. The Zoning Board of Appeals has the responsibility to enforce the ordinance (the law) unless there are unique or special circumstances that may prevent the applicant from using his or her property if the strict compliance of the ordinance is required. A good example might be a highway that has a minimum speed limit. The law says the minimum speed limit is forty five miles per hour, but if the road is covered with ice, is it unreasonable for someone to go slower? The Zoning Board of Appeals is the board that considers all factors to decide if the zoning ordinance requirements are unreasonable for a specific use or property.

The process for interpretation, deliberation and decisions of the Zoning Board of Appeals is dictated by the State Zoning Enabling Act, is adopted as law by the township, and is incorporated in Article VIII of the Hayes Township Zoning Ordinance. Section 8.07 of the Zoning Ordinance outlines the five point criteria the board is required to use. Listed below are those five criteria with some further explanation:

- 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area and/or zoning district, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic hardship.

There are several properties in the township that do not meet the minimum requirements of the current zoning ordinance, or that have unique features, making it difficult to meet the yard setbacks. The board may only consider a hardship/unique circumstance as it relates to the physical conditions of the property. They cannot consider personal hardships.

- 2) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

A self-created hardship is an action taken by an individual that causes their property or use to no longer meet the requirements of the zoning ordinance. A couple of examples might be: building too close to a property line or selling part of the property.

The Zoning Board of Appeals must always assume a buyer purchased the land knowing the property did or did not meet current zoning requirements.

- 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for any permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

A variance can only be granted for circumstances unique to the property as listed above. A variance cannot be granted for something unique to the property owner.

The Zoning Board of Appeals needs to figure out if there is a way to accomplish the same purpose without a variance. And, if denying the variance would prevent the owner from using the property for uses that are allowed by right within the zoning district.