



CITY OF EASTPOINTE
ZONING BOARD OF APPEALS
PROCEDURES MANUAL

Revised October 2021

Critical Developer Information

The following list of meetings should be noted for scheduling approvals from various boards:

- Planning Commission: 1st Thursday of each month at 7:00 p.m.
- Zoning Board of Appeals: 3rd Thursday of each month at 7:00 p.m.
- City Council: 1st and 3rd Tuesday of each month at 7:00 p.m.

The following list of administrative staff should be noted for securing necessary information:

Building Official:	Erin Hardcastle	586-204-3022
Fire Marshal:	Brian Marquardt	586-445-5056
Consulting Engineers:	Anderson, Eckstein & Westrick Steve Pangori, Ryan Kern	586-726-1234
Planning Consultant:	McKenna Associates Laura Haw	248-596-0920
City Manager:	Elke Doom	586-445-3661

Zoning

Contact the Building Department to determine whether your intended use is properly zoned.

The Zoning Ordinance and Map can be purchased at City Hall, or viewed from a link on our website:
<http://www.cityofeastpointe.net/>

The following sections of the ordinance will provide valuable information:

- Zoning – Chapter 50
- Setback requirements (schedule of regulations)
- Building Requirements: Chapter 50 Planning and Zoning, Chapter 10 Building & Housing
- Parking requirements: Chapter 50
- Streets, Utilities & Public Services – Chapter 38
- Business Regulations – Chapter 12
- Site Plan Review – 50-159

Link to the Municipal Code website for the complete ordinance:

<http://library.municode.com/index.aspx?clientID=14693&stateID=22&statename=Michigan>

CITY OF EASTPOINTE
ZONING BOARD OF APPEALS
RULES OF PROCEDURE

1. An application to the Zoning Board of Appeals for a variance or an appeal of an administrative decision shall be made by an owner of an interest in property to the Building Official, accompanied by the necessary fees and documents as provided in Sec. 50-71 of the Eastpointe City Code. An appeal may be taken to the Zoning Board of Appeals by a person aggrieved or by an officer, department, board or bureau of the state or of the City.
2. The following items may be considered by the Board of Appeals:
 - a. Appeals of decisions made by an administrative official charged with the enforcement of the Zoning Ordinance.
 - b. Variances from specific Zoning Ordinance requirements.
3. For building permit related variance requests the applicant is required to have a letter of permit denial from the Building Inspector. This letter will set forth the zoning compliance issues and be the basis for the variance request.
4. All requests for consideration by the Zoning Board of Appeals shall require the notification of the owners of all property located within three hundred (300) feet of the property in question. Such notice shall be served by regular mail at least seven (7) days before such meeting.
5. The application for a variance fee must be paid; the application must be completely filled-out and accompanied eight (8) paper copies and one (1) electronic version of site plans and/or any other documents considered to be evidence in the case before the case is put on the agenda.
6. Site plan requirements for all dimensional variance requests must include the following:
 - a. Minimum site plan submittal shall be based on a land survey, mortgage survey or scaled drawing.
 - b. The site plan must be drawn to scale.
 - c. The plan must include property lines and dimensions, all structures and buildings (existing and proposed), all setback dimensions, driveways, and all adjacent uses and structures within 50 feet of all property line(s).
7. If a case is tabled at the request of the applicant or the applicant's representative, the applicant or the applicant's representative shall notify the Building Official two (2) weeks prior to the meeting in which they would like to be heard. Furthermore, any new information shall be submitted two (2) weeks prior to the subject meeting.
8. Once a building permit related variance has been granted and a building permit applied for within a one (1) year time frame, the conditions of such variance shall run with the land in perpetuity. A building permit shall be applied for within one (1) year of the decision of the Zoning Board of Appeals. If a building permit is not applied for, the decision of the Board of Appeals shall be nullified.
9. The applicant authorizes the members of the Zoning Board of Appeals and any employees of the Eastpointe Building Department to schedule a date and time to enter upon the described premises to visually inspect the proposed site before and after any hearings scheduled for this application.
10. The applicant or representative shall be present at the meeting.
11. The decision of the Zoning Board of Appeals is final. A party aggrieved by a decision of the Zoning Board of Appeals may appeal the decision to the Macomb County Circuit Court. Contact an attorney for further information.

