

ROSS TOWNSHIP
2008-2009 ZONING BOARD OF APPEALS
1st Wednesday @ Month – 5:30 PM

FILING TIME EXTENDED TO AT LEAST 30 DAYS
NOTICING REQUIREMENTS CHANGED PER STATE LAW

MEETING DATE

FILING DEADLINE
NOON ON THE DAY OF:

January – NO MEETING	NONE
February 6, 2008	January 9, 2008
March 5, 2008	February 6, 2008
April 2, 2008	March 5, 2008
May 7, 2008	April 2, 2008
June 4, 2008	April 30, 2008
July 2, 2008	May 28, 2008
August 6, 2008	July 2, 2008
September 3, 2008	July 30, 2008
October 1, 2008	September 27, 2008
November 5, 2008	October 1, 2008
December 3, 2008	October 29, 2008
January -- NO MEETING	NONE
February 4, 2009	December 31, 2008
March 4, 2009	January 28, 2009
April 1, 2009	February 25, 2009

VARIANCE APPLICATION ROSS TOWNSHIP

A Variance Application may be presented to the Zoning Board of Appeals whenever a project does not meet the zoning requirements of the Ross Township Ordinance.

Applicants must understand that by asking for a variance from the Zoning Ordinance, they are requesting an exemption from some aspect of the law that applies to all of Ross Township. ***The burden of proof to justify such an exemption lies with the applicant and he or she must be prepared to demonstrate such justification to the ZBA.***

Applicants should keep in mind that the justification for a variance must be based on the property itself, not conditions or circumstances of the owners.

A SURVEY PREPARED BY A REGISTERED SURVEYOR IS REQUIRED ON VARIANCE REQUESTS INVOLVING LEGAL NON-CONFORMING LOTS (LOTS SMALLER THAN THE CURRENT REQUIREMENTS). ASSOCIATED GOVERNMENT SERVICES CAN DETERMINE IF THIS REQUIREMENT APPLIES TO YOUR LOT. THE ZONING BOARD OF APPEALS RESERVES THE RIGHT TO REQUIRE A BOUNDARY SURVEY.

The Zoning Board of Appeals meets the first Wednesday of each month at 5:30 PM at the Ross Township Hall to review Variance Applications, and generally a site inspection is done by individual ZBA members. The proposed project must be staked out for the meeting. It is to the benefit of the applicant to be present at the meeting.

There is a **fee of \$1,000** for an application to be placed on the agenda for regularly scheduled meetings. Requests for "Special" ZBA Meetings are \$2,000.

Variance applications, along with fees made payable to Ross Township, must be submitted to Associated Government Services on or before the deadline for the required ZBA meeting. AGS will review the applications and submit a list of variances being requested, the originals, fees, and a report from AGS as to their findings, at least 3 weeks (Wednesday AM) prior to the ZBA meeting, so that the Township can notice the appropriate residents.

Variations expire six (6) months from the date granted.

IN THE EVENT THAT ALL INFORMATION REQUIRED TO VERIFY COMPLIANCE WITH THE ORDINANCE IS NOT PROVIDED OR IS NOT LEGIBLE, THE APPLICATION WILL NOT BE SET ON THE AGENDA UNTIL SUCH INFORMATION IS SUBMITTED.

Originals and minutes of the ZBA hearings will be stored at the Township.

APPLICATION FOR ZONING VARIANCE BACKGROUND INFORMATION

Applicants for a variance from the Ross Township zoning ordinance should be aware of the standards the Zoning Board of Appeals (ZBA) applies when considering such applications. These standards are found in Section 6.9.A of the Ordinance and state:

6.9 – Variance Standards and Conditions

- A. Standards. No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, and that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:
1. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or,
 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 zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,
 3. That the conditions or situation of the specific property or the intended use is not of so general or recurrent in nature as to make reasonably practical a general regulation as part of this zoning ordinance.

When applying for a variance applicants should ensure that their written materials are clear, factually correct and directly address the following issues;

- What are the exceptional or extraordinary circumstances involved?
- How are the circumstances unique to this property?
- Why would denial or a variance preclude the use of this property in a permitted manner?
- What alternatives to the proposed variance have been considered and why are they not viable?

Applicants may find the following comments helpful in preparing their justification or in deciding whether or not to apply for a variance:

- Economic factors – In adding a structure or making a change to a structure, the fact that it will cost more to comply with the Ordinance than it would if a variance is granted is not justification for a variance. Increased cost is not considered a hardship for the purpose of justifying a variance.
- Property uniqueness – Applicants should be able to demonstrate some aspect of the property that makes it unique. Such aspects might be terrain features such as hills or wetlands; lot features such as shape or shoreline configuration; or other features such as wildlife habitat or plant growth. In some cases a specific “atmosphere” essential to the permitted use of the property makes it unique.
- Crowded land or buildings – The fact that a property is crowded and affords little space for addition to or change of structures does not make it unique or justify a variance. Such conditions are often found in lake front properties and the Ordinance and the Planning Commission are consistent in their direction not to make such conditions worse.

The current Ross Township zoning ordinance was adopted in 1986 and includes amendments made since then. Certain provisions of the current Ordinance are more restrictive than those of the prior ordinance, especially lot line setbacks. The ZBA generally does not approve variance applications where the justification is based on a comparison to conditions that were created before 1986.

The ZBA will try to work with applicants to explain what the Ordinance does allow or to help applicants modify their request so that it complies with the Ordinance requirements and still achieves their objectives.

Variances expires six (6) months from the date granted.

**ROSS TOWNSHIP ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE**

Name: _____ Date: _____

Mailing Address: _____

We, the undersigned, request a variance from the Ross Township Zoning Ordinance be granted us. In support of this request, the following facts and information are submitted:

Property Address: _____

Description of Property – Tax Code Number: _____

Property Owned by: _____
(Deed Holder)

(Land Contract Purchasers – Potential Purchasers)

We are requesting a variance to allow us to: _____

Our present structure is non-conforming because: _____

* Attach a separate sheet showing the plot plan which indicates size of lot, location of present house and buildings with dimensions and in dotted lines any proposed new construction with dimensions; also show measurements from all sides of the structure to the lot line. (Measurements are to be from the closed point – usually the overhang of the building).

* Attach a separate sheet showing complete drawing of proposed construction with dimensions and elevations.

We believe the following difficulties or hardships keep us from observing the Ross Township Zoning Ordinance requirements and warrant the granting of a variance:

We believe the granting of the variance request will not be detrimental to the public welfare, to the property or to the enjoyment of the property of other persons near us because: _____

Signature of Applicant(s):

Mailing Address:

Telephone Number(s):

LOT DIAGRAM

Owner: _____

Address: _____

Property Tax ID Number: _____

- 1.) Draw lot lines (show dimensions in feet)
- 2.) Label Street
- 3.) Draw existing structures
- 4.) Draw proposed construction
- 5.) Show dimensions of all buildings
- 6.) Show distance from all sides of buildings to property lines in feet
- 7.) Draw lakes, streams, and wetlands on your property
- 8.) Contractor/owner will stake 2 adjacent lot lines for the first inspection

Signature of Applicant(s)/Agent(s): _____

Date: _____