



APPEAL

City of Mt. Pleasant
Building Safety Department
320 W. Broadway Street
Mt. Pleasant, MI 48858
(989) 779-5347 ▪ Fax: (989) 773-6791
www.mt-pleasant.org

OFFICE USE ONLY
Filing fee: \$250.00
Case #: _____
Submission Date: _____
Meeting Date: _____

Important Information to Persons Appealing:

ROLE OF THE ZONING BOARD OF APPEALS

A supplemental guide to the appeals process is attached to this form. It outlines the role of the Zoning Board of Appeals in considering decisions made by the Planning Commission, Building Official, or Zoning Administrator under both City Ordinance and state law.

COMPLETE APPEAL REQUIRED

Appeals will not be scheduled for review by the Zoning Board of Appeals until it has been verified that all required information has been provided with the appeal including the filing fee. **Incomplete appeals may be returned.**

QUESTIONS

If you have any questions, please **contact the Building Safety Department at (989) 779-5347 or bkench@mt-pleasant.org**. Additional information can also be found in the Building Safety Development section and the Zoning Board of Appeals section of the City's website at www.mt-pleasant.org. The appeals process is outlined in Section 154.163 of the City's Zoning Ordinance. The Zoning Ordinance can be reviewed in the City Code section of the City's website.

Please type or print clearly:

I. APPEALING PARTY INFORMATION – <i>If the appealing party owns or leases multiple properties in the City, please list the address that is most relevant to the appeal being filed.</i>			
Appealing Party:			
Address:	City:	State:	Zip:
Interest in property (owner, tenant, option, etc. if applicable):			
Contact Person (if other than appealing party):			
Telephone Number:	Fax Number:	E-mail Address:	

II. TYPE OF APPEAL	Describe the decision being appealed (zoning permit, special use permit, site plan review)		
	Case Number	Date of Hearing	
<input type="checkbox"/> Planning Commission			
<input type="checkbox"/> Building Official			
<input type="checkbox"/> Zoning Administrator			
<input type="checkbox"/> Other			

III. PROPERTY AT ISSUE IN APPEAL – <i>If the decision being appealed pertains to multiple properties, please attach additional pages. This section does not need to be completed if this information was provided to the City in a prior application (i.e. the application for the decision being appealed).</i>			
Property Address:			
Legal Description (available from deed, City Assessor's Office, or City website – can be provided on separate sheet):			
Owner Name (if different than applicant):			
Address:	City:	State:	Zip:
Telephone Number:	Fax Number:	E-mail Address:	

IV. AGGRIEVED PARTY – *There is no need to complete this section if the appealing party is the same person who submitted the original application that was denied by the Planning Commission, Building Official, Zoning Administrator, or other city official administering the Zoning Ordinance.*

In the space provided below or on an attached document, please provide evidence that the decision being appealed will cause substantial damage to your property that is not common to other property owners similarly situated.

V. GROUNDS FOR APPEAL

In accordance with Section 154.163 of the Zoning Ordinance, please specifically state the grounds for the appeal in a manner that explains why the decision being appealed was in error. See the guidance attached for more information. If additional space is needed, you may attach additional pages.

VI. APPEALING PARTY CERTIFICATION

By execution of this appeal, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the undersigned represents that he/she is authorized and does hereby grant a right of entry to City officials for the purpose of gathering information related to this application, and to verify compliance with the terms and conditions of any Site Plan approval issued as a result of this application.

Signature: _____

Date: _____

Guidance for Appealing Administrative Decisions to the Zoning Board of Appeals

This document provides a general overview the process for appealing a decision of the City’s Planning Commission to the Zoning Board of Appeals (“ZBA”). It is not intended as legal advice. Applicants may consult with their own attorneys or planning consultants regarding the applicable state law and ordinance provisions

1. Appeals to the ZBA. Any person aggrieved by a decision of the Planning Commission, Building Official, Zoning Administrator, or any other city official administering the zoning ordinance may appeal the decision to the ZBA. Applications must be received by the City within 30 days of the decision being appealed.
2. Contents of Appeal. An appeal must include the following information:
 - a. Appealing party’s contact information.
 - b. The nature of the decision being appealed.
 - c. An explanation of why the applicant is “aggrieved” by the decision being appealed. If the initial decision was the denial of a zoning application, the person who filed the zoning application is always considered “aggrieved” and need not provide further explanation.
 - d. The grounds for the appeal. That is, the appeal must explain why the initial decision was wrong.
 - e. The appealing party’s signature, which: (i) represents that the information in the application is true and accurate, and (ii) grants the City a right-of-entry to the applicant’s property if needed to learn more about the appeal or verify compliance with conditions of site plan approval.

