

**NOTICE OF APPEAL FORM
TORCH LAKE TOWNSHIP
ZONING BOARD OF APPEALS
(Revised 1/9/19)**

Torch Lake Township
Zoning Board of Appeals
PO Box 713
Eastport, Michigan 49627
231-599-2036
231-599-2981 Fax

FOR OFFICE USE ONLY

Appeal Number: _____
 Appeal Category:
 a. Variance: _____
 b. Interpretation: _____
 c. Appeal of a Decision: _____
 Date ZA received appeal: _____
 Date ZA inspected property: _____
 Date ZA verified completeness of appeal form: _____
 Date ZBA received completed form : _____
 Fee Received: Amt: \$ _____
 Date: _____
 HEARING DATE: _____
 APPROVED: _____ DENIED: _____
 APPROVED, WITH CONDITIONS: _____

Before you begin filling out this form.....

Read through the “Guidelines - Appeal Application” included with this appeal form. We are strict about compliance with these guidelines because they help us to better understand your request. Failure to accurately complete this form WILL RESULT in a delay to this process. If there is any part of the guidelines or application that you do not understand, do not hesitate to contact the Zoning Administrator with your questions(s). Because it is unusual for an applicant not to have questions before completing this form, we recommend that you start this process as soon as you know you will be seeking an appeal. If a question does not apply to your request, mark the form N/A. Add extra sheets as necessary to explain the request.

A site plan drawn to scale, showing lot, setback, and building lines, significant angles and dimensions, and other details relevant to the matter (waterfront, well and septic locations, roads, topographic features, front side and bird’s eye views of proposed structures, easements, etc. when applicable.)

1. Applicant Information:

First Name	Middle Initial	Last Name
Number	Street	Apt. Number
City	State	Zip Code
Home Phone: _____ Work Phone: _____ E-Mail: _____		
Area Code/Number	Area Code/Number	

2. Reason for Appeal—Check one of the following:

- A. _____ **Zoning Variance:** Complete Sections 1, 2, 3, 4 and 5
- B. _____ **Zoning Ordinance Interpretation:** Complete Sections 1, 2 and 6
- C. _____ **Appeal of Zoning Administrator’s Decision:** Complete Sections 1, 2, 3 and 6.

3. Property Information (add additional sheets if necessary):

Property Address: _____
 Number Street
 _____ _____
 City State Zip Code

Property Tax ID # _____

Platted (Registered Subdivision) name _____

Un-platted name (if any) _____

List any deed restrictions that are affected by this request and attach a copy of same.

Directions to the property: (begin at intersection of US 31 and M 88)

Names, addresses and phone numbers of all persons having a legal or equitable interest in the property. (Appeals must be signed by the owners of record or an agent authorized in writing [attach copy] by the owners of record).

Current zoning of the property: _____

Current use of the property:

4. Zoning Variance

No dimensional variance from the provisions or requirements of the Zoning Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals makes findings of fact, establishing all of the following, based upon competent material and substantial evidence on the whole record. These criteria are a part of the Zoning Ordinance (Chapter XX Section 20.01 to 20.11) and are used by the Zoning Board of Appeals in the determination of the merits of a request for a variance from the zoning ordinance:

- a. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to most other lands, structures or buildings in the same zoning district; and,

- b. That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district; and,
- c. That the special conditions or circumstances do not result from the actions of the applicant; and,
- d. That the authorizing of such variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Zoning Ordinance.

No nonconforming use of neighboring lands, structures or buildings shall, in itself, be considered grounds for the issuance of a variance. It is recommended that the applicant look at the entire section of the zoning ordinance pertaining to variance requests.

Note: Approval or disapproval of this request by adjoining property owners, although a part of the Zoning Board of Appeal's consideration, does not in and of itself constitute grounds for approval or disapproval.

5. Variance request details including reasons for the same.

- A. State in detail the variance from the zoning that you are seeking. Reference that part of the zoning ordinance to which your request applies.

- B. State, in detail, the reason(s) for the variance. Include any and all scale drawings (see sample drawing included in ZBA Guidelines) and other information necessary to understand the request. (Use additional pages if necessary).

- C. State in detail how you believe you satisfy each of the following four criteria. All four conditions must be met in order to receive a variance.

- 1. Identify, in detail, all special conditions or circumstances that 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 zoning district.

2. State in detail why literal interpretation of the provisions of the Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance.

3. Establish how it is that the special conditions or circumstances do not result from the actions of the applicant.

4. Demonstrate in detail that the authorizing of the requested variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Zoning Ordinance.

6. **Zoning Ordinance Interpretation/Appeal of Zoning Administrator's Decision** [Not for use with variance appeals]. Be sure to include the following information:

- a. Zoning Ordinance Chapter(s), Title(s) and Sections that are in question.
- b. Detailed explanation and history of request.
- c. Clearly stated explanation of what you believe to be incorrect or open to interpretation.

The applicant(s) agrees and certifies that the information supplied in this application is accurate and true. This includes any additional material introduced before a final decision related to this appeal is rendered by the Zoning Board of Appeals. The applicant(s) understand that they are solely responsible for all material submitted. The Zoning Board of Appeals will be held harmless for any decision or finding based on inaccurate information or documents which do not include all pertinent information or which do not truthfully or fully represent the facts and conditions related to the request.

Further, it is understood by the applicant that, in signing this application form, he/she is allowing reasonable access to the property to which this application applies for both initial inspection(s) and subsequent/final inspections to ensure compliance. Please make sure all property lines are clearly marked and if on Grand Traverse Bay, the Ordinary Highwater Mark (OHWM 580.5') is staked. In addition, if the applicant is not the owner of the property, he/she must have permission, in writing, of the owner to carry out the application requirements of the variance request. The owner's written permission is to be included with this application.

Return this completed form to the Zoning Administrator at least 30 days prior to the scheduled hearing.

Be Aware.....

Zoning permits issued by the Torch Lake Township Zoning Administrator and zoning variance requests approved by the Torch Lake Township Zoning Board of Appeals for properties located in Torch Lake Township are not to be construed to be the only necessary permits for the intended activity in Torch Lake Township. Property owners are responsible for determining and obtaining from the various governmental agencies all necessary permits for the intended activity. These may include county permits covering soil erosion, building, wetlands and county road access. State of Michigan permits may include wetland permits, high-risk erosion permits for properties along Lake Michigan, critical dune permits and various permits associated with commercial development. An Army Corps of Engineers permit may be required for activities that effect wetlands along Lake Michigan. The coordination of such permits is also the responsibility of the property owner. Torch Lake Township is not responsible for any other such permits.

SITE PLAN DRAWING REQUIREMENT:

To the Applicant: Provide a drawing that shows the dimensional variation from zoning that you are seeking. Members of the ZBA, because of their experience, may have a more conforming, and often better, way for you to obtain the variance sought. To do this requires, what may seem to you, more information than you feel is needed. When done with the drawing, you might show the drawing to the Zoning Administrator for his/her input. Incomplete or lacking information can result in delays.

Applicant Signature

Date

Applicant Signature

Date

Authorized Agent/ Representative Signature* Date

*Attach authorization letter