

Attachment 6

APPLICATION FOR A ZONING VARIANCE

CITY OF IONIA

Application to Zoning Board of Appeals

1. Applicant Name: _____
Address: _____
Telephone: _____
(HOME) _____ (BUS.) _____
Applicant's interest in property:

2. Owner Name (if different from above):

3. Section of Zoning Ordinance for which a variance , interpretation, or appeal is being requested:

Description of Request:

4. Address of Property:

5. Legal Description:

6. Current Zoning: _____ 7. Size of Parcel: _____
8. Applicant's Signature: _____ (DATE) _____
9. Property Owner's Signature: _____ (DATE) _____

OFFICE USE ONLY

Application #: _____

Date Notice Sent:

\$250 Fee Paid: _____

Date of Meeting:

Action Taken:

CITY OF IONIA

ZONING BOARD OF APPEALS PROCESS

I. Meeting Dates

The Zoning Board of Appeals meets as necessary to consider variances and other requests under its jurisdiction. The meetings are held in the public meeting room of the City of Ionia offices.

II. Processing Period

An application for a variance to the Zoning Board of Appeals usually takes from 14 - 21 days to process.

III. Application Procedure

Whenever an application for an appeal to the Zoning Board of Appeals is filed, the following steps are taken in processing the application:

- (1) An application for an appeal is submitted to the Building Inspector or their representative along with the required fee(s). The application must be signed by the owner(s) of the property for which the application has been submitted.

The fee covers the cost of mailing notices to property owners and occupants of properties within 300 feet of the applicant's property, and the cost of holding a hearing.

Applications should also be accompanied by an accurate drawing illustrating the requested variance or other appeal.

- (2) The Building Inspector, in conjunction with the Chair of the Zoning Board of Appeals, sets a public hearing date.
- (3) Written notices of the request for an appeal and date of the hearing are mailed to the owners of property and/or occupants within 300 feet of the subject property, and to the applicant. This mailing list is taken from the most recent City tax roll. **This notice is mailed at least five days before the hearing date.**
- (4) A hearing on the appeal is held, at which time the applicant may appear in person or by agent or attorney. The Board also accepts comments or questions from the audience. The Board may either approve, deny or table a request. The Board may impose conditions in granting a variance request.
- (5) A copy of the Zoning Board of Appeals decision is sent to the applicant and to the City Zoning Administrator. The terms of the approved appeal are incorporated in any permit subsequently issued by the Zoning Administrator or the City Building Inspector.
- (6) An appeal of the decision of the Zoning Board of Appeals may be made to the Circuit Court of Ionia County as provided for by State of Michigan law. An appeal cannot be filed with the City Council or Planning Commission.
- (7) The activity authorized by the appeal must be underway within one year of the date granted by the Board or the variance will no longer be valid.

IV. Criteria for Granting a Variance or Other Appeal

The Zoning Board of Appeals treats each variance request individually and approves or denies each variance request on its own merits.

In order for the Board of Appeals to grant a variance, the applicant must demonstrate to the Board that he/she meets all of the following standards of Section 5.185(2) and Section 5.185(3)(h) of the City Zoning Ordinance.

Section 5.185(2) - Standards for Variance Approval.

To authorize a variance from the strict application of the provisions of this Chapter, the Zoning Board of Appeals must find that “where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property.”

The Board shall also find that “such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.”

In granting a variance, the Board may attach conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Chapter.

Section 5.185(3)(h) - General Standards for All Appeals to Zoning Board of Appeals.

In consideration of all appeals and all proposed variations to this Chapter, the Board shall first determine that the proposed variation will not:

- a. impair an adequate supply of light and air to adjacent property.
- b. unreasonably increase the congestion in public streets.
- c. increase danger of fire or endanger public safety,
- d. unreasonably diminish or impair established property values within surrounding area.
- a. impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Ionia.

NON-USE VARIANCES

The ZBA may only grant a non-use variance in cases where there is reasonable evidence of practical difficulty in the official record of the hearing. Practical difficulty may be found when all of the following standards have been met:

Standard 1

That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district.

Standard 2

That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness, or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.

Standard 3

That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Standard 4

The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Standard 5

The variance will not impair the intent and purpose of this ordinance.

Standard 6

That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.

USE VARIANCE

Prior to the ZBA hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the ZBA. The Planning Commission shall consider such request and forward a report to the ZBA. The Planning Commission shall consider the Master Plan, ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors that the Planning Commission shall deem relevant. The ZBA may only grant a use variance in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing. Unnecessary hardship may be found if all of the following standards are met:

Standard 1

That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.

Standard 2

That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship.

Standard 3

That the proposed use would not alter the essential character of the neighborhood.
