



VARIANCE USER GUIDE

Variations

- **What is a Variance?**

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as provided here, such area variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest provided. Such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property as described below, the literal enforcement of the provisions or requirements of this Zoning Code would result in practical difficulty, so that the spirit of the Zoning Code shall be upheld, public safety and welfare secured, and substantial justice done. Variances shall not be granted for uses not permitted in the zoning district applicable to the property.

Where there are exceptional or extraordinary circumstances or conditions, the literal enforcement of the requirements of this Zoning Code would involve practical difficulty for an area variance the Board of Zoning Appeals shall have power to relieve such hardship. In authorizing a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purpose of the chapter and in the public interest. In authorizing a variance, with attached conditions, the Board of Zoning Appeals shall require such evidence and may require a guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

- **What are the Standards for Variations?**

No such area variance of the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals if the Board of Zoning Appeals finds that any of the following facts and conditions exist:

a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

b) Whether the variance is substantial;

- c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- d) Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage);
- e) Whether the property owner purchased the property with knowledge of the zoning restriction;
- f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

- **How do I apply for a Variance?**

A variance may be applied for only after a Zoning Plans Examiner has refused to issue a Zoning Certificate. The Plans Examiner, specifying the section(s) of the Zoning Resolution that are at issue, will issue a letter of refusal. Following the issuance of a refusal, the application for a variance shall be accompanied by site plans, structural details, and additional information as outlined in the attached checklist. The completed application packet and application fee shall be filed directly with the Board of Zoning Appeals. You may schedule an appointment with the Administrator of the Board if you have questions or wish to further discuss details of a case prior to submission. Requests for variance of a yard, bulk or parking standard must be clearly stated in the letter of application as submitted to the Board. If filing with the Board of Zoning Appeals for a conditional use, compatible non-conforming use, or some similar application request, your variance request will be combined with such other request and processed at the same public hearing.

- **Processing Procedures for a Variance:**

Minimum processing time for a Variance is typically 62 days.

- a) Within a reasonable time after filing a complete application, the BZA Administrator sets a public hearing for between 30 and 62 days from that date.
- b) The BZA Administrator sends notice of the public hearing at least 10 days prior to such hearing to the applicant, the Township, and to property owners within 250 feet of the subject property. A legal advertisement is also published in a local county newspaper.
- c) **The Board of Zoning Appeals holds a Public Hearing** located at 10141 Woodlawn Blvd., Woodlawn, OH 45215. The applicant or someone representing the applicant MUST be present at the public hearing.
- d) Following the closure of the public hearing, the BZA takes action within 30 days.
- e) If the application is approved:

- 1) The BZA Administrator prepares a Resolution of Approval for the Chairman of the Board to sign officially authorizing the variance.
 - 2) A Zoning Plans Examiner issues a Zoning Certificate for the proposed use. Zoning Certificates for projects that also require a building permit are valid for a period no longer than six months unless a building permit has been issued or the BZA has granted an extension.
 - 3) Applicant applies to the Building Department for a Building Permit when required.
- f) When the development is complete a Final Zoning Inspection will be made and a Final Zoning Inspection Certificate will be issued.

THE VILLAGE OF WOODLAWN BOARD OF ZONING APPEALS

County Administration Building
138 East Court Street, Room 801
Cincinnati, Ohio 45202
513-946-4550

CHECKLIST FOR FILING A VARIANCE APPLICATION

Applications for a variance shall be **filed in person** with the Planning & Development Department. A legal notice will be prepared by the Board of Zoning Appeals and placed in a newspaper of general circulation in the county at least 10 days prior to the public hearing. *The applicant will receive the bill for said legal notice.* The Board may also prepare for the applicant, if requested, a typewritten list of names and complete addresses of the property owners of all lots and lands located within 250 feet of the property requesting the appeal. Said list will be prepared from the County Auditor's current tax list. *The office of the Board will execute all forms, including individual and legal notices, necessary for the processing of an application.*

All complete applications shall include the following information (if applicable). *Please submit this checklist with your application.*

1. THE LETTER - Please provide 1 copy

An explicit typewritten statement addressed to the Board of Zoning Appeals, setting forth the following:

- _____ The location and size of the property.
- _____ A clear and accurate description of the proposed construction or use of the property.
- _____ Specific sections of the zoning resolution in question, or from which the appellant is requesting a variance or relief.
- _____ State clearly any fact, hardship, or other pertinent information believed to support the variance sought or recommended.

2. THE SITE PLAN - Provide six (6) drawings + two (2) reduced drawings, 11" x 17"

The site plan shall be drawn to scale of not less than one-inch equals 50' and shall contain the following information.

- _____ Surveyor's Seal (*Required for all new dwellings, residential additions or structures over 600 sq. ft. or less than 10' from a property line, and all commercial buildings.*)
- _____ Name of person(s) preparing the plan
- _____ Title, name of owner, & name of builder/contractor
- _____ North Arrow (North to top of plan)
- _____ Property lines, property dimensions, street name(s), site size
- _____ Existing and proposed buildings & other structures
- _____ Distance from structures to property lines

- _____ Paving, parking areas, driveways, walks, etc.
- _____ Parking space, aisle & drive dimensions, & parking analysis
- _____ Land use of parcels adjoining the proposed site
- _____ Streetscape & boundary buffer yards & interior landscape areas (when applicable)
- _____ Existing & proposed grades
- _____ Easements & purpose of easements

Note: Modification or changes to the plats and/or plans approved by the Board are subject to review by the Board and a new case may be required.

3. THE LANDSCAPE & LIGHTING PLAN

Provide six (6) full size drawings + two (2) reduced drawings, 11" x 17"

The landscape plan shall be drawn to scale of not less than one-inch equals 50 feet. A landscape plan is not required for single family dwellings and similar uses not subject to buffering and landscape standards, but when required for other uses, the plan shall contain the following information.

- _____ Landscape Architects Seal or plants selected from Appendix A-2 – Recommended Plant List
- _____ Streetscape buffer yard width & location
- _____ Boundary buffer yard(s) width & location
- _____ Interior landscape areas size & location
- _____ Detailed schedule of planting materials including type, size, and location within each yard or area
- _____ Location and details (height, type, etc.) of any exterior light fixtures or poles
- _____ Indication (either photometric plan or similar lighting plan) that the light levels will be less than 0.5 foot candles at all property lines.

4. THE STRUCTURAL DRAWING – Provide six (6) sets of elevation drawings.

5. THE APPLICATION – Complete one (1) copy of the BZA application form.

6. FEE – See attached fee schedule. An application fee is required when the appeal is filed (all fees are non-refundable and must be made payable to the "Hamilton County Treasurer"). Contact the Board of Zoning Appeals at 946-4550 for additional information.

Checklist Prepared by: Name _____

Address _____

Phone _____

E-Mail _____

Date _____