

Ray Township – Macomb County – Michigan
64255 Wolcott Road, Ray Township, MI 48096
Subdivision Control Ordinance: Variance Request Application

The Township Planning Commission may grant a variance from the provisions of the Land Division Regulations of the Ray Township Subdivision Control Ordinance on a finding that undue hardship or practical difficulty will result from strict compliance with specific provisions or requirements of the Ordinance or that application of such requirement is impracticable. The Township Planning Commission shall only grant variances that it deems necessary to or desirable for the public interest. In making its findings, as required by the Ordinance, the Township Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Township Planning Commission finds that:

A) There are such special circumstances or conditions affecting the property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases, the subdivider shall identify for the Township Planning Commission, in writing, the specific provision or requirement involved in the variance request. Further, the Applicant shall clearly present to the Township Planning Commission, in writing, the special circumstances or conditions affecting the property that render compliance with the Ordinance to be impracticable or unreasonable. Applicant answer:

B) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. Applicant answer:

C) The variance will not violate the provisions of the Land Divisions Act. Applicant answer:

D) The variance will not have the effect of nullifying the interest and purpose of this Ordinance, the Master Plan of the Township or the comprehensive development plan of the Township. Applicant answer:

The Township Planning Commission shall record its findings and actions in the meeting minutes. The Township Planning Commission shall review the record prior to making a decision on any variance request. The Township Planning Commission shall either approve or deny the variance request based on the criteria outlined above. The Township Planning Commission shall clearly indicate, on the record, its reasons for approving or denying all variance requests.

APPLICATION INFORMATION SHEET:

I. APPLICANT

Applicant's Name _____

Address _____

City/Township _____ State _____ Zip _____

Phone _____ Email _____

II. APPLICANT'S REPRESENTATIVE (IF DIFFERENT FROM APPLICANT)

Name _____

Address _____

City/Township _____ State _____ Zip _____

Phone _____ Email _____

III. PROPERTY INFORMATION

Property address _____

General location _____

Legal Description: Attached: _____ On plans: _____

Property ID Number _____

Property Size (acres) _____ Frontage (feet) _____

Existing Zoning: _____

IV. SIGNATURES (This application must be signed by both the applicant and the legal owner of the property.) The undersigned swears and affirms that the foregoing statements, answers and accompanied information are true and correct:

Signature of Applicant

Signature of Property Owner

Printed/Typed Name of Applicant

Printed/Typed Name of Property Owner

AFFIDAVIT OF OWNERSHIP OF LAND

State of Michigan,

County of: _____

I/We (Name) _____

of (Address) _____

The _____ of _____

Being duly sworn, depose(s) and say(s) as follows:

I. The owner(s) of the property described on the attached.

Warranty Deed _____ Land Contract _____ Other Document (specify)

Is/are as follows:

Name(s) and addresses:

This property is subject of a _____

Submitted to the Township of Ray, Michigan

II. I/We authorize

Name _____

Address _____

City/Township _____ State _____ Zip _____

Phone _____ Email _____

To be my/our designated representative(s) in the process of the application and to make representation and commitments on my/our behalf in connection with obtaining approval of my/our request.

Signature of Property Owner(s)

Printed/Typed Name of Property Owner(s)

Subscribed and sworn to me on

The ____ day of _____, 20

_____, Notary Public

_____, County, Michigan

My commission expires: _____

NOTICE OF VARIANCE

Property owners are required to file a Notice of Variance (Sample attached) with the Macomb County Register of Deeds. This is to be recorded with the Deed on all properties that a variance has been granted by the Ray Township Planning Commission.

All documents and included information must be: legibly typewritten or printed, black ink, type size 10-point, white 20lb paper, with a blank margin of 2 ½" at the top for the first page and ½" on all other margins. The Notice of Variance must be printed on **LEGAL SIZE** paper (8½" x 14").

NOTICE OF VARIANCE

DATE: _____

_____, (Petitioner-Property Owner) of _____(address)
is the owner of real property located at _____ (common address), Ray Township,
Macomb County, Michigan, Parcel Identification No. _____, being more particularly described as:

SAMPLE COPY ONLY

(legal description inserted here by Township Office)

Petitioner requested a certain variance(s) from the terms of the Ray Township Subdivision Control Ordinance to permit
(describe the requested variance)

The Ray Township Planning Commission, at its meeting of _____, 20_____, approved the
variance(s), subject to certain express conditions set forth in the Motion of Approval (the “Motion). A copy of the Motion
including conditions of approval, if any, is attached as Exhibit A.

NOW THEREFORE, in consideration of the favorable decision of the Ray Township Planning Commission in granting the
requested variance(s) the Petitioner and Owner promise and agree to comply with all of the express conditions set forth in the
Motion approving the variance. The Petitioner and Owner acknowledge that a breach of any or all of the specified conditions is
grounds for termination of the variance.

The terms and conditions of this variance shall run with the land and shall inure to the benefit of and bind the Petitioner
and Owner, their successors and assigns, and any subsequent transferees of the above-described property.

WITNESSES:

PETITIONER/PROPERTY OWNERS:

STATE OF MICHIGAN)
) SS.
COUNTY OF MACOMB

The foregoing instrument was acknowledged before me this _____ day of _____ 20_____.
by _____.

Notary Public
_____County, Michigan
My Commission Expires: _____

WHEN RECORDED RETURN TO:
RAY TOWNSHIP
64255 WOLCOTT ROAD
RAY TOWNSHIP, MI 48096

DRAFTED BY:
RAY TOWNSHIP
64255 WOLCOTT ROAD
RAY TOWNSHIP, MI 48096