Overview

What is the Zoning Board of Appeals?
The Zoning Board of Appeals (ZBA) is a quasi-judicial body appointed by the Township Board.
The ZBA is authorized to hear and decide matters as required by the Michigan Zoning Enabling Act and the Shelby Township Zoning Ordinance.

What are the powers of the Zoning Board of Appeals?
The Zoning Board of Appeals has the following powers:

- Grant variances from the provisions of the Zoning Ordinance.
- Hear and decide appeals of any order, decision, determination, or requirement made by the Planning Commission or any other body or official charged with administration or enforcement of the Zoning Ordinance.
- Interpret the Zoning Ordinance and Zoning Map.
- Permit phasing of required site improvements (after recommendation by the Planning Commission).
- Permit major temporary uses and structures (refer to Temporary Uses Procedures).

What are the procedures for submitting an application to the ZBA?
Procedures for the ZBA vary depending upon the type of request.
Refer to the appropriate application requirements on the following pages for appeals, variances, and interpretations.
Refer to Temporary Use Procedures for requirements and procedures for temporary uses and structures.
How do I request a variance?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant’s driver’s license attached (fax copies will not be accepted).
- Seven (7) copies of a Letter of Intent clearly explaining the variance request and conformance with the review standards below.
- Seven (7) copies of a sketch plan, drawn to scale, illustrating the elements of the variance request, property boundaries and dimensions, existing and proposed structures, existing and proposed streets, and any other pertinent information.
- Review fee.

What is the variance process?

Since a variance is the result of a condition unique to a particular property or structure and not the result of an administrative action, a “denial” is not a required precedent to an application.

Projects that require site plan review must first be considered by the Planning Commission before an application is submitted to the Zoning Board of Appeals.

Application to Planning & Zoning Department

Public Hearing

Review by Zoning Board of Appeals

Approval

Denial

Variances may not be granted for any approved special land use or Planned Unit Development.

A concurring vote of the majority of the membership of the Zoning Board of Appeals is necessary to grant a variance.

What are the standards for ZBA review?

The ZBA will consider the following factors in reviewing a variance request:

- The condition was not created by the applicant or previous owner of the property.
- The property has unique physical features or other unique characteristics.
- The property cannot be reasonably used within the zoning district without the variance.
- Strict application of the Ordinance would be unreasonably burdensome on the applicant.
- The variance would not cause a substantial injustice to nearby properties nor public safety concerns.
- The variance would not bestow a special right or privilege upon the applicant.
- A lesser variance would not give substantial relief.
- The request is not primarily related to a personal or economic hardship, but rather to a unique physical feature of the property.
How do I request an interpretation of the Zoning Ordinance or Zoning Map?
The following must be submitted for consideration:

☐ One (1) completed Application Form with original signatures of the legal owner and applicant.

☐ One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant’s driver’s license attached (fax copies will not be accepted).

☐ Seven (7) copies of a Letter of Intent clearly explaining the request for interpretation.

☐ Seven (7) copies of a sketch plan of the site, if applicable, illustrating the property boundaries and dimensions, existing and proposed structures, existing and proposed streets, and any other pertinent information.

☐ Review fee.

How do I initiate an appeal to the ZBA?
The following must be submitted for consideration:

☐ One (1) completed Application Form with original signatures of the legal owner and applicant.

☐ One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant’s driver’s license attached (fax copies will not be accepted).

☐ Seven (7) copies of a Letter of Intent clearly explaining the action being appealed and the basis for the appeal.

☐ Seven (7) copies of a sketch plan of the site, if applicable, illustrating the property boundaries and dimensions, existing and proposed structures, existing and proposed streets, and any other pertinent information.

☐ Review fee.

What are the possible outcomes of my appeal?
After a public hearing and review, the Zoning Board of Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination being appealed.

In making its decision, the ZBA has the authority to assume all powers and duties of the body or official from whom the appeal was taken.

