

**RAY TOWNSHIP ZONING BOARD OF APPEALS
APPLICATION FOR HEARING
(8 COPIES)**

APPLICANT/APPLICANT REPRESENTATIVE (PLEASE INDICATE)

Name: _____

Address: _____

City/State: _____

Telephone: _____

E-mail: _____

Location of Property: _____

Legal Description:

Purpose of Appeal:

Dated: _____ Signature: _____

Building Inspector:

Date of order, denial or determination: _____

Reason for order, denial or determination: _____

Violation of Ordinance #: _____, Section #: _____, Regarding: _____

Comments:

Dated: _____ Building Inspector Signature: _____

Board of Appeals

Date Received: _____ Case Number: _____ Public Hearing Date: _____

Action: Approved: _____ Denied: _____ Other: _____

Comments: _____

PROCEDURES GUIDE
FOR HEARING BY
RAY TOWNSHIP ZONING BOARD OF APPEALS

This is an informational guide to aid in understanding proper procedure and submission of material for a public hearing by the Ray Township Zoning Board of Appeals. Execution of the application and affidavits, as outlined, can minimize costly delays and confusion.

Any person appealing for a use permitted after special approval or from any refusal of permit, order, requirement or determination from the Ray Township Official Zoning Ordinance, as amended, must submit application for appeal in compliance with the following:

1. The applicant shall obtain, complete and sign eight (8) copies of the Application for Hearing by Ray Township Zoning Board of Appeals, which shall be accompanied by eight (8) copies of supporting data in sufficient detail to convey to the Board the basis for appeal, including:
 - a. Certified and sealed plans, drawn to scale and showing shape and dimensions of lots, structures and lines of proposed structures and alterations or use changes.
 - b. Information regarding property in question, adjacent properties, existing use, proposed use, etc., as may be deemed necessary by the Zoning Board of Appeals.
2. The applicant shall submit all copies of the application and accompanying data to the Ray Township Planning and Zoning Department along with an application fee of \$550.00 to cover the expenses of the hearing no later than three (3) weeks prior to the date of the hearing.
3. Prior to the public hearing:
 - a. The Zoning Board of Appeals shall serve notice by mail of the time, date, place and purpose of the public hearing to all persons, shown on the latest tax rolls as owners of the property within three hundred feet (300') of all the land owners consideration, at least fifteen (15) days prior to the date of the hearing.
 - b. The township shall publish a notice of public hearing in accordance with the form "Notice of Public Hearing- Ray Township Zoning Board of Appeals" at least once in a local paper not less than fifteen (15) days prior to the date of hearing.

It shall be understood that an application for hearing of an appeal will not include considerations for any parcel of property other than that described in the application.

Any decision favorable to any applicant shall remain valid only as long as the information or data relating thereto are true and correct and the condition upon which the resolution was based are maintained and not to exceed a period of one (1) year.

Any matter which may be tabled for further action by the applicant and which is not so acted upon within six (6) months shall automatically be considered dismissed.

Any applicant may, with the consent of the Board, withdraw his/her application at any time prior to the final action thereon. The applicant will, however, be charged for expenses incurred to that end.

Refusal or failure to comply with these procedures shall constitute sufficient grounds for dismissal of an application.

1. One (1) copy forwarded (to be returned) to the Building Inspector.
2. One (1) copy kept on file by the planning commission.
3. One (1) copy returned to the Applicant.
4. One (1) copy for the Assessor.

The Township Building Inspector may issue a building permit after receiving a signed copy of the site plan, a septic tank & well approval from Macomb County Health Department, a driveway culvert permits from the Macomb County Road Commission and a determination by the building Inspector that structures meet the building code.

