

Request for Appeal
Zoning Board of Appeals
City of Adrian – 135 East Maumee Street
Adrian, MI 49221
(517) 264-4861 - FAX: (517) 265-8798

Applicant Name:

Applicant Address:

Telephone and/or Fax Number:

Appeal Involves What Address:

Property Owner (Name & Address):

Type of Appeal: (check one)

Administrative Review **Interpretation of Ordinance** **Dimensional Variance**

Appeal Requested:

Reason for Appeal:

Signature of Applicant

Date

Application Fee: \$150 (nonrefundable). This fee is due upon receipt of application. The applicant or their representatives need to be present for this meeting. Application to be returned two weeks prior to meeting date.

The appeal process as outlined in Section 27.05 and 27.06 of the Zoning Ordinance is attached. 4/03

CITY OF ADRIAN – ZONING ORDINANCE

Portion of Section 27 – Zoning Board of Appeals

SECTION 27.05 AUTHORIZED APPEALS: The Board of Zoning Appeals shall hear the following specified categories of appeals in accordance with the following standards:

1. **Administrative Review:** The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or by any other official in administering or enforcing the provisions of this Ordinance.
2. **Interpretation of the Ordinance:** The Board of Appeals shall hear and decide upon request to:
 - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the article in which the language in question is contained.
 - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Building Inspector.
 - c. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 - d. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed by an analysis of the specific needs.
3. **Variance:** The Board of Zoning Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, of this ordinance, provided that all the required findings listed below are met:
 - a. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

- b. That a genuine hardship exists because of unique circumstances or physical condition such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property uses in the same zoning district, and shall not be recurrent in nature.
- c. That the hardship or special conditions or circumstances do not result from actions of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
- h. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within the zoning district, or any use for which a special use permit or a temporary use permit is required.

In granting the variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.
- The occupancy of land, premises or building has taken place within one (1) year after the granting of the variance.

No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the ground of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

SECTION 27.06 APPEAL PROCEDURE:

1. Notice of Appeal: Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the City, filing a written Notice of Appeal with the City Clerk. Upon receipt of a Notice of Appeal, the City Clerk shall promptly transmit the records concerning the appealed action to the chairperson of the Appeals Board. Any appeal from the ruling of the Building Inspector concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Building Inspector's decision.
2. Hearing: Upon receipt of a Notice of Appeal, the chairperson of the Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the City Clerk shall notify the following, by first class mail or by personal service, not more than fifteen (15) or less than eight (8) days before the Public Hearing:
 - The appellant
 - The Building Inspector
 - All person to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all single and two-family dwellings within three hundred (300) feet
 - The Mayor
 - The City Manager
3. Notice of Hearing: Where the hearing, in the opinion of the City Clerk, concerns matters of general applicability in the City and does not concern only individual lots or parcels, such notice shall be given in a newspaper of general circulation in the City not more than fifteen (15) or less than eight (8) days before the public hearing.
4. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
5. Fee: A fee as established by the City Commission, shall be paid to the City Clerk at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the City or any official body of the City is the moving party.

6. Decision: The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the Appeals Board present. The vote of a majority of members of the Board shall be necessary to take action on an appeal.

7. Bonding: In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Village covering the estimated cost of improvements associated with a project for which zoning approval is sought, be deposited with the City Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Board may not require the deposit of the performance guarantee before the date on which the permit is to be issued. The Board shall establish procedures under which a rebate of any cash deposits in reasonable proportions to that ratio of work completed on the required improvements will be made as work progresses.