

CITY OF TIPP CITY, City Government Center, 260 S. Garber Dr.
Tipp City, OH 45371(937) 667-6305 Fax (937) 667-2231

APPLICATION FOR VARIANCE OR APPEAL OF ADMINISTRATIVE DECISION

Case No. _____ Date Filed _____
\$75 Fee paid: _____

Name of Applicant _____

Address _____
Telephone Number (H) _____ (W) _____ (Fax) _____

If Applicant is not the Owner, indicate Applicant's interest in property:
Tenant (), Vendee under Purchase Agreement (), Agent for Owner (), Other ()
If Other, describe interest: _____

Current Zoning District: _____ Overlay Zoning: _____

Relevant Code Section Numbers are: _____

Nature of Variance or Appeal of Administrative Decision: _____

Lot Description: Lot # _____ Lot Address _____
County Parcel ID No. _____ Acreage or Square Footage: _____
Description of Current Use of Property: _____

State fully the facts on which this application or appeal is based (attach additional sheet, if necessary).

1) Provide a list of the names and addresses of owners of all lots and property contiguous to or directly across the street from the said property, as shown on the Miami County Auditor's records. A list of the properties identified by parcel ID Number and a map from the County Auditor's office showing the parcel ID Numbers is recommended.

2) Provide Site Plans and/or Building Plans, exhibits, photos, and supplemental information necessary for Case consideration.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ATTACHMENTS ARE ACCURATE TO THE BEST OF MY KNOWLEDGE. I ALSO UNDERSTAND THAT ATTENDANCE AT ALL PUBLIC HEARINGS RELATED TO THIS APPLICATION IS MANDATORY BY THE OWNER OR OWNER'S AGENT.

Signature of Applicant Date

Signature of Owner (If other than Applicant) Date

Received by Date

For Official Use Only		
Application Received _____	Notices sent to Newspaper _____	Notice sent to Neighbors _____
Hearing Scheduled for _____	Notice appeared in Newspaper _____	

INFORMATION FOR APPLICANTS

Dear Applicant::

Tipp City has strong property values and a unique charm all its own. Our City is a special place because of the care and effort that has been put into building the community over many years. We have a strong tradition of public input and participation in public and private improvement projects. Today's regulations have been put in place to help protect Tipp City' unique character. While they may restrict some aspects of what you may wish to do, they also protect your property and the entire community from serious impacts from other proposals.

Because there may be different circumstances that don't quite fit the regulations, the Tipp City Council has established the Board of Appeals to decide whether relief should be granted in specific cases. This authority is strictly limited, however, to help avoid inappropriate exceptions to the regulations. The Board is a five member independent group appointed by Council. The members are community minded volunteers who are not paid for their efforts. They serve the community and do not report to any Tipp City employees. They are expected to make what they think are the best decisions for the good of the whole community, not just for one property owner.

Please remember that the Board does not have any authority to exempt you from other local, state or federal regulations. Any deed restrictions and covenants that existed when you acquired the land are not within the jurisdiction of the Board, and any action of the Board will not exempt you from your obligations to other parties. For example, any reduction in the distance between buildings, or a reduction of your protection from possible flood effects, could result in an increase in your property insurance costs.

In making an application to the Board, you should provide as much information as possible. Pictures and scaled drawings will help to show the Board members what you want to do. It is your responsibility to explain what you want and why the Board should grant you special relief from the regulations. If you are asking for a variance from the standard regulations, you should provide reasons showing how your property is different from others and why a special exception should be granted. If there are no different circumstances at your property, the Board may not be able to grant you the variance you want.

The Board is required to hear your request in a public meeting. Notice of the meeting will be sent to other property owners and be published in the newspaper. Any neighbors or other persons may appear before the Board to give their opinions and the Board is required to hear what they may wish to say. You have the right to respond to their comments, but all of your testimony should be given directly to the Board. It is important for you to provide as much information as possible, so the Board can consider the project as a whole. The Board works very hard to reach decisions that are in the best interest of the Tipp City community.

Finally, the City Staff can help you in trying to understand the different code sections that may apply to your property. They are not able to make your case for you, however. Neither a Board member nor a staff employee can determine ahead of time whether a request will be granted. You should not assume that the staff or a Board member is in favor of your project, since a decision may be affected by other information that could be provided at the public hearing.

It is to be understood by the Applicant that if a variance is granted by the Board of Zoning Appeals, said variance will terminate at the end of one year from the date on which the Board grants the variance, unless within the one year period, a zoning permit is obtained.

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I understand that the Board may grant variances only in certain instances, as provided in §154.150 (E), (as provided below) and other relevant sections of the Tipp City Code of Ordinances.

§154.150 VARIANCES

(E) The Board may grant variances only in the following instances and no others:

- 1) To permit a yard or setback less than a yard or a setback required by the applicable regulations;
- 2) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80% of the required area and width;
- 3) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 4) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 30% of the required facilities, whichever number is greater;
- 5) To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
- 6) To increase by not more than 40% the maximum distance that required parking spaces are permitted to be located from the use served;
- 7) To increase the maximum allowable size or area of signs on a lot by not more than 25%;
- 8) To modify the design standards specified for business and commercial establishments in §154.061;
- 9) To vary the design standards for principal and accessory residential uses, other than those applying to lot area per dwelling unit, and minimum lot area or width; and
- 10) To modify the minimum number of off-street parking and/or loading spaces, and other parking or loading requirements as established in §§154.070 through 154.080 as referenced by §154.07 (D) Office-Service, §154.048 (D) Convenience Business District, §154.049(D) General Business District, §154.050 (D) Highway Service District, §154.051 (D) Community Center District, §154.053 (D) Light Industrial District, §154.055 (D) General Industrial, §154.056 (K) Planned Commercial District, §154.056 (L)(10) Planned Highway Service District , §154.056 (M) (12) Planned Office/Industrial District, and §154.057 (D) Conservation District.