

# APPLICATION FOR APPEAL TO THE SOUTH LYON ZONING BOARD OF APPEALS

Please Note: The Zoning Board of Appeals may hear and decide, in accordance with the provisions of the Zoning Ordinance, request for exceptions, interpretations of the Zoning Map, and for decisions on special approval situations specifically authorized the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of the Zoning Ordinance. (see City Code Section 102-85 (a) (3) for further information of Exceptions and Special Approvals)

The Board may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector from whom the appeal is taken.

The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter which it is authorized to render a decision.

For Office Use Only

Date: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

ZBA Case # \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE # \_\_\_\_\_

LOCATION AND/OR DESCRIPTION OF PROPERTY: \_\_\_\_\_

APPEAL DECISION OF: \_\_\_\_\_

(Building Inspector, Planning Commission, etc.)

SECTION OF ORDINANCE: \_\_\_\_\_

COMPLETE DESCRIPTION OF PROPOSED USE AND/OR CONSTRUCTION: \_\_\_\_\_

HARDSHIP/BASIS FOR APPEAL: \_\_\_\_\_

(Hardship must be proved by the applicant in order for appeal to be granted)

SIGNATURE OF APPLICANT : \_\_\_\_\_ DATE: \_\_\_\_\_

To authorize, upon an appeal, a variance from the strict application of the provisions of the Zoning Ordinance, the Zoning Board of Appeals shall consider whether:

- There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classifications.
- 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 same vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.
- That authorization of such variance will not be substantial detriment to adjacent property, and will not materially impair the intent and purpose of the Zoning Ordinance or the public health, safety and general welfare of the community.
- 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 practical the formulation of a general regulation for such conditions or situation, a part of the Zoning Ordinance.

In consideration of all appeals and all proposed variations to the Zoning Ordinance, the Board shall, before making any variations in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair health, safety, comfort, morals or welfare of the inhabitants of the City of South Lyon.

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This appeal was \_\_\_\_\_ for the following reasons: \_\_\_\_\_  
(granted/denied)

By the South Lyon Zoning Board of appeals and the previous decision of the enforcing officer was \_\_\_\_\_  
(confirmed/reversed)

Chairman \_\_\_\_\_ date \_\_\_\_\_

## ZONING BOARD OF APPEALS INFORMATIONAL SHEET

To authorize, upon an appeal, a variance from the strict application of the provisions of the Zoning Ordinance, the Zoning Board of Appeals shall consider whether:

1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.
2. 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, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.
3. That authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of the Zoning Ordinance or the public health, safety and general welfare of the community.
4. 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 practical the formulation of a general regulation for such conditions or situation, a part of the Zoning Ordinance.

\* In consideration of all appeals and all proposed variations to the Zoning Ordinance, the Board shall, before making any variations in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair health, safety, comfort, morals or welfare of the inhabitants of the City of South Lyon

- The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized to render a decision.

\* The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from any may make such order, requirement, decision or determination as ought to be made.

\* No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

\* No order of the Board permitting use of a building or premises shall be valid for a period no longer than one (1) year unless such is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

\* The Zoning Board of Appeals may hear and decide, in accordance with the provisions of the Zoning Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations specifically authorized the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of the Zoning Ordinance.

### **SIGNS**

Deviation from the standards set forth in the Sign Ordinance shall require review and approval by the Zoning Board of Appeals. The Board in making its decision shall weigh the necessity of the deviation upon finding that a genuine hardship exists, by virtue of the fact that it is clear that the strict application of the section, as it relates to the applicant's sign, will place the applicant's sign at substantial and significant disadvantage with respect to other nearby signs controlled by the ordinance. Any alleged disadvantage resulting from comparison of an applicant's sign to any nearby nonconforming sign shall not constitute grounds for a valid hardship within the strict application and intent of this section. In making its review, the Zoning Board of Appeals may consider a nearby sign as any conforming sign within a maximum distance of two hundred (200) feet in any direction from the applicant's sign.