



AMERICAN TOWNSHIP · ALLEN COUNTY · OHIO

ZONING OFFICE, 102 PIONEER ROAD, ELIDA, OHIO 45807 (419-331- 8651) · [mbishop@atfd2007.com](mailto:mbishop@atfd2007.com)

## SUBMISSION REQUIREMENTS AND INSTRUCTIONS FOR VARIANCE APPLICATION TO AMERICAN TOWNSHIP BOARD OF ZONING APPEALS

An application for a variance to the Board of Zoning Appeals submitted to the American Township Zoning Office must comply with the requirements and procedures outlined herein.

This packet contains a checklist of general, written and graphic requirements, as well as application submittal forms. The checklist together with all required information, original application forms and copies must be submitted in complete and accurate form before the application will be processed by the Zoning Office.

The submission deadline represents the final day on which an application will be accepted. After the submission deadline, the applicant cannot modify any portion of the information submitted unless specifically requested by staff or the Board of Zoning Appeals. If the application is not complete, the case will not be placed on the agenda. Early submission is therefore highly recommended to ensure placement on the agenda and adequate time for reviews and corrections.

The American Township Zoning Office maintains a list of monthly meeting dates and submission deadlines.

**PLEASE NOTE THAT THIS APPLICATION AND ALL SUPPORTING DOCUMENTATION MAY BE SUBJECT TO DISCLOSURE UNDER THE PUBLIC RECORDS LAWS OF THE STATE OF OHIO.**

**SUBMISSION REQUIREMENTS FOR A VARIANCE TO THE AMERICAN  
TOWNSHIP ZONING RESOLUTION**

**FOR AMERICAN TOWNSHIP ZONING OFFICE USE ONLY:**

**CASE #** \_\_\_\_\_ **DATE RECEIVED:** \_\_\_\_\_

**1. GENERAL REQUIREMENTS:**

Incomplete or inaccurate applications will not be accepted for processing or be placed on the agenda.

**A. PRE-APPLICATION MEETING**

**DATE** \_\_\_\_\_  
**TIME:** \_\_\_\_\_

The applicant is required to meet with staff of the Zoning Office to discuss the overall application process before submitting the application packet. Please call 419-331-8651 for an appointment. Final staff review to the Board of Zoning Appeals about this application will be contained in the staff report which will be provided to the applicant prior to meeting date.

**B. APPLICATION FEE            \$500.00**

An application shall be accompanied by a non-refundable fee to cover the costs of holding a public hearing thereon. Request to withdraw an application must be submitted in writing to the Zoning Administrator. There shall be no refund or part thereof once public notice has been given.

**2. WRITTEN REQUIREMENTS:**

\_\_\_\_\_ **A. REFUSAL NOTICE / ZONING ORDER (IF APPLICABLE)**

Submit one copy of the refusal notice issued by the American Township Zoning Administrator (if applicable).

\_\_\_\_\_ **B. ADJACENT PROPERTY OWNERS LIST**

A typewritten list containing the names, tax mailing addresses and parcel numbers of all parcels within five hundred (500) feet of the subject site must be submitted. Each property owner's name and address provided will receive notification of the variance public hearing, and afforded opportunity to speak in favor or not in favor of the proposed variance.

\_\_\_\_\_ **C. DESCRIPTION OF REQUEST AND REASONS FOR VARIANCE FORM**

Complete and submit the Description of Request and Reasons for Variance Form (provided).

