

Case # _____

**ROOTSTOWN TOWNSHIP ZONING BOARD OF APPEALS
APPLICATION FOR ZONING VARIANCE**

3988 St. Rt. 44, Rootstown, OH 44272
Phone: 330-325-9341, Fax: 330-325-7719
rootstownzoning@sbcglobal.net

Name of applicant: _____

Mailing address: _____

Phone number: (Home) _____ (Business) _____

The following items must be submitted with your application:

1. Proof of ownership, legal interest, or written authority to represent property owner
2. Eight (8) copies of a site plan of the lot, drawn to scale, showing the exact dimensions and area of the lot to be built upon or utilized. Plans shall include:
 - a. Size and location of existing buildings
 - b. Location and dimensions of proposed buildings
 - c. Any significant natural or topographic features of the subject lot
 - d. Architectural or construction plans, if needed to convey a need for the variance
3. A narrative statement establishing and substantiating the justification for the variance (see page 3)
4. A list of property owners within 500 feet of the property for which a variance is requested, with their addresses from the current tax record and one (1) copy of the applicant's current tax map. List of property owners needs to be in this format:
 - Parcel number
 - Name of owner
 - Mailing address of owner
5. Application fee is \$200 and is NON-REFUNDABLE. Checks payable to Rootstown Township.

The application must be submitted to the Zoning Secretary at least two weeks prior to the hearing date. All hearings are held on the first Tuesday of the month.

Location of Subject Property/Use

Street address: _____

Parcel number: _____

Subdivision name and lot #: _____

Zoning District property is located in: _____

Zoning Section(s) variance is against: _____

Nature of Variance

State the exact variance being requested. For example, if you want to construct a building with a 15-foot setback, and the zoning code requires a 20-foot setback, the variance requested will be five (5) feet.

IF GRANTED: The variance shall expire one year from the date of its enactment, unless construction has begun prior thereto. There shall be no modification of variances except by further consideration of the Zoning Board of Appeals. An expired variance must go through the process again in order to be renewed.

IF DENIED: The Board may not reconsider the same request for a variance if resubmitted within one year after the date of the Board's decision, unless the underlying conditions have substantially changed.

I have read and understood the above, and certify that the information contained in this application and its supplements is true and correct. I hereby grant the right and permission for the board or its designate to inspect the premises.

Applicant Signature and Date

Date of Hearing _____

Action of Zoning Board of Appeals _____

Justification of Variance

Below are the factors that must be considered by the Board in order to grant a variance. Your application should include a narrative statement that addresses these factors, and you should be prepared to answer questions about these at the hearing.

Area Variance. The following factors shall be considered and weighed by the Board in determining practical difficulty for an area variance:

- a) 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;
- b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- d) 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;
- e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- f) Whether special conditions or circumstances exist as a result of actions of the owner;
- g) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
- h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- i) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Use Variance. In order to grant a use variance, the Board of Zoning Appeals shall determine that a literal enforcement of this Zoning Resolution will result in unnecessary hardship to the applicant and such hardship is demonstrated by clear and convincing evidence as to all of the following criteria:

- a) The property cannot be put to any economically viable use under any of the permitted or conditional uses in the zoning district.
- b) The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zoning district;
- c) The hardship condition is not created by actions of the applicant;
- d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- e) The granting of the variance will not adversely affect the public health, safety or general welfare; and
- f) The variance will be consistent with the general spirit and intent of the Zoning Resolution.