

# Zoning Board of Appeals

## 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.



Variances are the most common requests brought before the Zoning Board of Appeals.

# Zoning Board of Appeals

## Variations

### 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).
- One (1) copy of a Letter of Intent clearly explaining the variance request and conformance with the review standards below.
- One (1) copy 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 are the standards for ZBA review?

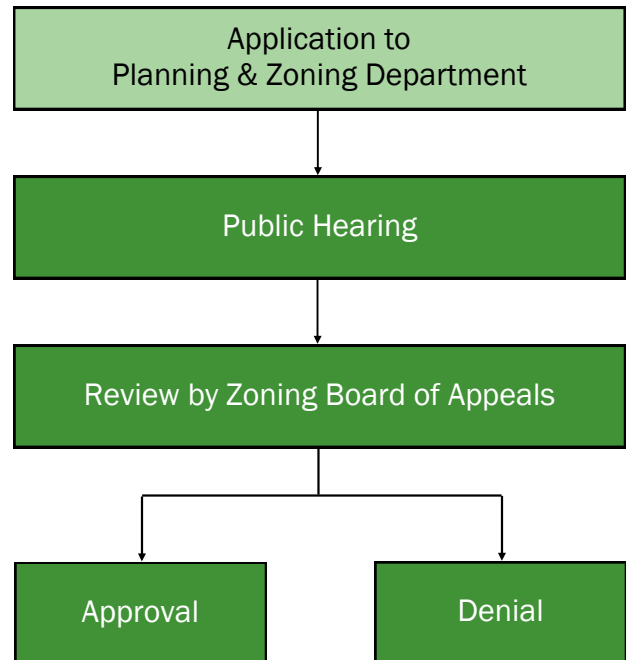
The ZBA will consider the following factors in reviewing a variance request:

- 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.

### 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.



Variations 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.

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## Interpretations and Appeals

### 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).
- One (1) copy of a Letter of Intent clearly explaining the request for interpretation.
- One (1) copy 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).
- One (1) copy of a Letter of Intent clearly explaining the action being appealed and the basis for the appeal.
- One (1) copy 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.



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## Common Questions

### Do I need to attend any meetings?

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.

### Can I appeal a decision of the Zoning Board of Appeals?

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.

### Does action by the ZBA allow me to begin construction?

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.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke  
Shelby Township, MI 48316