\_\_\_\_\_ **D. PROPERTY OWNER'S AFFIDAVIT**

Complete and submit the Affidavit (provided)

**3. GRAFFIC REQUIREMENTS:**

\_\_\_\_\_ **A. PLOT PLAN DRAWING**

Submit seven-(7) copies of a plot plan for the subject sight to scale (1" =20' , 1" = 30' , etc) These plans should indicate:

1. All streets, roads in front of structure or in case of corner or odd shaped lots all adjoining streets identified.
2. Accurate lot shape, and total acreage listed.
3. Property line dimensions.
4. All existing structures, such as principal residence, driveways, sidewalks, existing garages, pole barns, pools, or other structures. Clearly identified in the drawing.
5. The proposed location of new structure, indicating length, width and height (from ground to top) and (wall height from ground to top of wall).
6. Full rendering pictures or drawings of proposed structures, signs, or other object subject to this variance consideration.
7. Proposed location of new structure from all property lines clearly identified in feet (rear set back distance, side setback distance, and distance from roadway).
8. Location of any natural or topographical peculiarities of the subject parcel(s). Example easements, rain swales, ditches, etc.
9. Any other information as requested by American Township Zoning Office.

**B. REDUCED PLOT PLAN DRAWING**

Submit one (1) copy of the plot plan reduced to an 11” x 17” maximum sheet of paper. The information contained on the reduced version of the plan shall be the same as that which is required above.

**THE INFORMATION SUBMITTED SHALL BE ASSUMED TO BE CORRECT AND APPLICANT AND / OR AGENT SHALL ASSUME RESPONSIBILITY FOR ANY ERRORS AND / OR INACCURACIES IN AN IMPROPER APPLICATION.**

\_\_\_\_\_  
Signature of applicant or representative

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Printed name of person preparing this checklist

**THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED CLEARLY  
USE ADDITIONAL SHEETS AS NECESSARY**

**NAME OF APPLICANT:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY / STATE / ZIP:** \_\_\_\_\_

**PHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**PROPERTY OWNER NAME:** \_\_\_\_\_

**PROPERTY OWNER ADDRESS:** \_\_\_\_\_

**CITY / STATE / ZIP:** \_\_\_\_\_

**PHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**PROPOSED VARIANCE LOCATION:** \_\_\_\_\_

**PARCEL NO.** \_\_\_\_\_

**CURRENT ZONING DESIGNATION:** \_\_\_\_\_

**TOTAL ACREAGE:** \_\_\_\_\_ **CURRENT USE:** \_\_\_\_\_

**ADJOINING PROPERTY OWNERS WITHIN 500 FEET OF THE PROPOSED VARIANCE SITE:**

| PROPERTY OWNER NAME | PROPERTY OWNER ADDRESS | SUBJECT PARCEL NUMBER |
|---------------------|------------------------|-----------------------|
|                     |                        |                       |
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**I REQUEST A VARIANCE FROM THE AMERICAN TOWNSHIP ZONING RESOLUTION, UNDER**

**SECTION:** \_\_\_\_\_ **WHICH READS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE APPLICANT SHALL PREPARE A STATEMENT REGARDING THE FOLLOWING  
(USE ADDITIONAL SHEETS IF NECESSARY):**

1. Please describe the requested variance. Is the requested variance a use variance or an area / dimensional variance?

\_\_\_\_\_ (Area Variance) – means the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. Can be a modification to a dimensional, physical or locational requirement such as setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Zoning Appeals.

\_\_\_\_\_ (Use Variance) – means request to use property for something other than the allowed physical uses. For example, homeowners may want to construct a fence larger than what is allowed by zoning regulations.

The aforementioned questions are the standards established for variances per *Duncan v. Middlefield (1986), 23 Ohio St. 3d 83* and *Kisil v. Sandusky (1984), 12 Ohio St. 3d 30*.

**USE VARIANCES:**

**In order to grant a use variance, the BZA shall determine that strict compliance with the terms of the American Township Zoning Resolution will result in unnecessary hardship for the applicant. The applicant must demonstrate such hardship by clear and convincing evidence.**

**Answers to the following questions (as well as testimony before the Board of Zoning Appeals during the hearing) will aid the BZA in making such a determination. In the case of Yes or No answers, please provide explanations.**

