

APPLICATION for VARIANCE from ZONING RESOLUTION

No. \_\_\_\_\_-BZA-20\_\_\_\_\_

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

2095 Reynoldsburg-Baltimore Road NW, Baltimore, Ohio 43105-9401

The undersigned requests a variance from the Zoning Resolution as further described below and certifies that all information provided and attached to this application is true and correct. The Board of Zoning Appeals has the power under Section 7.2 to authorize upon appeal in specific cases, subject to the finding of certain facts and conditions, such variances of the Zoning Resolution as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved, but in no other case.

PROPERTY OWNER(s) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE (CELL) \_\_\_\_\_

(WORK) \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

PROPERTY ADDRESS AND LOCATION DESCRIPTION ZONING CLASS

No. Road or Street City Zip

Subdivision Name \_\_\_\_\_ Section No. \_\_\_\_\_ Township No. \_\_\_\_\_ Range No. \_\_\_\_\_

The Applicant requests a Variance from Section(s): \_\_\_\_\_ of the Zoning Resolution for the following purpose(s): \_\_\_\_\_

SIGNATURE OF APPLICANT DATE

-----OFFICIAL USE ONLY-----

Date Filed \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Zoning Inspector \_\_\_\_\_

Attach the following information to the application form and file with the Zoning Inspector. Seven original copies are required. Please use the numbering scheme below and address these items in your application:

## **7.2 B Variances**

Upon appeal in specific cases, the Board of Zoning Appeals shall have the power to authorize such Variances from the provisions of this Zoning Resolution. Such Variances shall only be granted in cases of exceptional conditions involving irregular, narrow, shallow, or steep or other exceptional physical conditions of a Lot. Furthermore, a Variance shall only be granted if it will not be detrimental to the public interest and will not impair the intent and purpose of these regulations. The procedure for the filing and review of a Variance application shall follow Section 7.2 (C) - (J). The Board of Zoning Appeals shall not grant a Variance from the strict application of any provision of this Zoning Resolution unless the Board of Zoning Appeals finds that all the following facts and condition exist.

1. That there are special circumstances or conditions, which are fully described in the Board of Zoning Appeal's decision applying to the land or Building for which the Variance is sought. These circumstances or conditions must be unique to the land or Buildings in question and must not apply generally to land or Buildings in the neighborhood. Furthermore, these circumstances or conditions would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable Use of the land and/or Building if the strict application of this Zoning Resolution were to be applied.
2. That the Variance as granted by the Board of Zoning Appeals is the minimum Variance that will accomplish the reasonable Use of the subject land or Building.
3. That the granting of the Variance will be in harmony with the general purpose and intent of this Zoning Resolution, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and Use of adjoining Buildings and those in the vicinity, the Board of Zoning Appeals, in determining its findings, shall take into account the number of persons residing or working in such Buildings or upon such land and traffic conditions in the vicinity.
4. That the condition or situation of the land or Building in question is not so general or recurrent in nature that such condition or situation should be made a part of this Zoning Resolution.

## **7.2 D Contents of Application**

The application for a Variance or an appeal shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of the related property.

3. Reference to the specific provisions of this Zoning Resolution involved.
4. A list of Owners within, contiguous to, and directly across the Street from the parcel being considered and addresses of such Owners as appearing on the County Auditor's then current tax list.
5. Each application for a Variance also shall set forth:
  - a. The Use for which special exception is sought.
  - b. Details of the requested Variance that is applied for and the grounds on which it is claimed that the Variance should be granted.
  - c. A sketch layout that includes property lines, existing Buildings, and other information related to the specific case.
  - d. How the requirements of Section 7.2(B)(1-4) will be satisfied.
6. The required fee as established in Section 4.9.
7. The Ohio Supreme Court set forth seven factors that must be considered for purposes of determining whether a property owner seeking an area variance has encountered practical difficulties:
  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 a 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.