

USE VARIANCE REQUIREMENT CHECKLIST

I. NARRATIVES & DOCUMENTS: Please submit all documents digitally into the Documents folder on ProjectDox, these documents may consist of multiple pages. Documents typically include project summaries, stormwater report, traffic memo, etc.

VARIANCE STATEMENT

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

ADDRESS THE FOLLOWING REVIEW CRITERIA

- 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.
- Explain how the special conditions are NOT a result of the applicant's actions or inactions.
- Explain how the proposed use will NOT alter the essential character of or be detrimental to adjacent properties and the surrounding neighborhood.
- Explain how the building, structure, or land cannot be reasonably used for a use allowed in its current zoning district.

II. PLANS & DRAWINGS: Please submit all drawings and plans digitally into the Drawings folder on ProjectDox, these drawings must be single sheets and named using the naming convention discussed in the ProjectDox guide.

SCALED SITE PLANS

- One (1) copy, indicating the boundaries and dimensions of the lot as well as all current sizes and locations of existing and proposed structures, access ways, walks, off-street parking and loading spaces, landscaping, lighting, and signs. The plans must also indicate all proposed existing uses of all parts of the lot and structures in addition to the uses of land and locations of structures within 100 feet of the subject property. Please include any other information that the Board of Zoning Appeals deems necessary to make a decision on the application.

DENIED CERTIFICATE OF ZONING COMPLIANCE (IF APPLICABLE)



§153.231(H) USE VARIANCE (PRACTICAL DIFFICULTY) REVIEW CRITERIA

- (3) Use variances. Final approval of a use variance shall be granted by the City Council, following review of the findings of the Board of Zoning Appeals. Upon application, the Board of Zoning Appeals shall only recommend to the City Council approval of a request for a use variance only in cases where there is evidence of an unnecessary hardship imposed on the property in the official record of the hearing and a finding is made that all of the following standards of review are met::
- (a) That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - 1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - 2. Exceptional topographic conditions;
 - 3. By reason of the use or development of the property immediately adjoining the property in question; or
 - 4. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
 - (b) That the proposed use will not alter the essential character of or be detrimental to adjacent property and the surrounding neighborhood.
 - (c) That the building, structure, or land cannot reasonably be used for a use allowed in the zone district in which it is located.
 - (d) That the variance is not necessitated because of any action or inaction of the applicant.

