

SECTION 810 - PROCEDURE FOR VARIANCE

810.01 - NATURE OF VARIANCE - On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable Development Standards of the Zoning Resolution unreasonable and, therefore, the procedure for variance from Development Standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

810.02 - WRITTEN APPLICATION - Two (2) copies of a provided application accompanied by a copy of the denied Certificate of Zoning and a statement of the reason for denial shall be filed with the Zoning Administrator not more than twenty (20) days from the date such denial of the Certificate of Zoning is issued.

810.21 - Description of Property and Nature of Variance - The application shall include the following statements:

- 1.) The nature of the variance; including the specific provisions of the Zoning Resolution upon which the variance is requested;
- 2.) A legal description of the property;
- 3.) A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District;
- 4.) A statement showing that the special conditions and circumstances do not result from the actions of the applicant;
- 5.) A statement showing that the granting of the applicant is necessary to the preservation and enjoyment of substantial property rights;
- 6.) A list of the names and addresses of all adjacent property owners and property owners within three hundred (300) feet of the proposed use. Such list shall be in accordance with the Franklin County Auditor's current tax list;
- 7.) Such other information regarding the application for appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

810.22 - Plot Plan - The application shall be accompanied by ten (10) copies of a plot plan drawn to an appropriate scale showing the following:

- 1.) The boundaries and dimensions of the lot;
- 2.) The nature of the special conditions or 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 lot and structures, including access ways, 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 of structures on adjacent property.

810.03 - COUNTY OR REGIONAL PLANNING COMMISSION REVIEW. The Zoning Inspector may forward copies of the application and plot plan to the County or Regional Planning Commission, and any other township or county departments or agencies which, in the opinion of the Zoning Inspector, may have an interest in the variance. The Commission, acting through its staff, the Blendon Township Zoning Commission, and all other departments or agencies receiving said application and plot plan may forward their recommendations to the BZA for consideration at the public hearing thereon.

810.04 - ACTIONS OF THE BOARD OF ZONING APPEALS - The Board of Zoning Appeals shall hold a public hearing and act on an appeal in one of the following ways:

810.041 - Approval of Variance - The Board of Zoning Appeals shall only approve a variance or modification thereof if all 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;
- 2.) That a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;
- 3.) That the special conditions and circumstances do not result from the action of the applicant;
- 4.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
- 5.) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity;

810.42 Conditions. In granting any variance request, the BZA may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a variance is granted, shall be deemed a violation of this Resolution.

810.43 Expiration Of Approval. The applicant for a variance shall obtain the required certificates of

zoning compliance and building permits for the proposed use within 1 year of the BZA's approval of the variance; otherwise, the BZA's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing such a request with the Zoning Inspector at least 30 days prior to the expiration of the 1 year period. The BZA for good cause shown may enlarge the 1 year period prescribed by this Section 810.06. Once a variance has expired, no work may commence without receiving a new variance approval from the BZA.