

**GUIDELINES – APPEAL APPLICATION
TORCH LAKE TOWNSHIP
ZONING BOARD OF APPEALS**

(REVISED 4.26.23)

An application for a hearing before the Zoning Board of Appeals (ZBA) may be made for the following reasons:

- A. To request a variance from the current Zoning Ordinance.
- B. To request an interpretation of a Zoning Ordinance.
- C. To appeal a decision of the Zoning Administrator.

If an applicant is unsure of any aspect of a request, they can discuss it with the Zoning Administrator. It is expected that an applicant has considered other alternatives and that the appeal to the ZBA is a reasonable action. Below is a list of guidelines that must be followed when making application to the ZBA. Careful attention to the requirements is mandatory to ensure a timely resolution of the request. The applicant is responsible for the accuracy of all information needed to evaluate an appeal request.

The following steps should be taken by the applicant:

1. The intended request should first be discussed with the Zoning Administrator. The applicant should be familiar with the reasons the request needs to be brought before the ZBA. All applications shall be reviewed by the Zoning Administrator for completeness, including a field inspection, before filing with the ZBA.
2. The Appeal Application for a hearing before the ZBA must be completed and filed by the Zoning Administrator with the ZBA Chair and ZBA Secretary at least 45 days before the intended hearing date. **The application must include the following information:**
 - A. All written information requested on the appeal form.
 - B. Scale drawings (1" = 40') of any property involved in the request.
 - C. Appropriate markers must be accurately placed on the property that identify the critical areas of the request including official surveyed property lines that are affected by the request, required setbacks, easements, roadways, septic field, well, etc. Any wetlands involved must be staked by the DEQ. These are meant to aid the ZBA members when they make a site visit to the property.
 - D. The ZBA meets the second Wednesday of the month. Notice of the meeting and its purposes are published once in a newspaper of general circulation in the Township. Meeting notices will be posted as per Township Board policy. Notice of the hearing must occur no less than 15 days prior to the date of the meeting. Also, all property owners within 300 feet of any property affected by the request must be notified by letter at least 15 days prior to the pending hearing. The 15-day notification period begins on the date upon which this notification is mailed.

- E. Once a hearing date has been confirmed in the newspaper, the applicant and/or a person(s) authorized in writing to represent the applicant are required to attend the hearing. At the hearing, when the request is brought up for consideration, any letters received related to the request will be read into the record. The Chairperson will open the request to a public hearing. The applicant and/or their representative will be asked to explain the request. The ZBA will ask the applicant questions. The Chairperson will then ask for any comments or questions from persons in attendance. The ZBA board may also question these persons.
- F. When the Chairperson decides that there has been enough testimony regarding the request, he will ask for a motion to close the public hearing. The ZBA board will then deliberate among themselves regarding the request. When, complete the board by Resolution will approve the request, deny the request, or postpone a decision because of a need for further information.

It is the job of the ZBA to give an applicant all possible consideration based on the guidelines the applicant must follow as stated in the Zoning Ordinance. It is vital that the applicant supply accurate, truthful, and clearly stated information regarding a request. Failure to supply all the required information will result in a delay and/or dismissal of the Appeal. If you have questions, the Zoning Administrator is available for help.

Be aware . . .

A zoning permit 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 government 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 interpretation of permits they issue beyond the intended approval of the permit.

SITE PLAN DRAWING REQUIREMENT:

To the Applicant: Using the listed instructions on the next page and the sample site drawings, make 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.

Torch Lake Township Zoning Board of Appeals

SITE PLAN DRAWING

[Approved August 10, 2016]

Dimensional Variance Scale: 1 inch = 40 feet

Required Information for the Site Plan Drawing

1. Show current lot lines and current zoning set back requirements. Include a dimensional drawing based on official surveyed marker(s) visible on site.
2. Show distances from existing buildings to lot lines and their distances from one another.
3. Show and label the variance being requested.
4. Show and name adjoining roads, drives, waterways and easements across the property.
5. Show the location, size and dimensional distances of wells, septic fields, and septic tanks, pumping stations and/or other permanent or semi-permanent structures located in the lot.
6. Show a "North" directional arrow.
7. Use a minimum of an 8 ½" x 11" sheet of paper for the drawing at a scale of 1 Inch = 40 feet.
8. Label all structures and conditions, such as wetlands.
9. Attach a copy of any pertinent deed restrictions pertaining to the property.
10. Put your name and address on the drawing together with your signature and the date.
11. Applicants must attend the variance hearing or submit a written, signed authorization designating a proxy to attend in their absence.

