

APPLICATION PACKET

WEBSTER TOWNSHIP ZONING BOARD OF APPEALS

This packet contains documents to assist an applicant in filing for a variance request and documents necessary for the Zoning Board of Appeals to review a variance request or decide an appeal.

This packet contains:

- ❖ General Information
- ❖ Instructions For "Application for Variance"
- ❖ An Application for Variance
- ❖ Instructions for "Application for Appeals"
- ❖ An Application for Appeal
- ❖ Checklist of Required Documents
- ❖ Principals & Procedures Governing Variable Fees
- ❖ Checklist of Required Variable Fees
- ❖ Application Review & Approval Form
- ❖ Webster Township Ordinance 13.08 "Standards of Review"

GENERAL INFORMATION

WEBSTER TOWNSHIP ZONING BOARD OF APPEALS

WHAT IS THE ZONING BOARD OF APPEALS?

The Zoning Board of Appeals consists of five (5) members appointed by the Webster Township Board of Trustees. The Township Zoning Act, Act 184 of 1943, as amended, gives the Zoning Board of Appeals the power to hear appeals from administrative zoning decisions and to grant variances if the standards set forth in Webster Township Zoning Ordinance Section 13.08(D) are met.

WHAT IS A VARIANCE?

A variance is an exception to a requirement set forth in the Webster Township Zoning Ordinance. As an example, if the zoning ordinance requires a house to be 30 feet from the lot line and the owner wants to place the house 15 feet from the lot line, then the owner needs to get a variance of 15 feet in order to build the house.

WHEN IS A VARIANCE NECESSARY?

A variance may be necessary when a landowner wishes to improve or develop property, and due to the uniqueness of their lot, they are unable to comply with the ordinance.

CAN ANYONE APPLY FOR A VARIANCE?

No. Only those persons who own the land or their agent may submit an application for a variance.

WHAT DOES IT TAKE TO OBTAIN A VARIANCE?

To obtain a variance the applicant must meet the standards set forth in Section 13.08(D) of the Webster Township Zoning Ordinance. A copy of these standards are included in this packet and may also be viewed on the Webster Township website.

WHO DECIDES IF I WILL GET A VARIANCE?

The members of the Zoning Board of Appeals decide following a public hearing. To grant a variance at least three (3) members must vote in favor of the variance.

WHAT IS THE PROCEDURE FOR GRANTING A VARIANCE?

Once it is determined that the application is complete and the fees paid, the Township will mail notices to the applicant's neighboring property owners and publish a notice in the Dexter Leader that a public hearing has been scheduled on the application. At the public hearing, you and other members of the public will be given an opportunity to address the Zoning Board of Appeals. The Zoning Board of Appeals may require the assistance of an attorney, engineer, land use planner or other professionals to provide information necessary to make an informed decision. Once all the facts are before the Zoning Board of Appeals, a decision will be made on your application.

CONDITIONS OF APPROVAL:

The Board of Appeals may attach conditions to any affirmative decision, provided such conditions meet the requirements of the Webster Township Zoning Ordinance and Act 184 of 1943, as amended. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township Board, Township Planning Commission, and other Township agencies, where applicable. Violation of any conditions imposed shall be deemed a violation of this ordinance and punishable under Section 11.09, herein.

APPLICATION FEE: \$600.00
DATE PAID: _____

Application for Variance
WEBSTER TOWNSHIP ZONING BOARD OF APPEALS

APPLICANT(S) NAME: _____

PHONE: _____

MAILING ADDRESS _____
(Number & Street) (City) (State and Zip Code)

ADDRESS OF PROPERTY FOR WHICH VARIANCE(S) IS REQUESTED: _____

PROPERTY ZONED _____ PARCEL/TAX CODE NUMBER(S) _____

NAME(S) ON TITLE TO PROPERTY: _____

PHONE _____

MAILING ADDRESS _____
(Number & Street) (City) (State and Zip Code)

[Attach Legal Description & Drawing Of The Property]

LIST EACH SECTION OF THE WEBSTER TOWNSHIP ZONING ORDINANCE FOR WHICH A VARIANCE IS REQUESTED

**Note: a copy of the ordinance may be obtained at the Township Hall or viewed on the
Webster Township Website at www.twp.webster.mi.us**

DESCRIBE THE VARIANCE REQUEST: _____

STATE THE REASON THE VARIANCE IS NECESSARY: _____

APPLICATION REQUIREMENTS: NOTE: The Application will not be considered complete until all requested documents are submitted and all fees have been paid & deposited. Members of the ZBA will review the Application to ensure it is complete and then, and only then, will it be considered "Filed." Once all requirements are submitted and approved, the ZBA will notify the applicant of the Public Hearing date (within 75 days after Application is "FILED").

