

**1127.06 APPLICATION AND STANDARDS FOR VARIANCES.**

All applications for a zoning variance shall be submitted on such forms as designated by the Zoning Administrator. Except as otherwise permitted in this Zoning Ordinance, no variance from the strict application of the provisions of this Zoning Ordinance shall be granted unless the Board finds that the written application for the requested variance contains all of the following:

- (a) Name, address, and phone number of applicant(s)
- (b) Legal description of the property, including seven (7) copies of the plot plan drawn to the appropriate scale and showing the following:
  - (1) The boundaries and dimensions of the lot;
  - (2) Location of the property with regard to nearby streets and surrounding land uses and buildings on adjacent properties;
  - (3) The size, shape and location of existing and proposed structures on the site;
  - (4) The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking, loading spaces, and landscaping; and
  - (5) The relationship of the requested variance to the requirements of this Zoning Ordinance.
- (c) Description or nature of the variance requested, including the specific provisions of the Zoning Ordinance upon which the variance is requested.
- (d) A fee as established by ordinance.
- (e) Narrative statements and supporting documentation establishing and substantiating that the variance conforms to each of the following standards:
  - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property;
  - (2) Whether the variance is substantial;
  - (3) Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;
  - (4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);
  - (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
  - (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
  - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- (f) No single factor shall be considered a determinative factor, and the factors shall be weighed and balanced in determining whether a variance is warranted. The applicant shall bear the burden of proof that the criteria for a variance is warranted. The applicant shall bear the burden of proof that the criteria for a variance have been met and that the application of the zoning requirement to the applicant's property would be inequitable.

- (g) A list containing the names and mailing addresses of all owners of property contiguous to, directly across the street from, and within 250' of the parcel at issue.
- (h) Such other information regarding the application as may be pertinent to the request and required by the Zoning Administrator or the Board of Zoning Appeals.

Applications lacking any part of this information shall be deemed to be incomplete and shall not be acted upon until completed.