

Exhibit I

**Milford Charter Township
Code of Ordinances
Sec. 32-65**

Sec. 32-65. - Powers concerning administrative review and variances.

The board of appeals is a body of limited powers. The board of appeals shall have the following specific powers and duties:

- (1) *Purpose.* To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by township officials in the enforcement of this chapter, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter so that the spirit of this chapter shall be observed, public health and safety secured, and substantial justice done.
- (2) *Authorization.* In hearing and deciding appeals, the board of appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this chapter, so that public health, safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying this chapter, where street layout actually on the grounds varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the board of appeals shall interpret the zoning map after recommendation from the planning commission.
 - b. Permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the board of appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
 - c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the planning commission.
 - d. Permit such modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary

disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the board of appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.

- (3) *Conditions.* The board of appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the zoning administrator from whom the appeal is taken.

(Code 1992, § 19-590; Ord. No. 101, § 22.05, 3-23-1971)