

**APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS
Beavercreek Township, Ohio**

Application No. _____

Variations expire one (1) year after issuance, unless actual construction has taken place or is underway, except as provided elsewhere in the Zoning Resolution. Changes to approved plans and conditions may require further approval of the Board of Zoning Appeals. The Zoning Administrator must be notified prior to the implementation of any changes. Failure to do so could result in the revocation of the Variance.

Name of Applicant _____

Mailing Address _____

Phone Number Home _____ Business _____

Name of Owner of Subject Property (if not applicant) _____

Mailing Address _____

Phone Number Home _____ Business _____

Location Description: Subdivision Name _____

Book _____ Page _____ Parcel _____

Other Designation _____ Lot No. _____

Nature of Variance (General description): _____

The following must be provided:

1. Eleven (11) sets of plans drawn to scale must accompany this application. Plans must show dimensions and shape of the parcel, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the parcel in question.
2. Justification of Variance: The applicant must address eight (8) specific criteria which the Board of Zoning Appeals has to consider when granting a variance. (See attached.) Please attach these comments on a separate sheet and submit with the application.
3. If applicant is not the owner of the subject property, an affidavit to act on behalf of the owner is required.

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ITS SUPPLEMENT IS TRUE AND CORRECT.

Applicant's Signature

Date

Taken from the Beavercreek Township Zoning Resolution, Article 22, as adopted May 20, 1996.

6. Variances: To vary the strict application of any of the requirements of this Zoning Resolution whereby such strict application would result in practical difficulty or unnecessary hardship not economic in nature, that would deprive the owner of the reasonable use of the land or building involved but in no other case. Increased profitability is not a valid basis for legally granting a variance. Under no circumstances shall the Board grant a variance which will permit a use which is not permitted in the district involved. No non-conforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

a. Granting of Variances: No variance of the strict application of this Zoning Resolution shall be granted by the Board of Zoning Appeals until and unless the Board finds the following:

- (i) There exists conditions and/or circumstances relating to the property that would create practical difficulties for the property owner if strict conformance to the requirements of this Zoning Resolution were required.
- (ii) The variance to be granted is the minimum variance possible and other alternatives for resolving the conflict between the applicant's plan and the requirements of the Zoning Resolution are impractical or infeasible.
- (iii) The granting of the variance will be in harmony with the general spirit, intent and purpose of this Zoning Resolution.
- (iv) The granting of the variance will not be injurious to surrounding properties and the general neighborhood or be otherwise detrimental to the public welfare.
- (v) The granting of the variance will not result in a deleterious change in the character of the community.
- (vi) The granting of the variance will not infringe upon the rights and quiet enjoyment of adjacent property owners and will not diminish property values, endanger the public safety, or public nuisance.
- (vii) The granting of the variance is for a compelling reason and not simply because the applicant's plans conflict with Zoning Resolution requirements when reasonable alternatives are available.
- (viii) The granting of the variance is not solely for economic benefit to the applicant.

(b) Procedure for Consideration of Petitions for Variances:

- (i) The Board of Zoning Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance, and that the items in (a) of this Subsection 6, above, have been fully satisfied.
- (ii) Conditions: The Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution. The Board may require a bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.
- (iii) Violation or noncompliance of such conditions and safeguards when such are made a part of the terms under which a variance is granted shall cause the bond or letter of credit mentioned in (ii), above, to be forfeited or called upon and shall further be deemed a violation of this Zoning Resolution and punishable under Section 19.07 of this Zoning Resolution.
- (iv) Public Hearings: Prior to taking action on a request for a variance, the Board of Zoning Appeals shall hold a public hearing and give notice to property owners as required in Section 24.07 of this Zoning Resolution.
- (v) Period of Validity: No variance granted by the Board of Zoning Appeals shall be valid for a period longer than one (1) year from the date on which the Board grants the variance unless within such period: 1.) a zoning certificate is obtained and the construction, moving or remodeling of structure is started, or 2.) an occupancy permit is obtained and a use commenced. The Board may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application, without notice of Hearing.

22.08

EFFECTIVE DATE

The Board of zoning Appeals shall make specific findings of fact upon which it based its order or decision. The Board's order or decision shall become final upon the signing of it by the Chairman of the Board and upon receipt by the applicant or appellant and appellee involved in the matter, of a copy of the Board's order or decision. Delivery of the Board's order or decision may be made by certified mail, personal or residence service by the Zoning Inspector or the Beaver Creek Police Department, or other persons designated by the Board.