**ANSWER THE FOLLOWING QUESTIONS ONLY IF YOU ARE REQUESTING A USE VARIANCE:**

2. Absent the issuance of a variance, can the property be put to any economically liable use under any of the permitted uses in the zoning district in which the property is located?
3. Describe the condition, which is unique to the property at issue, and not ordinarily found in the same zoning district form which the variance request stems (e.g. a unique building exists on the site that cannot readily be reused for a permitted use).
4. Can the variance requested be otherwise resolved by a zoning map amendment?
5. Will the strict compliance with the Zoning Resolution result in a hardship condition and those hardship conditions were created by the actions of the applicant?
6. Will the granting of the variance adversely affect the rights of adjacent property owners or residents?
7. Will granting of the variance adversely affect the public health, safety, or general welfare?
8. Is the variance consistent with the general spirit and intent of the American Township Zoning Resolution?
9. Is the variance sought the minimum what will afford relief to the applicant?

**AREA / DIMENSIONAL VARIANCES:**

**The BZA shall have the authority to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest. Whereas applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning resolution will result in practical difficulty for an area / dimensional. Applicant shall provide statement addressing the following factors:**

**Answers to the following questions will aid the BZA in determining if a practical difficulty exists that would justify an area / dimensional variance. In the case of yes or no answers, please provide explanations. ANSWER THE FOLLOWING QUESTIONS ONLY IF YOU ARE REQUESTING AN AREA / DIMENSIONAL VARIANCE:**

2. Describe the special conditions and circumstances that 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”, “adjacent to nonconforming and inharmonious uses, structures or conditions”.
3. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the requested variance?
4. Is the requested variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structure(s) involved?
5. Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer substantial detriment as a result of the requested variance?
6. Will the requested variance adversely affect the delivery of governmental services such as water, sewer, and trash pickup?
7. Do special conditions or circumstances exist as a result of the actions of the owner?
8. Can the property owner’s predicament feasibly be obviated through some method other than the requested variance?
9. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the requested variance?
10. Will the granting of the variance confer on the applicant any special privileges that are denied by this regulation to other lands, structures, or buildings in the same district?

**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 merits and facts.**

#### **INSPECTION AND REVIEW**

I, (we) \_\_\_\_\_ hereby give permission to the American Township Board of Trustees, Zoning Administrator, his / her agents, and members of the Board of Zoning Appeals and any other outside stakeholders permission to enter upon my property at any reasonable hour to review the proposed variance site location, buildings and areas associated with this variance request.

\_\_\_\_\_  
Owner or Authorized Representative:

\_\_\_\_\_  
Date:

**PROPERTY OWNER AFFIDAVIT**

**STATE OF OHIO  
COUNTY OF ALLEN**

I (we) \_\_\_\_\_  
Hereby certify that we are all the owners of the property which is the subject of this Variance application. I (we) consent to the Board of Zoning Appeals of American Township acting on our application.

We understand that our application will be considered and processed in accordance with the regulations set forth by the American Township Zoning Office and American Township Zoning Resolution.

I (we) agree to accept, fulfil, and abide by those regulations and stipulations and conditions contained in the decision entered by the Board of Zoning Appeals of American Township, in Lima (Allen County), Ohio.

The statements and attached documents are in all respect, true and correct to the best of my (our) knowledge and belief.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Mailing Address**

\_\_\_\_\_  
**City / State / Zip Code**

\_\_\_\_\_  
**Phone**

\_\_\_\_\_  
**Email**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

**SEAL**

**OFFICE USE:**

| <b>CASE #</b>                    | <b>DATE FILED:</b> | <b>FEE:</b> | <b>RECEIPT NO.</b> |
|----------------------------------|--------------------|-------------|--------------------|
| <b>APPLICATION REVIEW:</b>       |                    |             |                    |
| <b>DATE LIMA NEWS LEGAL:</b>     |                    |             |                    |
| <b>DATE NOTICES MAILED:</b>      |                    |             |                    |
| <b>DATE LIMA NEWS LEGAL:</b>     |                    |             |                    |
| <b>DATE OF HEARING:</b>          |                    |             |                    |
| <b>DECISION LETTER TO OWNER:</b> |                    |             |                    |
| <b>PERMIT ISSUED DATE:</b>       |                    |             |                    |
| <b>OTHER:</b>                    |                    |             |                    |