

APPLICATION for VARIANCE from ZONING RESOLUTION

No. _____ -BZA-20_____

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

2095 Reynoldsburg Baltimore Rd. 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 7.203 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 (HOME) _____

(WORK) _____

(CELL) _____

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): _____

DATE

SIGNATURE OF APPLICANT

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

Date Filed: _____

Date of Public Hearing: _____

Zoning Inspector: _____

I. ATTACH THE FOLLOWING INFORMATION TO THE APPLICATION FORM AND FILE WITH THE ZONING INSPECTOR (seven original copies required). Please use the numbering scheme below.

7.2 B Variance.

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of this 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. Provided, however, no variances from the strict application of any provision of this Resolution shall be granted by the Board unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

1. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provision of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
2. That the variance as granted by the Board 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 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, 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 specific piece of property, or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonable practicable the formation as a part of this code of a general regulations for such condition or situation.

7.2 D Contents of Application

1. Name, address, and phone number of the applicant.
2. Legal Description of the 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 variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
 - 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. A fee as established by the Board of Township Trustees, of Five Hundred Dollars (\$500), payable to Liberty Township.

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.

Please address these items in your application.