

Board of Zoning Code Appeals

As indicated throughout this Guidebook, many anticipated home improvements require drawings and plot plans to be submitted to the Building Department prior to obtaining a permit. The Building Department reviews the plans submitted to verify that the improvement is in compliance with the City of Bay Village Codes. The main purpose of a Zoning Code is to provide adequate open spaces for light and air, to prevent overcrowding of the land, to prevent excessive concentration of population, to prevent uncoordinated development and to protect the character and value of residential, business, industrial, institutional and public uses. In some instances, the strict application of the Zoning Code may cause a practical difficulty or an unnecessary hardship that would deprive the property owner reasonable use of his or her land or building. To this end, a variance may be sought by a proper appeal to the Board of Zoning Appeals. The Board of Zoning Appeals consists of seven members, and their meetings are held on the first and third Thursday of each month at Bay Village City Hall at 7:30 p.m. Any appeal or application to the Board of Zoning Appeals must be submitted to the Building Department by noon on Wednesday, two weeks before the scheduled meeting. A filing fee is required. Applications are obtained at the office of the Building Department.

A majority of the Board of Zoning Appeals must vote in favor of a request to obtain a variance.

**CITY OF BAY VILLAGE
APPLICATION FOR BOARD OF ZONING APPEALS**

Date: _____ Application Fee: \$25.00 Fee Paid: _____ Date of Meeting: _____

Please note: APPLICANT MUST BE THE OWNER OF RECORD OF THE PROPERTY INVOLVED IN THIS REQUEST OR THE APPLICANT MUST SUBMIT WRITTEN AUTHORIZATION FROM THE LEGAL PROPERTY OWNER AT THE TIME APPLICATION IS SUBMITTED. APPLICANT/OWNER MUST APPEAR AT THE BOARD MEETING OR THE BOARD SHALL DENY THE REQUEST. APPELLANT MUST SUPPLY 10 COPIES OF ALL DOCUMENTATION TO BE CONSIDERED OR THE APPEAL WILL NOT BE ACCEPTED.

Name of Applicant: _____ Phone: () _____

D.B.A. _____

Address: _____

Address of Property Involved in Appeal: _____

Owner of Property: _____ Phone: () _____

Owner's Mailing Address: _____

Zoning District: _____ Ord. 58-135 Code Section: _____

TYPE OF APPEAL REQUESTED:

- 1. Variance of code regulations.
- 2. A Special Permit for an accessory structure not listed by ordinance as a permitted use.

Request for variance to buildings, yards, lot coverage and/or off-street parking shall be accompanied by scale drawings with accurate measurements showing all structures in relation to property lines. Any application not containing sufficient information and/or complete drawings may be deferred until complete information has been submitted. Photos of property and adjacent areas are required.

Where variances are requested, the appellant must state and the Board must find that:

- a. A practical difficulty or unnecessary hardship exists and is *peculiar to the premises*.
- b. Refusal will deprive the owner of property rights.
- c. Granting the appeal will not be contrary to the purpose and intent of the zoning code.

Specific Details of Variance Request:

Applicant or Owner's Signature

ZONING BOARD REQUIRED FINDINGS

IF APPLICANT IS REQUESTING A VARIANCE, APPLICANT MUST SHOW UNNECESSARY HARDSHIP OR PRACTICAL DIFFICULTY; SUCH HARDSHIP MUST BE DEMONSTRATED BY CLEAR AND CONVINCING EVIDENCE AS TO ALL OF THE FOLLOWING QUESTIONS.

EACH QUESTION MUST BE ANSWERED IN FULL – A “YES” OR “NO” IS NOT ACCEPTABLE.

1. Are you currently unable to put the property to any economically viable use under any of the permitted uses in the zoning district in which it is located, and if not, why?

2. Does the variance request stem from a condition which is unique to the property in question and not ordinarily found in the district, and if so, why?

3. Was the hardship/difficulty condition existing or was it created by the applicant? What is the hardship/difficulty?

4. Was the property owner aware of the zoning restrictions when the property was purchased?

5. Is the granting of the variance necessary for the reasonable use of the land or building, and is it the minimum variance that will accomplish this purpose?

6. Will the granting of the variance adversely affect the delivery of governmental services such as water, sewer, or refuse removal?

7. Is the granting of the variance in harmony with the general purpose and intent of the Zoning Code, and will this substantially alter the character of the neighborhood?

AUTHORIZATION FOR PROPERTY ACCESS

In signing this application, I authorize members of the City's Building Department and Board of Zoning Appeals access to my 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.

Any dog(s) on property _____ Yes _____ No

Please Print or Type:

Applicant/Agent Name: _____

Property Address: _____ Permanent Parcel # _____

Daytime Telephone No.: _____

Applicant or Agent's Signature

Department Use Only

Remarks from the Building Department:

Variance Granted: Yes _____ No _____