



Application for Board of Zoning Appeals

City of Fairfield Building and Zoning Division
5350 Pleasant Ave
Fairfield, Ohio 45014
(513) 867-5318
www.fairfield-city.org

For Staff Use Only

BZA ID:

Date Application
Submitted:

BZA Meeting Date:

Board of Zoning Appeals Submission Requirements

1. Prior to the submission of an application for a variance, please refer to Chapter 1170.06 of the Planning and Zoning Code for supplemental information pertaining to the Board of Zoning Appeals.
2. Incomplete or incorrect applications will not be accepted.
3. Meetings are held the first Wednesday of each month at 6:00 pm at the Municipal Building. The full application, application fee, and accompanying documents must be submitted by the 15th of the preceding month.
4. The city will notify property owners within 200 feet of the property that is requesting a variance, appeal, waiver, or other type of request.
5. The decision of the Board of Zoning Appeals shall not become effective until the expiration of five (5) days from the date of the decision unless otherwise specified by the Board.

Required Documents:

6. A site plan, drawn to scale, showing the location of existing buildings and structures, new building additions or structures, and all pertinent dimensions.
7. Building or structure drawings, drawn to scale.
8. If the drawings are larger than 11" x 17", please submit an electronic copy.
9. An electronic copy of the submission must be emailed to buildingandzoning@fairfield-city.org.
10. Application fee is due at the time the application is submitted.
11. Application fees: Residential - \$100
Non-Residential - \$200

Review Criteria – Chapter 1170.06(C)

Area/Size Variance. No area/size variance shall be authorized by the Board of Zoning Appeals unless the Board has considered and weighed the following factors to determine if the property owner requesting a variance has encountered practical difficulties:

- a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- b) Whether the variance is substantial;
- c) 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;
- d) Whether the variance would adversely affect the delivery of governmental services, including, but not limited to, water, sewer, and garbage services;
- e) Whether the property owner purchased the property with knowledge of the zoning restrictions;
- f) Whether the property owner's predicament can be obviated through some method other than a variance; and
- g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Use Variance. No use variance shall be authorized by the Board of Zoning Appeals unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

- a) The requested variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- b) The hardship condition described in Section 1171.02 (Variance Definition) is not created as a result of actions by the applicant;
- c) The granting of such variance will not adversely affect the rights of adjacent property owners;
- d) The granting of such variance will not adversely affect the public health, safety, or general welfare;
- e) Such variance will be consistent with the general spirit and intent of the zoning code;
- f) The variance sought is the minimum which will afford relief to the applicant; and
- g) There is no other economically viable use which is permitted in the zoning district.

Site Information

Date:

Check One: Area/Size Variance Appeal Waiver

Use Variance (*fill out Use Variance Attachment*)

Other _____

Site Address:

Zoning District:

Chapter & Section Number of Variance/Appeal/Waiver Request (*choose applicable code*):

City of Fairfield Planning and Zoning Code Chapter _____

Fairfield Building Code Chapter _____

Reason for the Request:

Applicant Information

Applicant Name:

Company:

Street Address:

Email Address:

Phone Number:

Property Owner Information

Property Owner Name (if different from applicant):

Street Address:

Email Address:

Phone Number:

Signatures

The undersigned applicant certifies that all materials submitted with this application are true and correct.

Signature of Applicant

Date

NOTE: IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY, ATTACH AN AFFIDAVIT FROM THE PROPERTY OWNER GIVING THE APPLICANT PERMISSION TO ACT ON THE OWNER'S BEHALF.

USE VARIANCE ATTACHMENT SHEET

TO BE COMPLETED BY APPLICANT

*Please answer each fact/condition below completely.
If necessary, you may attach your answers on additional paper.*

The Board of Zoning Appeals shall authorize a Use Variance only if the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

1. The requested variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district:

2. The hardship condition described in Chapter 1171.02 (Defined Words: Variance)* is not created as a result of actions by the applicant:

3. The granting of such variance will not adversely affect the rights of adjacent property owners:

4. The granting of such variance will not adversely affect the public health, safety, or general welfare:

5. Such variance will be consistent with the general spirit and intent of the Zoning Code:

6. The variance sought is the minimum which will afford relief to the applicant:

7. There is no other economically viable use which is permitted in the zoning district:

*1171.02 Defined Words

Variance. A variation of the requirements of the zoning code, granted by the Board of Zoning Appeals in specific cases when warranted, in order to alleviate unnecessary and undue hardship which may otherwise ensue owing to exceptional narrowness, shallowness or shape of a lot, to difficult topography or other peculiar physical conditions of a lot, or to the nature of existing uses or structures on adjoining lots, and so that the general spirit and intent of the zoning code shall be observed and substantial justice done. A variance may be a "use variance" or an "area/size variance."