



Application for Board of Zoning Appeals

Applicant Name: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email: _____

Property Owner(s): _____

Representative: _____

Property Address: _____

(provide permanent parcel number(s) if no address exists)

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Code Section _____ Code Requirement _____

Variance Requested: _____
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Code Section _____ Code Requirement _____

Variance Requested: _____
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Code Section _____ Code Requirement _____

Variance Requested: _____
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Code Section _____ Code Requirement _____

Variance Requested: _____
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Has the Board of Zoning Appeals denied a request for the same or similar variance to any specified above for this property within the last three (3) years? Yes No

If yes, please attach a separate page describing the variance(s) denied, specifying the date of the denial and detailing any specific conditions that may justify a different decision at this time.

Variance request applications will be set for hearing before the Board of Zoning Appeals at the next regularly scheduled meeting that is not less than ten (10) days after the completed application is submitted to the Building Department. The following is required to be submitted with the completed application to be placed on the meeting agenda:

- (1) NON-REFUNDABLE APPLICATION FEE.
- (2) An overhead drawing of the subject property indicating the relevant information as it relates to the requested variance(s) including, but not limited to, location and dimensions of all buildings and/or structures on the applicant's property with dimensions included to the property line(s), pictures or renderings of the item(s) for which a variance is being sought or other information deemed necessary by the building official.
- (3) The names and addresses of all abutting property owners, including properties located across the street.
- (4) Questions answered from the "Standards" section on page 2 of this application.

Upon submission of an application to the Board of Zoning Appeals, a "Variance Requested" sign will be posted by the Building Department on the applicant's property within view of the abutting roadway and shall remain in place until removed by the Building Department.

The applicant, or their authorized representative, must be present at the variance meeting in order for action to be taken on a variance request unless arrangements are made prior to the meeting to continue without representation present. If the applicant, or their authorized representative, fails to appear before the Board at the scheduled meeting, the request will be removed from the Board's agenda and the applicant must reapply for the requested variance(s).

STANDARDS

Variances are classified into two (2) 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 (attach a separate piece of paper if necessary in answering):

- (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 be 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.

****The Board of Zoning Appeals reserves the right to reject any applications without a hearing and refund of the application fee if the same or a similar variance was denied within the last three(3) years and the applicant does not provide the evidence of changed conditions to justify a different decision at this time. ****

I have read and understand the requirements stated above:

Applicant Signature

Date