

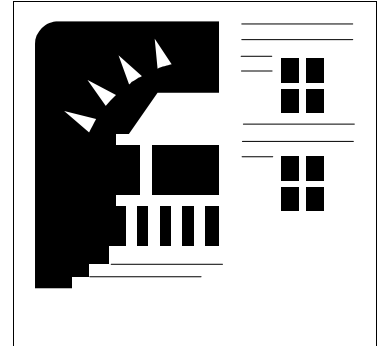


Zoning Variance

Variance of Standards

(Sec. 1244.05)

A Zoning Variance is an authorization given by the Board of Adjustment to allow an exception to certain development standards prescribed in the Zoning Code. These standards regulate setbacks, lot dimensions, lot coverage, minimum/maximum sizes and heights of structures; where buildings, yards, parking lots, driveways, signs, and lighting may be placed on properties; and other zoning code requirements.



Zoning code regulations are written in a general manner, and, in most instances, apply to all properties equally. The Code, however, provides relief from the standards in unusual circumstances. The means to obtain relief from strict requirements of the Zoning Code is called a variance, which goes through a public hearing.

[Applications](#) for a variances are filed with the Dept. of Community Development at least 3 weeks before the next meeting of the Board of Adjustment (BOA). Upon receipt of an application, Planning Staff will review the application for [completeness](#) and accuracy of information.

Submission of an application, however, does not guarantee approval. The land owner requesting the variance must show undue hardship or practical difficulty that is not self-imposed, and must demonstrate that the variance would not harm the public welfare, not have a negative impact on the prevailing character of the immediate areas, or would not adversely impact surrounding property values. If the variance will be applied to an extension/expansion of an existing building or on a new structure, it is preferred that building materials and architectural design be consistent or complementary to the existing character of the principal structure and the neighborhood.

The requirement that any hardship not be self-imposed is of particular significance. The purpose of this requirement is to prevent petitions to accommodate particular habits and hobbies of the property owner. The requirement also prevents an owner from building a non-conforming structure and then seeking a variance for that structure on the grounds that it would be a hardship to tear it down. Depending on particular circumstances, you may be ordered to move or remove that non-conforming structure.

It is highly suggested to schedule a pre-application meeting with the Planning staff of the Dept. of Community Devt. to discuss the proposed variance in detail and to receive staff suggestions on how to proceed.

The [process](#) may take between 4 and 6 weeks to obtain a variance, which covers the time required for public notification, site inspection and use evaluation, report preparation, and re-hearing if necessary. The fee is \$100.

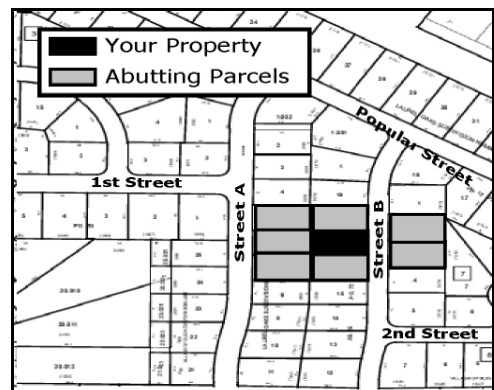
For further details, call the Planning Division of Department of Community Development at (419) 221-5146.



Variance

Checklist of Requirements

- [] 1. 8 copies of the **COMPLETED Zoning Modification Request Form**, which contains among other information, the following:
- a. The name and street address of the petitioner
 - b. The parcel number/s and lot number/s of the real estate proposed to be used
 - c. **Reasons for the variance** and **indication of facts** that –
 - Owing to exceptional and extraordinary circumstances, literal enforcement of the standard will result in unnecessary hardship and practical difficulties inconsistent with the general purpose and intent of the Zoning Code
 - The hardship is unique and does not apply to a substantial portion of the district or immediate neighborhood
 - The variance sought is the minimum variance possible and other alternatives for resolving the conflict are impractical or infeasible
 - The alleged hardship is not self-created
 - The variance will not alter the essential character of the immediate neighborhood
 - d. A [vicinity map](#) showing the subject parcel/s and the lands contiguous thereto
 - e. A to-scale site plan and elevation drawings of the proposed structure (preferably reduced to 8.5" x 11").
- [] 2. A list of the **names and mailing addresses of all owners of property** contiguous to and directly across the street from such parcel/s to be used; (Obtained at the County Recorder's Office)
- [] 3. The **fee** of \$100.00 payable to the City of Lima Treasurer.
- [] 4. Other information that **may be required**:
- site plan, landscape plan
 - elevation drawings
 - parking plan
 - traffic study
 - photos or renderings of sample structures





