



Application for a Variance or an Appeal of an Administrative Decision

Community Development and Revitalization Department
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For Staff Use Only

Submittal Date:

Date Application Determined Complete:

Date of BZA Hearing:

Fee Paid: Receipt #:

Staff Initials:

Case/Permit Number:

Variance and Appeals Information

1. The variance review procedure and criteria are established in Section 154.03(K) of the Tipp City Zoning Code. The review procedure and criteria for an appeal of an administrative decision are established in Section 154.03(M).
2. The application fee for a variance or an appeal is due at the time the application is submitted.

Basic Information

Project Address:

Miami County Tax Parcel ID:

Existing Zoning District:

Describe the Existing Use of the Property:

If the application includes multiple properties, the applicant may include a separate sheet identifying all of the properties that are part of this application, including each property's address, tax ID number, existing zoning, and existing land use.

Applicant Information

Applicant Name:

Contact Person:

Contact Address:

Contact Phone Number:

Contact E-Mail:

The applicant may attach a separate sheet of a paper with contact information for additional people, if necessary (e.g., additional owners, registered engineer, landscape architect, etc.).

Additional Project Information

1) Describe the nature of the variance or appeals sought (e.g., requesting an appeal of a staff decisions or seeking a variance of a specific section or regulation of the zoning code.). Please provide references to specific sections of the ordinance where possible.

Case/Permit Number:

Additional Project Information

2) State fully the facts on which this application or appeal is based. Attach additional sheets, if necessary. For variance applications, please address the review criteria established in Section 154.03(K)(4). For appeals, please address the review criteria established in Section 154.03(M)(5).

Signature

I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. Furthermore, I certify that I am the property owner or a duly authorized agent of the property owner for this application. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and any subsequent review applications.

Print Name:

Signature:

Date:

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BZA Action:

Date of Approval:

Variance or Appeal Submittal Requirement Checklist

<input type="checkbox"/>	A list of all property owners and their mailing addresses, for all properties that are contiguous or directly across the street from the property or properties subject to this application. Such information shall be as shown on the Miami County Auditor's records. A list of properties identified by parcel ID number and a map from the County Auditor's office showing the numbers is recommended.
<input type="checkbox"/>	Provide site plans and/or building plans, exhibits, photos, and supplemental information necessary for consideration of the applicant's case.
<input type="checkbox"/>	Any additional information determined to be necessary by the Zoning Administrator

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's 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.

Purpose

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

Review Criteria

Decisions on variance applications shall be based on consideration of the following criteria:

- (a)** Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance as further defined below.
- (b)** The following factors shall be considered and weighed by the BZA to determine practical difficulty:
 - (i)** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
 - (ii)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (iii)** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - (iv)** 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;
 - (v)** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, electric, refuse pickup, or other vital services;
 - (vi)** Whether special conditions or circumstances exist as a result of actions of the owner;
 - (vii)** Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
 - (viii)** Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance; and/or
 - (ix)** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (c)** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.