

Sylvan Township, Washtenaw County, Michigan Zoning Board of Appeals guidelines

NOTICE TO ALL APPLICANTS

- A meeting with the Sylvan Township Zoning Administrator is required for all applicants prior to ZBA submittal. Please contact Sylvan Township Zoning Supervisor, by email at ckonieczki@sylvantownshipmi.gov to schedule a meeting. Please bring a draft application and any relevant materials (listed below) to the meeting.
- If an application is submitted by someone other than the property owner, a letter of authorization must be provided by the property owner. The letter will give the applicant permission to appear before the Zoning Board of Appeals (ZBA) with the request.
- Applications must be received in person at 18027 Old US 12, Chelsea, MI 48118.
- Applications must be complete, and payment must be provided at the time of application.
- The ZBA typically meets on the third Wednesday of each month. Applications are due five weeks in advance in order to provide review as well as comply with State of Michigan statutory noticing requirements.
- All communication with members of the ZBA must go through the Zoning Administrator or at the public meeting only.

There is a nonrefundable application fees:

- Single Family and Small Commercial: \$575.00
- All Other: \$700.00
- Adjournment or Re-hearing (except when not caused by petitioner): \$450.00

The following materials are required to be submitted with a completed application.

- A staked boundary survey is required for properties located in the Low Density Residential (LR) district. The survey must indicate all existing and proposed structures, existing and proposed setbacks, dimensions of property including lot size square footage, floor to area ratio and lot coverage ratio of existing and proposed structures.
- Building floor plans showing interior rooms and exterior structural and height dimensions. Building elevation may also be required depending on the variance request.
- Legal description, address, and tax parcel number of the subject property.
- A letter of Authorization if the applicant is not the owner of the property.

Sec. 30-147. - Variances—General rules.

The ZBA may grant variances where there are practical difficulties in the way of carrying out the strict letter of this chapter, as provided in this chapter, so that the spirit of this chapter is observed, public safety secured, and substantial justice done. Such variances may only be granted in accordance with the procedures for the review and grant of variance requests as provided by law, and upon the standards set forth in this division.

(Comp. Ords. 1994, §§ 15.939, 98.000; Ord. No. 1, § 60.09, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 12)

Sec. 30-148. - Procedures.

(a) Filing. An application for a variance shall be made by filing with the township board a written application form for a variance signed by the record owner of the property in question or by a person authorized to act on the record owner's behalf, paying the required fee, and providing the information required by this chapter. The clerk shall transmit the application and accompanying information to each member of the zoning board of appeals and to the zoning inspector within a reasonable time prior to the next regularly scheduled meeting of the zoning board of appeals, or a special meeting called for the purpose of hearing said variance.

(b) Information required. An application for a variance shall contain the following information:

- (1) Legal description, address, and tax parcel number of the subject property.
- (2) An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; dimensions of structures and their dimensioned locations; lot area and all calculations necessary to show compliance with the regulations of this chapter.
- (3) Name and address of the applicant, property owner, and the interest of the applicant in the property.

(c) Fee. The fee shall be paid to the township board at the time of filing the application for a variance and shall be deposited in the township's general fund.

(d) Standards for review. A variance may only be granted if the ZBA finds that all of the following requirements are met:

- (1) Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures or buildings in the same district. If such unique circumstances exist, that favors granting the variance.
- (2) The special circumstances and conditions on which the variance request is based do not result from the actions of the applicant. If the circumstances are not self-created, that favors granting the variance.
- (3) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter. If applicant would be deprived of rights given owners in same district, that favors granting the variance.
- (4) Granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district. If the variance would not confer special privileges on applicant, that favors granting the variance.
- (5) The existence of nonconforming uses of neighboring lands, structures, or buildings in the same district; permitted or nonconforming uses of land, structures or buildings in other districts; and nonconforming structures, shall not be considered grounds for the issuance of a variance. If variance is not based on fact that there are nonconforming uses or structures in same district, then that favors granting the variance.

(6) A variance granted must be the minimum variance that will make possible a reasonable use of the land, building, or structure. If request seeks the minimum variance needed to make a reasonable use of the land, then that favors granting the variance.

(7) The variance granted must be in harmony with the intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public interest. If request would not injure neighborhood and not injure the public interest, then that favors granting the variance.

(Comp. Ords. 1994, §§ 15.940, 45.013; Ord. No. 1, § 60.10, 8-19-1974; Ord. of 5-15-1980; Ord. No. 32, § 13, 3-7-1995; Ord. of 10-5-2010(02), § 2

Additional information:

- Sec. 30-5 Basement means that portion of a building which is partly or wholly below grade but located so that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
 - Sec. 30.5 Building height means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs.
 - Sec. 30.5 Floor area ratio means the ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, if a floor area ratio of 80 percent is specified and the lot area is 10,000 square feet, the maximum permitted floor area on that lot is 8,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for each of two stories; 2,000 square feet for each of four stories; or 1,000 square feet for each of eight stories
 - Sec. 30.5 Front yard, lakeside , means the front yard of a lakeside lot.
 - Sec. 30.5 Ground floor area means the sum of the first (ground) floor areas of all buildings on a lot, exclusive of unroofed porches, patios, terraces, steps, decks, or any area under an awning or other non-permanent canopy.
 - Sec. 30.5 Lot area means:
 - (1)The area within the lot lines, excluding that portion in an exclusive easement right-of-way, a public road or public street right-of-way.
 - (2)The area within the lot lines, excluding the area in a road right-of-way or easement, in a regulated or non-regulated wetland, or a body of water, such as a pond or lake.
 - Sec. 30-182. - Application of regulations.
 - (1)Lot area. The lot area used to satisfy the minimum lot area, lot coverage, and floor area ratio requirements shall not include the area in existing street rights-of-way
 - (6) Yard measurements. Required yards shall be measured on a line that is perpendicular to a lot line to the face of a building or structure if the roof overhang or other projections is
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three feet or less, or to the outer edge of the roof or other projection if the overhang or other projection is more than three feet from the face of the building or structure. Required yards shall be measured in the preceding manner from the high water line of a body of water or a stormwater retention or detention basin or a wetland boundary, provided no part of a principal building or structure may be less than 25 feet from such high water line or wetland boundary.

For additional questions, contact the Zoning Department by phone at 734-475-8890 or by email with any questions about your application or the ZBA process.

This page is not required to be submitted with the application.