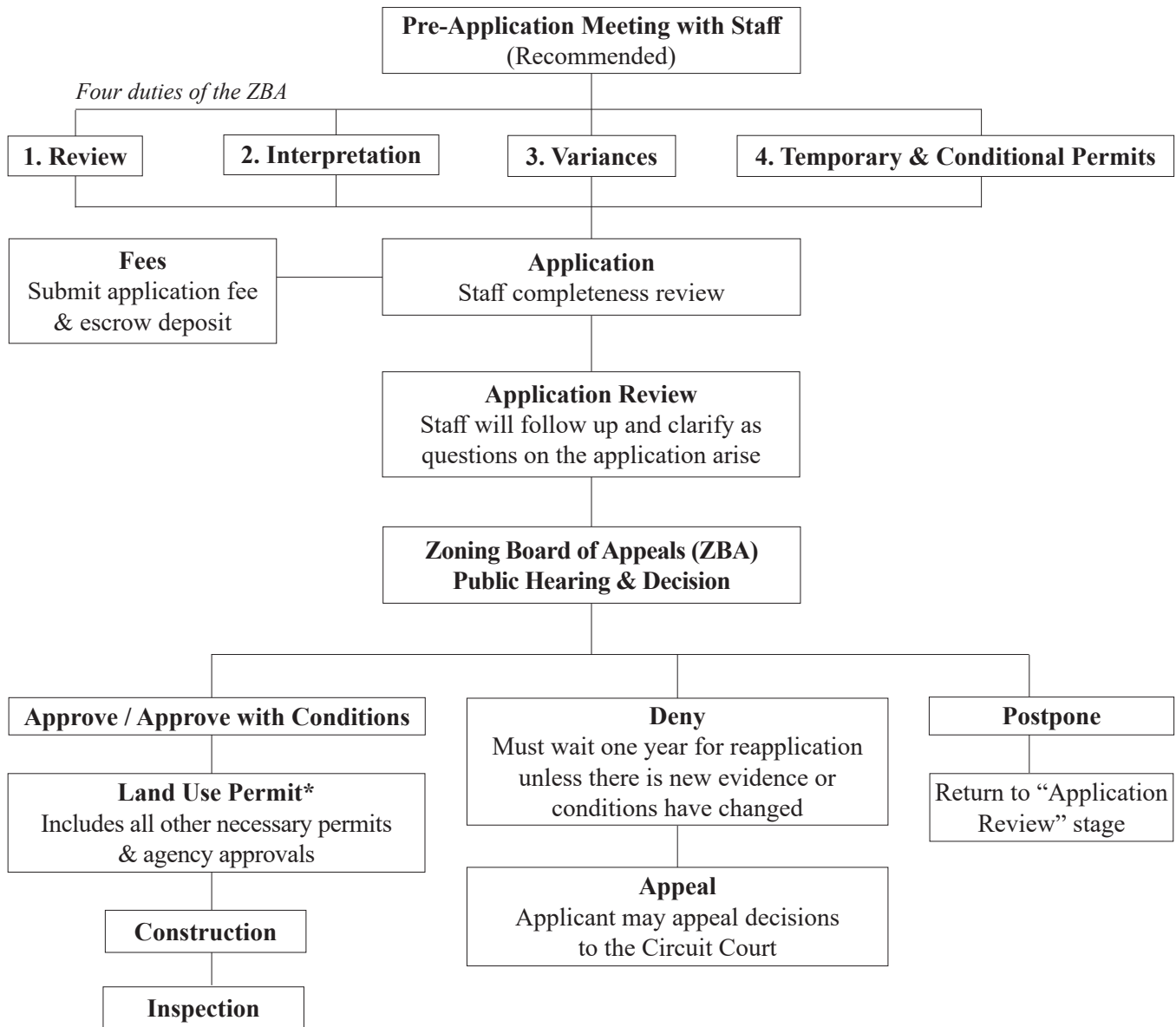




Zoning Board of Appeals *Review & Approval Process*

The East Bay Township Zoning Board of Appeals meets the second Tuesday of each month. Special meetings are available upon request.



*Applicant must obtain a Land Use Permit within one year of the granting of the variance; and the occupancy of the land, premises, or buildings must occur within two years of the granting of the variance, unless extended by the ZBA.

Review

The ZBA hears and makes decisions on appeals to any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of Zoning Ordinance. This review authority does not apply to decisions made by the Planning Commission, the Zoning Board of Appeals, or the Township Board.

Interpretation

The ZBA has the power to interpret the following:

1. Decipher the provisions of the Zoning Ordinance so as to carry out its intent and purpose.
2. Determine the precise location of the boundary lines between zoning districts.
3. 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, excluding uses in the Local Business (LB), Regional Business (RB) and Professional Office (PO) districts.

Temporary & Conditional Permits

The ZBA may issue either temporary or conditional permits as special exceptions for the following land and structure uses:

- 1. Temporary Permits:** For temporary uses and temporary structures, partial structures including garage and basement dwellings, subject to the following procedures and limitations.
 - » An application for a permit for the erection or movement of a temporary structure for dwelling purposes shall be made to the Board on a special form used exclusively for that purpose.
 - » A temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Grand Traverse County Health Department and any other regulatory agencies with jurisdiction in the matter.
 - » The Board may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 - » The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed 12 months.
- 2. Conditional Permits:** When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the ZBA. The land or structure use may be permitted to be established and to continue in use as long as the conditions unique to the use exist. The permit may be canceled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specified conditions under which continued use may be allowed.

Variance

A variance allows for a deviation from the dimensional standards of the Zoning Ordinance such as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements. In order for the Zoning Board of Appeals to approve a variance, the request must meet all of the “Basic Conditions” and at least one of the “Special Conditions” outlined in Section 1007 of the East Bay Charter Township Zoning Ordinance. A variance request goes before the Zoning Board of Appeals, and a public hearing is required.

Basic Conditions

A variance request must meet all of the following basic conditions [Section 1007(3)(a)]:

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
5. The requested variance shall relate only to property that is under control of the applicant.
6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

Special Conditions

A variance request must meet one of the following special conditions [Section 1007(3)(b)]:

1. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
2. Where there are exceptional or extraordinary circumstances or physical conditions 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 or uses in the same zoning district.
3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.