ZONING MODIFICATION REQUEST

Instructions

The following instructions are intended to provide direction on properly completing the Zoning Modification Request (ZMR) form. It is recommended that as much information as possible be provided. If these instructions do not provide sufficient insight and/or clarity about the requested information, you are encouraged to contact the Dept. of Community Development at 221-5146. **Please submit eight (8) complete copies of the petition, three (3) weeks before the regularly scheduled meeting of the Board of Adjustment or City Planning Commission.**

Use the back of the form or attach additional pages if more space is needed. Please indicate the question number for any extended response.

Section A

- LOCATION: the street address of the subject property.
- Tax Parcel No.: the 14 digit number utilized by the Allen County Auditor to identify the subject property.
- Petitioner: the name of the person(s) responsible for submitting the ZMR.
- Owner: indicate whether the petitioner is the legal owner of the premises. The property owner must be one of the petitioners and signatories.
- Mailing Address: the mailing address of the petitioner if different from LOCATION and a phone number to reach the petitioner during regular business hours.
- Attorney/Agent: the name and phone number of any person acting as attorney or agent for the petitioner.
- REQUEST: indicate the type of ZMR by completing the appropriate line(s).
- If requesting a district change (*authorizes ALL uses listed in a zoning district*) indicate the current and proposed zoning districts and the purpose for which the property would be used.
 - If requesting a Special Use Permit (*authorizes a SPECIFIED USE ONLY, WITH CONDITIONS with no change in zoning district*) indicate the purpose for which the property will be used.
 - If requesting a variance (*a permanent variation from any standard listed in zoning regulations*) indicate the Section number and the purpose for which the property would be used.
 - If requesting a Special Permit (*authorizes and establishes conditions for some uses listed in zoning regulations*) indicate the Section number and the purpose for which the property would be used.

[Section B](#)

1. Reason for request: provide a detailed reason and/or explanation for the requested change.
2. If cited for zoning violation: describe the circumstances which resulted in the citation and provide a copy of any citation or correspondence from city officials.
3. Current use: describe how the property is currently utilized including the activities conducted on the premises.
4. Proposed use(s): describe the development plan for the property including buildings, improvements, renovations and the activities to be conducted on the premises if the ZMR is authorized. Clearly state your case.
5. Special Considerations or Situation: indicate facts that the re-zoning or variance will not be detrimental to public interest. Also, provide a detailed explanation of any special condition or unique situation involving the premises and its vicinity and/or the petitioner's situation.

[Section C](#)

6. Legal Description: provide the legal description for the property as it appears on the deed record of the Allen County Recorder.
7. Adjoining Owners: provide the names, full mailing addresses, and parcel numbers for the owners of every parcel which either adjoins, abuts or faces the subject property. THIS INFORMATION MUST BE AS IT APPEARS ON THE RECORD OF THE ALLEN COUNTY AUDITOR. To ensure all required names are provided, visualize enlarging the subject property until its parcel lines touch the adjoining properties in every direction, including lots across any street or alley. The required information for any parcel which falls within the visualized area must be provided.

Attachments: **at a minimum**, a to-scale site plan of the project and an exterior elevation (drawing) showing how the proposed structure/addition would look like MUST be provided. Attach a copy of any decision of the Building Commissioner or Building and Zoning Administrator. Indicate the category (✓) and number (#) of attachments provided as supporting materials.

The person completing this request attests to the accuracy of the information provided by virtue of his/her signature. ANY ERROR OR OMISSION MAY BE THE CAUSE FOR PROCEDURAL OR OTHER ERRORS WHICH MAY INVALIDATE ACTION TAKEN ON THE ZONING MODIFICATION REQUEST.

