

**CLINTON COUNTY BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE**

Date Filed: _____ Application No.: _____
Hearing Date: _____ Action Date: _____ Action: _____

Purpose and Guidelines for Variances

The Board of Zoning Appeals (BZA) may grant a variance when there is clear and convincing evidence that:

- Strict application of the Zoning Resolution will cause the applicant practical difficulty due to the physical conditions of the land, and
- Strict application of the zoning regulation is inequitable and will deprive the applicant of the beneficial use of the land or buildings involved.

In making its decision, the BZA shall preserve the spirit of the Zoning Resolution and weight the competing interest of the community and applicant.

Instructions

- A. Answer All Questions. Your answers are the most important source of information the Board of Zoning Appeals uses to rule on your application for a variance. Answer clearly and concisely, but completely. Attach additional sheets if necessary. Incomplete applications will be returned. The applicant shall attach a list with the name and tax mailing address of each property owner within 1000' radius of the subject property. Use the Auditor's current tax list to create that list. Include the township clerk for the township in which the property is located on the list.
- B. Question 3 – Sample Entries
13.05.03 Front Yard Depth Reduction 105 95
31.03(B) Area Limitation – Accessory Bldg. Increase 2% of lot 2.02% of lot
- C. File the original application, plus 14 copies with all attachments, and deposit filing fees with the Zoning Inspector to begin the review process.

1. Applicant/Owner Information

Applicant: _____
Mailing Address: _____

Telephone (Day): _____ (Evening) _____
Interest in Property _____
Owner: _____
Mailing Address: _____

Telephone (Day): _____ (Evening): _____ Date Acquired: _____

2. Property Information

Attach legal description of property. Tax Parcel No. _____
Address _____ Twp. _____
Between _____ and _____
Current Zoning _____ Current Use _____
Proposed Use _____ Corner Lot Yes No

Attach a dimensional plan, drawn to approximate scale, showing all existing structures and the variance(s) requested, and any other matters relating to Part 3, below:

3. Request for Variance

I request the following variance (s):

Section	Concerning	Purpose	From	To

4. Facts in Support of Request for Variance

The BZA will not grant a variance unless the Applicant presents clear and convincing evidence that the applicant will encounter practical difficulties in complying with the Zoning Resolution. Describe the facts relevant to your property that would support findings practical difficulties.

(A) Describe the Use for which you seek the variance.

(B) Explain, in detail, the grounds on which you claim that the BZA should grant the variance.

Describe the specific reasons that justify granting the variance in terms of the following factors. No single factor controls in a determination of practical difficulties. The following points, among other, may be considered in determining whether an applicant has encountered practical difficulties:

- Will the property yield a reasonable return without the variance?
- Is there any beneficial use of the property without the variance?
- Is the variance substantial?
- Will the variance substantially alter the essential character of the area?
- Will adjoining properties suffer a substantial detriment because of the variance?
- Will the comprehensive plan for the area suffer a substantial detriment because of the variance?
- Will the variance adversely affect the delivery of Governmental service?
- Did applicant purchase the property knowing of the zoning restriction?
- Can the applicant cure the difficulty other than by a variance?
- Will granting the variance observe the spirit and intent of the zoning requirement?
- Will granting the variance do substantial justice for the applicant and the community

5. Applicant _____ Desires a court stenographer to attend the hearing on the application and agrees to pay attendance fees and the fee for the original transcript (if ordered).

_____ Waives the presence of a court stenographer.

By submitting this Application for Variance, the Applicant agrees to appear at the public hearing on this application and acknowledges that failing to appear may result in summary denial of the Application.

Applicant acknowledges that a notice of the public hearing must be published in a newspaper and agrees to pay the cost of such publication in addition to the filing fee for this application.

Date _____

Signature

Printed Name

**CLINTON COUNTY BOARD OF ZONING APPEALS
APPLICATION FOR CONDITIONAL USE**

Date Filed: _____

Application No.: _____

Hearing Date: _____

Action Date: _____

Action: _____

INSTRUCTIONS

- A. **Answer All Questions.** Answer clearly and concisely, but completely. Attach additional sheets if necessary. Incomplete applications will be returned.
- B. The applicant shall attach a list of names, together with their respective tax mailing addresses, of all property owners within a 1000' radius of the subject property (as the owners appear on the Auditor's current tax list), and the township clerk for the township in which the property is located.
- C. File the original application, plus 14 copies with all attachments, and deposit filing fees with the Zoning Inspector to begin the review process.

1. APPLICANT/OWNER INFORMATION

Applicant: _____

Mailing Address: _____

Daytime Telephone: _____ Interest in Property: _____

Owner: _____

Mailing Address: _____

Daytime Telephone: _____ Date Acquired: _____

2. PROPERTY INFORMATION

Address: _____ Twp.: _____

Between: _____ and _____

Current Zoning: _____ Corner Lot: Yes _____ No _____

Tax Parcel No.: _____

3. REQUEST FOR CONDITIONAL USE

Describe existing use: _____

Describe Proposed Conditional Use: _____

Attach a plan drawn to scale, with dimensions, showing all existing structures, all proposed structures and all other improvements related to the proposed conditional use, including matters relating to Parts 4(D), (E), and (F), below.

4. FACTS IN SUPPORT OF REQUEST FOR CONDITIONAL USE

No Conditional Use may be granted unless the Applicant presents sufficient evidence to allow the Board of Zoning Appeals to make certain findings. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A) That the use is in fact a conditional use as established under the district regulations.

B) That the Conditional Use of such nature and will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

C) That the Conditional Use will not pose a discernible hazard to existing adjacent uses.

D) That the Conditional Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.

E) The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

F) The Conditional Use will be consistent with the objectives of this Zoning Resolution and the Comprehensive Plan.

5. Applicant _____ Desires a court stenographer to attend the hearing on the application and agrees to pay attendance fees.
_____ Waives the presence of a court stenographer.

By submitting this Application for Conditional Use, the Applicant agrees to appear at the public hearing on this application and acknowledges that failing to appear may result in summary denial of the Application.

Applicant acknowledges that a notice of the public hearing must be published in a newspaper and agrees to pay the cost of such publication in addition to the filing fee for this application. **Note: This application will be void if work is not started within 6 months or completed within 2 years.**

Date _____

Signature

Printed Name