



Au Train Township Zoning Department  
 PO Box 33  
 Au Train MI 49806  
 April Lark, Zoning Administrator  
 Phone (906)202-9255 or (906)892-8265  
 email: [autrainzoning@gmail.com](mailto:autrainzoning@gmail.com)

**Zoning Variance Application**

|          |         |              |
|----------|---------|--------------|
| ZV _____ | - _____ | \$150.00 Fee |
| Tax ID#  | Year    |              |

**PROJECT IDENTIFICATION**

Date of application \_\_\_\_\_ Project address \_\_\_\_\_

**APPLICANT**

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City / State / Zip \_\_\_\_\_  
 Contact number \_\_\_\_\_  
 E-mail \_\_\_\_\_

**PROPERTY OWNER**

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City / State / Zip \_\_\_\_\_  
 Contact number \_\_\_\_\_  
 E-mail \_\_\_\_\_

The property owner grants permission for the applicant to act in his or her behalf if the applicant is not the owner.

Owner Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**VARIANCE INFORMATION**

General location or address \_\_\_\_\_ Current zoning \_\_\_\_\_

Current land use \_\_\_\_\_ Property size \_\_\_\_\_

Legal description  attached

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Variance request detail**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The Zoning Board of Appeals shall not grant a variance unless the following conditions are met.

*ZBA Standard Number 1:*

*Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.*

Explain any unusual circumstances that are relevant to the property or building involved, that do not exist on other similar Township properties, and how these circumstances prevent compliance with the requirements of the Au Train Township Zoning Ordinance.

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*ZBA Standard Number 2:*

*Interpretation of the provisions of the Au Train Township Zoning Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of the Ordinance.*

Explain why if the variance was not granted, you would be deprived of the rights enjoyed by other properties in the same district.

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*ZBA Standard Number 3:*

*Whether the problem was self-created.*

Explain whether or not some action or activity that was taken by the property owner - or previous property owners in the creation of a situation that now requires a variance from the zoning ordinance.

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*ZBA Standard Number 4:*

*The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.*

Explain why if the variance is granted, you would not be receiving any special privileges, and why it would not adversely affect your neighbors and/or the character of the neighborhood.

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### APPLICATION ATTACHMENTS

Additional information can be included with your application if you believe it would support your presentation and reasons for a variance.

Please check any that may apply and be included:

- Brochures or marketing information that is part of your project
- Copies of any permits obtained for the project
- Photographs of the project location
- Relevant maps of the project location
- Site plan with the proposed changes
- Other: \_\_\_\_\_

### APPLICATION CONDITIONS

1. I certify that the proposed work is authorized by the property owner of record, and that I have been authorized to make this application.
2. I desire to apply for the zoning variance indicated in this application, and that the information provided is true and accurate to the best of my knowledge.
3. I certify that the zoning variance would not violate any deed restrictions attached to the property involved in the request.
4. I understand the fee is non-refundable and is to cover the costs associated with processing this application, and that it does not assure approval of the application.
5. I acknowledge that this application is not considered filed and complete until all the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be notified of a date to appear before the Zoning Board of Appeals.
6. I acknowledge that this form is only an application for a zoning variance and is valid only with the procurement of applicable approvals.

Owner/Agent Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (print) \_\_\_\_\_

**TOWNSHIP OFFICE**

**PARCEL ID** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ **ZONING DISTRICT** \_\_\_\_\_

- Fee paid      Date Paid \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_      Receipt Number \_\_\_\_\_
- Application information complete
- Proof of property ownership and legal description received

**Public Hearing Notifications**

*Minimum of 30 calendar days prior to the Zoning Board of Appeals meeting*

Scheduled Zoning Board of Appeals meeting date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date to publish and mail hearing notice \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date public hearing notice published \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date notices mailed to the affected public \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date notice posted on the Township web site \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Application Review**

Review date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Zoning Board of Appeals decision     Approved, no conditions     Approved with conditions     Denied

**Zoning Administrator signature** \_\_\_\_\_ **Date** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## ARTICLE XI ZONING BOARD OF APPEALS

### Section 1101 Establishment of Zoning Board of Appeals

- A. The Zoning Board of Appeals is hereby established in accordance with the ZEA Article VI Sec 125.3601, Page 17. The Board shall consist of three or five members: one member shall be a member of the Planning Commission. The Board may appoint 2 alternates.

### Section 1102 Procedures

Reference ZEA Article VI Sec. 123.3604 and Article VII Sec. 125.3701

- A. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 108.

### Section 1103 Duties and Powers

- A. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance. Refer to ZEA, Article VI Sec. 125.3606

### Section 1104 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose for this Ordinance;
  2. Determine the precise location of the boundry lines between zoning districts in accordance with Section 303;
  3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 1414, or by an analysis of the specific needs.
  4. Determine if a use is similar to any expressly permitted ( either by right of conditionally) use within a specific district.

### Section 1105 Variance

- A. The Zoning Board of Appeals shall have the power to authorize, upon appeal in specific cases, a variance from the provisions of this Ordinance that will not be contrary to the public intrest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship or practical difficulty.

- B. The Zoning Board of Appeals shall not grant a variance unless the following conditions are met:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of the Ordinance;
  3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and,
  4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. The Zoning Board of Appeals shall make findings that the applicant has met the requirements of this section.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, structure, or building.
- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to the end shall have the powers of the public official from whom the appeal was taken.
- H. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or building, or the construction authorized by such variance has commenced within one year after the granting of the variance.
- I. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

Section 1106 Appeals

- A. Appeals concerning interpretation and administration of this ordinance shall be made by filing a written notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall furnish to the Zoning Board of Appeals copies of all papers constituting the record of the decision which is being appealed.
- B. A fee of \$150.00 shall be paid to the Township at the time of filing the notice of appeal.
- C. Any party or parties may appear at the hearing in person or by agent or attorney. The Zoning Board of Appeals shall decide all matters within 10 working days of the public hearing. The decision of the Board shall be in the form of a resolution containing full record of its findings and determinations in each case.
- E. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only by filing an appeal based on the decisions of the Zoning Administrator.
- F. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County, as provided by law.