

# ZONING VARIANCE APPLICATION

## INSTRUCTIONS

Zoning Variance Applications shall be addressed to the Bath Township Board of Zoning Appeals. The application and information documents packet shall be filed with the Clerk of the Board of Zoning Appeals by the party requesting the variance, and must include a written letter of consent from the property owners if the applicant is NOT the property owner.

Application and information documents packet shall contain ALL of the following in order to be reviewed and accepted by the Clerk of the Board of Zoning Appeals:

1. Zoning Variance Application page (on Bath Township letterhead).
2. Contact information sheet for the applicant AND subject property owner.
3. Names and mailing addresses of ALL property owners adjacent to, contiguous to and across the street from the subject property. Information must be current and should be sourced from the County Auditor or Treasurer.
4. Current legal description (property deed) of the subject property (can be obtained from the County Recorder).
5. GIS maps and property information from the County Auditor website if possible.
6. Copy of the denied Zoning Certificate, if applicable.
7. Purpose for which the Variance is being requested. Indicate what requirements of the Zoning Resolution are involved in the Variance and what specific changes are being requested (limited space is available on the application sheet – use additional or separate sheet if preferred or necessary).
8. Statement of facts indicating why the proposed Variance will NOT be detrimental to the general public interest and/or a statement of facts which may prove that a literal enforcement will result in unnecessary hardship (limited space is available on the application sheet – use additional or separate sheet if preferred or necessary).
9. Any renderings, drawings, prints, photographs or plans which are necessary to explain the proposed changes to the property, the necessity for the proposed variance, unique property characteristics, special circumstances, or any other information that may provide the Board of Zoning Appeals with the most complete understanding from which to make an informed decision.

Submit the application packet of all the information listed above along with payment of the (non-refundable) \$300.00 fee, in the form of cash, check, money order, or cashier's check. Make checks payable to: Bath Township Board of Trustees. This application fee covers the costs involved with the administration of the case, seating the Board and the public hearing notices.



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## APPLICATION FOR VARIANCE BATH TOWNSHIP BOARD OF ZONING APPEALS

**CASE NUMBER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Application is herein and hereby made for a Variance from the Bath Township Zoning Resolution, for and on behalf of the undersigned as applicants of the below listed and described real estate situated in Bath Township, Allen County, Ohio:

**SUBJECT PROPERTY ADDRESS:** \_\_\_\_\_

*(Refer to Variance Application Instructions document for the list of requirements to complete this application).*

The purpose for requesting this Variance, as provided for in Article 30 of the Bath Township Zoning Resolution (certified May 3, 1966 and last amended on March 6, 2012) is as follows (use additional sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_

The reasons for which this Variance is requested will NOT be detrimental to the general interest, and a literal enforcement of the Zoning Resolution will result in unnecessary hardship. These facts are supported and justified as follows (use additional sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_

Applicant's Name (printed): \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Property Owner: \_\_\_\_\_

*(As indicated in the Variance Application Instructions, written authorization from the property owner to request the Variance is required if the applicant is not the property owner).*

## ARTICLE 30

### VARIANCE AND GENERAL PROCEDURE

- 30.0 **Nature of Variance:** Recognizing that on any particular property, extraordinary circumstances may exist which make a strict enforcement of the applicable zoning resolution standards unreasonable, the following variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which will not ordinarily involve a change of the primary use of the district within which the variance is being sought.
- 30.1 **Appeals, Authorization and Approval:** Application for any such variance shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information.
- 30.1.1 The nature of the variance sought, including the specific provisions of the zoning resolution from which the variance is requested.
  - 30.1.2 An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area.
  - 30.1.3 A clear and concise statement of the special circumstances or conditions applying to the land or the structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards.
  - 30.1.4 An explanation of the special circumstances and conditions, which demonstrates and show that these special conditions and circumstances are not the result of the applicant, or the operation of applicant's facilities.
  - 30.1.5 Such other information as the Board of Zoning Appeals may deem necessary from time to time for the proper evaluation and consideration of the application for variance.
- 30.2 **Approval of Variance:** The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:
- 30.2.1 That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.
  - 30.2.2 That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution.
  - 30.2.3 That the special conditions and circumstances applicable to applicant's

property or facility do not in any fashion result from the actions or operations of the applicant or applicants agents or assigns.

- 30.2.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning resolution to other lands or structures in the same zoning district.
- 30.2.5 That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development; will not be materially detrimental to the public welfare, nor injurious to private property or public improvements in the vicinity nor will the variance unreasonably threaten the environment, ground water, nor the health, safety, welfare, or morals of the residents of Bath Township.
- 30.3 **Fees:** Fees for application for amendment of this resolution, conditional use certificate, or a variance shall be set and fixed by the Township Trustees. Such fees shall be set to cover the cost of processing such application.
- 30.4 **Records:** In the event of any proceedings before either the Zoning Commission or the Board of Zoning Appeals, all stenographic records made shall be the responsibility of the person so requesting a record, and entire cost thereof shall be charged thereto.
- 30.5 **Physical Plans:** Physical plans are to be presented to the Zoning Inspector.