

OFFICE USE ONLY	
Filing Date	_____
Hearing Date	_____
Case No.	_____

Applicant Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_  
 Owner Name\*\*: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

**\*\* 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 Admin \_\_\_\_\_ Date

FILING FEES (office use only):	Variance (\$75.00)	
<b>RECEIPT NO.:</b>	<b>TOTAL AMOUNT:</b>	<b>DATE</b>

**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>	<u>Parcel I.D. #</u>	<u>Owner Name</u>	<u>Owner Mailing</u>
123 Clubhouse Way	B02 00000 0000	Carol Smith	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 page for the standards of a variance and eight criteria that are considered when a variance is given.

## 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, to determine the following:

- 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 governmental 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.

## Variance Review Procedure

The review procedure for a variance shall proceed as follows:

- 1) Step 1 – Application  
The applicant shall submit an application in accordance with Section 1214.02, and with the provisions of this section. 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.
- 2) Step 2 – Staff Review and Transmission to the Board of Zoning Appeals  
Upon the 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 under this Section.
- 3) Step 3 – Recommendation by Board of Zoning Appeals  
Within thirty days of receipt of a complete application, the Board of Zoning Appeals shall hold a public hearing to consider an application for a variance at its next regular meeting or a special meeting. The recommendation of the Board shall be based upon the review standards set forth below and transmitted to the Council Clerk for final decision. Notice of the public hearing shall be sent in accordance with Section 1214.02(c) to Section 1214.02(g).