RAY TOWNSHIP ZONING BOARD OF APPEALS

Applicant Acknowledgment

1. I have determined that I cannot comply, or will have difficulty complying with certain requirements of the Ray Township Zoning Ordinance. Therefore, I am requesting a hearing before the Ray Township Zoning Board of Appeals for a variance as noted on the attached application form.
2. I have been informed of my right to apply for this variance and have not been encouraged nor discouraged to file this application by any employee of the township office staff, and I understand that their discussion of this matter is offered for clarification only and does not constitute an assurance of approval.
3. I understand that I may be required by the Ray Township Zoning Board of Appeals to prove hardship imposed by requirements of the zoning ordinance. I have clearly noted the reason for my request and understand the acceptance of this application in no way ensure a granting of my request.
4. I have read the above and understand that the Ray Township Zoning Board of Appeals will determine the merits of my request at a public hearing to be held at their earliest convenience.

Print Name: _____

Signature: _____

Date: _____

Received by: _____

SECTION 2700 CREATION OF ZONING BOARD OF APPEALS.

- A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110, Public Acts of 2006, as amended, and as provided in this Ordinance, in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done.

SECTION 2701 MEMBERSHIP

- A. The membership of the Board shall consist of five (5) members.
1. The first member shall be a member of the Township Planning Commission.
 2. The remaining members shall be selected and appointed by the Township Board, of which members shall be representative of the population distribution and of the various interests present in the Township.
 3. One (1) elected member of the Township Board may serve on the Zoning Board of Appeals, but may not serve as chairman.
 4. Finally, an employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
- B. The terms of each member shall be for three (3) years.
1. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
 2. All vacancies for unexpired terms shall be filled for the remainder of the term.
- C. The Township Board may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals.
1. An alternate member may be called to serve in the place of a regular member if the regular member will be absent or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 2. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges after public hearing.
- E. A member shall disqualify him or herself from a vote in which there exists a conflict of interest. Failure of a member to disqualify him or herself from a vote in which there is a conflict of interest shall constitute misconduct in office.
- F. A quorum of the Zoning Board of Appeals shall consist of at least three (3) persons. The Zoning Board of Appeals shall not conduct business unless a quorum of the membership is present.
- G. The Zoning Board of Appeals shall elect one of its members as Chairman, Vice Chairman and Secretary.

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SECTION 2707 DECISION

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit is obtained and worked is commenced.
- B. The applicant may file, in writing, a request for an extension of up to one (1) year. The request shall be filed with the Planning & Zoning Department. The Zoning Board of Appeals reserves the right to deny such request.
- C. The concurring vote of a majority of the total membership of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or Commission.
- D. All actions of the Board shall be stated in writing within the minutes. The applicant shall also be notified in writing by the Township of the official decision of the Zoning Board of Appeals.

SECTION 2708 APPEALS OF A ZONING BOARD OF APPEALS DECISION

- A. Appeals of a Zoning Board of Appeals decision shall be permissible as provided for in MCL 125.3605, as amended.

SECTION 2709 STAY OF PROCEEDING.

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeals have been filed by him that by reason of the facts stated in the Certificates a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court on application or notice to the officer from whom the Appeal is taken and on due cause shown.

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SECTION 2702 POWERS OF ZONING BOARD OF APPEAL.

Upon the appeal, in addition to the general duties and powers conferred upon it by law, the Board of Appeals shall have the following specific powers:

- A. To permit the erection, alteration or enlargement of any building or structure of a greater height, bulk or area than is permitted in a certain district.
- B. To permit the reduction or other modification of the required setbacks in a certain district.
- C. Interpret zoning district boundaries where, due to the scale, illegibility of the zoning map, or due to the absence of a street, alley, recorded subdivision, or plat line, there is any uncertainty, contradiction or conflict as to the intended location of any zone district boundaries.
- D. To permit an increase in height of a nonconforming building or structure or an enlargement or extension of such a nonconforming building or structure existing at the effective date of this Ordinance,
- E. The Zoning Board of Appeals may alter or otherwise modify any other provision within this Ordinance provided the spirit and intent of the Ordinance is maintained.
- F. The Zoning Board of Appeals shall interpret the boundary lines on the Official Township Zoning Map should a discrepancy occur in its interpretation. The Planning Commission shall provide a recommendation to the Zoning Board of Appeals prior to final action.
- G. The Zoning Board of Appeals shall not have the authority to grant use variances or to hear appeals on special land use requests dealing with the decision to approve or deny a special land use.

