



City of Trotwood, Ohio
3035 Olive Road, Trotwood, Ohio 45426-2600

Department of Planning & Development
Phone: (937) 854-7227 Fax: (937) 854-0574

VARIANCE APPLICATION

Date: _____ FEE: \$200

VARIANCE PROPERTY Address: _____ City _____ State ____ Zip _____

APPLICANT: Name: _____ Phone#: _____

Address: _____ City _____ State ____ Zip _____

PROPERTY OWNER: Name: _____ Phone#: _____

Address: _____ City _____ State ____ Zip _____

ZONING DISTRICT: _____

PRESENT USE: _____

DESCRIPTION (LOCATION) OF PROPERTY IN VARIANCE REQUEST (Complete as Applicable):

Address: _____

Subdivision Name: _____ Lot # _____

Book _____ Page _____ Parcel Number (s) _____

Statement identifying and describing the variance(s) requested:

In addition ,five (5) copies of the site plan drawn to scale must accompany this application showing dimensions and shape of the lot, size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lost in question. Number of copies will be indicated by the Zoning Administrator. Retailed information for application submission is attached.

Applicant's Status: Owner Agent*

*if Agent, submit Agent Form signed by Property Owner(s) agreeing to application.

Contact Person: _____ Phone#: _____

I certify that all information and attachments to this application are true and correct to the best of my knowledge.

Applicant's Signature _____ Gmail _____

Case #: _____

Application is ____ approved ____ not approved. _____ / _____
Planning & Zoning Administrator Date

**SPECIAL INSTRUCTIONS TO APPLICANT
VARIANCE REQUEST**

The applicant is urged to discuss with the City Zoning Administrator the nature and legal limits of such a request under the Zoning Ordinance prior to submittal of Variance Application.

The applicant should forward the following information to:

City of Trotwood Board of Zoning Appeals
c/o Zoning Administrator
3035 Olive Rd.
Trotwood, Ohio 45426-2600

- A. Copies of the complete application for Variance Request as directed by the Zoning Administrator.
- B. Copies of a vicinity map of the area designating the site involved as directed by the Zoning Administrator.
- C. Copies of a site plan of the site involved, drawn to standard engineers scale of 1" = 20 feet, 1" = 30 feet, or 1" = 40 feet as directed by the Zoning Administrator. The site plan can be a single line drawing and must show lot dimensions, building location and dimensions, and setbacks from lot lines. The applicant must also indicate on site plan location all of the applicable items listed below.
 - ___ Location of right-of-way.
 - ___ Location and size of existing buildings and accessory structures.
 - ___ Location of storm water and sanitary sewers.
 - ___ Location of water/well.
 - ___ Location of septic tank/leach bed.
 - ___ Location of gas lines
 - ___ Location of other utilities.
 - ___ Location of drainage and utility easements.
 - ___ Location of property lines involved (multiple parcels if affected).
 - ___ Location of any other on-site landmarks affected by the Variance Request.
 - ___ Location of regulatory floodplain if any portion of the parcel is located within a floodplain.
- D. Any other plans, brochures, pamphlets, or applicable material relating directly to the case.
- E. In order for the Board of Zoning Appeals to fully consider all aspects of a request for variance, the applicant should provide in writing any information, reasons, or justification that will allow the Board to agree with the following statements (a through h). (Please attach these comments on a separate sheet titled "Justification for Variance")
 - (1) There exist conditions and/or circumstances relating to the property that would create practical difficulties for the property owner if strict conformance to the requirements of this Zoning Code was required.
 - (2) The variance to be granted is the minimum variance possible and other alternatives for resolving the conflict between the applicant's plan and the requirements of the Zoning Code

are impractical or infeasible. (Describe alternatives considered.)

- (3) The granting of the variance will be in harmony with the general spirit, intent and purpose of this Zoning Code.
 - (4) The granting of the variance will not be injurious to surrounding properties and the general neighborhood or be otherwise detrimental to the public welfare.
 - (5) The granting of the variance will not result in a deleterious change in the character of the community.
 - (6) The granting of the variance will not infringe upon the rights and quiet enjoyment of adjacent property owners and will not diminish property values, endanger the public safety, or create a public nuisance.
 - (7) The granting of the variance is for a compelling reason and not simply because the applicant's plans conflict with the Zoning Code requirements when reasonable alternatives are available.
 - (8) The granting of the variance is not solely for economic benefit to the applicant.
- F. Three copies of the list of names, addresses of property owners within 300 feet of the site must accompany each application. These must be acquired from the Montgomery County Auditor's Office in the Court House in Dayton, Ohio or at www.mcrealestate.org, (Click on "Search for Property Records.")
- G. A check for the application fee made payable to the City of Trotwood.
- H. Upon completion of review of the application for the Trotwood Board of Zoning Appeals, you will be notified in writing when the hearing date of your application is scheduled. Failure of applicant to attend the Public Hearing may result in a delay of a decision or cancellation of the case.
- I. Applicant may withdraw his application during any stage of its processing by giving written notice to the Trotwood Board of Zoning Appeals; however, the application fee is non-refundable.

