



**Application for Variance
Board of Zoning Appeals**

Date of Public Hearing _____ Date Filed _____
Date Accepted _____

(File 10 copies with the Township Building Department for the Board of Zoning Appeals)

Applicant's Name _____
Address _____ Phone _____

Name and Address of Present Owner (if different from above):
Landowner _____
Address _____ Phone _____

Location of Parcel: Address _____
Permanent Parcel Number _____
Existing Zoning Classification _____

Reasons for Variance Requested _____

Will you have an attorney present at the meeting with you? Yes No

What type of variance are you requesting? Use or Area (See attachment)

Nature of Variance Requested from Sec. _____ of the Olmsted Twp. Zoning Resolutions

I certify that the information contained in this application and its supplements is true and correct.

Signature of Applicant _____ Date _____

Lot Measurements and Data:



Percentage of lot to be occupied _____ Lot Area _____
 Lot Width _____ Side Yards _____
 Lot Depth _____ Rear Yard _____
 Front Setback _____ Building Height _____

Please provide ten (10) copies of the following:

Completed application, location map with a site plan drawn to scale with all buildings and lot dimensions, showing front, side, and rear elevations, landscaped areas, fencing, signs, open spaces, buffer areas, and outdoor lighting facilities. Samples of intended construction, drawings, brochures, images, etc. **Information that shows practical difficulty will benefit the applicant.** For questions regarding this application, call (440) 235-4225.

Signature of Applicant _____ **Date** _____

(Do Not Write in the Space Below)

	<u>Action</u>	<u>Date</u>	<u>Remarks</u>
Approved	_____	_____	_____
Returned	_____	_____	_____
Tabled	_____	_____	_____
Denied	_____	_____	_____

Please read attachment to see what variance you will be requesting.



Considerations for Zoning Variance

Each variance request should be carefully considered, Keeping in mind the fact that the burden of proof rests with the applicant. There are two (2) types of variances: Use Vs. Area. They are different and explained below.

USE VARIANCE

Definition

The applicant is seeking relief for a particular land use not permitted in the District (residential, Industrial, Commercial). For example, a doctor wants to construct a doctor's office in a residential zoned area where the office would not otherwise be permitted.

Standard of Proof

A necessary hardship must exist. This implies no economically viable or reasonable use of the property exists under the current zoning classification.

Criteria

- (1) Will the literal enforcement of the resolution result in an unnecessary hardship?
- (2) Will the spirit of the resolution be observed, and substantial justice done if the variance is granted?
- (3) Was the hardship condition created by the action of the applicant?
- (4) Is the condition unique to the property and not ordinarily found in the same zoning area?
- (5) Will the variance adversely affect the rights of adjacent property owners?
- (6) Will the variance adversely affect the public health, safety, or general welfare?



AREA VARIANCE

Definition The applicant is seeking relief from a dimensional requirement such as area, size and setbacks as established in the Zoning Resolution. For example, a homeowner wants to construct an addition to their home which will result in a 3' side yard setback as opposed to the required 5' setback.

Standard of Proof A practical difficulty exists in conforming to the Zoning Resolution. This is less stringent than a use variance.

Criteria The Ohio Supreme Court set forth the "Duncan Factor" when considering area variances. There are seven (7) factors, all of which must be considered during the review process.

- 1) Will the property yield a reasonable return, or can there be a beneficial?
Use of the property without the variance?
- 2) Is the variance substantial?
- 3) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if the variance is granted?
- 4) Will the variance adversely affect the delivery of governmental services?
- 5) Did the property owner purchase the property with knowledge of the zoning restrictions?
- 6) Can the problem be resolved by some manner other than the granting of the variance?
- 7) Will the variance preserve the "spirit and intent" of the zoning resolution and will "substantial justice" be done by granting the variance?