

COMMERCE TOWNSHIP ZONING BOARD OF APPEALS

APPLICATION REQUIREMENTS:

- A **FORMAL DENIAL** in writing from the Building Official/Department.
- A completed application including signatures from both the applicant and property owner.
- An application fee of \$350.00.
- A letter addressing the rationale for the request, appeal or interpretation. The letter should address the applicable review criteria specified in the Zoning Ordinance for the type of request. Additionally, the letter must outline the history of the property, specifically any variances granted in the past and date of construction.
- Proof of ownership (if not in our Assessing records).

A complete set of plans including a certified survey indicating all lot lines, both existing and proposed structures, all setbacks, easements, septic and well locations and other relevant features pertaining to your request (*and a set of building plans including floor plans and elevations, if applicable*). If above referenced plans are 11x17 or smaller a submittal of one set is all that is needed, otherwise plans such as blueprint size (24x36) 12 sets of plans will be required.

MEETING DATES:

The Zoning Board of Appeals meets every other month, January, March, May, July, September and November on the 4th Thursday at 7:00 p.m. (schedule subject to change due to holidays). **Deadline for receipt of a complete ZBA application is four (4) weeks** prior to the meeting date. The applicant or a representative must attend the meeting; failure to do so will result in your item being tabled until the next regularly scheduled meeting. Agenda items may not be tabled for more than ninety (90) days.

ADDITIONAL INFORMATION:

Every Zoning Board of Appeals member and the Township Planning Department will visit each property on the agenda. Board members may also come into the Township to look at aerial photos and land maps. In order for the Planning Department and the Zoning Board members to inspect the property, the following items need to be addressed:

- All areas of proposed new construction shall be flagged 7 days prior to the hearing with a stake at least 8" in height with a yellow flag on that stake at all corners of the proposed construction. (An alternative to staking would be to spray paint the area of the request as well as the septic and well locations.)
- Both well and the septic tank shall be flagged with a stake at least 8" in height with a blue flag on the well location and a red flag on the septic tank location.
- All members of the Z.B.A. will conduct an inspection of the site. SHOULD THERE BE ANY SPECIAL INSTRUCTIONS, HAZARDOUS CONDITIONS, OR ANIMALS ON THE SITE PLEASE INSTRUCT THE PLANNING DEPARTMENT.
- Any water features such as ponds, pools etc... must be listed and identified at each of the corner boundary lines for safety of the Z.B.A. members.

If the Board approves a request, the Planning Department will send a letter to the applicant defining the parameters of the approval. The letter will typically be mailed within 10 business days. The applicant must take the letter to the Building Department along with all other required materials in order to submit for all necessary permits.

Approval is valid for one year from the date of the letter described above. Should the applicant not commence construction within 365 days of the date of the letter from the Planning Department, the Zoning Board of Appeals' approval will be null and void and the applicant will be required to start the process again with a new application for review and determination. If a dimensional variance is granted and construction completed, the variance runs with the land.

REQUIREMENTS FOR RECEIVING A DIMENSIONAL VARIANCE:

The ZBA's decision to grant a variance from particular area, setback, frontage, height, bulk, density or other dimensional standards shall require a finding of practical difficulties, based upon the following criteria:

1. Without the variance the applicant can't use their property in the same manner that others in that zoning district can use their property.
2. The variance requested is the least variance that will put the applicant on an equal footing with others in the same zoning district.
3. The variance is needed because of some unique feature of the applicant's land that doesn't apply to other land in the zoning district.

4. The problem is not self-created by the applicant or predecessors.
5. Granting the variance will not cause significant adverse impacts.
6. The practical difficulty and hardship sought to be cured by the variance request is not just minor inconvenience or a desire for a higher financial return.

The Zoning Board of Appeals must determine whether the applicant satisfies the specific criteria for their request.

When making a motion to approve or deny that applicant's request, Zoning Board of Appeals members must state reasons and include finding of fact. At no time may Board members' personal conclusions be considered when making a motion.