SECTION 2703 PROCEDURE.

- A. These procedures are instituted to hear and decide appeals from a review, order, requirement, request for interpretation decision or determination made by an administrative official or commission charged with the administration or enforcement of the Township Zoning Ordinance.
- B. An application for the approval of a variance shall be made by an owner with an interest in the site to the Planning and Zoning Department, accompanied by the necessary fees and documents. The application shall be accompanied by a site plan, mortgage survey or plot plan drawn at a legible scale and placed on a standard sheet and containing the following information:
 - 1. Dimensional elements for which a variance is requested.
 - 2. Dimensional relationships of the subject lot to the structure on all adjacent lots.
 - 3. The application shall be accompanied by a written narrative completed by the applicant explaining:
 - a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
 - b. How the conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district.

- c. How the conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - d. Why the requested variance will not confer special privileges that are denied other properties similarly situated in the same zoning district.
 - e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
- C. The Planning Department shall notify the applicant and all owners of an interest in lots, as provided in this Ordinance.
- D. The Board shall consider the application for variance at its next regular meeting provided proper notification can be achieved.
- E. The Zoning Board of Appeals shall approve, approve with conditions or deny the application. The motion of the Zoning Board of Appeals shall be in writing.
- F. An applicant may represent themselves or be represented by any agent or attorney.
- G. Any proposal that is also subject to site plan review and approval by the Planning Commission shall appear before the Planning Commission prior to being heard by the Zoning Board of Appeals.

SECTION 2704 NOTICE

- A. The Board of Appeals shall conduct a public hearing for each item on the Zoning Board of Appeal agenda. Notice of the public hearing shall be provided not less than fifteen (15) days prior to such meeting to the following:
- 1. The applicant and landowner (if not the applicant)
 - 2. All property owners on the latest tax rolls within three hundred (300) feet of the subject site.
 - 3. Public newspaper of general circulation in the Township.
- B. If the request does not involve a specific property, notice is only required within a public newspaper of general circulation in the Township no less than fifteen (15) days prior to such meeting.
- C. Proof of service of mailing and Affidavit of Publication shall be made a part of the file.
- D. The Notice of Public Hearing shall contain:
- 1. The time and place of the public hearing
 - 2. The section of the zoning ordinance from which the variance is sought or to be interpreted
 - 3. The location of the property included in the application (as applicable) by either common address or parcel identification number or both as well as legal description
 - 4. Where and when comments may be submitted