The City has issued a standard appeal form that includes space for all the required information. The form is available City Hall and on the City’s website at the following address:

http://www.mt-pleasant.org/departments/division_of_community_services/planning_and_community_development/

3. Filing the Application. Applications may be delivered or mailed to the following address, along with an application fee of \$250:

City of Mt. Pleasant
Building Safety Department
320 W. Broadway Street
Mt. Pleasant, MI 48858

4. Grounds for Appeal – Discussion of Applicable Criteria. In stating the grounds for the appeal, reference should be made to the information provided to the Planning Commission, Zoning Administrator or Building official whose decision is being appealed. You should discuss the criteria in the Zoning Ordinance that the initial decisionmaker applied (or should have applied). The following list includes some of the more commonly applicable criteria for zoning decisions. Notably, when appealing a decision regarding a special use permit, you should discuss the general criteria **and** any applicable specific criteria:

- a. Site Plan Review Criteria – Zoning Ordinance § 154.169(A).
- b. General Criteria for Special Use Permits – Zoning Ordinance § 154.171(A).
- c. Specific Criteria for Special Uses in Certain Zoning Districts:
 - i. Residential “R” Districts – Zoning Ordinance § 154.051(C).
 - ii. Multifamily “M-1” District – Zoning Ordinance § 154.053(C).
 - iii. Multifamily “M-2” District – Zoning Ordinance § 154.054(C).
 - iv. Central Business “C-2” District – Zoning Ordinance § 154.066(D)
 - v. General Business “C-3” District - Zoning Ordinance § 154.067(C).
 - vi. Mission Redevelopment Overlay Zone - Zoning Ordinance § § 154.068(C)(6).
 - vii. Office-Service “OS-1” Districts - Zoning Ordinance § 154.081(C).

5. Grounds for Appeal – Possible Arguments. The ZBA generally reviews only the information available to the initial decisionmaker, and does not consider new information that is provided for the first time in the appeal (except as described in paragraph 7). You may argue that the initial decision overlooked, misinterpreted, failed to properly consider or otherwise drew incorrect conclusions from the information that was available. You may also argue that there was not enough information to support the decision that was made. As noted above, you should attempt to relate your arguments to the criteria that the zoning ordinance requires to be used in making the decision you are appealing. Copies of the Zoning Ordinance are available in the Clerk’s Office and online at:

http://www.amlegal.com/codes/client/mount-pleasant_mi

6. Submission of New Information on Appeal. The ZBA generally reviews appeals based only on the application for appeal and the record from the initial decisionmaker. However, the ZBA will consider new information that was not presented to the initial decisionmaker for purposes of determining whether you are “aggrieved.” In very limited circumstances, the ZBA might also determine that it is appropriate for the initial decisionmaker to reconsider a decision based on new evidence that ***could not have been presented earlier***. This might occur in the following circumstances:

- a. The appeal is from a decision that was made without a public hearing, and the appealing party did not have the opportunity to present evidence that might have resulted in a different decision; or
- b. Relevant facts (*e.g.*, facts relating to conditions on the property at issue) have changed since the time when the initial decision was made, and those facts might have resulted in a different decision.

7. ZBA Hearing Procedures. Upon receiving an appeal, the ZBA sets a hearing and notifies all property owners within 300 feet of the subject site. At the hearing, the appealing party may appear and speak in favor of appeal. The owner, occupant or other person in interest in the property will then be given a chance to speak. The general public will also be given opportunity to comment. Comments should pertain to the information in the record on appeal.

8. ZBA Decision Standards.

A. Standard of Review. The standard of review for the appeal is the “substantial evidence test.” Under this standard, the ZBA must uphold the initial decision if there is enough evidence in the record to reasonably support it. Accordingly, the ZBA may not substitute its own judgment for the judgment of the initial decisionmaker, but will instead review the record to ensure that the decisionmaker reasonably exercised its discretion. In other words, if there are two reasonable ways to view the evidence in the record, the ZBA will uphold a decision that reflects one of the two reasonable possibilities. The ZBA will only reverse a decision that is based on an unreasonable view of the evidence or an erroneous interpretation of the Zoning Ordinance.

B. Ordinance as Written. The ZBA must apply the Zoning Ordinance as written, even if the members of the ZBA would prefer it provided otherwise. The ZBA must also recognize that State law provides that if the information provided show the criteria in the zoning ordinance have been met, the City is ***legally required*** to issue certain types of permits, such as special use permits and site plan approvals.