

**APPEAL FORM  
TORCH LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
(Revised August 10, 2016)**

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.

**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.



- 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.

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- 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).

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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.

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- 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.

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

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- 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.

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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.

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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. 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.

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Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

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Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

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Authorized Agent/ Representative Signature\* \_\_\_\_\_ Date \_\_\_\_\_

\*Attach authorization letter