CHAPTER 1129

Variances

1129.01	Purpose	1129.03	Granting of Variances
1129.02	Basis for granting Variances	1129.04	Procedure for consideration of applications for variance

1129.01 PURPOSE.

The purpose of this chapter is to permit deviation from the strict application of the terms of this Zoning Ordinance.

1129.02 BASIS FOR GRANTING VARIANCES.

(a) Where, by reason of the exceptional narrowness, shallowness or unusual shape of a parcel of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such parcel of property, or of the use or development of property immediately adjoining the parcel of property in question, the literal enforcement of the requirements of this Zoning Ordinance would involve practical difficulties that would unnecessarily deprive the owner of the reasonable use of the land or buildings involved, the Board of Zoning Appeals shall be granted the authority to authorize a variance.

(b) In no case shall a variance be granted to permit a use other than a use permitted in the district in which the property in question is situated.

(c) Neither personal, nor family, nor financial difficulties, nor the loss of prospective profits, nor the existence of neighboring violations shall constitute justification for a variance.

(d) In no case shall a variance be granted when it would be injurious to either immediately adjacent property or the surrounding neighborhood.

(e) No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

1129.03 GRANTING OF VARIANCES.

No variance of the strict application of this Zoning Code shall be granted by the Board of Zoning Appeals until and unless the Board finds the following:

(a) There exist conditions and/or circumstances relating to the property that would create practical difficulties for the property owner if strict conformance to the requirements of this Zoning Code was required.

- (b) The variance to be granted is the minimum variance possible and other alternatives for resolving the conflict between the applicant's plan and the requirements of the Zoning Code are impractical or infeasible.
- (c) The granting of the variance will be in harmony with the general spirit, intent and purpose of this Zoning Code.
- (d) The granting of the variance will not be injurious to surrounding properties and the general neighborhood or be otherwise detrimental to the public welfare.
- (e) The granting of the variance will not result in a deleterious change in the character of the community.
- (f) The granting of the variance will not infringe upon the rights and quiet enjoyment of adjacent property owners and will not diminish property values, endanger the public safety, or create a public nuisance.
- (g) The granting of the variance is for a compelling reason and not simply because the applicant's plans conflict with the Zoning Code requirements when reasonable alternatives are available.
- (h) The granting of the variance is not solely for economic benefit to the applicant.

1129.04 PROCEDURE FOR CONSIDERATION OF APPLICATIONS FOR VARIANCE

(a) The Board of Zoning Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance, and that the items in 1129.03 have been fully satisfied.

(1) The Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. The Board may require a bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.

(2) Violation or noncompliance of such conditions and safeguards when such are made a part of the terms under which a variance is granted shall cause the bond or letter of credit mentioned in division (a) above to be forfeited or called upon and shall further be deemed a violation of this Zoning Code.

(3) Prior to taking action on a request for a variance, the Board of Zoning Appeals shall hold a public hearing within forty-five days of the receipt of an application for a conditional use permit. In addition, the Board shall provide a notice of public hearing in a newspaper of general circulation in Trotwood not less than ten days prior to the date of such hearing, and shall be responsible for notifying by mail, at least ten (10) days in advance of such hearing, all property owners within 300 feet of the premises in question.

(b) **Period of Validity.** No variance granted by the Board of Zoning Appeals shall be valid for a period longer than one year from the date on which the Board grants the variance unless within such period unless a zoning permit is obtained and the construction, moving or remodeling of the structure is started, or an occupancy permit is obtained and a use commenced. The Board may grant a maximum of two extensions not exceeding six months each, upon written application, without notice of hearing.

(c) Upon approval of a variance application by the Board of Zoning Appeals the variance applies to the property and is not limited to the term of the applicant's ownership of the premises. Any condition imposed when granting a variance must be directly related to the property involved and to the underlying purpose of the zoning code, without consideration of the particular person owning or occupying it.