



Amherst Board of Zoning Appeals

480 Park Avenue, Amherst, Ohio 44001 phone (440) 988-3734

APPLICATION FOR VARIANCE APPROVAL

Application to the Board of Zoning Appeals may be made through the City of Amherst Building Department. Meetings of the Board of Zoning Appeals are typically scheduled for the last Wednesday of each month. Unless other arrangements are requested and authorized by the Board, fully completed variance applications are required to be submitted two (2) weeks prior to the regularly scheduled meeting but not less than ten (10) days after the completed application is submitted and accepted by the Building Department for processing.

SUBMISSION REQUIREMENTS

1. Non-refundable application fee (\$35.00 for residential and \$100.00 for non-residential).
2. An overhead view of the subject property indicating all relevant information related to the requested variance(s) including, but not limited to, location and dimensions of all existing and proposed structures on the subject property with dimensions to property lines, pictures or renderings of the items(s) for which a variance is being sought, and other information deemed necessary by the Building Official.
3. The names and addresses of all abutting property owners, including properties located across a roadway, as they appear on the Lorain County Auditors records (<http://www.loraincountyauditor.com/gis/>).
4. Response to questions 1 through 7 of the Standards section of this application.

Upon submission of a completed application to the Board of Zoning Appeals, a "VARIANCE REQUESTED" sign will be posted by the Building Department at the subject property within view of the abutting roadway and shall remain in place until removed by the Building Department. You will receive, via mail or email, a full agenda for the scheduled meeting including the time, date, location of the scheduled meeting, and any other pertinent information.

The applicant, or their authorized representative, is not required to attend the scheduled meeting although attendance is strongly encouraged to provide relevant information to, and answer questions of, the Board about the requested variance(s). In certain circumstances, the Board may accept information through the Building Official related to the specifics of the request(s) without applicant representation if arrangements are made prior to the meeting with the Building Official. If the applicant, or their authorized representative, fails to appear before the Board at the scheduled meeting and alternate arrangements were not made, the request will be acted upon based upon the information provided in the application.

The Board of Zoning Appeals reserves the right to reject any variance application, without a hearing or refund of the application fee, if it is determined that the same, or similar variance, was applied for and denied within the last three (3) years and the applicant does not provide evidence of any changed conditions to justify a different decision at this time.

CERTIFICATION

I certify that I am the ___ APPLICANT ___ APPLICANT'S AUTHORIZED REPRESENTATIVE

All information contained in this application is true, accurate, and complete to the best of my knowledge. All official correspondence in connection with this application should be sent to my attention at the address shown above.

Signature _____

Print Name _____ Date _____



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APPLICANT INFORMATION

APPLICANT NAME _____

APPLICANT ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

PHONE _____ EMAIL _____

PROPERTY OWNER(S) _____

REPRESENTATIVE _____

SUBJECT PROPERTY STREET ADDRESS

(provide permanent parcel number(s) if no address exists)

VARIANCE(S) REQUESTED

Code Section

Code Requirement

Variance Requested

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Code Section

Code Requirement

Variance Requested

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Code Section

Code Requirement

Variance Requested

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Code Section

Code Requirement

Variance Requested

Has the Board of Zoning Appeals denied a similar request for this property within the last three (3) years? ☐ Yes ☐ No

If yes, please provide a description of the variance(s) denied, specifying the date of the denial and detailing any specific conditions that may justify a different decision at this time.



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STANDARDS

Variances are classified into two (2) types: **USE VARIANCE** (e.g. deviation from a permitted use in a specific district) and **AREA VARIANCE** (e.g. deviation from permitted setback, height, sizes, etc.). The standards for granting use and area variances are different as explained below.

USE VARIANCE

The standard enunciated by the Ohio Supreme Court for determining whether a use variance should be granted is "unnecessary hardship." To establish unnecessary hardship, the applicant must prove that the property cannot be used for any economically viable purpose specifically allowed by the zoning code. Furthermore, the variance requested must be in harmony with the existing zoning and may not alter the character and use of the zoning district. The Board of Zoning Appeals has no authority to rezone property under the guise of a use variance. Generally, if the property owner purchased the property with knowledge of the zoning restriction, he cannot claim unnecessary hardship as determined in *Consolidated Management V. City of Cleveland* (1983), 6 Ohio St. 3d 238.

AREA VARIANCE (attach additional pages if necessary to provide answers to the following questions)

The standard for granting an area variance is the lesser standard of "practical difficulties" as determined in *Duncan V. Village of Middlefield* (1986), 23 Ohio St.3d 83. In addition to any other relevant factors, to establish that the applicant is entitled to an area variance on the basis of practical difficulties, the applicant should address the following factors.

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 substantial detriment as a result of the variance.

4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, mail, etc.)

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.