DO NOT WRITE IN SHADED AREAS.

SUPPLEMENTAL INSTRUCTIONS

Zoning Modification Request

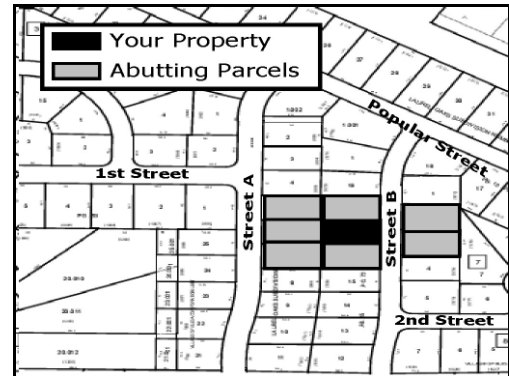
You are required to provide a vicinity map locating the parcel for which a Zoning Modification Request is filed and the names of adjoining owners (Section C. 6.).

The recommended source for this information is the:

Tax Map Office
Room 202 - 2nd Floor
Allen County Courthouse

Tele: (419) 228-3700 Ext. 8743

You may ask for either Judy or Mike from 8:00 AM to 4:30 PM weekdays.



Vicinity Map

You should request the following:

1. A copy of the tax map(s) which show the subject property and the abutting parcels.
2. A copy of the "parcel printout" for the subject property and all abutting/adjoining parcels.

There is a modest charge (currently \$.25) for each item provided by the Tax Map Office. The total charge is usually about \$2.

Please print the following 2-page form, **fill out legibly** and mail (or deliver) with required attachments and fee to:

Planning Division
Department of Community Development
City of Lima
50 Town Square
Lima, OH 45801



ZONING MODIFICATION REQUEST

City of Lima

Date Received : _____

Complete
 Incomplete

Case No. _____

Section A

LOCATION _____ Tax Parcel No. _____

Petitioner _____ Owner? Yes ___ No ___

Mailing Address _____ Phone _____

Attorney/Agent _____ Phone _____

REQUEST Change District from _____ to _____

Special Use Permit for _____

Variance from COL Section _____ for _____

Special Permit per COL Section _____ for _____

Section B

1. Reason for Request _____

2. Have you been cited by the City for a zoning violation? Yes ___ No ___ If yes, explain:

3. Current Use _____

4. Proposed Use (Provide additional sheets if necessary)

5. Special Considerations or Situation (Provide additional sheets if necessary)

Section C

6. Legal Description _____

7. Adjoining Owners	Full Mailing Address	Tax Parcel No.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTACHMENTS: Site Plan _____ Map _____ Elevation Drawing _____ Other _____

The undersigned attest to the accuracy of the information contained herein. **PRINT and SIGN**

Petitioner/Agent _____

Owner _____

CPC	Date _____	Approved _____	Denied _____	Vote _____
BOA	Date _____	Approved _____	Denied _____	Vote _____
Conditions _____				



FREQUENTLY ASKED QUESTIONS

Board of Adjustment Actions

Variance - *If approved*, the building department will be informed of the action evidenced by an "Order Granting a Variance" describing the specific terms of the variance granted. The "Order" is normally issued within seven (7) days of the Board of Adjustment decision. Until the "Order" is received by the Building Commissioner, he is not obligated to issue a building permit.

If denied, no further consideration will be given to the request and no building permit will be issued. The Board of Adjustment decision may be appealed to the Allen County Court of Common Pleas.

Special Use Permit - *If approved*, the building department will be informed of the action evidenced by an "Order Granting a Special Use Permit" describing the specific terms of the zoning ordinance exception(s) granted. The "Order" is normally issued within seven (7) days of the Board of Adjustment decision. Until the "Order" is received by the Building Commissioner, he is not obligated to issue a building permit. **The action is also reported to Lima City Council which has 30 days to reverse or modify the decision.** Any change by City Council requires a 2/3 vote. If you proceed before the end of the Lima City Council review period you do so at your own risk. You may wish to contact the Lima City Council Clerk at (419) 221-5218 if you have questions about the status of a Special Use Permit.