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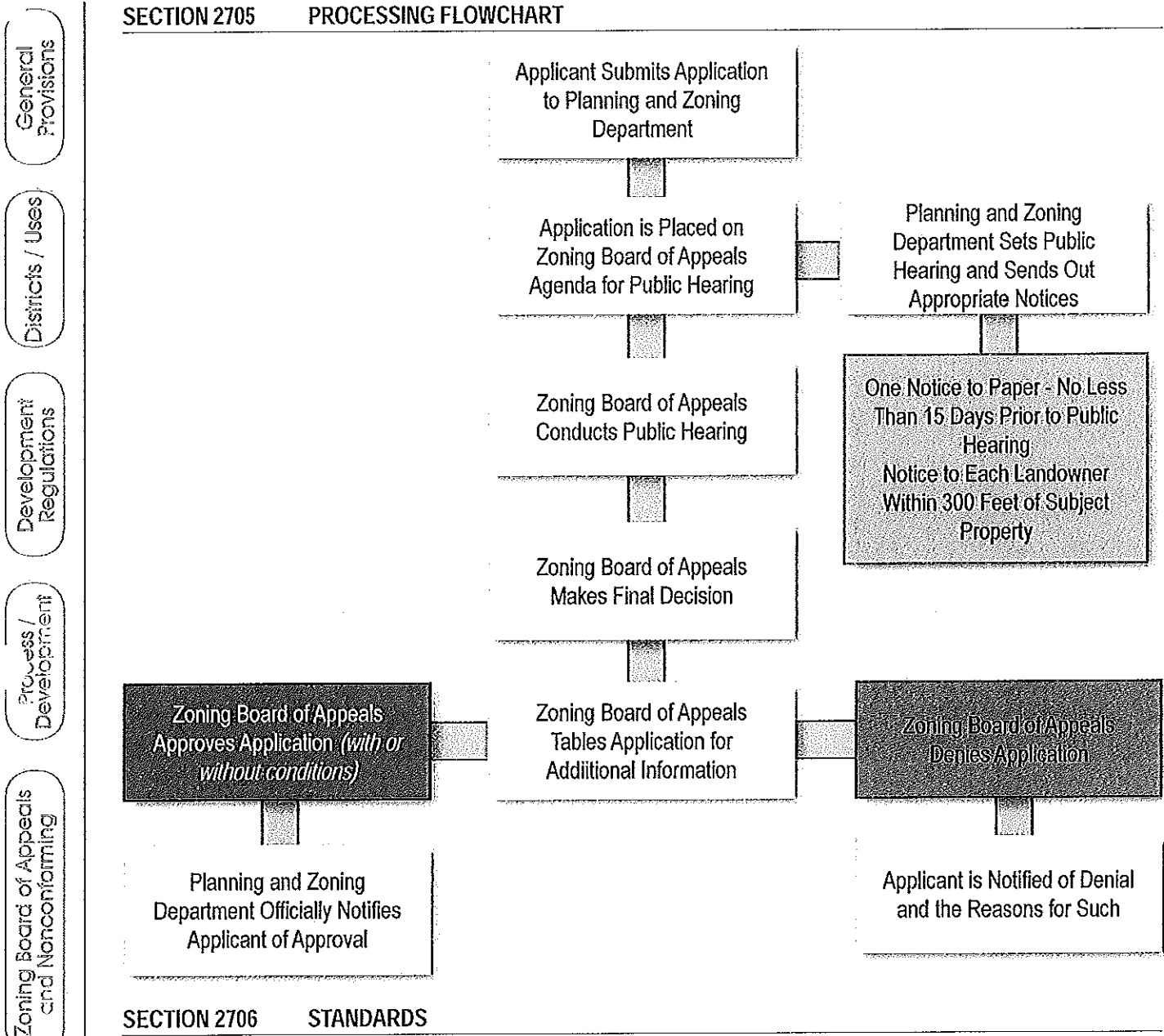
Process / Development

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SECTION 2705 PROCESSING FLOWCHART



SECTION 2706 STANDARDS

- A. The Board shall not approve an application for a variance unless it has been found positively that:
1. The strict enforcement of the Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
 2. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
 3. The conditions and circumstances unique to the property were not created by the owner, or his/her predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 5. The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.

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2017 SCHEDULE OF LAND USE FEES FOR RAY TOWNSHIP