Signature of Applicant(s) _____ Date _____

Signature of Owner(s) _____ Date _____

Received By _____ Date _____

INSTRUCTIONS FOR “APPLICATION FOR VARIANCE”

APPLICATION:

Fill out the variance application thoroughly. The application must be signed by the person(s) whose name appears on the title to the Property. If the “Applicant” is an agent acting on behalf of the property owner, attach a document which gives that person such authority.

FEES:

Make checks payable to Webster Township. Application fees help cover the costs of meetings, publication, and mailings associated with the application. Variable fees are used to defray the actual costs incurred by the Township with respect to the application and include such items as legal, engineering, land use planning and such other professional assistance that may assist the Zoning Board of Appeals in making an informed decision.

LEGAL DESCRIPTION:

The Applicant must submit with the Application the legal description of the property. The legal description is the description of the property that appears on the document which vests title in the property owner.

DRAWINGS:

The Applicant must submit with the Application an accurate, scale drawing of the property, showing all property lines, dimensions, and bearings or angles, correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; lot area and all calculations necessary to shown compliance and/or non-compliance with the regulations of the zoning ordinance.

STAKES:

The Applicant must place clearly visible stakes where the relevant property lines are located and stakes showing the location of any proposed structure that is the subject of the Application. These stakes must be in place at least two (2) prior to the public hearing on the Application. Failure to properly stake will result in the cancellation or postponement of the Public Hearing and/or the postponement of the determination.

SURVEYS

If the ZBA requires, a copy of the certified survey recorded with the registrar of deeds as described in Public Act 132 of 1970, as amended (MCLA 54.211 et seq) must be provided. A mortgage survey is not a "real" certified survey. The mortgage survey merely shows the approximate location of improvements on a property. A mortgage survey should NEVER be used to build improvements or determine boundary lines.

RETURN COMPLETED APPLICATION AND FEE(S) TO:

Mary Dee Heller, Webster Township Clerk
5665 Webster Church Road
Dexter, MI 48130

NOTE: The Application will not be considered complete until all requested documents are submitted and all fees have been paid & posted. Members of the ZBA will review the Application to ensure it is complete and then, and only then, will it be considered “Filed.” Once all requirements are submitted and approved, the ZBA will notify the applicant of the Public Hearing date (within 75 days after Application is “filed”).

INSTRUCTIONS FOR “APPLICATION FOR APPEALS”

1. All questions concerning administrative decisions under the Webster Township Zoning Ordinance may be presented to the Webster Township Zoning Board of Appeals only on appeal from the decision of the applicable Township official or agency.
2. Appeals may be taken by the person aggrieved, or by any officer, department, board, agency, or bureau of the Township, County, State or Federal government.
3. An appeal must be filed within sixty (60) days of the decision in question with the Township Clerk. The Township Clerk shall transmit a copy of this Application together with related materials to the Zoning Inspector, the person or entity making the decision, and each member of the Zoning Board of Appeals within three (3) days of the date received by the Township Clerk.
4. Upon receipt of the Application, the Zoning Board of Appeals shall (1) determine the application fee is paid, (2) determine the amount, if any, variable fee and determine the sum has been posted, and (3) determine the Application meets the requirements of the Webster Township Zoning Ordinance.
5. The application must clearly describe the order, requirement, decision, or determination from which the appeal is taken and the grounds or reason for the appeal.
6. Within seven (7) days from the date the Township Clerk receives the Application, the person or entity making the decision shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed was taken.
7. An appeal shall stay all proceedings in the action appealed, unless the person or entity making the decision from which the appeal is taken certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property.
8. The Zoning Board may, so long as such action is in conformity with the Webster Township Zoning Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed, and may make such order, requirement, decision or determination as ought to be made.
9. The Applicant is required to know the relevant provisions of the Webster Township Zoning Ordinance. A copy may be obtained for a fee from the Township Clerk or may be obtained on the Webster Township web site: www.twp.webster.mi.us.

Required Documents & Other Items Checklist

Webster Township Zoning Board of Appeals

The following document(s) that are checked, (✓), must be included as part of an Application for Appeal to be reviewed by the Webster Township Zoning Board of Appeals.

