

CITY OF ELYRIA – BUILDING DEPT.

131 Court Street, Suite 101. Elyria, OH 44035-5511 440.326.1491

APPLICATION FILING FOR THE BOARD OF ZONING APPEALS

Please Note:

If you are unsure on any item on this form, contact your Legal Counsel for assistance. The City of Elyria and the Board of Zoning Appeals cannot advise you on legal matters.

REQUIREMENTS:

- 1. Completed Application Form
- 2. Completed Authorization for Access
- 3. Submit with this Application form, Ten (10) collated sets which shall include:
 - a. Plot Plan drawn to scale showing,
 - b. Lot dimensions,
 - c. Location and dimensions of all existing buildings,
 - d. Distances between buildings and between buildings and property lines,
 - e. Driveway location and dimensions.
 - f. Proposed construction shown,
 - g. Elevations of proposed construction. (if applicable)
- 4. Written responses (please answer clearly and concisely) to each of the Factors Used to determine Practical Difficulty.
- 5. Application fee of \$100.00 (payable to the City of Elyria)
- 6. Return this application and the denial letter to the Building Department, which at that time you will be informed of the next hearing date of the Board of Zoning Appeals.

ADDITIONAL INFORMATION THAT MAY BE SUBMITTED, BUT NOT REQUIRED:

- 1. Photographs of the property and the area affected by the variance,
- 2. Signatures of neighbors stating they understand the request and have no objections,
- 3. Examples of similar structures in the neighborhood.

APPLICATION FORM City of Elyria - Board of Zoning 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 property owner at the time application is submitted.

OWNER / AUTHORIZED APPLICANT MUST APPEAR AT THE BOARD MEETING.

Applicant's Name:		-
Company Name:		-
Address:		_
Telephone:		_
Email address:		_
Property Owner's Name:		
Address:		_
Telephone:		_
Email Address:		_
LOCATION OF PROPERTY Property Address:		-
REQUEST		
Code Section(s)		_
Specific Details of Variance Request:		_
		_
		_
Applicant's Signature:	Date:	_

AUTHORIZATION FOR PROPERTY ACCESS

By signing this form, I authorize members of the City's Zoning Department and Board of Zoning Board 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 the property?	YESN	Ю	
	Please Print or T	ype:	
Applicant / Agent Name:			
Property Address:			
Property Address:			
Ten Digit Daytime Phone Number:			

Factors Used to Determine Practical Difficulty of an Area Variance

Please respond to each question as it pertains to your variance request. It is important to be as thorough and detailed as possible. If you need additional space, you may use a separate sheet to answer the questions.

1.	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.
2.	Whether the property in question will yield a reasonable return or weather there can be any beneficial use of the property without the variance.

3.	Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
4.	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.
5.	Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

6. Whether the property owner purchased the property with knowledge of the zoning restrictions.
7. Whether special conditions or circumstances exist as a result of actions of the owner.

8.	Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
9.	Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
10.	Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulations to other lands, structures, or buildings in the same district.

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11. The variance sought is the minimum, which will afford relief to the applicant.
An applicant who seeks a variance of a particular zoning requirement has the burden of establishing that the strict and literal enforcement of the zoning regulation is unreasonable when applied to the particular piece of property in question. It is up to the applicant to present the case as thoroughly and completely as possible.
THE APPLICANT HAS THE BURDEN OF PROOF. The Board of Zoning Appeals <u>may not</u> prove the case for you.