



CHARTER TOWNSHIP OF PORT HURON

Zoning Board of Appeals Application for a Variance

Variance Request (\$825.00)
Date Paid: _____

Property Information:

Address / Location of Subject Property: _____

Parcel # of Subject Property: 74 – 28 - _____ - _____ - _____ Current Zoning Designation: _____

Property Area (square ft & acres): _____ Nearest Cross Streets: _____

Present Use of Property: _____ Proposed Use of Property: _____

Legal Description (**MUST** be accurate, attach separate sheets if necessary):

Has request ever been submitted to and or rejected by the Planning Township Commission or Township Staff?
 Yes No If yes, State: Date and Circumstances: _____

Brief Description of Proposed Activity (Attach separate sheets if necessary):

Please explain the Nature of the Hardship (Attach separate sheets if necessary):

Applicant Information (Must have a legal interest in the property):

- | | | |
|--|---|--|
| <input type="checkbox"/> Representative/ Owner | <input type="checkbox"/> Purchaser – Option or Purchase Agreement | <input type="checkbox"/> Purchaser – Land Contract |
| <input type="checkbox"/> Tenant / Lessee | <input type="checkbox"/> Developer / Contractor | <input type="checkbox"/> Engineer / Architect |

Name: _____ Bus/Org Name: _____

Address: _____ City/State/Zip: _____

Phone: (_____) _____ Fax: (_____) _____ E-mail: _____

Cell Phone: (_____) _____ Other Phone #: (_____) _____

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that Charter Township of Port Huron will not review my application unless all information required in this application has been submitted. I further acknowledge that the Township and its Employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this application; I agree that I will be responsible for any and or all fees assed or incured for the review and processing of the request, including possible Engineering, Building and/or other necessary reviews. **Note: The Applicant or a designated representative MUST BE PRESENT at all scheduled review meetings or the proposed action may be tabled due to lack of representation.**

Signature of Applicant: _____ **Date:** _____

Owner of the Property Information (Must be completed by owner of property):

Name of Property Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____ Cell Phone: (_____) _____

E-mail: _____

The undersigned hereby affirms and acknowledges that he/she/they are the owner(s) of the property described in the application, are aware of the contents of the application, and hereby authorize the applicant to submit the application and represent the undersigned in the matter being reviewed by the Charter Township of Port Huron. Further I grant permission for members of the Port Huron Township Zoning of Appeal's/Planning Commission/Staff/Township Employees to enter the property described in this application for the purpose of gathering information related to this application. I understand that any and/or all fees that are not paid for may/will ultimately be assessed against the property or reflected in the form of a lien on the above property.

Signature of Owner:

Date:

TO BE COMPLETED BY THE TOWNSHIP OF PORT HURON STAFF:

Date Submitted: _____ Case #: _____ Fee

Paid: _____

Received by: _____ Date of Public Hearing: _____ Date

Published: _____

Action Taken by: ZBA - Date: _____ Approved: _____ Approved W/Conditions: _____ Denied: _____

Conditions: _____

Previous Editions are Obsolete 2020-08-18



CHARTER TOWNSHIP OF PORT HURON

3800 Lapeer Road
Port Huron Twp., Michigan 48060

Phone: (810) 987-6600
Fax: (810) 987-6712

Zoning Board of Appeals

The Board of Appeals has no power to legislate. The Board of Appeals can hear and decide appeals, authorize a variance from, or interpretation of, the ordinance, as well as hear requests for exceptions to the ordinance. It can also allow temporary uses and approve substitute, non-conforming uses.

The Board has the authority to vary the provisions of the zoning ordinance where practical difficulty and unnecessary hardship would result by rigid applications of the regulations. Its purpose is to provide a measure of flexibility for the zoning ordinance, based on the Ordinance Section Requirements.

If you wish to appear before the Board of Appeals, you must show that one or more of the following conditions exist, and indicate on this application how they apply to your request (you may add narrative sheets):

- ✓ That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to the other properties in the same zoning district.
- ✓ That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity.
- ✓ 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 this ordinance.
- ✓ That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such conditions or situation.
- ✓ Plans drawn to scale showing shape and dimension of lots, plot plans, buildings, proposed building to be erected, altered or use changed. Such other information with regard to lot or neighboring lots, proposed use, existing use, as may be deemed necessary.
- ✓ Proof of Property Ownership.
- ✓ Ten (10) individually folded copies of the site plans and or building plans.

Standards for ZBA Action:

The reasons for granting variances and appeals are listed below as referenced in Section 40-112, item (d) of the Charter Township of Port Huron Zoning Ordinance.

Standards for ZBA action. Variances and appeals shall be granted only in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The action shall be based on findings regarding the standards set forth in this section. Variances and appeals shall not be granted solely upon economic or financial considerations. The extent to which the following criteria apply to a specific case shall be determined by the ZBA and become part of the formal record of the case.

(1) Criteria applicable to variances.

- _____ a. *Practical difficulties.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
- _____ b. *Substantial justice.* Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- _____ c. *Public safety and welfare.* The requested variance or appeal can be granted in such fashion that the spirit of this chapter will be observed and public safety and welfare secured.
- _____ d. *Extraordinary circumstances.* There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.
- _____ e. *Preservation of property rights.* The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
- _____ f. *No safety hazard.* The granting of a variance or appeal shall not increase the hazard of fire or otherwise endanger public safety.
- _____ g. *No impact on land values.* The granting of a variance or appeal shall not unreasonably diminish or impair the value of surrounding properties.
- _____ h. *Neighborhood character.* The granting of a variance or appeal shall not alter the essential character of the neighborhood or surrounding properties.
- _____ i. *Supply of light and air.* The granting of a variance or appeal shall not impair the adequate supply of light and air to any adjacent property.
- _____ j. *Promotes orderly development.* The size, character and location of any development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.
- _____ k. *Traffic flow.* Any development allowed upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.
- _____ l. *No nuisance impacts.* Any development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights or other undesirable impacts on surrounding properties.
- _____ m. *Impact on adjacent properties.* The location, design and height of a building, structure, fence or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use or value of adjacent land or buildings.
- _____ n. *Relationship to adjacent land uses.* The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development and the need for particular services and facilities in specific areas of the township.

(2) Criteria applicable to appeals. *The ZBA is authorized to reverse an order of the enforcement official or body only if it finds that the action appealed meets one or more of the following standards:*

- _____ a. Was arbitrary or capricious;
- _____ b. Was based on an erroneous finding of a material fact;
- _____ c. Constituted an abuse of discretion; or
- _____ d. Was based on erroneous interpretation of this chapter, zoning law or zoning case law.