

BERNE TOWNSHIP BOARD OF ZONING APPEALS

APPLICATION FOR VARIANCE OR APPEAL

Fee \$350.00 File 6 copies

Case # _____ (by BZA secretary)

1. Name of property owner(s): _____
2. Mailing address: _____
3. Physical address of the property for this application: _____
4. Phone number: Home _____ Cell: _____ Business: _____
5. Email address (if applicable): _____
6. Attach legal description of the property as recorded in the Fairfield County Recorder's Office. (May attach copy of survey or deed.)
7. Attach a map or drawing to approximate scale, showing dimensions of the lot and any existing or proposed building(s), including the lots or tracts referenced below. (Next numerical point.)
8. Attach list of names, addresses, and tax mailing address of all property owners within 200 feet contiguous to and directly across the street or road from the property as appearing on the Fairfield County Auditor's current tax list.
9. Specific section(s) of the Zoning Resolution that require variance or appeal (May need the help of the zoning Inspector to provide this information.) _____

The Board of Zoning Appeals (hereafter noted as BZA) shall grant area variances only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements result in **practical difficulty** and **unnecessary hardship** that would deprive the owner of reasonable use of the land or buildings involved. The Board shall grant no variance from strict application of any provision of this Resolution unless the applicant can prove to the BZA that the following items are true. A narrative statement **must** be provided explaining the following:

1. That there are unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of the lot size or shape or exceptional topographical or physical conditions specific to the land or building for which the variance is sought and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
2. That because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is necessary to enable reasonable use of the property.
3. That such hardship has not been created by the applicant or any person having present interest in the property.

4. That such hardship cannot be solved by some other manner other than granting the variance.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation.
6. That the variance, if granted, would not substantially alter the essential character of the neighborhood or create a "substantial detriment" to adjoining properties.
7. That the variance, if granted, would not adversely affect the delivery of governmental services.
8. That the variance, if granted, preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.
9. The specific reasons why the variance is justified according to the Berne Township Resolution.

The BZA may authorize a variance in specific cases of the Zoning Resolution as to not be contrary to public interest, where owing to special conditions, a literal enforcement will result in an unnecessary hardship. It is entirely up to the applicant to demonstrate the "unnecessary hardship" the resolution causes the applicant.

Submittal of this application does not imply nor guarantee approval by the Berne Township BZA. It is recommended that the applicant be present at the public hearing.

The Zoning Inspector reserves the right to reject the Application if it is not complete and shall notify the Applicant if that occurs.

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The request for a Zoning Variance will be approved on the basis of information and attachments contained within this application. The applicant hereby certifies that all information and attachments are true and correct.

Signature(s) of Applicant(s)

Date

Date application and fee received by Zoning Inspector: _____

Fee: \$ _____

Check # _____

(Make checks payable to Berne Township.)

Application approved by Zoning Inspector: _____

Date

Signature of Zoning Inspector: _____

Members of the Berne Township BZA may visit the subject property prior to the public hearing. Submittal of this application authorizes this visit to and inspection of the site. The proposed location of the structure(s) should be appropriately marked.