If denied, no further action will be taken unless the petitioner requests, in writing, that the case be forwarded to Lima City Council for consideration on appeal. It requires a 2/3 vote of Lima City Council to reverse a Special Use Permit decision of the Board of Adjustment. There is no additional charge for an appeal and a decision must be reached within 30 days.

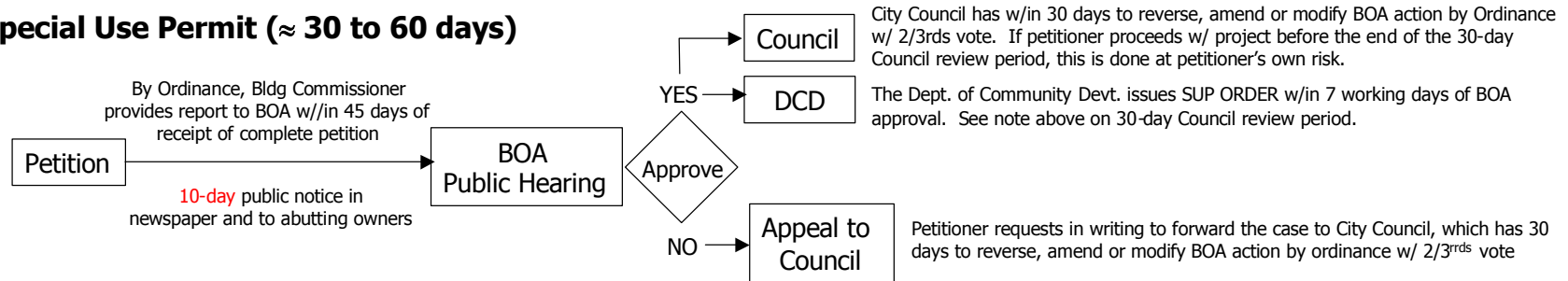
Special Permit - *If approved*, the building department will be informed of the action evidenced by an "Order Granting a Special Permit" describing the specific terms of the Special Permit granted. A Special Permit involves only those uses permitted by the zoning ordinance which require additional review - it is not the same as a Special Use Permit which varies the regulations. The "Order" is normally issued within seven (7) days of the Board of Adjustment decision. Until the "Order" is received by the Building Commissioner, he is not obligated to issue a building permit.

If denied, no further consideration will be given to the request and no building permit will be issued. The Board of Adjustment decision may be appealed to the Allen County Court of Common Pleas.

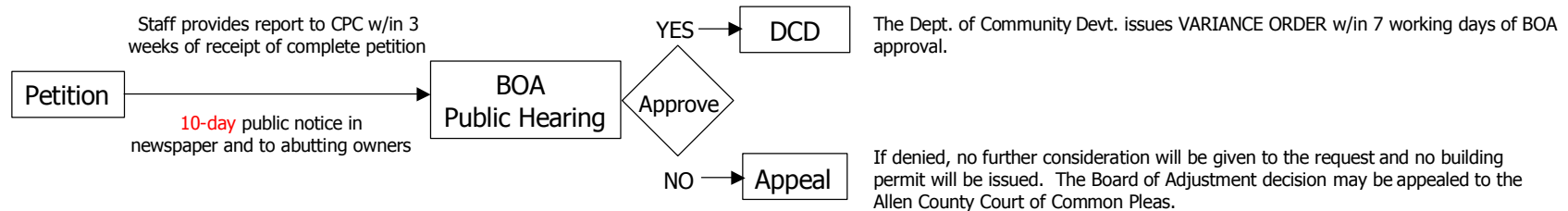
General Process Flow Chart for SUP, Variances and Special Permits

COMPLETE PETITIONS MUST BE RECEIVED 3 WEEKS BEFORE MEETING DATE OF BOA

Special Use Permit (≈ 30 to 60 days)



Variance (≈ 30 to 50 days) – refers to area variances



Special Permit (≈ 30 to 50 days) – refers to use variances (except SUPs) and billboards

