

**INTERPRETATION OF ZONING ORDINANCE APPLICATION  
ADMINISTRATIVE REVIEW APPLICATION  
WEST BRANCH TOWNSHIP, OGEMAW COUNTY, MICHIGAN**

ZBA REQUEST NUMBER: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone Number: (    ) \_\_\_\_\_

Circle application type:     **Interpretation**     or     **Administrative Review**

Ordinance Section # requesting interpretation/review: \_\_\_\_\_

Describe reason for interpretation/review request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Address: \_\_\_\_\_  
(If different from the applicants address)

Parcel Number: 65-014-\_\_\_\_-\_\_\_\_-\_\_\_\_     Present Zoning: \_\_\_\_\_

I (we) hereby authorize any Township Official, or their representative, to perform a site visit to the property described above.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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**APPLICATION PROCESS**

This application, along with the appropriate fee, shall be filed with the Township Clerk within **ten (10) days** of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review evidence and make a decision to uphold or reverse the decision of the Zoning Administrator, or interpret and clarify any ambiguous or unclear language of the Zoning Ordinance.

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**FOR OFFICIAL USE ONLY**

DATE APPLICATION FILED: \_\_\_\_\_

ZBA HEARING DATE: \_\_\_\_\_

FEE AMOUNT: \$\_\_\_\_\_ DATE FEE PAID: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

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## SECTION 10.8 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

## **CHAPTER 11 ZONING BOARD OF APPEALS**

### SECTION 11.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Public Act 110 of 2006, The Michigan Zoning Enabling Act, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced, and that substantial justice is done.

### SECTION 11.2 MEMBERSHIP AND PROCEDURES

- A. The Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one (1) member may be a member of the Township Board, the remaining member(s) shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing.
- B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. One alternate may be a township board member if no regular member of the ZBA is a board member. (*Amended by Ordinance 29, July 2008*)
- C. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has ended. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually by the Township Board.
- E. The Board of Appeals shall adopt rules of procedure as may be necessary to conduct its meetings and carry out its functions. The Board shall choose a chairperson, and in the chairperson's absence, an acting chair.
- F. Meetings shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of

- Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.
  - H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, or to grant a variance from the terms or conditions of this Ordinance.
  - I. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. The Zoning Board of Appeals shall state the ground for each determination. All decisions of the Board of Appeals are final, and appeals must be filed with a court of competent jurisdiction.
  - J. A member of the Zoning Board of Appeals shall disqualify oneself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct.  
A member of the zoning board of appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property. (*Amended by Ordinance 29, July 2008*)
  - K. The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter; it shall fix reasonable times for hearings, give due notice to the parties, and decide the appeals within a reasonable time.
  - L. The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission and the public.

#### SECTION 11.4 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request for review shall be submitted to the Township Clerk with the required fee.

The filing of an appeal or request for review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

#### SECTION 11.5 INTERPRETATION AND CLASSIFICATION OF USES

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret and clarify any ambiguous or unclear language of this Ordinance. The following are among the actions the Board may take:

- A. The Board may determine the precise location of the boundary lines between zoning

districts when there is a question about the exact location.

- B. The Board may interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, and purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Use or a Conditional Use. The basis for such classification shall be that the activity is consistent and similar to the uses already allowed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.