

## CHAPTER XV

### **BOARD OF APPEALS**

**SECTION 15.01, CREATION.** *There is hereby created, under the Zoning Act, a Township Zoning Board of Appeals, referred to in this Ordinance as the “Board of Appeals”. The Zoning Board of Appeals shall be constituted and appointed as provided in the Zoning Act. The Board of Appeals shall consist of five (5) members. The first member shall be a member of the Planning Commission and the second member may be from the Township Board. The Township Board shall appoint two (2) alternate members to serve in the absence of a regular member if the regular member is unable to attend one or more meetings.*

*Amended by Ord 75; Eff 03-25-2010*

**SECTION 15.02 JURISDICTION AND POWERS.** *The Board of Appeals shall have all powers and jurisdiction granted by the Zoning Act, all powers and jurisdiction prescribed in other chapters of the Ordinance, and the following specific powers and jurisdiction:*

- (a) The jurisdiction and power to hear and decide appeals from, and review any order, requirement, decision or determination made by, the Zoning Administrator. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in it’s opinion ought to be done, and, to that end, it (1) shall have all the powers of the Zoning Inspector; and (2) may issue or direct the issuance of a permit.
- (b) The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the Zoning map.
- (c) The jurisdiction and power to authorize, upon appeal, a dimension variance, or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done. Use variances shall not be allowed.

**SECTION 15.03 ADOPTION OF RULES OF PROCEDURE.** *The Board of Appeals shall fix rules and regulation governing it’s procedures sitting as the Board of Appeals. Said rules and regulations shall be made available to the public and shall be in conformance with the terms of this Ordinance and the Zoning Act.*

SECTION 15.04 CONDITIONS. *In granting a variance, the Board of Appeals may impose and attach such conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. Such conditions, restrictions and requirements may impose greater or more restrictive conditions, restrictions and requirements than are included in this Ordinance. Violation of such conditions, restrictions and requirements shall be deemed a violation of this Ordinance. Such conditions, restrictions and requirements may include the provision of financial security to guarantee performance.*

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