

Village of Armada
Zoning Board of Appeals
74274 Burk Street · P.O. Box 903
Armada, MI 48005
Phone 586-784-9151 · Fax 586-784-9153

ZBA Appeal Application

Dear Applicant,

The details surrounding municipal zoning ordinances, the reasons for them, compliance with ordinances, and the ability to appeal ordinances and decisions surrounding them is a mystery to many. The decision to undertake an appeal may be time consuming, costly, and ultimately frustrating if you lose your appeal. The information provided below is intended to help you understand the process and guide your decision to make an appeal to a zoning ordinance issue.

Local control of community land use is an accepted legal principle. Municipalities develop master plans (e.g. Village of Armada Master Plan) to guide the orderly future development of their community. To support community master plan goals and objectives, municipalities subsequently enact zoning ordinances (e.g. Village of Armada Zoning Ordinance) to identify specific requirements and standards that govern local land use and development.

The zoning ordinance, once passed by the elected municipal leaders, has the force of law and is generally enforced by an appointed planning commission (PC) and code enforcer/building inspector. Because it's nearly impossible to write a set of zoning ordinances regulating the use of land that can be universally applied and answer all potential issues that may arise, a Zoning Board of Appeals (ZBA) is established to contend with those instances.

In effect, the fundamental job of the ZBA is to review zoning issues to determine if some difficulty or hardship is present or whether an error or misinterpretation occurred. In those cases where the application of zoning ordinance requirements results in "practical difficulties" or "unnecessary hardships" to land owners occur, the ZBA functions as a safety valve for the land owner.

If warranted, the ZBA then can act, as a quasi-judicial body, to permit someone to legally avoid compliance with an adopted municipal ordinance.

The key consideration is this, however: ZBA determinations must be based on the long term interests of the community, which in turn are guided by the local zoning ordinance and Village Master Plan. The burden of proof in appealing a zoning ordinance issue before the ZBA generally lies with the applicant and their ability to establish that a practical difficulty or unnecessary hardship exists. Where that can be established, the ZBA may rule in the land owner's favor.

With the above information then in mind, please ensure you have thoroughly reviewed the Village of Armada Zoning Ordinance for what it says regarding your specific issue and then decide whether you feel you can make a good case to the ZBA before submitting a zoning ordinance appeal. If you have any questions about interpreting the zoning ordinance or the appeal process, please feel free to contact me through the Village Office.

Thank you and good luck.

Dennis LeMieux
Chairman,
Zoning Board of Appeals
Village of Armada

ZBA Appeal Application

To: Chairman, Zoning Board of Appeals

Thru: Village Clerk or Deputy Clerk

From: _____
(Applicant Name)

(Street Address/ P.O. Box)

(Village / Township / City) (State) (Zip Code)

(Telephone)

(Email Address)

1. I (we), the above named applicant(s), hereby appeal to the Zoning Board of Appeals in accordance with Article 24 of the Village of Armada Zoning Ordinance.

2. The appeal involves the property located at _____

(Provide Address)

(Provide Parcel ID Number – if applicable)

3. I (we) authorize _____
to act as my agent for purposes of this appeal. Applicant and/or the agent specified MUST appear at all hearings and meetings at which this application is considered. Applicant understands that a failure to appear will result in a postponement of the appeal or denial of the application.

4. Applicant appeal is for: (check applicable type of appeal)

_____ **A. Appeal of an Administrative Decision (Article 24, Section 6)**

To hear and decide an appeal where it is alleged (by the appellant or appellant's agent) there is an error in interpretation of the provisions of the Village of Armada Zoning Ordinance in any order, requirement, permit, decision, or refusal made by any official of Commission in carrying out or in enforcing any provision of the Zoning Ordinance.

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_____ **B. Interpretation of the Zoning Ordinance**

_____ (1) **Interpretation of Zoning District Boundaries (Article 24, Section 7)** - to interpret the location of district boundaries on the Armada Village zoning map (NOTE: the ZBA is not authorized to alter the existing zoning map).

_____ (2) **Interpretation of Zoning Ordinance Provisions (Article 24, Section 8)** - to hear and decide requests for interpretation of zoning ordinance provisions or determination of similar use.

_____ (3) **Determine if Land Use is Nonconforming (Article 24, Section 9)** - to decide upon requirements for nonconforming lots of record or nonconforming uses (Note: includes a determination of illegal/abandoned signage).

_____ (4) **Other** (i.e. interpret off-street parking requirements - Article 9); exceptions – Article 24, Section 11). Specify the issue: _____

_____ **C Dimensional Variance (Article 24, Section 10** – NOTE: the ZBA is not authorized to consider use variances). Specify the dimensional variance (i.e. building height, setback, lot area) and describe the hardship or practical difficulty which supports the appeal for a dimensional variance (see attached plot plan diagram). _____

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5. When the issue specifically involves a land use concern to include existing or proposed structures on the land, applicant must provide a Plot Plan conforming to the requirements specified on the attached Plot Plan checklist. Applicant must provide seven copies of each document submitted in conjunction with an application. Applicant may supplement this application with additional documentation or diagrams beyond the Plot Plan.

6. Applicant acknowledges and agrees that an application fee of \$400.00 is required at the time of filing. If upon review of the application, the Village determines that the professional services of an attorney, planner, or engineer are required, an additional deposit of at least \$300.00 will be required before the application of is scheduled for a hearing/meeting before the Zoning Board of Appeals. Costs associated with copying, publication, and mailing of notices will be charged against the deposit. Applicant further agrees and understands that should the Village exceed the amount deposited, applicant is liable for the balance. Any unused portion of the amounts deposited by an applicant will be refunded by the Village; provided, however; there will be NO refund based upon the outcome of the appeal.

I acknowledge that I have read, understand, and agree to the foregoing terms and conditions. If signing below in a representative capacity, I represent that I have the authority to sign on behalf of the applicant.

(Signature of Applicant)

(Date)

(Title – if applicable)

(Signature of Property Owner)*

(Date)

* Required if applicant is not the owner of the property identified in this application.

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To be completed by the Municipality:

Date Appeal Received: _____ 20____

Fee Received: \$ _____

Case Number: _____

Zoning classification of all property abutting the parcel(s) in question: _____

Copy of appeal, including this page, sent to:

Administrative Official: _____, _____ 20____

Planning Commission Chair _____, _____ 20____

Zoning Board of Appeals Chair _____, _____ 20____

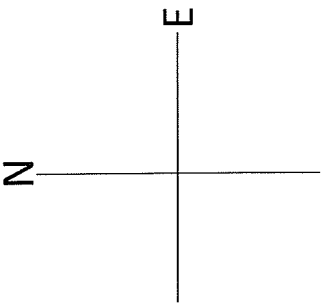
Further Actions: _____

ZBA Appeal, Plot Plan with Checklist

(Accuracy with sufficient detail will help the ZBA made a decision on your appeal)

1. Drawing should include a scale (i.e. 1" on the plan = 6' on the ground) and be as close to it as possible.
2. Mark cardinal directions (e.g. North, East) on the plan.
3. Indicate street names and locations.
4. Indicate all corner and/or interior lot lines with dimensions and square footage.
5. Indicate all easement lines/locations with dimensions.
6. Place all existing and/or proposed structures on the plan with dimensions.
7. Place driveways on the plan
8. Add setback lines from the Zoning Ordinance
9. Mortgage surveys, property line surveys, site plans, or other related information may be provided with the Plot Plan
10. Submit seven copies of the plot plan and any other documents with the ZBA Appeal Application

Plot Plan



Scale:

Plot Plan