LAND USE DESCRIPTION	ADMINISTRATIVE	PLANNER	ENGINEER	LEGAL	TOTAL-engineering fees not included see chart below
Special Land Use	*\$1,085.00	*\$450.00 + \$45/acre	*Based on Acreage	**	\$1,535.00 + per acre fee
Private Road	*\$1,195.00	*\$225.00 + \$7.50/acre	*Based on Acreage	\$160.00	\$1,580.00 + per acre fee
Rezoning	*\$1,275.00	\$450.00 + \$45/acre	--	**	\$1,725.00 + per acre fee
Signs	*\$500.00	\$30.00			\$530.00
Site Plan					
Multiple Family	*\$910.00	*\$450.00 + \$3/unit	*Based on Acreage	**	\$1,360.00 + per unit
Open Space or P.U.D. (Preliminary Plan)	*\$910.00	*\$450.00 + \$9/unit	*Based on Acreage	**	\$1,360.00 + per unit/acre fee
(Final Plan)	*\$910.00	*\$450.00 + \$7.50/unit	*Based on Acreage	**	\$1,360.00 + per unit/acre fee
Commercial/Industrial (Individual or Large Scale)	*\$910.00	*\$450.00 + \$75/acre	*Based on Acreage	**	\$1,360.00 + per acre fee
Mobile Home	*\$910.00	*\$450.00 + \$3/unit	*Based on Acreage	**	\$1,360.00 + per unit/acre fee
Semi-Public	*\$910.00	*\$300.00 + \$30/acre	*Based on Acreage	**	\$1,310.00 + per acre fee
Cell Tower - Co-Location	*\$600.00	\$150.00	*Based on Acreage	**	\$750.00
Cell Tower - New	*\$530.00	\$320.00	*Based on Acreage	**	\$750.00
Site Condo					
Preliminary Review	*\$910.00	*\$450.00 + \$9/unit	*\$500.00 + \$10/unit	**	\$1,860.00 + per unit fee
Final Review	*\$910.00	*\$450.00 + \$7.50/unit	*\$400.00 + \$10/unit	\$160.00	\$1,920.00 + per unit fee
Subdivisions					
Tentative Preliminary Plat Re-review fee - 3 rd & subsequent	*\$910.00	*\$450.00 + \$9/lot	*\$500.00 + \$10/lot Hourly as incurred	**	\$1,860.00 + per lot fee
Final Preliminary Plat	*\$910.00	*\$450.00 + \$4.50/lot	*\$400.00 + \$10/lot	\$160.00	\$1,920.00 + per lot fee
Final Plat	*\$910.00	*\$150.00 + \$3/lot	*\$600.00 + \$10/lot	\$160.00	\$1,820.00 + per lot fee
Zoning Board of Appeals	***\$1,000.00				\$1,000.00
Special Meeting	*\$550.00	\$150.00	\$120.00 hourly as needed	**	\$700.00 + Engineered as needed

Fees not included above:
 Engineering fees- 1.5% of Cost Estimate of project, \$600.00 Minimum
 Engineering inspection deposit- 5% of Cost Estimate.

2017 SCHEDULE OF LAND USE FEES FOR RAY TOWNSHIP

Engineering Acreage Fees	
0 – 2.0 Acres	\$250.00
2.01 – 5.0 Acres	\$300.00
5.01 – 10.0 Acres	\$350.00
10.01 – 20.0 Acres	\$550.00
Over 20.0 Acres	\$650.00

*All review fees are based on two (2) reviews.
 ** Legal review will be billed when needed.
 All additional reviews will be billed as incurred.

Approved – 12/20/16 Board Meeting
 ***ZBA Fee adopted - 7/18/17

ALL REVIEW FEES ARE NON-REFUNDABLE.

Fees not included above:
 Engineering fees- 1.5% of Cost Estimate of project, \$600.00 Minimum
 Engineering inspection deposit- 5% of Cost Estimate.

2017 Meeting Dates and Deadlines

Planning Commission		Zoning Board of Appeals	
Planning Commission Meetings	Deadline for Submissions	Z.B.A. Meetings	Deadline for Submissions
January 10, 2017	December 12, 2016	January 24, 2017	January 3, 2017
February 14, 2017	January 24, 2017	Scheduled if needed	At least 21 days prior
March 14, 2017	February 21, 2017	March 28, 2017	March 7, 2017
April 11, 2017	March 21, 2017	April 25, 2017	April 4, 2017
May 9, 2017	April 18, 2017	May 23, 2017	May 2, 2017
June 13, 2017	May 23, 2016	June 27, 2017	June 6, 2017
July 11, 2017	June 20, 2017	July 25, 2017	July 3, 2017
August 8, 2017	July 18, 2017	August 22, 2017	August 1, 2017
September 12, 2017	August 22, 2017	September 26, 2017	September 5, 2017
October 10, 2017	September 19, 2017	October 24, 2017	October 3, 2017
November 14, 2017	October 24, 2017	November 28, 2017	November 7, 2017
December 12, 2017	November 21, 2017	Scheduled if needed	At least 21 days prior