

Chapter 15 - Board of Appeals

15.1. Creation.

15.1.1. The Board of Appeals shall be comprised of five members. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

15.1.2. The term of each member shall be 3 years, except that, of the members first appointed, 2 shall serve for 2 years and the remaining members for 3 years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

15.1.3. The Board of Appeals shall not conduct business unless a majority of the members of the board are present.

15.2. **Jurisdiction And Powers.** The Board of Appeals shall have all power and jurisdiction granted by the Township Zoning Act.

15.3. **Meetings.** Meetings of the Board of Appeals shall be held at the call of the chairperson and at such other times as the Board of Appeals in its rules of procedure may specify. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

15.4. Appeals.

15.4.1. The Board of Appeals shall act upon all questions as they may arise in the administration of the Ordinance, including the interpretation of the zoning maps, and may fix rules to govern its own procedures. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator. It shall hear and decide all matters upon which it is required to pass under this Ordinance.

15.4.2. A majority vote of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass, or to effect any variance in this Ordinance. The appeal may be taken by any person aggrieved or by any governmental entity. The Board of Appeals shall state the grounds of each determination.

15.4.3. The Board of Appeals shall fix a reasonable time for hearing the appeal, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Zoning Administrator. To that end, the Board of Appeals shall have all the powers of the Zoning Administrator, and may issue or direct the issuance of a permit.

15.5. Public Hearing.

15.5.1. When an application for hearing or appeal has been filed in proper form and the required fee paid, the secretary of the Board of Appeals shall immediately place the same upon the calendar for hearing and serve required notices. Notice shall be published once in a newspaper of general circulation in the Township at least five days prior to such hearing. Copies of such notice shall be served upon the

applicant and the Zoning Administrator or other administrative officers from which such appeal is taken. A like notice shall be sent at least 5 days prior to the hearing to all owners of property within 300 feet of the parcel involved by regular U.S. mail and addressed to the last known address of such owners as determined by the Township records.

15.5.2. The secretary shall record the grounds for each decision. The Board of Appeals shall render its decision upon any matter within 60 days after the matter is heard. A copy of each decision shall be sent to the Zoning Administrator, Township clerk, Building Inspector, Planning Commission and the applicant. No building permit shall be issued by the building inspector until such decision is received.

15.6. **Variations.** The Board of Appeals, after public hearing, shall have the power to grant variations as if:

15.6.1. The literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship by reason of the exceptional narrowness, shallowness or shape of a specific parcel; or by reason of exceptional topographical conditions or other extraordinary situation; or by reason of the use of the property immediately adjoining the parcel;

15.6.2. there is practical difficulty or unnecessary hardship in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured, and substantial justice done; or

15.6.3. the condition or situation of the parcel or the intended use of the parcel is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of the Ordinance.

15.7. **Variance Standards.** No variance shall be authorized unless the Board of Appeals finds from reasonable evidence that such variance will not be detrimental to adjacent property and will not impair the intent and purposes of the Ordinance or the public health, safety and general welfare. In addition, the Board of Appeals must make the following findings in detail:

15.7.1. there are exceptional or extraordinary circumstances or conditions applying to the parcel that do not apply generally to other properties in the district affected;

15.7.2. such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zoning district; and

15.7.3. The condition or situation of the parcel or the intended use is not of so general or recurrent in nature as to make reasonably practical an amendment of the Ordinance.

15.8. **Conditions Of Approval.** Reasonable conditions may be imposed upon the grant of a variance by the Board of Appeals and for special land uses by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed use or will be capable of accommodating increased service and facility loads caused by the use; to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner.