

**CITY OF AMHERST, OHIO  
 Board of Zoning Appeals  
 206 South Main Street  
 Amherst, Ohio 44001  
 440-988-3734**

**APPLICATION FOR ZONING VARIANCE**

Name of Applicant: \_\_\_\_\_

Mailing Address of Applicant: \_\_\_\_\_

Name(s) of Owner(s) of the Property: \_\_\_\_\_

If you are not the property owner, state your interest: \_\_\_\_\_<sup>1</sup>

Property Location: \_\_\_\_\_, Amherst, Ohio

Zoning Classification: \_\_\_\_\_

Purpose(s) of the variance(s) requested: \_\_\_\_\_

| <u>Code Section</u> | <u>Code Requirement</u> | <u>Variance Requested</u> | <u>Comments</u> |
|---------------------|-------------------------|---------------------------|-----------------|
| _____               | _____                   | _____                     | _____           |
| _____               | _____                   | _____                     | _____           |
| _____               | _____                   | _____                     | _____           |

Has the Board of Zoning Appeals denied a request for a variance the same as or similar to any specified above for this property within the last three (3) years? \_\_\_\_\_ yes \_\_\_\_\_ no

If yes, attach a separate page describing the variance denied, specifying the date of the denial, and detailing with particularity any changed conditions justifying a different decision at this time.<sup>2</sup>

VARIANCE REQUEST APPLICATIONS WILL BE SET FOR HEARING BEFORE THE BOARD OF ZONING APPEALS AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF ZONING APPEALS THAT IS NOT LESS THAN TEN (10) DAYS AFTER THE COMPLETED VARIANCE REQUEST APPLICATION IS SUBMITTED TO THE BUILDING DEPARTMENT. TO BE COMPLETE, THIS APPLICATION MUST BE ACCOMPANIED BY ALL OF THE FOLLOWING:

1. Non-refundable application fee.
2. A drawing, at least roughly to scale, showing the location of all buildings or structures on Applicant's own property in relationship to property lines. Accurate dimensions should be indicated.
3. The names and addresses of all adjoining property owners, plus the names and addresses of all property owners across the street.

---

<sup>1</sup> The applicant must be either an owner or a land contract buyer of the property.

<sup>2</sup> The Board of Zoning Appeals reserves the right to reject any application without a hearing and refund the application fee if the same or a similar variance was denied within the last three years and the applicant does not provide evidence of changed conditions sufficient to justify a different decision at this time.

Upon submission of this Application and until the Board of Zoning Appeals rules on the variance requested, a Variance Request Sign (to be supplied by the Building Department) must be posted in a visible location on the property easily seen from the street.

The Applicant or an authorized representative must be present at the meeting in order for action to be taken on the variance request. Unless arrangements are made prior to the meeting to continue the hearing, if the applicant or the Applicant's authorized representative fails to appear before the Board at the time scheduled for the hearing, the request will be removed from the Board's agenda and the Applicant must reapply.

### STANDARDS

Variances are classified into two types: use variances and area variances (e.g., setback variances). The standards for granting use variances and area variances are different.

The standard enunciated by the Ohio Supreme Court for determining whether a use variance should be granted is "unnecessary hardship." To establish unnecessary hardship, the Applicant must prove that the property cannot be used for any economically viable purpose specifically allowed by the zoning code. Furthermore, the variance requested must be in harmony with the existing zoning and may not alter the character and use of the zoning district. The Board of Zoning Appeals has no authority to rezone property under the guise of a use variance. Generally, if the property owner purchased the property with knowledge of the zoning restriction, he cannot claim unnecessary hardship. *Consolidated Management v. City of Cleveland* (1983), 6 Ohio St.3d 238.

The standard for granting an area variance is the lesser standard of "practical difficulties." *Duncan v. Village of Middlefield* (1986), 23 Ohio St.3d 83. In addition to any other relevant factors, to establish that the Applicant is entitled to an area variance on the basis of practical difficulties, the Applicant should address the following factors:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

I have read and I understand the requirements stated above:

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of Application

-----  
\_\_\_\_\_  
Building Inspector's Signature

\_\_\_\_\_  
Date

OFFICE USE ONLY: FEE PAID: \$ \_\_\_\_\_