

CITY OF IRON MOUNTAIN ZONING VARIANCE APPLICATION

1. Owner/applicant: _____

Address: _____

Telephone _____

2. Describe Variance Requested: _____

3. Attach an accurate drawing of the site showing: (a) property boundaries, (b) existing and proposed buildings with dimensions, (c) the distance from the lot lines of each existing or proposed building, (d) unusual physical features of the site or building, (e) abutting streets, alleys, driveways and sidewalks.

4. The property should be staked to show: (a) Property lines and property corners, (b) proposed building locations.

CRITERIA FOR VARIANCE APPROVAL

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 Zoning Board of Appeals to grant a variance, the applicant must satisfy all of the following conditions:

(1) Special conditions and circumstances exist such as exceptional narrowness, shallowness or shape, exceptional topographic conditions or other extraordinary situation which are peculiar to the land, structure or buildings involved and which are not generally applicable to other lands, structures or buildings in the same zoning district, therefore a variance is necessary because:

(2) That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district, therefore a variance is necessary because:

(4) The condition or situation of the piece of property, or the intended use of said property, for which the variance is sought, is not self created and did not result from actions of the applicant, but is the result of unique circumstances to the property because:

(4) Granting of the variance requested will not be of substantial detriment to adjacent property, will not alter the essential character of the neighborhood, will not materially impair or damage the public interest or otherwise be detrimental to the general welfare of the City because:

I hereby attest that the information on this application form is true and accurate.

Signature of Applicant

Date

I hereby grant permission for members of the Iron Mountain City Zoning Board of Appeals to enter my property as described on the attached Zoning Permit Application for the purposes of gathering information related to this application. (note to applicant this is optional and will not affect any decision on your application).

Signature of Applicant

Date

Sec. 74-419. - Fences, walls and screens.

It shall be unlawful for any person to construct or install, or cause to be constructed or installed, any fence, wall or screen of any material other than plant material upon any property within the city, except in accordance with the requirements and the restrictions provided in this section.

- (1) *Permit.* Any person desiring to build or install, or cause to be built or installed, a fence, wall or screen upon any property in the city shall first apply to the office of the zoning administrator for a permit to do so. Application for such permit shall contain any and all information, including drawings, as may be required and necessary for the determination as to whether the erection of such fence, wall or screen would be in compliance with these regulations or the laws of the state, including identification of property stakes to show actual lot lines on the affected property. A fence permit fee shall be paid to the city.
- (2) *Restrictions.*
 - a. Fences, walls or screens shall not exceed six feet in height in residential districts, except for sports facilities such as tennis courts, backstops or similar uses, located along rear yard and side yard property lines, and shall not exceed a height of four feet and 60 percent solid or opaque in construction along front yard property lines, subject to the provisions in this section. Fences, walls and screens shall not exceed eight feet in height, except for sports facilities such as tennis courts, backstops or similar uses, in commercial and industrial districts located along front, rear and side property lines.
 - b. A fence, wall or screen shall be erected at least one foot from the property line of the requestor and parallel to the property line unless the abutting property owner consents in writing to erecting the fence, wall or screen on the property line. However, no fence; wall or screen shall be constructed nearer than five feet to any public street or alley right-of-way; provided, however, that ornamental and decorative wood or metal fences that are not in excess of 60 percent solid or opaque, and retaining walls or screens that do not exceed four feet in height may be erected on the lot lines of the front and side yards in residential districts adjacent to any public street or alley right-of-way provided the design has been approved by the zoning administrator.
 - c. Fences on residential lots of record shall not contain barbed wire or be electrified or chain link type fences with sharp wire exposed. Front yard fencing shall exclude: T type posts, snow fence, slack wire and chicken wire type fences.
 - d. The construction design and construction materials for the building of fences shall be in accordance with all applicable building codes in force at the time of construction. All fences shall be constructed with the finished side facing out.
 - e. The requirements for fences, walls and screens are not intended to restrict landscaping features that may be planted or exist as part of a beautification project of any premises.
- (3) *Clear vision requirements.*
 - a. No fence, wall, sign or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or between a height of three and ten feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of intersection of the right-of-way lines. The three-foot height limit shall be measured from the lowest elevation of the segment of the intersecting road's centerline which lies between the point of intersection of the other centerline and the extension of the line drawn through the points 30 feet from the intersection of the right-of-way lines.
 - b. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within the triangular area formed by the intersection of a

street right-of-way and a driveway and a line connecting two points which are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway. The three-foot height limit shall be measured from the lowest elevation of the segment of the intersecting road and driveway's centerline which lies between the point of intersection of the centerline and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way and driveway.

(4) *Maintenance of fences, walls and screens.*

- a. Fences, walls and screens shall be maintained so as not to endanger life or property.
- b. Any fence, wall or screen which, through lack of repair, type of construction or otherwise, endangers life or property is hereby declared a nuisance as defined in this chapter. (See the definition of nuisance.)
- c. If unsafe conditions exist in regard to a fence, wall or screen, the zoning administrator shall serve on the owner, agent or person in control of the property upon which the fence, wall or screen is located a written notice describing the unsafe conditions and specifying the required repairs or modifications to be made to render the fence, wall or screen safe, or requiring the removal of the fence, wall or screen if such repairs or modifications are not done, and shall provide a time limit for such repair, modification or removal.

(Ord. of 5-1-95, § 8-19-8; Ord. of 9-18-17)