

VILLAGE OF SHAWNEE HILLS
APPLICATION FOR VARIANCE AND /OR CONDITIONAL USE

Fee: _____ Receipt #: _____ Date: _____

Types of Action Requested

(Check all that apply) _____ Variance _____ Conditional Use _____ Other

SITE Address _____

Parcel(s) ID# _____

Applicable Zoning Code Section _____

Appeal from decision of _____ Staff _____ ABR _____ P & Z

Appeal Description/purpose: _____

APPLICANT and contact person for communication – please type or print

Company Name _____

Contact Name: _____

Address _____

City, State, Zip _____

Phone _____ Fax _____ Email _____

(Please circle preferred manner of communication)

OWNER – please type or print

Company Name _____

Contact Name _____

Address _____

City, State, Zip _____

Phone _____ Fax _____ Email _____

Site visits to the property by Village of Shawnee Hills representatives are essential to process this application. The Owner/Applicant, as signed below hereby authorizes Village of Shawnee Hills representatives to visit and photograph the property described in this application

I certify that the information here within and attached to this application is true, correct and complete.

Signature of Owner

Date

Signature of Applicant

Date

Submittal Requirements

Please retain this pages for your records.

NOTE TO APPLICANTS

- Applications must be submitted 30 days in advance of the hearing date.
- This document is intended to provide minimum requirements for most projects. Some projects may require additional information not listed here, as determined by Village Staff. Applicants will be notified if additional information is required prior to the hearing date.
- The applicant is responsible for the accuracy and completeness of all application materials. Incorrect or incomplete information may result in delay or denial of your application.
- All application materials become the property of the Village of Shawnee Hills and are subject to public review.
- Submit one (1) copy of the completed application form and eight (8) copies of all supporting documentation. All plans, maps and architectural drawings must be to scale. Please make sure all materials are stapled and collated. Large plans should also be folded, but not staples to the other application materials.
- Submit the names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on Delaware County Auditor's current tax list. This list must be submitted as/formatted for Avery 5160 labels and may be submitted as self-stick labels or in hard-copy, ready to be copied onto labels. Application lacking this information WILL NOT BE ACCEPTED.

Please submit the following information.

- ____ 1. Legal description of property as recorded in Delaware County Auditor's office.
- ____ 2. The names and addresses of all property owners within 200 feet, contiguous to or directly across the street from the property, as appearing on the Delaware County Auditor's current tax list.
- ____ 3. A narrative statements explaining the following:
 - ____ A. The matter for which the appeal or variance is sought..
 - ____ B. Details of the appeal or variance that is applied for and the grounds on which it is claimed that the variance or appeal should be granted..
 - ____ C. The specific reasons why the appeal or variance is justified according to the standards in 1133.03.
 - ____ D. Such other information regarding the application for appeal or variance as may be pertinent or required for appropriate action by the Board of Zoning Appeals.
- ____ 4. The following additional submittal requirements may also apply:
 - ____ A. A Plot plan drawn to the appropriate scale showing the following:
 - ____ 1. The boundaries and dimensions of the lot.
 - ____ 2. The nature of the special circumstances giving rise to the application for approval.
 - ____ 3. The size and location of existing and proposed structures.
 - ____ 4. The proposed use of all parts of the lots and structures, including accesses, walks, off-street parking and loading spaces, and landscaping.
 - ____ 5. The relationship of the requested variance to the development standards.
 - ____ 6. The use of land and location on structures on adjacent property.

NARRATIVE STATEMENT

1133.032 ACTION BY THE BOARD OF ZONING APPEALS

(a) Actions of the Board. Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the appeal or request for variance. The Board of Zoning Appeals shall approve a variance or approve a variance with supplementary conditions only if the Board determines the applicant would have practical difficulty in meeting the Code requirements if a variance was not granted. Factors that should be considered when determining whether practical difficulties exist include, but are not limited to

- (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, garbage, etc.);
- (5) Whether the property owner purchased the property with knowledge of the zoning restrictions;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance, and
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

1133.033 SUPPLEMENTARY CONDITIONS

(a) In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable as proscribed herein.

(b) Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

