

Fee: \$600.00

Charter Township of Lansing

BA# _____

Meeting: 4th Monday

3209 W. Michigan Avenue

Deadline: 21 Business Days

Lansing, MI 48917

Prior to Meeting

(517) 485-4063

APPEAL FOR MODIFICATION OF BUILDING AND ZONING ORDINANCE

Name of Petitioner _____ Phone: _____

Address of Request _____ Zoning: _____

Legal Description _____

Petitioner is: Owner _____ Contractor _____ Architect _____ Engineer _____

Address of Petitioner _____

Status of Job: Not Started _____ Under Construction _____ Finished _____

Permit Number, if issued: _____

Specific ordinance modification desired _____

Specify Ordinance No.: _____

State circumstances which require an appeal: _____

Date: _____ Petitioner _____

Please Print: _____

(Site Drawing Required for Yard Modification)

CERTIFICATION OF OWNERSHIP:

I, _____, certify that I own the property affected by the proposed appeal and approve the request.

Date _____ Owner _____

Fee Paid \$ _____ Receipt _____ By _____

PLEASE NOTE:

1. Only Those Points Specifically Mentioned are Affected by Action Taken on this Appeal.
2. Unless an Appeal is Filed, Building Permits Can be Issued 21 Days After Approval of the Minutes of Board of Appeals Meeting.
3. Approvals are Null and Void Unless Provisions of Variance are Utilized Within One Year of Approval.

Section 87-4. - Duties and powers of the board of appeals.

The zoning board of appeals shall have the following specified duties and powers:

- (1) *Review.* Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector in the administration of this title.
- (2) *Interpretation.* Shall have the power to hear and decide upon appeals for the interpretation of the provisions of this title, which shall include the determination of precise location of zone boundaries when there is doubt, classification of a use which is not specifically mentioned along with a comparable permitted or prohibited use in any zone, determine the off-street parking and loading space requirements of any use which is not mentioned in chapter 84.
- (3) *Variances.* The zoning board of appeals may have the power to authorize upon appeal, the following variance:
 - a. *Use variance:* A use variance authorizes a use of land otherwise prohibited under the zoning ordinance. To obtain a use variance, an applicant must prove to the zoning board of appeals that it will suffer "unnecessary hardship" if variance is denied. The unnecessary hardship must relate to the property for which the variance is sought as follows:
 1. The land in question cannot yield a reasonable return if used only for the purpose allowed in that zone;
 2. The plight of the owner is due to unique circumstances and not the general conditions in the neighborhood; and
 3. The use to be authorized by the variance will not alter the essential character of the locality.
 - b. *Dimensional variance:* A dimensional variance authorizes specific variances from such dimensional requirements as lot area and width regulations, building height regulations, and yard width and depth regulations as specified in this title when all of the basic conditions listed below are satisfied.

Basic conditions: That any variance granted:

- a. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this title;
- b. Will not cause any adverse effect to the property in the vicinity or in the zone or the community;
- c. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable;
- d. Relates only to property that is under control of the applicant;
- e. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity and have not resulted from any act of the applicant.

Additional rules. In addition to the foregoing conditions, the following rules shall be applied to the granting of variances:

- a. In granting a variance, the board may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulation or provision to which such variance applies. The breach of such condition shall automatically invalidate the permit granted;
- b. No more than the minimum variance from the terms of this title shall be granted;

- c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one year after granting the variance or from the date of site plan approval;
- d. No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board to be valid;
- e. In authorizing any variance, the zoning board of appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the granting of the variance.
- f. A use variance may only be applied for after a rezoning has been denied.
- g. A two-thirds roll-call vote of the members appointed and serving on the zoning board of appeals is required to approve a use variance. The roll-call vote shall be entered into the minutes of the zoning board of appeals meeting at which the vote is taken.

(Ord. No. 31.152, § 1, 5-26-98; Ord. No. 31.164, § 1, 4-15-08)