Name (print): _____ Signature: _____

Address: _____ Date: _____

SAMPLE - ZBA SITE PLAN DRAWING
NON WATER FRONT PROPERTY

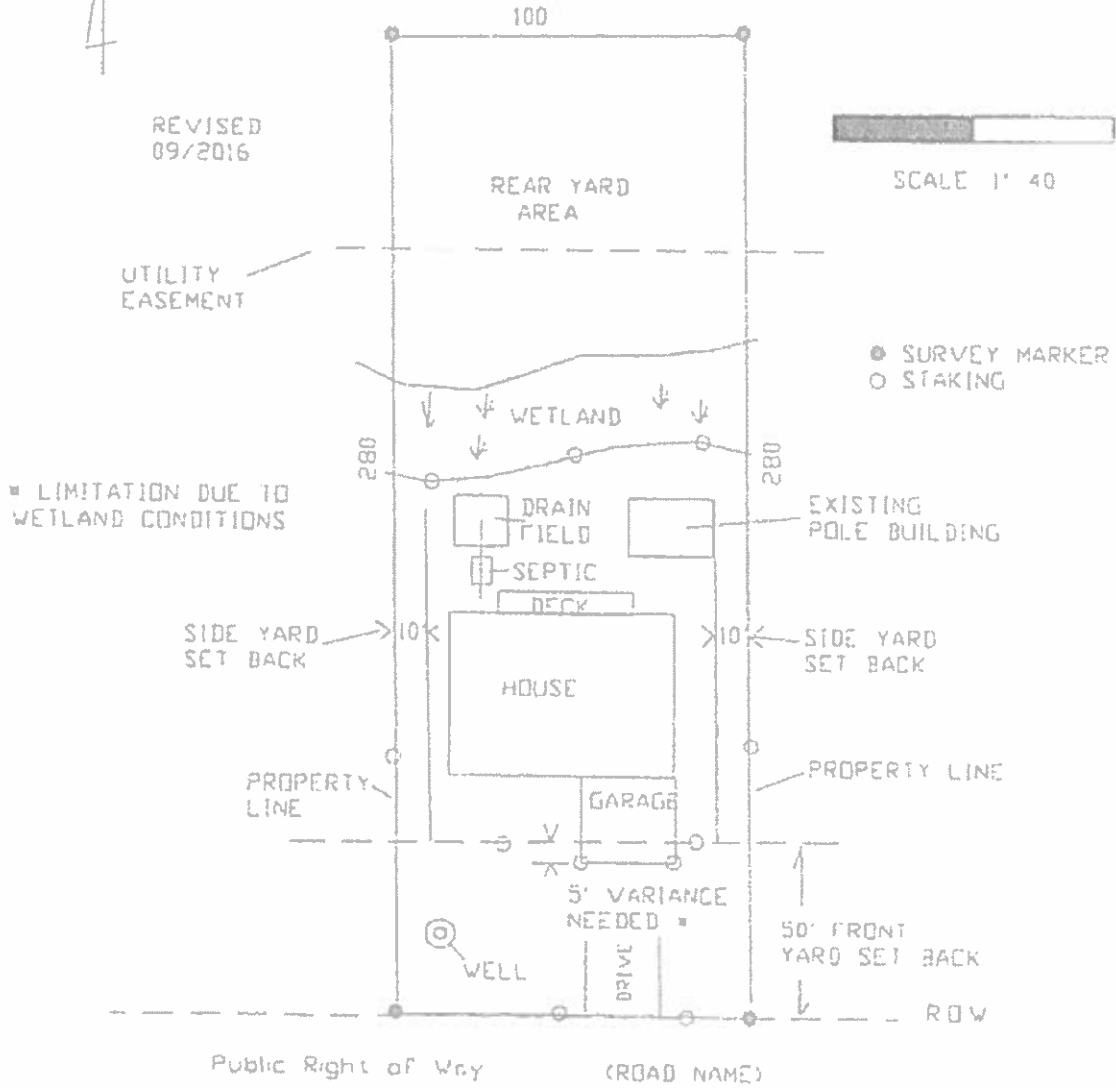
NORTH



REVISED
09/2016



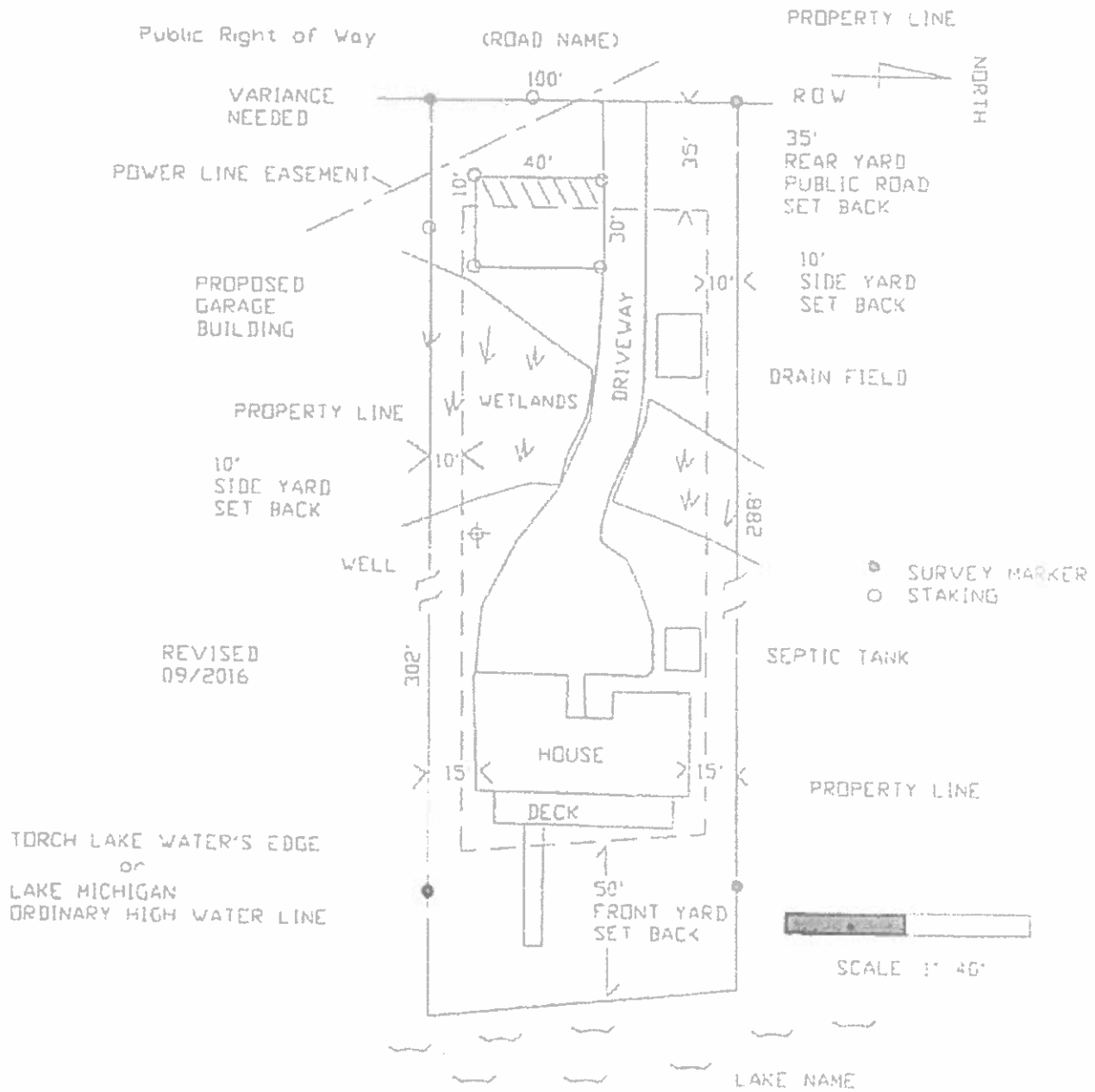
SCALE 1" = 40'



NAME (PRINT) _____ SIGNATURE _____ DATE _____

ADDRESS _____ PROPERTY TAX# 05-14- _____

SAMPLE - ZBA SITE PLAN DRAWING
WATER FRONT PROPERTY



NAME (PRINT) _____ SIGNATURE _____ DATE _____
 ADDRESS _____ PROPERTY TAX# 05-14- _____