

# APPLICATION FILING FOR ZONING BOARD OF APPEALS USE VARIANCE

## REQUIREMENTS:

1. Completed Application Form
2. Completed Authorization for Access
3. A written narrative addressing each of the Factors Used to Determine Unnecessary Hardship of a Use Variance (Code Section 1214.09 (C)(2). Such hardship must be demonstrated by clear and convincing evidence that **all of the criteria are satisfied**
4. Application fee of \$75.00 (Cash or check only. Please make check payable to the City of Avon Lake.)

# APPLICATION FORM

## City of Avon Lake --- Zoning Board of Appeals

**Please Note:** APPLICANT MUST BE THE OWNER OF RECORD OF THE SUBJECT PROPERTY IN THIS REQUEST OR THE APPLICANT MUST SUBMIT WRITTEN AUTHORIZATION FROM THE LEGAL PRPOERTY OWNER AT THE TIME APPLICATION IS SUBMITTED.

OWNER / AUTHORIZED APPLICANT MUST APPEAR AT THE BOARD MEETING.

**Property Owner's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

**Applicant's Name:** \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

### LOCATION OF PROPERTY

Property Address: \_\_\_\_\_

Permanent Parcel Number: 04-00-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_ Zoning District: \_\_\_\_\_

**PRESENT USE:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PROPOSED USE:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# AUTHORIZATION FOR PROPERTY ACCESS

**By signing this form, I authorize members of the City's Zoning Department and Zoning Board of Appeals access to the subject property for the limited purposes of photographing and/or viewing the area affected by the variance requested in this application and verification of project dimensions.**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Any dog(s) on property?** \_\_\_\_\_ **YES** \_\_\_\_\_ **NO**

**Please Print or Type:** \_\_\_\_\_

**Applicant / Agent Name:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Daytime Phone Number** \_\_\_\_\_

## **Factors Used to Determine Practical Difficulty of a Use Variance**

**Code Section 1214.09 (C)(2)** In order to grant a use variance, the ZBA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
  
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  
- C. The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
  
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  
- E. If there is an existing building on the lot, such building, due to its design, cannot be reasonably reused for a permitted use in the district;
  
- F. The granting of the variance will not adversely affect the public health, safety or general welfare;
  
- G. The variance will be consistent with the general spirit and intent of this code; and
  
- H. The variance sought is the minimum that will afford relief to the applicant.

**As part of your submittal, please respond in writing to each factor as it pertains to your variance request. It is important to be as thorough and detailed as possible.**