

JOINT ZONING BOARD OF APPEALS APPLICATION
DAYTON TOWNSHIP, SHERIDAN CHARTER TOWNSHIP AND THE CITY OF FREMONT

This application will not be accepted if incomplete. All required materials must be submitted to the Zoning Administrator forty-five (45) days prior to the next scheduled Joint Zoning Board of Appeals meeting to allow time to administer the public hearing notices. The Joint Zoning Board of Appeals (FCJZBA) meets in the City Council Chambers at the Fremont Municipal Building located at 101 E. Main Street, Fremont, MI at 7:00 p.m. on the 1st Tuesday of each month on an as needed basis.

Applicant Information

Name: _____ Phone: _____
Address: _____ E-mail: _____

Applicant's interest in project: _____ Owner _____ Lessee _____ Other
If other, outline interest: _____

Owner Information (if other than Applicant)

Name: _____ Phone: _____
Address: _____ E-mail: _____

Property Information

Parcel number: _____ Current zoning: _____
Address: _____ Size: _____ Acres _____ Square Feet
_____ Current use: _____

Short description of project: _____

Legal description for non-platted parcel - may attach separate page(s):

Platted: Subdivision _____ Lot #: _____

Nature of the Request (Check applicable items)

- _____ Appeal
- _____ General (non-use) variance
- _____ Variance with regard to 11-pt. rule
- _____ Determination with regard to enlarging or increasing non-conforming uses
- _____ Determination with regard to changing from one non-conforming use to another
- _____ Interpretation of zoning ordinance text

Details of Request - May attach separate page(s):

For General (Non-use) Variances

For non-use variances, the applicant must provide a written response to the following standards:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
 - Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or
 - Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
 - The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility that compliance with the Ordinance may prove to be more costly or time consuming shall not be part of the consideration of the JZBA.
- c. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
- d. The variance will not materially impair the intent and purpose of this Chapter.
- e. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

A variance shall not be granted by the Board of Appeals unless and until all of the above conditions are met.

For Non-use Variances in regard to the 11 Point Rule

In addition to the standards required for all variance reviews, the Joint Zoning Board of Appeals shall make findings of facts concerning the following points. The applicant must provide responses to these points.

- 1. The proposed dwelling will not interfere with or substantially hinder any existing or potential future farming operation or activity within the immediate area.
- 2. The proposed dwelling will not significantly alter the land use pattern of the immediate area.
- 3. The proposed dwelling is situated upon land generally unsuited for the production of farm crops, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel involved.

For Enlarging or Increasing Nonconforming Uses

In making any determination regarding a proposal to enlarge or increase a nonconforming use, the Joint Zoning Board of Appeals shall make findings of facts concerning the following points. The applicant must provide responses to these points.

- 1. The proposal shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.

2. The proposal shall comply with all parking, sign, or other regulations applicable to the area affected by the proposal.
3. The proposal shall comply with any reasonable conditions imposed by the JZBA that are necessary to ensure that the proposal will not prove detrimental to adjacent properties, the neighborhood, or the community.
4. The proposal shall not be larger than twenty-five percent (25%) of the original nonconforming area.

For Changing from One Nonconforming Use to Another

In making any determination regarding a proposal to change from one nonconforming use to another, the Joint Zoning Board of Appeals shall make positive findings of facts concerning the following points.

The applicant must provide responses to these points.

1. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.
2. The proposed use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as otherwise permitted by this Section.
3. Appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

Information to be provided by applicant:

1. Thirteen (13) copies of a site plan, if applicable.
2. Proof of ownership of the property or documentation of a legal interest, such as an executed purchase agreement or other similar document

I hereby attest that the information on this application and provided in association with it is, to the best of my knowledge, true and accurate. I understand that the deliberate withholding or falsification of information required above may result in denial of this application.

Signature of applicant: _____ Date: _____

Printed name of applicant: _____

Signature of owner (if other than applicant): _____ Date: _____

Printed name of owner: _____

I hereby grant permission for members of the Fremont Joint Zoning Board of Appeals to enter the above described property for purposes of gathering information related to this application.

(Note to applicant: This is optional and will not affect any decision on your application.)

Signature of owner: _____ Date: _____

Please return the application to the municipality wherein the subject parcel is located, as noted below.

City of Fremont	Dayton Township	Sheridan Charter Township
101 E. Main Street	PO Box 68	PO Box 53
Fremont, MI 49412	3215 S. Stone Road	6360 S. Township Parkway
	Fremont, MI 49412	Fremont, MI 49412

FOR CITY/TOWNSHIP USE

Application accepted by: _____ Date accepted: _____

Fee received: _____ Public hearing date: _____

Hearing notice published in a newspaper of record (minimum 15 days prior to hearing) on:

_____ An affidavit of mailing is on file. ____ yes ____ no

FREMONT COMMUNITY PLANNING AND ZONING

Joint Zoning Board of Appeals Application Process

(Please refer to Ch. 11 of the Zoning Ordinance for complete Zoning Board of Appeals process)

Step 1 – An Application to the Joint Zoning Board of Appeals is Filed:

- An application is deemed complete upon successful submission of all required information as required on the Joint Zoning Board of Appeals Application (answers to relevant standards regarding specific request and subsequent site plan if applicable).
- Application and required material must be filed at least 45 days prior to the next Joint Zoning Board of Appeals (JZBA) meeting (The JZBA meets the 1st Tuesday of each month on an as needed basis).
- Once complete, the Zoning Administrator will schedule a public hearing before the JZBA.

Step 2 – Staff Review

- The Zoning Administrator will review the submitted application and create a report for the JZBA. A copy of the report will be sent to the applicant prior to the public hearing date.

Step 3 – Notice of Public Hearing

- A notice for the Board of Appeals request is published in the local paper at least 15 days prior to the scheduled hearing date.
- All property owners and occupants of structures within three hundred (300) feet of the boundary of the subject property also receive notice of the request.

Step 4 – Public Hearing Before the Joint Zoning Board of Appeals

- The JZBA meets to review and consider the applicant's request.
- It is recommended that the applicant be present for the hearing.
- The JZBA has final disposition of the Special Use request.
- Following the public hearing, the JZBA shall motion to approve, approve with modifications, postpone for further information, or deny the application as presented or amended during the hearing.

Step 5 – Obtaining Zoning Permit if Applicable

- Upon the approval or approval with conditions by the Joint Planning Commission, the applicant may apply for a zoning permit.
- Any approval given by the JZBA under which the premises are not used or work is not started within one (1) year, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

Time Frame for Approval:

It typically takes a month and a half to two months to complete **Step 1 – Step 5**.