

**CITY OF CHEBOYGAN, MICHIGAN
DEMAND FOR APPEAL FORM – ZONING BOARD OF APPEALS**

(applicant – person filing the appeal)

(address)

(city, state, zip code)

home telephone business telephone

Applicant's standing (interest) in the appeal:

____ Property owner

____ Adjacent property owner

____ Other. Explain: _____

OFFICE USE ONLY:

Permit/Application No. _____

Date Received: _____

Fee* Received: _____

Hearing Date: _____

Appeals Board: _____

Action: _____

Date: _____

(*appeals fee - \$450.00 – subject to change)

(zoning administrator approval signature)/date

PROPERTY OWNER'S (OF LAND SUBJECT TO APPEAL) NAME AND ADDRESS

(if not the applicant)

(name)

(address)

(telephone)

ADDRESS OF LAND SUBJECT TO APPEAL *(if known)* : _____

(Please obtain an address from the City Assessor, if none assigned.)

PARCEL SUBJECT TO APPEAL SIZE: _____

PROPERTY DESCRIPTION FOR LAND SUBJECT TO APPEAL: _____

PROPERTY TAX I.D. NUMBER FOR LAND SUBJECT TO APPEAL:

16-____-____-____-____-____

ZONING DISTRICT OF PROPERTY SUBJECT TO APPEAL: _____

ACTION REQUESTED: *(check one)*

____ To interpret a particular section of the Ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation. The Section is: _____

____ To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe that portion of the zoning map in question (attach detail maps, if applicable): _____

____ To grant a variance to certain requirements of the zoning ordinance (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.) Specify the regulations a variance is being sought from: _____

____ To overturn the action of the zoning administrator. The zoning administrator erred (did not issue a permit, issued a permit, enforcement): _____

RULING SOUGHT:

What is the sought ruling by the City of Cheboygan Zoning Board of Appeals?

(attached sheets if necessary) - *sheets attached:* *yes* *no*

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION

State specifically the reason for this demand for appeal request:

(attach sheets if necessary) - *sheets attached:* *yes* *no*

Copy of initial application & zoning denial concerning this issue. (*attached*)

No such variance or modification of the provisions of Chapter 154, Zoning, shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

Section 154.14.03(E)(2) addresses factors which must be shown by the applicant that a practical difficulty exists by the showing of the following for the granting of a **dimensional or other non-use** variance:

- a) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
- b) That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- c) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- d) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- e) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district..

Section 154.14.03(F)(1) addresses factors which the applicant must demonstrate that an undue hardship exists by showing all of the following for the granting of a **use** variance:

- a) The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
- b) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic hardship.
- c) That the proposed use will not alter the essential character of the neighborhood.

- d) That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- e) The owner will not be able to secure a reasonable return on his or her investment due to the circumstances set for in a. through d. above.

VARIANCE, MAP INTERPRETATION INFORMATION:

If you are seeking a variance, or a map interpretation, the following **must be** provided:

- 1. Attach or list all deed restrictions for the property in question. (attached: ___yes)
- 2. Attach a list of names and addresses of all other persons, firms or corporations having a legal or equitable interest in the property in question. (attached: ___yes)
- 3. This area is ___unplatted, ___platted, ___will be platted.
If platted, name of plat: _____
- 4. What is the present use of the property? _____

WHAT IS THE NUMBER OF ATTACHED SHEETS? _____

List and describe them:	Number of pages:
1. Zoning Map	_____
2. Action Requested	_____
3. Justifications	_____
4. Variance Questions	_____
5. Site Plan	_____
6. List of all owners	_____
7. Deed Restrictions	_____
8. Copies of permits	_____
9. City of Cheboygan’s ruling	_____
10. _____	_____
11. _____	_____
12. _____	_____

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further I agree any Appeals board ruling and subsequent permit that may be issued is with the understanding all applicable sections of the City of Cheboygan Zoning Ordinance will be complied with. Further, I agree to give permission for officials of the City of Cheboygan, the County of Cheboygan and State of Michigan to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action by the Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: _____

Date: _____

When completed return to:
 Zoning Administrator
 City of Cheboygan
 403 N. Huron Street, PO Box 39
 Cheboygan, MI 49721

(For questions, please contact the City of Cheboygan at 231-627-9931)