

ARTICLE 23

BOARD OF APPEALS

Sec. 23.01 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 Board of Appeals shall be constituted and appointed as provided in the Zoning Act.

Sec. 23.02 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.
- (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 ordinance text and zoning map.
- (c) The jurisdiction and power to authorize, upon application or appeal, a variance or modification of this Ordinance where there are practical difficulties 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. The standards for approval of a variance shall be as follows:
 1. That the variance will not permit the establishment of a use that is not allowed as a permitted or special exception use within the zoning district in which the property is located.
 2. That compliance with the strict letter of the ordinance would unreasonable prevent the owner or applicant from using the property for a permitted use.
 3. That the variance would do substantial justice to the applicant or would give substantial relief to the applicant consistent with justice to other property owners in the surrounding area.

4. That the practical difficulty asserted by the applicant is not self-created and clearly based on the unique characteristics of the property.

Sec. 23.03 ADOPTION OF RULES OF PROCEDURE

The Board of Appeals shall fix rules and regulations governing its 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.

Sec. 23.04 CONDITIONS

In authorizing or 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.