PRAIRIE RONDE TOWNSHIP
ZONING VARIANCE
APPLICATION AND INFORMATION PACKET

May 2025

PRAIRIE RONDE TOWNSHIP

ZONING VARIANCE APPLICATION INSTRUCTIONS AND PROCEDURES

State law and the Prairie Ronde Township Zoning Ordinance give limited authority to the Zoning Board of Appeals (ZBA) of Prairie Ronde Township to grant a variance from a dimensional or other "non-use" provision of the Prairie Ronde Township Zoning Ordinance. All variance requests are subject to the following application instructions and procedures:

1. If a proposed project will require a variance, a prospective applicant should review the "Background Information" segment of this packet and consider whether the project can be revised to comply with applicable ordinance requirements without variance relief.

2. If variance is to be requested, applicant must complete the Application For Variance form, including the "Lot Diagram" sheet and any other required attachments.

   Note: the ZBA may determine a boundary survey is necessary to properly evaluate a variance application.

3. Applicant files completed application and all supporting information, and required application fee deposit at Prairie Ronde Township Office (or with Zoning Administrator at SCMCCI).

4. ZBA meetings are scheduled as needed. **Township has an application submittal deadline for each meeting**, to provide sufficient time to comply with legal notice requirements, have application reviewed by Zoning Administrator, and distribute application materials to ZBA members prior to meeting.

5. Applicant must stake-out boundaries of proposed project not later than filing of application.

   Note: ZBA members may individually view property and staked-out site before meeting. Filing of application is considered consent to such visits.

6. Township will inform applicant of meeting date application will be considered, and comply with all legal requirements relating to giving notice of hearing on application to property owners and general public.

7. Applicant is expected to attend ZBA meeting at which application will be considered and/or have informed representative attend on behalf (for example, their proposed building contractor or architect).

   Applicant must be prepared to explain details of proposed project and facts on which applicant is relying to support requested variance. Applicant has burden of proof on every variance application, based on "variance standards" specified in Section 21.8 of Prairie Ronde Township Zoning Ordinance, and all other factors relating to legal authority of ZBA to grant variance relief.

8. Applicant may expect ZBA public hearing/meeting to generally follow this format:

   - ZBA introduces application and requests initial comments from Zoning Administrator and/or Township Attorney.
   - Applicant explains proposed project and facts applicant believes justifies granting variance.
   - General public comments on application.
   - ZBA discusses request and makes findings of fact relevant to variance approval standards.
   - ZBA makes decision on application.

9. ZBA decision options include:

   - denial of any variance relief.
   - approval of variance application as submitted (with or without conditions).
   - approval of variance, but different than requested by applicant (with or without conditions).
   - table application for additional information and/or for applicant to consider revising proposed project. **Additional information shall be submitted at least 14 days before next meeting, unless ZBA specifies a different time.**

10. If variance relief is approved, all required construction permits must be obtained before beginning any on-site work associated with project.

    Note: an approved variance expires 12 months after approval date, unless necessary construction permits have been obtained and authorized work has begun.

11. All ZBA decisions are shown in ZBA meeting minutes, and are usually certified in writing at ZBA meeting. All proposed and approved meeting minutes are public records available at Prairie Ronde Township Offices in accordance with applicable state laws and township policies.

12. ZBA decision on variance application is subject to appeal to Circuit Court pursuant to applicable statutes and court rules.

Note: Incomplete applications will not be processed, and applications will not be accepted without payment of application fee deposit in full. ZBA reserves right to request additional information from applicant to give proper consideration to the application.

APPLICATION FOR ZONING VARIANCE

---BACKGROUND INFORMATION---

Applicants for a variance from the Prairie Ronde Township Zoning Ordinance should be aware of the standards the Zoning Board of Appeals (ZBA) applies when considering such applications. These standards are found in Section 21.8 of the Ordinance and state:

VARIANCE STANDARDS:

A. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that:

- By reason of the exceptional narrowness, shallowness or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are **practical difficulties preventing compliance with the strict letter of this Ordinance**.

- Such variance will not be of substantial detriment to adjoining property.

- Such variance will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare.

If the ZBA finds all of the preceding standards to be satisfied, to grant variance relief the ZBA must further find that two of the following facts and circumstances exist:

1. That the exceptional or extraordinary circumstances or conditions applying to the specific property do not apply generally to other properties in the same zone; or,

2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; or,

3. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Ordinance.

In determining whether the standards for variance relief have been shown to be satisfied the ZBA shall be governed by the following additional legal principles:

- The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue,

and not the personal circumstances of the applicant and/or other occupants or users of the property.

