

11/10/2014

D R A F T
FOR PUBLIC HEARING

**ANN ARBOR CHARTER TOWNSHIP AMENDMENT TO ZONING
CODE SECTION 74-259 POWERS AND DUTIES OF THE BOARD OF APPEALS
ORDINANCE NO. _____
_____, 2014**

The Ann Arbor Charter Township Planning Commission recommends adoption of the following amendments to Chapter 74, Section 74-259 Powers and Duties of the Board of Appeals:

CHAPTER 74, Section 74-259 Powers and Duties of the Board of Appeals is amended to read as follows: [**NEW LANGUAGE UNDERLINED**]

Sec. 74-259. - Powers and duties of the Board of Appeals.

(a) The Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), so that the objectives of this chapter shall be attained; the public health, safety and welfare served; and substantial justice done. The Board of Appeals shall hear and decide, as provided in this chapter:

- (1) Appeals of any administrative decision of any official or body on any requirement of this chapter.
- (2) Dimensional variances pertaining to area, placement, height, setback or similar matters.
- (3) Expansion of nonconforming buildings or structures.
- (4) Substitution of nonconforming uses.

(b) Notwithstanding subsection (a) above, the Board of Appeals shall not hear and shall have no authority regarding any issue that involves the approval for a conditional use permit or modification to an existing conditional use permit, as set forth in Division 3 of this Chapter, Conditional Use Permits, or the approval for a planned unit development or modification to an existing planned unit development, as set forth in Section 74-542, PUD Regulations, of this Chapter; However

- (1) If a project has been previously approved and rezoned as a residential planned unit development with individual building sites owned by individual residential owners of lots, parcels or units, then the Board of Appeals may hear the request from an individual residential owner of a lot, parcel or unit within the residential planned unit development for a dimensional variance pertaining to area, placement, height, setback or

similar matters related to the residential owner's individual lot, parcel or unit.

(2) If a project has been previously approved for a conditional use permit, then the Board of Appeals may hear a request from the property owner for a dimensional variance pertaining to area, placement, height, setback or similar matters related to the conditional use permit project.

(c) The Board of Appeals shall not alter or change the zoning district classification of any property or make any change in the terms of this chapter, and shall not take any action that would result in making a legislative change.

(d) The Board of Appeals shall have no authority to hear or make any determination on a request for a change in the use of any property in the Township otherwise prohibited by this chapter (sometimes referred to as a "use variance"), and any such change in the use of property shall be only by legislative act of the Township Board as provided in this chapter. All references to variances in section 74-266 shall mean dimensional variances as described in subsection 74-259(a)(2) and not use variances.

RESOLUTION DECLARED ADOPTED

ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION

By: _____
Dianne O'Connell, Chair

By: _____
Lee Gorman, Secretary

Public Hearing: December 1, 2014
Planning Commission Recommendation: _____, 2014
Approved by Board: _____, 2014
Effective: _____, 2014 (7 days after publication)