

ZONING BOARD OF APPEALS

DUTIES AND RESPONSIBILITIES IN MICHIGAN

Under Michigan Public Act 184 of 1943  
The Township Rural Zoning Act

*All  
articles  
13  
Also*

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Creation	Appointed by Township Board
Membership	<ol style="list-style-type: none"><li>1) Not less than 3 members in townships of less than 5,000 population. Not less than 5 members in townships of 5,000 or more residents.</li><li>2) The precise number of members shall be specified in the Zoning Ordinance.</li><li>3) First member shall be a member of Planning Commission, remaining members selected from electors of township residing outside cities and villages. One member may be member of Township Board.</li><li>4) Members shall be representative of population distribution and various interests present in township.</li><li>5) An elected officer of the township shall not serve as chairman.</li><li>6) An employee or contractor of the township shall not serve as a member.</li></ol>
Compensation	Township Board may appropriate a reasonable sum for the per diem and expenses of the members.
Removal	May be removed by Township Board for nonperformance of duty or misconduct in office, upon written charges and after public hearing.
Conflict of Interest	Member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct.
Term of Appointment	Staggered, 3-year terms. Township Board member serves for his/her elected term.

Majority Present	The Board of Appeals shall only conduct business if a majority of the members are present.
Rules of Procedure	The Board of Appeals shall adopt rules for the conduct of business.
Public Record	All meeting shall be open to the public and a record of the Board's proceeding shall be maintained in the office of the Township Clerk.
Duties	<ol style="list-style-type: none"> <li>1) Interpretation of Zoning Map.</li> <li>2) Hear appeals from an order or decision of an administrative official or body (Planning Commission).</li> <li>3) Hear and decide all matters required by the Zoning Ordinance.</li> <li>4) May modify the standards of the Zoning Ordinance where strict enforcement would result in practical difficulties or unnecessary hardship.</li> </ol>
Affirmative Vote	The concurring vote of a <u>majority of the full Board of Appeals</u> shall be necessary to reach a decision on all matters before it.
Must have 3 votes Majority of membership	
Decision Final	The decision of the Board of Appeals is final, however, it may be appealed to the Circuit Court.

Consideration of Appeals Under the Township Zoning Ordinance

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The Board of Appeals may authorize a variance from the specific terms of the Zoning Ordinance, provided it is not contrary to the public interest, where a literal enforcement would result in practical difficulties or unnecessary hardship. The written application for a variance should demonstrate the following:

Practical Difficulties

- 1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

- 2) Literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance;
- 3) Special conditions and circumstances do not result from the actions of the applicant; and
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district; or

Unnecessary Hardship

- 5) Unnecessary hardship would result, which was not self-created by the applicant, such that no useful purpose would be served by strict enforcement of the terms of the zoning ordinance.

Imposition of Appropriate Conditions and Safegaurds

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In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards intended to insure compliance with the purpose and intent of the zoning ordinance. Conditions imposed shall meet all of the following requirements:

- 1) Be designed to protect natural; resources, the health, safety, and welfare, and the social and economic well being of those who will use the building, land or activity under consideration, residents and landowners immediately adjacent to the proposed building, land use or activity, and the community as a whole.
- 2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed building, use, or activity.
- 3) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the building, land use or activity under consideration, and be necessary to insure compliance with those standards.

**RILEY TOWNSHIP**  
**REQUEST FOR ZONING VARIANCE CASE#: \_\_\_\_\_**

**APPLICANT'S NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **ZIP CODE:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**PROPERTY ID # 74-29-\_\_ - \_\_ - \_\_ COMMON DESCRIPTION OF PROPERTY**  
(Address of Property) \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:** (May attach or provide on site plan)

**DESCRIPTION OF VARIANCE REQUESTED FROM THE PROVISIONS OF THE RILEY TOWNSHIP ZONING ORDINANCE:** (Describe nature of the request and the Section Number of Ordinance, if applicable and reason for request.) \_\_\_\_\_

**Applicant by signing below grants the Zoning Board of Appeal Members the option to examine the property up to ten (10) days prior to the Public Hearing. No discussion with the applicant and/or owner may take place.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**\*Note all legal owners must sign; also if applicant is not legal owner a notarized affidavit from the legal owner(s) giving applicant the authority to act as their agent and granting the Zoning Board Of Appeals the option to examine the property must be included with the application.**

\_\_\_\_\_  
Signature of Legal Owner

\_\_\_\_\_  
Signature of Legal Owner

**~FOR ZONING BOARD OF APPEALS/OFFICE USE ONLY**  
**ZONING VARIANCE**

Date application received: \_\_\_\_\_ ZBA Fee Paid: \_\_\_\_\_ Date: \_\_\_\_\_ Deposit Paid: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ **DENIED**  
\_\_\_\_\_ **APPROVED**  
\_\_\_\_\_ **APPROVED WITH STIPULATIONS**

**Zoning Board of Appeals Meeting Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Chairman**

PERMIT FOR TEMPORARY USE

RILEY TOWNSHIP ZONING BOARD OF APPEALS

A permit for certain types of temporary uses may be obtained from the Riley Township Zoning Board of Appeals, subject to the requirements and standards of Section 1305 C of the Riley Township Zoning Ordinance. The applicant is expected to provide five (5) copies of this completed form with five (5) copies of a sketch of the property in question. The sketch should be drawn to scale and show all existing property lines, existing and proposed structures, and the location of any proposed uses of land.

Applicant Fill In Here

Applicant's Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City & Zip Code \_\_\_\_\_ Phone \_\_\_\_\_  
Address of Subject Property \_\_\_\_\_  
Legal Description of Subject Property (Use Reverse Side) \_\_\_\_\_  
Describe Temporary Use Being Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZBA Fill In This Portion

Temporary Use Granted: \_\_\_\_\_  
\_\_\_\_\_  
CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date Granted: \_\_\_\_\_  
Expires On: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Chairman,  
Riley Township Zoning  
Board of Appeals

PERMIT FOR TEMPORARY OCCUPANCY OF A TRAILER  
RILEY TOWNSHIP ZONING BOARD OF APPEALS

A permit for temporary occupancy of a trailer/mobile home may be obtained from the Riley Township Zoning Board of Appeals, subject to the requirements and standards of Section 1305 C of the Riley Township Zoning Ordinance, during actual construction of a permanent dwelling. The applicant is expected to provide twelve (12) copies of this completed form with twelve (12) copies of a sketch of the property in question. The sketch should be drawn to scale and show all existing property lines, existing and proposed structures, and the location of any proposed uses of land. The form and sketch will be forwarded to the Zoning Board of Appeals and the Planning Commission. Following a public hearing by the Zoning Board of Appeals, the matter will be referred to the Planning Commission for their review and recommendation.

APPLICANT INFORMATION

Applicant's Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City & Zip Code \_\_\_\_\_ Phone \_\_\_\_\_  
Address of Subject Property \_\_\_\_\_  
Legal Description of Subject Property (Use Reverse Side)  
Describe Reason For Temporary Trailer Occupancy: \_\_\_\_\_  
\_\_\_\_\_

ZBA USE ONLY

Temporary Occupancy Granted: \_\_\_\_\_  
\_\_\_\_\_  
CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Granted: \_\_\_\_\_  
Expires On: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Chairman,  
Riley Township Zoning  
Board of Appeals