

**APPLICATION FOR FRENCHTOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
\$250.00 NONREFUNDABLE FEE.**

PROPERTY ID# _____ DATE _____

APPLICANT NAME _____

ADDRESS _____

PHONE# (HOME) _____ (WORK) _____

OWNER OF PROPERTY _____

ADDRESS _____

PHONE # (HOME) _____ (WORK) _____

SITE ADDRESS _____

1. DRAWINGS SUPPLIED MUST SHOW ACCURATE & PERTINENT MEASUREMENTS, INCLUDING PROPERTY LINES, RIGHT OF WAY LINES, SETBACKS LINES, BUILDINGS & OVERHANGS.
2. THE PERTINENT PROPERTY LINES AND BUILDING LOCATION MUST BE STAKED ONE (1) WEEK PRIOR TO THE MEETING DATE. **IF NOT, THE APPEAL MAY BE TABLED.**

****APPLICANT MUST SUPPLY 8 COPIES OF ALL DOCUMENTS BEING SUBMITTED TO THE ZONING BOARD OF APPEALS WITH THEIR APPLICATION****

Applicant signature _____

REASON FOR APPEAL/PRACTICAL DIFFICULTY:

LIST THE SECTION(S) OF THE ORDINANCE PERTAINING TO YOUR APPEAL:

ARE YOU REPRESENTED BY AN ATTORNEY? YES _____ NO _____

WILL YOUR ATTORNEY BE PRESENT AT THE MEETING? YES _____ NO _____

WHAT IS YOUR ATTORNEY'S NAME? _____

ADDRESS _____

PHONE # _____

If the variance is approved, the approval will be based upon the drawings and information submitted unless otherwise indicated. A change in the pertinent facts and circumstances will nullify the approval. No order of the Board of Appeals shall be valid for a period longer than one (1) year.

THIS AFFIDAVIT TO BE SIGNED BY APPLICANT

I HEREBY CERTIFY THAT THE INFORMATION GIVEN HEREIN IS CORRECT AND TRUE. I FURTHER CERTIFY THAT ALL INFORMATION AND DATE FURNISHED FOR A VARIANCE FROM THE TERMS OF THE ZONING ORDINANCE IS TRUE AND CORRECT. I ACKNOWLEDGE THAT I AM SOLELY RESPONSIBLE FOR MY ERRORS AND OMISSIONS.

Applicant (Owner or Agent)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public
My commission expires:

THIS AFFIDAVIT IS TO BE SIGNED BY OWNER TO APPOINT AN AGENT TO APPLY FOR HIM/HER.
I HEREBY CERTIFY THAT I HAVE APPOINTED THE APPLICANT AS MY AGENT AND THAT HE/SHE IS QUALIFIED TO MAKE THE APPLICATION/AFFIDAVIT ATTACHED HERETO. I FURTHER CERTIFY THAT ALL INFORMATION AND DATE FURNISHED FOR APPROVAL BY THE ZONING BOARD OF APPEALS IS TRUE AND CORRECT. I ACKNOWLEDGE THAT I AM SOLELY RESPONSIBLE FOR ERRORS AND OMISSIONS.

Owner of Property

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public
My commission expires:

PLEASE DO NOT WRITE BELOW THIS LINE

Confirm Section(s) of Ordinance from which variance is sought

Zoning Classification _____

Public sewer: Yes/No Public water: Yes/No Well: Yes/No Septic: Yes/No Floodplain: Yes/No

IMPORTANT

ZONING BOARD OF APPEALS REQUIREMENTS

Section 31.06.4 REQUIREMENTS

In order that a variance may be granted on the ground of practical difficulties the **Applicant must prove all of the following:**

- Section 31.06.4(a) Without a variance from the provisions of this Ordinance, the property cannot yield a reasonable return due to circumstances specific and particular to the property.
- Section 31.06.4(b) The plight of the owner is due to unique property circumstances and not to the general conditions of the neighborhood.
- Section 31.06.4(c) The modification to be authorized by the variance will not alter the essential character of the neighborhood or be otherwise detrimental to the public welfare.

These tests shall apply whenever a variance is sought. Variances are not to be granted where such action will result in the circumvention of the general intent of the Ordinance or to meet a situation that may be resolved by a request for rezoning (eg expanding a permitted use into a district not permitting such use, erecting a building for use permitted in another district, increasing the density of a lot, parcel or group thereof, etc.). The decision of such Board shall be final in so far as it involves discretion or the finding of facts.

Section 31.06.5 STANDARDS

Upon meeting the requirements of 31.06.4, the Board of Appeals shall review each case individually to ensure that each of the following standards are met as to the proposed variance or new land use. The Applicant bears the burden of proof. Failure to meet any one of the following standards shall result in the denial of the request:

- Section 31.06.5(a) That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.
- Section 31.06.5(b) The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken after the adoption of this Ordinance. Any action taken according to lawfully adopted regulations preceding this Ordinance will not be considered self-created.
- Section 31.06.5(c) That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure and is necessary for the preservation of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- Section 31.06.5(d) That the granting of the variance will not impair or be injurious to the neighborhood or adjacent properties or otherwise detrimental to the public health, safety or welfare with regard to light or traffic or other public interests.
- Section 31.06.5(e) That the condition of or situation as to the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance.

APPLICANT'S SIGNATURE

DATE