

# THE ZONING BOARD OF APPEALS PROCESS

## **INFORMATION FOR THE APPLICANT**

The following information is listed as a general guide to help the applicant better understand the appeal process for the Zoning Board of Appeals. The Zoning Board of Appeals (ZBA) is a City appointed board made up of regular citizens to hear cases where there may be a request for a variance from complying with the requirements of the Zoning Ordinance. When a request is received from an applicant, Public Hearing Notices are sent to the local newspaper and to all property owners within 300 feet of the property in question. A Public Hearing is then held and the decision of the Board is final. The decision can then only be appealed to the local courts.

## **TYPES OF APPEALS PERMITTED UNDER THE ZONING ORDINANCE**

Listed below are the three main appeals that are heard by the Zoning Board of Appeals:

1. Administrative Review
  - a. The ZBA can hear an appeal and review any order, requirement or decision made by an administrative official or body enforcing the Zoning Ordinance.
2. Interpretation - The ZBA can hear and decide upon appeals relating to the interpretation of the Ordinance such as:
  - a. Determining the precise location of the boundary lines between zoning districts.
  - b. Classifying a use, which is not specifically mentioned in the Zoning Ordinance, with a comparable permitted or prohibited use, in any zoning district.
3. Variances – The ZBA may grant certain types of variances, and impose conditions, in order to make sure that the spirit of the Ordinance is observed, that Public Safety is secured and that the variance will not cause adverse affects to surrounding property owners.
  - a. Use Variances – These are not permitted by the City of St Clair Zoning Ordinance. As noted above; the ZBA only has the authority to classify unlisted, similar uses to those already listed in the Zoning Ordinance.
  - b. Non-Use Variances – The ZBA has the power to authorize specific variances from dimensional requirements found in the ordinance, such as lot area and width regulations, building height, bulk, and parking regulations provided that certain standards are met.

## **INFORMATION TO BE PROVIDED BY THE APPLICANT**

The applicant should provide a written statement explaining the reason for his/her appeal along with the application. This statement must demonstrate the following:

1. That a practical difficulty exists or that an unnecessary hardship will be created from strict enforcement of the terms of the Ordinance.
2. That the problem is not created by an act of the applicant.
3. That the problem is due to a unique circumstance peculiar to the property and not to general conditions in the area.
4. That the property could not be used for the purposes permitted by the Ordinance or that conformity with the requirements would be unnecessarily burdensome.

## **INFORMATION PRESENTED AT THE PUBLIC HEARING**

The Zoning Administrator provides a summary of the applicants request, to the Board, in advance of the hearing. All information presented by the applicant and others will be considered by the Board in a mannerly order and may include drawings, pictures, petitions and any other pertinent facts. This information should be submitted by the applicant at the time the application is turned in. If not, it may be presented at the time of the Public Hearing. Prior to the Public Hearing the Board members may stop to view the property but are not encouraged to discuss the matter with the applicant privately or with other members.

*For further information or if you have questions, please contact City Hall at (810) 329-7121.*

CITY OF ST CLAIR, MICHIGAN  
APPLICATION FOR ZONING BOARD OF APPEALS

All applicable sections of this application must be completed. **FEES: Publication for Public Hearing \$100.00**  
**ZBA Appeal \$150.00**

**APPLICANT INFORMATION**

Applicant Name	Representing
Address	Address
Phone	Phone
Email Address	Email Address

**LOCATION OF PROPERTY**

Owner	Address
Tax ID	Lot Number
Street Between And	Zoning

Section(s) of the zoning ordinance being appealed \_\_\_\_\_

Reason for Appeal \_\_\_\_\_

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

A minimum of ten (10) copies of a clear sketch must accompany this application (where required). This sketch must be a minimum of 8 ½" by 11" and must show the property dimensions, all building presently existing or proposed on the site, the size of all yard areas, all structures within 50 feet of the property, the location and size of any other important property characteristics such as easements, septic field, flood plains, etc. All information must be received by this office 14 days prior to the scheduled meeting or the variance request will be postponed until the meeting.

I certify the above information is true to the best of my knowledge

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Received by

I grant permission for the above request. I also understand that certain city officials and staff may need to view the above property to make a proper decision. I therefore grant them permission onto the property during daylight hours for the sole purpose of gathering information regarding the above request.

\_\_\_\_\_  
Owner's Name

\_\_\_\_\_  
Date