



Development & Engineering Services

Board of Zoning Appeals Application

Complete this page and follow the directions on page 2

Applicant Name: _____
 Mailing Address: _____

 Phone Number: _____
 E-mail Address: _____
 Owner Name**: _____
 Mailing Address: _____

 Phone Number: _____

OFFICE USE ONLY

Filing Date _____
 Hearing Date _____
 Case No. _____

**** If Applicant is other than owner, written consent of owner is required for variance.**

Location of Property

Street Address: _____
 (north, south, east, west) side of _____, _____ feet
 (north, south, east, west) from the intersection of _____
Attach copy of legal description of the property as recorded in the County Recorder's office.

Case Description.

Present Zoning District: _____ Total Acres: _____
 Description of the existing use of property: _____

 Description of proposed use of property: _____

 Specific Zoning Code provision that applicant is seeking variance from: _____
 Variance Requested: _____
 Request for zoning certificate was refused on _____
Applicant must also attach a letter justifying the variance, see page 2, Section C for directions.

Applicant/Owner	Date
_____	_____
Zoning Administrator	Date
_____	_____

FILING FEES (office use only):

Residential (\$153) _____
 Commercial (\$306) _____
Receipt No.: _____ **TOTAL:** _____

Variance application requirements and submittal instructions

Turn in the following items for a complete application.

A. SITE PLAN-- Must submit 5 copies

The applicant/owner shall provide a site plan drawn to scale which shows the following, if applicable:

1. Property/Boundary lines
2. Exterior lot dimensions
3. Size and location of all existing structures
4. Location and size of proposed new construction
5. Setbacks of all structures from property boundary lines
6. Distance between structures
7. Show location of any and all streets, alleys, right-of-ways and easements that are contiguous to the property requesting the Variance
8. Open space, landscaping, signage
9. Photos or graphics that illustrate proposed project

B. LIST OF PROPERTY OWNERS

Provide a list of property owners (as recorded in the Montgomery County Auditor’s office) adjacent to, contiguous to and directly across the street from the property being considered.

<i>Example:</i>			
<u>Property Address</u> 123 Clubhouse Way	<u>Parcel I.D. #</u> B02 00000 0000	<u>Owner Name</u> Carol Smith	<u>Owner Mailing</u> 124 Green Way Vandalia, OH 45377
345 Brown School Rd.	B02 11111 1111	Fred Jones	345 Brown School Rd. Vandalia, OH 45377

C. LETTER OF JUSTIFICATION

The applicant shall submit a letter of justification that states how the variance request meets the eight (8) criteria for a variance. See the next section for the standards of a variance and eight criteria that are considered when a variance is given.

D. VARIANCE REVIEW CRITERIA

In determining whether a property owner has suffered practical difficulties, the Board of Zoning Appeals and City Council shall weigh the following factors; provided however, an applicant need not satisfy all of the factors and no single factor shall be determinative:

- (1)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a 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 a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of government services (i.e., 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; and
- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

E. VARIANCE REVIEW PROCEDURE

The review procedure for a variance is as follows:

Step 1 – Application

The applicant shall submit an application in accordance with City Code Section 1214.02. Within 10 days of receipt of an application for a variance, the Administrative Officer shall make a determination of completeness in accordance with the provisions of this chapter.

Step 2 – Staff Review and Transmittal to the Board of Zoning Appeals

Upon determination that an application is complete, the Administrative Officer shall transmit the application to the Board of Zoning Appeals for consideration pursuant to the standards set forth in City Code Section 1214.02.

Step 3 – Recommendation by Board of Zoning Appeals

Within thirty days of receipt of a completed application, the Board of Zoning Appeals shall hold a public hearing to consider an application for a variance at its next regular meeting or in a special meeting. The recommendation of the Board shall be based upon the review standard set forth above and transmitted to the Clerk of Council for final decision. Notice of this public hearing must be made in accordance with Section 1214.02 (c) to (g).

Step 4 – Final Decision by City Council

Within thirty days of the date on which the Clerk of Council receives the recommendation of the Board of Zoning Appeals, unless a longer time is requested by the applicant, City Council shall hold a public hearing to determine whether to grant the proposed variance based upon the application and the review standards listed above.