



**CITY OF IRONWOOD**  
**Zoning Board of Appeals Application**

Case No.:

Date Filed: \_\_\_\_\_

Type of Request

\_\_\_\_\_Appeal (\$400.00)

\_\_\_\_\_Residential Variance (\$350.00)

\_\_\_\_\_Non-Residential Variance (\$400.00)

**Public Notice and Hearing Requirements Apply to all requests.**

Address of Property: \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_

Legal Description:

Area of Parcel(s) (Acres): \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Is the request consistent with the Comprehensive Plan? \_\_\_\_\_

Description of Request:

**Plan Submittal Requirements**

1. One (1) hard copy of site plan, survey, and any and all other documents that may be required to complete an appropriate review of the request. Minimum size shall be 24" x 36" unless otherwise noted by staff.
2. One (1) PDF of site plan, survey, and any and all other documents that may be required to complete an appropriate review of the request. Minimum size shall be 24" x 36" unless otherwise noted by staff.

**Property Owner Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Applicant Information (If different than Property Owner)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*A Pre-Application meeting is required. Please contact staff at (906) 932-5050 ext. 126 or [bergmant@ironwoodmi.gov](mailto:bergmant@ironwoodmi.gov) to set up a time to meet and discuss your application and project. All fees shall be paid and all documents by ordinance shall be submitted with this application in order to be reviewed and considered for approval.*

### Sec. 6.3-6 GRANTING OF VARIANCES

- a. The ZBA shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below:
  1. Dimensional Variance. The ZBA may grant a dimensional variance only upon a finding that practical difficulties exist. A dimensional variance is a variance from any dimensional standard or requirement of this ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
    - (a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.
    - (b) A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
    - (c) The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography or area.
    - (d) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
    - (e) The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
    - (f) The granting of the variance will not materially impair the intent and purpose of this Ordinance.
  - b. Use Variance. The ZBA may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:
    - (a) The property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.
    - (b) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these

features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

- (c) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
- (d) The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

#### **SEC. 6.3-7 APPEALS**

- a. An appeal, as provided in Section 6.3-5, Jurisdiction, Duties and Responsibilities, shall be taken within such reasonable time as shall be prescribed by the ZBA by general rule, and if no general rule has been adopted, within sixty (60) days of the order, requirements or determination of an administrative official or body, by the filing with the City Manager and with the board of a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. Filing with the secretary of the ZBA the notice of appeal, or, in the absence of the secretary filing of the same with the chairperson or presiding officer, shall satisfy the provision of this section that a copy of the notice of appeal be filed with the board.
- b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the ZBA after the notice of appeal shall have been filed with the Building Official that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board or by the circuit court for the county, on application, on notice to the Building Official and on due cause shown.
- c. The ZBA shall fix a reasonable time for the hearing of the appeal, which time shall be within thirty (30) days of the receipt of the notice of appeal.
- d. Any interested party may appear and be heard at the hearing in person or by an agent or attorney.
- e. The ZBA shall not have the power to alter or change the zoning district classification of any property.

#### **Sec. 6.3-8 DECISIONS**

- a. Matters coming before the ZBA shall be decided within a reasonable time.
- b. The decision of the ZBA shall not become final until the expiration of five (5) days from the date of entry of the order, unless the board shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall so certify on the record.
- c. In its decisions, the ZBA shall state a finding of facts underlying its decisions.
- d. Decisions of the ZBA may be appealed to the appropriate court on the record and for that reason the board shall cause a record to be made of its proceedings.