

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

SECTION 1305. JURISDICTION:

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, or interpretation and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

- A. Administrative Review: To 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 any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- B. Variance: To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Zoning Board of appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Zoning Board of appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall state the grounds upon which it justifies the granting of a variance.
- C. Interpretations and Special Approvals: To hear and decide in accordance with the provision of this Ordinance: requests for interpretation of the Zoning Map or Ordinance, appeals from the decision of the Zoning Administrator and on any provision of this Ordinance that the Zoning Board of Appeals are required to pass. Also, the Zoning Board of Appeals shall hear and decide on any special approval uses on appeal from the decision of the Planning Commission, subject to such conditions as the Zoning Board of Appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:
 - 1. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance.
 - 2. Permit the modification of the automobile parking space or loading space requirements where, in particular instance, such modification will not be consistent with the purpose and intent of such requirements.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

3. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
4. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections. Extensions may be granted for construction purposes.
5. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (a) The granting of a temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - (b) The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangement for removing the use at the termination of said temporary permit.
 - (c) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Riley, shall be made at the discretion of the Board of Appeals.
 - (d) In classifying uses not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (e) The use shall be in harmony with the general character of the district.
 - (f) (Removed (f) P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
- D. The Zoning Board of Appeals has the authority to classify uses that are not listed in the Zoning Ordinance. (10/00)

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XIII
BOARD OF APPEALS

- E. In consideration of all appeals and all proposed variations to this Ordinance, the Zoning Board of Appeals (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonable increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public safety, health, comfort, morals, or welfare of the inhabitants of the Township of Riley. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decisions, or determinations of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of Riley, in the manner provided by law.