



CITY OF DUBLIN.

# NON-USE (AREA) VARIANCE

## Application Requirement Checklist

### Application & Supporting Materials

#### 1 APPLICATION FEE

2 CD - ONE (1) DIGITAL COPY CONTAINING ALL APPLICATION MATERIALS REQUIRED FOR SUBMISSION.  
Files must be labeled and submitted as PDFs or JPEGs, or other appropriate electronic format.

3 ORIGINAL SIGNED AND NOTARIZED BOARD OF ZONING APPEALS APPLICATION FORM - ONE (1) ORIGINAL

4 VARIANCE STATEMENT - THIRTEEN (13) COPIES INCLUDING RESPONSES TO THE FOLLOWING:

- A Explain the requested variance.
- B Identify the development text requirement or Code Section from which the proposal is varying.
- C Explain how the requested variance relates to the development standards applicable to the property.
- D If the applicant has been denied a Certificate of Zoning Compliance for the property in question, explain why the request was denied.
- E Please provide any other information that would be helpful to the Board of Zoning Appeals in making their decision.

5 LEGAL DESCRIPTION AND/OR PROPERTY SURVEY FOR EACH PARCEL INCLUDED - ONE (1) COPY

6 LIST OF PROPERTY OWNERS AND REGISTERED HOMEOWNERS ASSOCIATIONS WITHIN 150 FEET - ONE (1) COPY THAT INCLUDES:

- A Parcel number
- B Owner name
- C Complete address

7 ADDRESS EACH OF THE FOLLOWING REVIEW CRITERIA - THIRTEEN (13) COPIES

- A Explain the existing special circumstances or conditions that are peculiar to this land or structure that are NOT applicable to other properties or structures in the same zoning district.
- B Explain how the special conditions are NOT a result of the applicant's actions or inactions.
- C If the proposed variance were granted, explain how the variance will NOT cause a substantial adverse effect to the property or improvements in the vicinity or materially impair the intent and purposes of the requirements of the Dublin Zoning Code.
- D If the proposed variance were granted, explain whether there would be any special privileges conferred on the property owner that are denied by the Zoning Code to other properties or structures in the same zoning district.
- E Explain how the proposed variance is not one where the specific conditions of the property are general and recurrent to make the formation of a general regulation for those conditions reasonably practical.
- F Explain how the variance would NOT adversely affect the delivery of governmental services.
- G Explain how the practical difficulty could be eliminated by some other method, even if the solution is less convenient or more costly to achieve.

8 DENIED CERTIFICATE OF ZONING COMPLIANCE - THIRTEEN (13) COPIES (if applicable)

## 1 SITE PLAN - Show the following:

- A North arrow and bar scale.
- B Boundaries and dimensions of the lot.
- C Sizes and locations of existing and proposed structures, access ways, walks, off-street parking and loading spaces, and landscaping.
- D Existing and proposed uses of all parts of the lot and structures.
- E Use of land and locations of structures within 100 feet of the subject property.
- F Any other information that the Board of Zoning Appeals deems necessary to make a decision on the application.

## Review Criteria

### 153.231(H) NON-USE VARIANCE (PRACTICAL DIFFICULTY) REVIEW CRITERIA.

- (2) Non-Use Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing and that the findings required in (a) and (b) have been satisfied with respect to the following standards of review:

(a) That all of the following findings are made:

(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 whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.

(2) That the variance is not necessitated because of any action or inaction of the applicant.

(3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.

(b) That at least two of the following findings are made:

(1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.

(2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

(3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).

(4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.