- The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.

- Increased costs associated with complying with the strict letter of this Ordinance are not a basis for variance relief.

- Increased financial return if variance relief is granted is not a basis for variance relief.

- The ZBA may find the standards for relief from the strict letter of this Ordinance have been shown to be satisfied, but not to the extent of the variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.

When applying for a variance applicants should ensure their written materials are clear, factually correct, and directly address the following issues:

- What are the exceptional or extraordinary circumstances involved?
- How are those circumstances related to the specific **property** under consideration?
- How would denial of a variance preclude the use of the property in a manner otherwise allowed in the zone?
- What alternatives to the proposed variance have been considered, and why are they not viable?

Applicants may find the following comments helpful in preparing their justification or in deciding whether or not to apply for a variance:

- Economic factors---in adding a structure or making a change to a structure, the fact that it will cost more to comply with the Ordinance than it would if a variance is granted is not justification for a variance. Increased cost is not considered a "practical difficulty" for the purpose of justifying a variance.

- Property characteristics---applicants should be able to demonstrate some aspect of the property that makes it virtually impossible to comply with the strict letter of the Ordinance requirement. For example, terrain features such as hills or wetlands; lot features such as shape or shoreline configuration; or other relevant features.

- Personal circumstances---personal circumstances of the applicants, rather than the circumstances or conditions of the land itself, do not justify variance relief. The applicants preferred design or layout for a structure is therefore also not sufficient to establish the requisite "practical difficulty" to justify a variance.

- Crowded land or buildings---the fact that the property has been developed in such a manner as to be crowded and afford little space for addition to or change of structures does not justify a variance. Such conditions are often found in lake front properties, and older plats, and the Ordinance and township policy are consistent in their direction not to make such nonconforming conditions worse.

The current Prairie Ronde Township Zoning Ordinance was adopted in 2010 and includes various amendments made since then. The ZBA generally does not approve variance applications where the justification is based only on comparison to conditions that were existing before 2010.

The ZBA has very limited authority to grant variances from zoning requirements. Variance applications involving a worthy project will nevertheless be denied if the applicant is not able to show compliance with the legal standards governing the approval of variance relief. When a variance is denied the ZBA or Zoning Administrator may try to explain what the Ordinance does allow, or help applicants modify their proposed project so that it complies with the Ordinance requirements and still achieves their objectives.

PRAIRIE RONDE TOWNSHIP ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

Name of Applicant: _____ Date: _____

Mailing Address of Applicant: _____

Property Address: _____

Property Tax ID Number: _____ Present Zoning: _____

Interest of Applicant in the Property: _____
(Deedholder, Land Contract Purchaser, Lessee, Other)

If Applicant's interest is other than deedholder, does Applicant have consent of deedholder to proposed project and this application? Yes ___ No ___

Generally describe proposed project (i.e. addition to house, attached garage, detached accessory building, etc.)*: _____

_____

*Attach completed "Lot Diagram" (and survey when required); and drawing of proposed construction with dimensions and elevations.

Indicate requirement/ordinance section number from which variance is requested, and specify requested variance: _____

_____

_____

Identify the conditions of the property you believe create "practical difficulties" that prevent compliance with the ordinance requirement*: _____

_____

_____

_____

*Attach additional sheets as necessary.

Applicant(s) Telephone Number(s):

_____

Applicant(s) email address:

_____

Signature of Applicant(s):

_____

_____

**********FOR TOWNSHIP OFFICE USE ONLY**********

Application #:_____ Date application received including payment of fee deposit:_____

Zoning Board of Appeals decision on application at _____ meeting:

- □ Approved
- □ Approved with conditions
- □ Denied

LOT DIAGRAM*
(on this sheet, or attached site plan)

Applicant/Owner: _____

Property Address: _____

Property Tax ID Number: _____

1.) Draw lot lines, including any contiguous property under same ownership (show dimensions in feet)
2.) Label all abutting streets
3.) Show location/type of existing structures, and their uses
4.) Show location/type of proposed construction, and proposed uses
5.) Show dimensions of all existing and proposed structures
6.) Show distance from all sides of existing and proposed structures to property lines (in feet, with all measurements from roof overhang or other closest point of structure)
7.) Show location of existing well and septic system/sewer connection
8.) Draw lakes, streams, and wetlands on the property

*ZBA may determine a boundary survey is necessary to properly evaluate the application.

Signature of Applicant: _____ Date: _____