SCHOOLCRAFT COUNTY ZONING DEPARTMENT

ADMINISTRATOR
Mark Rivard

300 WALNUT STREET
COURTHOUSE Room 207
MANISTIQUE, MICHIGAN 49854

PHONE
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SCHOOLCRAFT COUNTY ZONING BOARD OF APPEALS
REQUEST FOR A VARIANCE

Property Tax I.D. Number

Township

Property Location:

Street Address

Township

Range

Section

Subdivision

Legal Description:


Zoning District:


Please explain what type of variance you are requesting, and how you would benefit from this variance. Also explain all exceptional conditions or circumstances which make a variance uniquely necessary on this particular parcel.


Signature of Property Owner:

Daytime Phone No.: .................................................. Nighttime Phone No.: ..................................................

Contractor: .......................................................... Contractor Phone No.: ..................................................

*Note: All variance requests must be accompanied by $225 and a scaled site plan showing property lines and distances, buildings, sizes and heights, areas of intended use, roads, and all else deemed pertinent to the use and pertinent to neighboring property owners.

The Schoolcraft County Zoning Board of Appeals will hold a Public Hearing on _______________________, to consider this appeal.

Mark Rivard, Zoning Administrator
INTRODUCTION
The State of Michigan’s Zoning Enabling Act 207 of the Public Acts of 1921 establishes the right of counties to divide the county into zones or districts where the use of the land and structures are regulated. The ordinance which establishes such regulations is known as the Zoning Ordinance.

This Act also provides for the formulation of a Board of Zoning Appeals (BZA), a quasi-judicial body responsible for hearing and deciding appeals that relate to interpretation of the Zoning Ordinance.

MEMBERSHIP
The Board of Zoning Appeals consists of five members who are residents of the County, appointed by the Schoolcraft County Board of Commissioners.

DUTIES
The Board of Zoning Appeals has the following duties:

A. Hear and decide appeals about administrative decisions or determinations related to the Zoning Ordinance.

B. Hear and decide appeals concerning reconstruction or restoration of Class A Nonconformities.

C. Hear and decide appeals concerning decisions of the Planning Board related to the Zoning Code.

D. Hear and decide appeals requesting variances to the dimensional requirements of the Zoning Code.

WHAT IS A ZONING APPEAL?
A zoning appeal is a request to waive a requirement of the Zoning Code. The most common appeals considered by the BZA are requests to obtain variances to the dimensional requirements of the Zoning Code.

Typically, these include: front, side, or rear yard variances, reduction in the amount of parking required by Code, or variances to allow less lot area for a residential unit than is required by Code.

HARDSHIP / PRACTICAL DIFFICULTY
Since variances involve permitting something not normally allowed by Code, it is necessary to establish that there is a hardship or practical difficulty in meeting the Code requirements and still being able to use the land in a reasonable way. The following criteria are set forth in the Code to determine hardship or practical difficulty.

A. Compliance with Code will make it difficult to use the property in a reasonable manner. For example, when the existing layout of the structure is such that an addition (i.e. kitchen or bedroom) can only reasonably be placed in a certain location and that addition will be in conflict with a dimensional requirement of the Code.
B. Hardship is not caused by action of the applicant; that is, the need of an oversized garage cannot be justified just to store already collected items or junk.

C. Hardship is unique to this lot; that is, its size, shape, topography, or other physical characteristic created a hardship or practical difficulty.

STANDARDS FOR JUDGING VARIANCES
Once a practical difficulty or hardship has been established, the Board of Zoning Appeals evaluates each appeal request according to the following standards to determine its relationship to the subject property and compatibility with the surrounding area:

A. The proposed use will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.

B. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity, and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child/vehicle conflicts in residential districts.

C. The location, size intensity site layout, and periods of operations of any such proposed use will be designed to eliminate a possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.

D. The location and height of structures and joint driveways and the location, nature, and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structure or unreasonably affect their value.

MEETING SCHEDULE
The Board of Zoning Appeals schedules their meetings on the first Tuesday of every month, unless otherwise notified, at 7:00 PM in Conference Room 2, Schoolcraft County Courthouse, 300 Walnut Street, Manistique, MI 49854. The process takes 30 to 45 days.

PROCEDURES
1. Obtain an application form in the Zoning Department, Schoolcraft County Courthouse, Room 207, 300 Walnut Street, Manistique, MI 49854. A site plan is required.

2. Completed applications are filed in the Zoning Department.

3. The Zoning Department prepares a notice that is mailed to surrounding owners and occupants within 300 feet of the subject property notifying them of the place, date, and time of the scheduled public hearing, as well as a description of what the applicant proposes. This notice is sent 10 – 15 days in advance of the public hearing.

4. The Zoning Office prepares gathered information on the subject property such as site size, zoning and what the applicant proposes. This paperwork is sent to the Zoning Board of Appeals Members approximately one week prior to the public hearing.
5. Each appeal is then discussed at the public hearing. The petitioner, or representative, will be called to speak, then other persons whether in favor of or opposed to the proposal may speak.

6. At the close of the public hearing on each case, the BZA discusses the merits of that appeal. Following their discussion, a decision is made. The BZA may act to approve with conditions, modify, or deny an appeal. If additional information is needed, the Board may act to table the appeal.

**DECISIONS**
Decisions of the Board of Zoning Appeals are final. However, Board of Zoning Appeals decisions may be appealed to Circuit Court.

**FEES**
There is a required non-refundable filing fee payable to Schoolcraft County through the Schoolcraft County Zoning Department, Courthouse Room 207, 300 Walnut Street, Manistique, MI 49854. The fee is established by the Schoolcraft County Board of Commissioners.

**QUESTIONS**
All questions related to the Board of Zoning Appeals should be directed to:

Mark Rivard, Zoning Administrator
Courthouse Room 207
300 Walnut Street
Manistique, MI 49854

906-341-3678 (Tuesdays and Thursdays)
906-293-8659 (Monday, Wednesday and Friday)