

**Charter Township of Clinton
Board of Appeals Variance Procedures**

This application for Hearing by the Clinton Township Board of Appeals shall be filed with the Department of Planning and Community Development along with the following supporting documentation:

1. One (1) copy of the "Affidavit of Ownership of Land" (see attached)
2. One (1) copy of the Township Receipt for Fee Payment
3. One (1) copy of the legal description of the property
4. Ten (10) copies of a plan, drawn to scale, showing the dimensional elements for which a variance is requested.
5. One (1) copy of any other supporting data.

FEE PAYMENT

A non-refundable filing fee shall be paid at the office of the Township Treasurer. A copy of the receipt for payment must be submitted with this application. A fee of \$75.00 is required for all single-family zoned property and a fee of \$300 is required for all non single-family zoned property.

PROCESS

The processing of this application will take a minimum of four (4) to six (6) weeks from the date on which the application is accepted.

A public hearing will be scheduled by the Clinton Township Board of Appeals. The applicant will be notified of the public hearing date by the Department of Planning and Community Development.

Not less than eight (8) days prior to the scheduled hearing date, the Township will notify all owners of land, as shown on the latest tax roll, within 300 feet of the subject property, of the time, date, place and purpose of the public hearing.

At the public hearing, the Clinton Township Board of Appeals shall take under consideration only the property described in the application.

The Board of Appeals may approve (with or without modifications or conditions) or deny the request for variance.

The Board of Appeals shall not approve a request for variance unless it has been found positively that:

1. The strict enforcement of the Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
2. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district
3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
5. The requested variance will not be contrary to the spirit and intent of the Clinton Township Planning and Zoning Code.
6. The requested variance will not adversely affect the purpose or objectives of the Clinton Township Master Plan.

VALID PERIOD OF A GRANTED VARIANCE

A request for variance granted by the Clinton Township Board of Appeals shall remain valid as long as the information and data relating thereto are true and correct and any conditions upon which the grant of variance was based are maintained.

The decision of the Clinton Township Board of Appeals shall be final. However, any person having an interest affected by any decision of the Clinton Township Board of Appeals has the right of appeal to the Macomb County Circuit Court.