FORMAL STATEMENT

The Zoning Board of Appeals (ZBA) is an administrative body established by the Michigan Zoning Enabling Act and the Codified Ordinances of the City of Eastpointe.

The function of the ZBA is to act as an appeals board for questions arising under the City's Zoning Ordinance.

The Board may not alter or change any zoning district classification of any property nor make any change in the terms of the Zoning code. Those functions are for the City Council. The ZBA is not a legislative body.

The ZBA acts on those matters where the Zoning Code provides for an administrative review, interpretation, exception or special approval permit and may authorize a variance.

Most ZBA matters concern requests for variances. The ZBA considers only non-use variances. A non-use variance is often called a dimensional variance and usually deals with setback, height or land area requirements. Where there are practical difficulties preventing a property owner from conforming to the strict letter of the ordinance, the ZBA has the power to grant non-use or dimensional variances.

To obtain a non-use or dimensional variance, the applicant must demonstrate a practical difficulty and show by competent, material and substantial evidence that:

- A. Strict compliance with area setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
- B. A variance would do substantial justice to the applicant, as well as to other property owners in the district and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
- C. The plight of the owner is due to the unique circumstances of the property; and
- D. The problem is not self-created.

To grant a non-use or dimensional variance will require a concurring vote in the affirmative of a majority of the members of the Board. That means 4 affirmative votes.

The decisions of the ZBA are final. Any petitioner aggrieved by a decision of the Board must appeal to the Macomb County Circuit Court. The City Council has no authority to hear appeals from the ZBA.

APPLICATION FOR ZONING BOARD OF APPEALS APPROVAL
CITY OF EASTPOINTE
23200 GRATIOT AVENUE
EASTPOINTE, MICHIGAN 48021
586-445-5010, option 2

Meeting Date: _____ Date application received: _____ Fee: \$ _____

I hereby make application to the Eastpointe Zoning Board of Appeals for a variance of the City Ordinance on the following described property:

NAME & ADDRESS OF APPLICANT

NAME & ADDRESS OF PROPERTY OWNER

Phone #: _____

Phone #: _____

Parcel ID#: _____

Legal Description of property:

Section of the ordinance being appealed: _____

Existing Zoning District _____ Conforming _____ Non-conforming _____

Request: Administrative Appeal _____ Variance _____ Temporary Use _____

Variances: Where, owing to special conditions, a literal enforcement of the City of Eastpointe Zoning Code would involve practical difficulties or cause unnecessary hardships within the meaning of the Code, the Zoning Board of Appeals may, upon appeal in specific cases, authorize such variance or modifications of the Code with such conditions and safeguards as it may determine, as may be in harmony with the spirit of the Code and so that public safety and welfare may be secured and substantial justice done. No such variance or modification of the

Code shall be granted unless it appears by competent, material and substantial evidence that all of the following facts and conditions exist:

There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.

Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

The granting of such variance or modification will not be materially detrimental to public welfare or be materially injurious to the property or improvements in such zone or district in which the property is located.

The granting of such a variance will not adversely affect the purposes or objectives of the Master Plan.

The applicant may attach additional information as is deemed helpful to the Board in making a determination regarding this appeal.

I hereby request a hearing on the above mentioned matter before the City of Eastpointe Zoning Board of Appeals.

The undersigned certifies that the information provided on this application is true and accurate to the best of their knowledge.

Signature of applicant: _____ Date: _____

Printed Name: _____

Signature of property owner: _____ Date: _____

(If not applicant) Name: _____