

RESOLUTION CREATING AND REGULATING
the
ADAMS TOWNSHIP ZONING BOARD OF APPEALS

Enacted on 02/07/2022

SECTION 1 - CREATION OF ZONING BOARD OF APPEALS.

- A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110, Public Acts of 2006, as amended, and as provided in the Adams Township Zoning Ordinance, in such a manner that the objectives of the Ordinance shall be observed.

SECTION 2 - MEMBERSHIP.

- A. The membership of the Board shall consist of 3 members.
 - 1. One member shall be a member of the Township Planning Commission.
 - 2. The remaining members shall be selected and appointed by the Township Board, of which members shall be representative of the population distribution and of the various interests present in the Township.
 - 3. One (1) elected member of the Township Board may serve on the Zoning Board of Appeals, but may not serve as chairperson.
- B. The terms of each member shall be for three (3) years.
 - 1. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
 - 2. All vacancies for unexpired terms shall be filled for the remainder of the term.
- C. The Township Board may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals.
 - 1. An alternate member may be called to serve in the place of a regular member if the regular member will be absent or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - 2. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. Members of the Zoning Board of Appeals shall be removable by the Township Board for non- performance of duty or misconduct in office upon written charges and after a public hearing.
- E. A member shall disqualify him or herself from a vote in which there exists a conflict of interest. Failure of a member to disqualify him or herself from a vote in which there is a conflict of interest shall constitute misconduct in office. A quorum of the Zoning Board of Appeals shall consist of at least 2 persons. The Zoning Board of Appeals shall not conduct business unless a quorum of the membership is present.
- F. The Zoning Board of Appeals shall elect one of its members as Chairperson, Vice Chairperson and Secretary.

SECTION 3 - POWERS OF THE ZONING BOARD OF APPEALS

Upon an appeal, in addition to the general duties and powers conferred upon it by law, the Board of Appeals shall have the following specific powers:

- A Interpret zoning district boundaries where, due to the scale, illegibility of the zoning map, or due to the absence of a street, alley, recorded subdivision, or plat line, there is any uncertainty, contradiction or conflict as to the intended location of any zone district boundaries.
- C. The Zoning Board of Appeals may alter or otherwise modify any other provision within this Resolution provided the spirit and intent of the Resolution is maintained.
- D. The Zoning Board of Appeals shall interpret the boundary lines on the Official Township Zoning Map should a discrepancy occur in its interpretation. The Planning Commission shall provide a recommendation to the Zoning Board of Appeals prior to final action.
- E. The Zoning Board of Appeals shall not have the authority to grant use variances or to hear appeals on special land use requests dealing with the decision to approve or deny a special land use in compliance with MCL125.3604(9) .

SECTION 2703 - PROCEDURE.

- A. These procedures are instituted to hear and decide appeals from a review, order, requirement, request for interpretation decision or determination made by an administrative official or commission charged with the administration or enforcement of the Township Zoning Resolution.
- B. An application for the approval of a variance shall be made by an owner with an interest in the site to the Planning and Zoning Department, accompanied by the necessary fees and documents. The application shall be accompanied by a site plan, mortgage survey or plot plan drawn at a legible scale and placed on a standard sheet and containing the following information:
 - 1. Dimensional elements for which a variance is requested
 - 2. Dimensional relationships of the subject lot to the structure on all adjacent lots.
- 3. The application shall be accompanied by a written narrative completed by the applicant explaining:
 - 3.a. How the strict enforcement of the provisions of the Township Zoning Resolution would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
 - 3.b. How the conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district.
 - 3.c. How the conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - 3.d. Why the requested variance will not confer special privileges that are denied other properties similarly situated in the same zoning district.

- 3.e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Resolution.
- C. The Planning Department shall notify the applicant and all owners of an interest in lots, as provided in this Resolution.
 - D. The Board shall consider the application for variance at its next regular meeting provided proper notification can be achieved.
 - E. The Zoning Board of Appeals shall approve, approve with conditions or deny the application. The motion of the Zoning Board of Appeals shall be in writing.
 - F. An applicant may represent themselves or be represented by any agent or attorney.
 - G. Any proposal that is also subject to site plan review and approval by the Planning Commission shall appear before the Planning Commission prior to being heard by the Zoning Board of Appeals.

SECTION 2704 - NOTICE.

- A. The Board of Appeals shall conduct a public hearing for each item on the Zoning Board of Appeal agenda. Notice of the public hearing shall be provided not less than fifteen (15) days prior to such meeting to the following:
 - 1. The applicant and landowner (if not the applicant)
 - 2. All property owners on the latest tax rolls within three hundred (300) feet of the subject site.
 - 3. Public newspaper of general circulation in the Township.
- B. If the request does not involve a specific property, notice is only required within a public newspaper of general circulation in the Township no less than fifteen (15) days prior to such meeting.
- C. Proof of service of mailing and Affidavit of Publication shall be made a part of the file.
- D. The Notice of Public Hearing shall contain:
 - 1. The time and place of the public hearing;
 - 2. The section of the zoning Resolution from which the variance is sought or to be interpreted;
 - 3. The location of the property included in the application (as applicable) by either common address or parcel identification number or both as well as legal description;
 - 4. Where and when comments may be submitted.

SECTION 2706 - STANDARDS.

- A. The Board shall not approve an application for a variance unless it has been found positively that:

1. The strict enforcement of the Zoning Resolution would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
2. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to affect such property.
4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
5. The requested variance will not be contrary to the spirit and intent of the Township Zoning Resolution.

SECTION 2707 - DECISION.

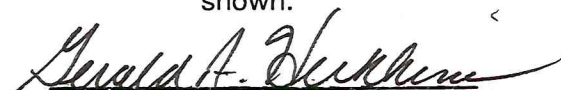
- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit is obtained and work is commenced.
- B. The applicant may file, in writing, a request for an extension of up to one (1) year. The request shall be filed with the Planning & Zoning Department. The Zoning Board of Appeals reserves the right to deny such request.
- C. The concurring vote of a majority of the total membership of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or Commission.
- D. All actions of the Board shall be stated in writing within the minutes. The applicant shall also be notified in writing by the Township of the official decision of the Zoning Board of Appeals.


SECTION 2708 - APPEALS OF A ZONING BOARD OF APPEALS DECISION.

- A. Appeals of a Zoning Board of Appeals decision shall be permissible as provided for in MCL 125.3605, as amended.

SECTION 2709 - STAY OF PROCEEDING.

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeals have been filed by him that by reason of the facts stated in the Certificates a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court on application or notice to the officer from whom the Appeal is taken and on due cause shown.


Supervisor


Clerk