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TO: White Lake Township Zoning Board of Appeals
FROM: David Waligora, AICP, Senior Planner
DATE: June 18, 2026
RE: **Authority, Jurisdiction, and Responsibilities of the Zoning Board of Appeals**

Purpose

This memorandum is provided as an orientation resource for Zoning Board of Appeals members and is not intended to address any specific case or application. Its purpose is to summarize the authority, jurisdiction, responsibilities, and limitations of the White Lake Township Zoning Board of Appeals (ZBA) as established by the Michigan Zoning Enabling Act and the White Lake Township Zoning Ordinance.

Source of Authority

The authority to regulate land use through zoning is granted to local units of government by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.). Pursuant to that authority, the White Lake Township Board adopted the White Lake Township Zoning Ordinance and established the Zoning Board of Appeals through Section 7.32 of the Ordinance. The ZBA therefore derives its authority from state law as implemented through the White Lake Township Zoning Ordinance.

As established by Sections 7.32 and 7.36, the ZBA is a quasi-judicial body of limited powers and may exercise only those powers specifically granted by state law and the White Lake Township Zoning Ordinance. In carrying out its responsibilities, the Board applies the Ordinance as adopted by the Township Board to the facts presented in individual cases.

Role of the Zoning Board of Appeals

Section 7.32 provides that the Zoning Board of Appeals shall perform its duties in a manner that ensures the objectives of the Ordinance are observed, public safety and welfare are protected, and decisions are made consistent with the standards established by the Ordinance.

The ZBA serves as the Township's designated body for hearing administrative appeals and evaluating requests for relief from the strict application of dimensional standards in accordance with the standards established by the Ordinance. In carrying out this responsibility, the Board acts in a quasi-judicial capacity and should base its decisions upon the standards contained within the Ordinance and the facts established in the record for each case.

Limited Powers and Jurisdiction

Section 7.36 states that the Zoning Board of Appeals is a "body of limited powers."

The authority of the ZBA is limited to those powers expressly granted by the Michigan Zoning Enabling Act and the White Lake Township Zoning Ordinance, including:

- Hearing and deciding administrative appeals where it is alleged that an error has occurred in the enforcement, interpretation, or application of the Zoning Ordinance.
- Hearing and deciding variance requests where practical difficulties are alleged to result from the strict application of dimensional or area requirements of the Ordinance.
- Interpreting the Zoning Map and certain provisions of the Ordinance where specifically authorized by Section 7.36.
- Authorizing specific modifications expressly permitted by Section 7.36, including certain parking, loading, height, lot area, lot width, setback, and related dimensional requirements when the applicable standards are satisfied.

The Board may exercise only those powers specifically granted by law and ordinance. Powers not expressly granted to the Zoning Board of Appeals remain with the Township Board, Planning Commission, Zoning Administrator, or other appropriate authority.

Authority During Review

Pursuant to Section 7.38, the ZBA may require applicants to provide surveys, plans, testimony, studies, or other information necessary for the Board to thoroughly investigate a request.

The Board may affirm, reverse, or modify administrative decisions within its jurisdiction and may direct the issuance of permits when appropriate.

The Board may also impose reasonable conditions upon an approval when necessary to ensure compliance with the spirit and purposes of the Zoning Ordinance.

Variance Standards

When considering a dimensional variance request, the ZBA must evaluate the request using the standards established in Section 7.37 of the Zoning Ordinance. The applicant bears the burden of demonstrating that the applicable standards have been satisfied.

Section 7.37 establishes the standards that must be satisfied before a variance may be granted:

A. Practical Difficulty

A practical difficulty exists on the subject property, and strict compliance with the Ordinance would either unreasonably prevent the use of the property for a permitted purpose or render conformity unnecessarily burdensome. The practical difficulty must relate to the property itself rather than the personal circumstances of the applicant. Economic hardship or optimum profit potential are not considerations.

B. Unique Situation

The practical difficulty results from exceptional or extraordinary circumstances affecting the property that differ from typical properties within the same zoning district or vicinity.

C. Not Self-Created

The condition creating the need for the variance was not created by the applicant.

D. Substantial Justice

The variance would provide property rights similar to those enjoyed by neighboring properties without granting special development rights or creating substantial adverse impacts upon surrounding properties or the public.

E. Minimum Variance Necessary

The requested relief is the minimum variance necessary to address the demonstrated practical difficulty.

Alternatively, Section 7.37(F) permits consideration of variances necessary to comply with applicable state or federal laws, including the Michigan Right to Farm Act and the Americans with Disabilities Act.

Matters Outside the Authority of the ZBA

The ZBA does not possess authority to:

- Amend the Zoning Ordinance or establish new zoning regulations or policies.
- Rezone property or amend the Zoning Map.
- Create exceptions not authorized by the Ordinance.
- Approve uses that are not permitted within the applicable zoning district.
- Modify, extinguish, vacate, or otherwise alter private easements, covenants, deed restrictions, or other private agreements unless specifically authorized by law.
- Amend, adopt, or direct amendments to the Zoning Ordinance through a variance or appeal decision.

Section 7.41 of the Zoning Ordinance provides that the Ordinance is not intended to interfere with, abrogate, or annul easements, covenants, or other agreements between parties. Accordingly, private property rights established through such agreements generally fall outside the jurisdiction of the Zoning Board of Appeals.

Ordinance Amendments and Policy Considerations

Board members may occasionally identify ordinance provisions that appear unclear, outdated, difficult to administer, or capable of improvement. Such observations may provide valuable feedback to Township staff, the Planning Commission, and the Township Board and may be forwarded to those bodies for future consideration through the ordinance amendment process. However, decisions regarding the creation, amendment, or repeal of zoning regulations are legislative matters that fall within the authority of the Planning Commission and Township Board and are separate from the ZBA's responsibility to apply the Ordinance as currently adopted. When reviewing an application, the role of the ZBA is to determine whether the request satisfies the standards contained within the Ordinance as currently adopted. Variance decisions should be based upon the applicable standards and the facts established in the record for the individual application under consideration.

Conclusion

The Zoning Board of Appeals serves an important role in ensuring the fair and consistent application of the White Lake Township Zoning Ordinance. In carrying out its responsibilities, the Board should apply the standards established by the Ordinance to the facts of each case, exercise only those powers granted by law and ordinance, and ensure that its decisions remain within the scope of its jurisdiction and authority.