

Hawes Township Zoning Board of Appeals (ZBA)
Application for Appeal

For Township use

Case # _____

Date rec'd ____/____/____

Fee paid _____

Applicant Name(s) _____

Address _____
Street City Township State Zip Code

Phone(s)# _____
Home Business Cell phone

Address of property subject of appeal (if different from above)

Street City Township State Zip Code

Tax number for parcel subject of appeal

Present zoning district of parcel subject to appeal _____

Purpose of Appeal (check all those which apply)

- Request a variance from a certain requirement of the Zoning Ordinance.
- Have the ZBA determine the zoning district of a parcel(s).
- To appeal an action or decision of a township official in regards to zoning .
- To have the ZBA interpret a section of the Zoning Ordinance.

List the section(s) from the Hawes Township Zoning Ordinance which apply.

Parcel dimensions : _____ x _____ (If shape is different than a square or rectangle leave blank.)

Total size of parcel: _____sq. ft. Is this parcel non-conforming? Yes No (circle one)

Total area of setbacks : _____sq. ft.

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Buildable area (this is the total parcel size minus the total area of the setbacks): _____ sq. ft.

Have you asked for a Zoning Permit? _____ Was a Zoning Permit denied? _____

If denied, why? _____

What action would the applicant(s) like the ZBA to take?

Provide a drawing of the parcel with all present structure location(s), and label with dimensions; use dotted lines to show setbacks from property lines; label front, sides, and back property line. When requesting a variance from setbacks include neighboring buildings with distances from property lines. Measurements should be in units of feet and label all estimates of distances with EST before the label. The Zoning Administrator may help you fill out this form but it is your responsibility and the township recommends professional help with any part including consulting an attorney.



There are other questions and information often required and the ZBA may request such information. A complete list of information which may be required by the ZBA is in the Hawes Township Zoning Ordinance.

As determined by the Michigan Courts a proof of a Practical Difficulty is the key criteria for an applicant to qualify for a non-use variance. (This is taken from a Michigan Association of Planning article.)

A Practical Difficulty requires passing all four tests.

1. Are the regulations unreasonably restrictive? Would conformity with the code(s) be unreasonably burdensome?
2. Is the applicant receiving a privilege not available to other owner(s)? Would a variance do substantial justice to the applicant as well as the neighborhood?
3. Is the property unique?
4. Is the problem self created?

Variations outlast the life of an owner and follow with the property when transferred. Therefore today's neighbors not objecting or even liking the effect of a variance is not alone a convincing reason for granting a variance.

When requesting letters, or testimony from neighbors ask why they think it's a good idea, or an improvement to the community. Look at the general description found in the zoning ordinance for zoning the district where the parcel is located.

An increase in cost is not alone a reason for granting a variance.

A variance may be conditionally granted. That is a variance conditioned upon some action upon the applicant's part. You may suggest such conditions but the ZBA does not have to accept them. If you choose not to accept the condition which the ZBA has required; you should inform the ZBA at the hearing or the zoning administrator, but do not apply for a zoning permit using the conditionally granted variance.

You have a right to appeal the decision(s) of the ZBA. There is generally a thirty (30) day time limit. This appeal is usually filed with the circuit court having jurisdiction in Hawes Township. **HOWEVER, no one working for, acting on behalf of or associated with Hawes Township can provide an applicant with legal advice and the Township strongly encourages you to consult an attorney from the start of the appeal process.** Further, having an attorney represent or assist an applicant, will not influence the ZBA decision other than to assure you of your full legal rights.