A concurring vote of the majority of the membership of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination being appealed, or decide in favor of the applicant on any matter.
# Zoning Board of Appeals

## Common Questions

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<tr>
<th>Do I need to attend any meetings?</th>
<th>Can I appeal a decision of the Zoning Board of Appeals?</th>
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<td>You will be notified of all meetings with your application on the agenda. It is strongly recommended that you have representation at all meetings at which your request will be discussed. Action may be taken by the Zoning Board of Appeals whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.</td>
<td>All decisions of the Zoning Board of Appeals are final. A party aggrieved by a decision may appeal to the circuit court in accordance with the procedures established by State Law.</td>
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<th>Does action by the ZBA allow me to begin construction?</th>
<th>Who do I contact if I have more questions?</th>
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<td>Zoning Board of Appeals action typically does not authorize construction. Following ZBA action, permits must be sought through appropriate Township departments and other agencies. In the case of an appeal, the ZBA has the authority to assume all powers and duties of the body or official from whom the appeal was taken. In such cases, the ZBA may issue or direct the issuance of a permit.</td>
<td>Contact the Shelby Township Planning and Zoning Department at:</td>
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<td>Phone: (586) 726-7243</td>
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<td></td>
<td>Email: <a href="mailto:planning@shelbytwp.org">planning@shelbytwp.org</a></td>
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<tr>
<td></td>
<td>Address: 52700 Van Dyke</td>
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<td>Shelby Township, MI 48316</td>
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APPLICATION FORM
ZONING BOARD OF APPEALS

Office Use
Application No. __________ Date Received __________ Review Fee __________ Receipt No. __________

I. TYPE OF REQUEST
☐ VARIANCE ☐ INTERPRETATION ☐ ADMINISTRATIVE APPEAL ☐ TEMPORARY USE

II. APPLICANT (A completed Applicant Information Form must accompany this application.)
APPLICANT’S NAME ________________
ADDRESS __________________________________________
CITY __________________________ STATE __________ ZIP __________
PHONE __________________________ EMAIL __________________________

III. PROPERTY INFORMATION
PROPERTY ADDRESS __________________________________________
GENERAL LOCATION __________________________________________
LEGAL DESCRIPTION ☐ ATTACHED ☐ ON SITE/SKETCH PLAN
PROPERTY IDENTIFICATION NO. __________________________
PROPERTY SIZE (acres) __________________________ existing ZONING __________
CURRENT USE __________________________________________

IV. REQUEST DETAIL
☐ VARIANCE FROM ORDINANCE SECTION __________________________________________
☐ INTERPRETATION OF ORDINANCE SECTION __________________________________________
☐ APPEAL OF ACTION BY __________________________ DATE OF ACTION __________________________
☐ PROPOSED TEMPORARY USE __________________________________________
☐ TEMPORARY USE TIME PERIOD __________________________________________

V. SIGNATURES (This application form must be signed by both the applicant and legal owner of the property.)
The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

_________________________________________  __________________________________________
SIGNATURE OF APPLICANT  SIGNATURE OF LEGAL OWNER

(Print/type name of applicant)  (Print/type name of legal owner)
APPLICANT INFORMATION FORM

I. TYPE OF APPLICATION (The appropriate Application Form must accompany this form.)

☐ SITE PLAN ☐ SPECIAL LAND USE ☐ TREE PERMIT ☐ CLASS A NONCONFORMING USE
☐ ZONING BOARD OF APPEALS ☐ REZONING ☐ MINOR TEMPORARY USE
☐ CONDOMINIUM SUBDIVISION ☐ SUBDIVISION ☐ SIGN PERMIT

II. APPLICANT INFORMATION

NAME ________________________________________________________________

ADDRESS ____________________________________________________________

CITY ___________________________ STATE _______________ ZIP _____________

PHONE ___________________________ EMAIL _____________________________

DATE OF BIRTH ____________________________

DRIVER’S LICENSE NUMBER ___________________________________________

(A copy of both side of the applicant’s driver’s license must be attached. Fax copies will not be accepted.)

III. SIGNATURE

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

________________________________________

SIGNATURE OF APPLICANT

(Print/type name of applicant)