- _____ Accurate drawing of property showing locations of pertinent property lines, roadways, structures, driveway(s), well, septic, trees, etc., as well as proposed location of structure(s)

- _____ Certified Survey, Public Act 132, 1970

- _____ Correspondence

- _____ Building Plan(s) (i.e. floor plans, elevations, etc.)

- _____ Site Plan(s) (Dimensional plan, grading plan, cross-section plan and profiles, etc.)

- _____ Construction Details or Specifications

- _____ Photographs

- _____ Report(s) / Analysis / Study

- _____ Contract(s) / Purchase Agreement / etc.

- _____ Zoning Inspector's Letter of Denial including explanation

- _____ Other document(s) deemed appropriate by the Zoning Board of Appeals

_____ Staking: Lot and proposed structure location must be staked 2 weeks prior to the meeting for inspection by Board Members. Failure to comply may result in the delayed determination or the cancellation of the public hearing, and the assessment of full charges for scheduling a new hearing date. Stakes must be easily identifiable.

The above items were checked, (✓), by: _____ Date: _____
(ZBA CHAIR)

_____ Date : _____
(ZBA MEMBER)

Applicant(s):

I understand and agree to provide the above checked (✓) item(s) along with my Application of Appeals in order for the Webster Township Zoning Board of Appeals to fully review my request. Failure to provide any or all of the required documents may cause a delay or cancellation of the public hearing and/or the determination.

Applicant(s) signature: _____ Date: _____

_____ Date: _____

**WEBSTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
PRINCIPALS AND PROCEDURES GOVERNING VARIABLE FEES**

*(Section 25 of Act 184 of 1943)
(Revise February 1, 2005)*

A copy of these principals and procedures, as may be amended, shall be provided to the person or entity depositing funds with the Township Treasurer.

- 1.** The Webster Township Board of Trustees, Zoning Administrator, Zoning Board of Appeals and Planning Commission are authorized to require the posting of Avariable costs and expenses@ (hereinafter Avariable fees@) as that term is defined in the Webster Township Zoning Ordinance (AOrdinance@) in accordance with the provisions the Ordinance, applicable by-laws, and these regulations duly adopted by resolution of the Webster Township Board of Trustees.

- 2.** The Township Board of Trustees, Zoning Administrator, Zoning Board of Appeals and Planning Commission may require, as a condition to the granting of authority under the Township Zoning Act, Act 184 of 1943, as amended, (“Act”) the deposit of variable fees with the Township Treasurer in an amount sufficient to defray anticipated costs and expenses, to include (but not limited to) engineering costs, land use planner costs, attorney fees, other expert costs, inspection costs, recording fees, testing and laboratory analysis. Variable fees shall be posted with the Township Treasurer before engaging those services or incurring those costs. Persons so retained shall be employed by the Township.

- 3.** Prior to rendering a decision, the Township Board, Zoning Administrator, Zoning Board of Appeals, or Planning Commission shall determine there are sufficient funds in the account to pay all foreseeable variable costs and expenses. If at any time it appears that additional funds are required to cover the variable costs and expenses, than a written notice shall be mailed to the person or entity who seeks authorization under the Act, stating (1) the amount requested, (2) the reason(s) the sums are needed, (3) and the date the sums are required to be deposited. In the event the sums are not timely deposited, the authorization requested may be denied.

- 4.** Funds deposited in a Variable Fee Account shall be non-interest bearing.

- 5.** The Township Clerk shall prepare a voucher and affix thereto bills, time sheets, invoices and other documentation to validate variable costs and expenses related to a specific account.
 - A.** For accounts required by the Township Board of Trustees, the Supervisor will review the documents affixed to the voucher and indicate to the Township Clerk the items properly debited to the account.

 - B.** For accounts required by the Zoning Administrator, the Zoning Administrator will review the documents affixed to the voucher and indicate to the Township Clerk the items properly debited to the account.

 - C.** For accounts required by the Zoning Board of Appeals, the Chairperson of the Zoning Board of Appeals will review the documents affixed to the voucher and indicate to the Township Clerk the items properly debited to the account.

- D.** For accounts required by the Planning Commission, the Chairperson of the Planning Commission will review the documents affixed to the voucher and indicate to the Township Clerk the items properly debited to the account.
- 6.** The Township Clerk will draw a warrant requesting the Treasurer to make payment in sum approved in Subsection 5 (A), (B), (C), or (D), above. The Township Treasurer, upon authorization of the Township Board of Trustees, will transfer the funds from the Variable Fee Account to the Township's General Fund Account.
- 7.** The Treasurer will mail a monthly "Account Statement" to the person or entity whose name appears on the account. The Statement will report the activity on the account since the previous Statement. The Statement will endeavor to show the date and amount of each transaction (debit/credit) and such information as to enable the account holder to understand the nature of the transaction.
- 8.** The person or entity whose name appears on the Account Statement may dispute an entry on the Account Statement by filing a written objection with the Township Clerk within sixty (60) days of the "Date of Mailing" which appears on the Account Statement. In computing the sixty (60) day period, the first day is not counted, but the last day is counted. If the last day falls on a Saturday, Sunday or holiday in which the Township Hall is closed, the objection may be timely filed on the next immediate day when the Township Hall is open. Objections not timely filed are waived. The party filing the objection must clearly state the grounds upon which the party believes the entry is improper. Objections not timely filed are waived. Upon receipt of written objections, the Township Clerk shall forthwith forward the same to the Township Board of Trustees, Zoning Administrator, Zoning Board of Appeals, or Planning Commission, whichever required the fees to be deposited. If the objection was timely and properly filed, the objecting party shall be entitled to a hearing and written decision.
- 9.** Upon receipt of written authorization from the Supervisor for variable fees required by the Township Board of Trustees; from the Zoning Administrator for variable fees required by the Zoning Administrator; from the Chairperson of the Zoning Board of Appeals for variable fees authorized by the Zoning Board of Appeals; and from the Chairperson of the Planning Commission for variable fees required by the Planning Commission, the Treasurer, upon authorization of the Township Board of Trustees, shall promptly return any unused funds in an Variable Fee Account to the person or entity who made the initial deposit, or a lawful assignee of the account.

Variable Fees Checklist

Webster Township Zoning Board of Appeals

The Township Board of Trustees, Zoning Administrator, Zoning Board of Appeals and Planning Commission may require, as a condition to the granting of authority under the Township Zoning Act, Act 184 of 1943, as amended, (“Act”) the deposit of variable fees with the Township Treasurer in an amount sufficient to defray anticipated costs and expenses, to include (but not limited to):

____ Engineering	\$ _____
____ Land use planner	\$ _____
____ Attorney fees	\$ _____
____ Other expert costs	\$ _____
____ Inspections	\$ _____
____ Recording fees	\$ _____
____ Testing and laboratory analysis	\$ _____
____ Other _____	\$ _____
____ Other _____	\$ _____
Total \$ _____	

The above items were checked, (✓), by: _____ Date: _____
(ZBA Chair)

_____ Date: _____
(ZBA Member)

Applicant(s):

I understand and agree to provide the above checked (✓) fees along with my Application in order for the Webster Township Zoning Board of Appeals to fully review my request. Failure to provide any or all of the required fees may cause a delay or cancellation of the hearing and/or the determination.

Applicant(s) signature: _____ Date: _____

_____ Date: _____

Fees Received by: _____ Date: _____
(Township Treasurer)

Date Deposited _____

Webster Township Ordinance
Section 13.08

D. **Standards of Review** A variance shall not be granted unless all of the following standards are met:

1. Special conditions and circumstances exist that are unique to other lands, structures, or buildings in the same district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. Literal interpretation of the Webster Township Zoning Ordinance would deprive the applicant of rights commonly enjoyed by the same district under this ordinance.
4. Granting this variance requested will not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
5. The existence of non-conforming uses of neighboring lands, structures, or buildings in the same district; permitted or non-conforming uses of land, structures or buildings in other districts; and non-conforming structures; shall not be grounds for granting a variance.
6. A variance granted shall be the minimum variance that will permit a reasonable utilization of the land, building, or structure.
7. The variance granted shall be in harmony with the intent of the Webster Township Zoning Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
8. The variance shall not permit a use, which is not permitted by the Webster Township Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by this ordinance in said district.

E. Each variance approved shall become null and void unless the construction authorized by the variance has been commenced within 180 days after the date of approval or such longer period established by the Board of Appeals, and has been pursued diligently to completion, or the occupancy of land or buildings authorized by the variance has commenced within 180 days of the date of approval, or such longer period as established by the Board of Appeals, unless good cause can be shown for the delay.

F. An application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Appeals to be valid.