

# BOARD OF ZONING APPEALS APPLICATION FORM

Non-Refundable Application Fee: \_\_\_\_\_

## Board of Zoning Appeals Application

An application for Variance, Appeal or Conditional Use request must be completed and submitted to the Zoning Inspector. The application must be completely filled out and any additional information or attached must be submitted with the application. An incomplete application cannot be accepted.

APPLICATION REQUEST FOR:  Appeal  Conditional Use  Variance

### A) APPLICANT/OWNER INFORMATION

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

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

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

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

### B) PROPERTY INFORMATION

Property Owners Name: \_\_\_\_\_

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

County Parcel ID: \_\_\_\_\_

Acreage: \_\_\_\_\_ Lot Number: \_\_\_\_\_ Subdivision/Town: \_\_\_\_\_

### C) REASON FOR REQUEST -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Note to Applicant:*** Refer to the attached sheets for examples of additional criteria that must be submitted by the applicant/owner/representative for completion of the Board of Zoning Appeals Application.

\_\_\_\_\_  
Signature of Applicant/Owner/Representative

\_\_\_\_\_  
Date Application Submitted

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The Board of Zoning Appeals (BZA) is judiciary in nature with the authority to hear and decide variance, conditional use permit, and appeal applications. The BZA operates under the authority of Ohio Revised Code (ORC) 519 and the members deliberate on their decisions after all the evidence on each case is presented in a public hearing. The BZA's decision is final and appealable only to a county court of common pleas.

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## Conditional Use

**Section 563 General Standards Application to all Conditional Uses.** The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved,
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area,
3. Will not be hazardous or disturbing to existing or future neighboring uses,
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; of that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services,
5. Will not create additional requirements at public cost for public facilities and services and will not be determined to the economic welfare of the community,
6. Will not involve uses, activities, processes, materials equipment and condition of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors,
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

**Section 565 Supplementary Conditions and Safeguards.** In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

### Conditional Use Attachments to Board of Zoning Appeals Application

- A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic conditions, open spaces, landscaping, refuse and services areas, utilities, signs, yards, and such information as the Board may require to determine if the proposed conditional use meets the intent and requirement of this Resolution.
- Name and address of all property owners contiguous to the property requesting the conditional use.
- A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

## Variance

Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

A variance shall not be granted unless the Board make's specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by **subsection 4** or **Section 544 Application and Standards for Variances** have been met by the applicant.

- a) The special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
- c) That special conditions and circumstances do not result from the actions of the applicant.
- d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

**Section 545 Supplementary Conditions and Safeguards.** Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the District involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

### Variance Attachments to Board of Zoning Appeals Application

- 1) Description or nature of variance requested.
- 2) Legal description of property and, if applicable, a detailed plot plan showing the requested reduction of lot size (road frontage, width and depth of lot), or requested reduction in setbacks in feet or acres of proposed requested building or addition location to scale.
- 3) Name and address of all property owners contiguous to the property requesting the variance.

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### FOR ZONING INSPECTORS USE ONLY

Application Reviewed by: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Tentative Date Of Hearing: \_\_\_\_\_ Where: \_\_\_\_\_

Section of Resolution to which appeal is relevant to: \_\_\_\_\_

Existing Property Use: \_\_\_\_\_ Zoning Classification of Property: \_\_\_\_\_

Adjoining Property Use: \_\_\_\_\_

Fee Amount Received: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Check # \_\_\_\_\_ or Cash \_\_\_\_\_