

GRANVILLE TOWNSHIP BOARD OF ZONING APPEALS
GRANVILLE, OHIO

APPEAL OF A DECISION OF THE ZONING INSPECTOR

The undersigned applicant(s) hereby appeal to the Granville Township Board of Zoning Appeals, the refusal of zoning certificate by the Granville Township Zoning Inspector for the reason below:

- () ERROR – There was an error in the zoning inspector decision.
- () VARIANCE – There was no error in the zoning inspector’s decision, but a variance should be allowed in order to avoid an “unnecessary hardship” as the phrase is defined in the Granville Township Zoning Resolution.
- () BOTH ERROR AND VARIANCE – There was an error in the zoning inspector’s decision and a variance should be allowed in order to avoid an “unnecessary hardship” as the phrase is defined in the Granville Township Zoning Resolution.

DIFFERENCE BETWEEN AN ERROR AND A VARIANCE

Error in Decision: If the applicant’s contention is that there was an error in the decision of the zoning inspector, the applicant is contending that the zoning inspector has misapplied the Zoning Resolution to the property. This is an assertion by the applicant that the Zoning Resolution should not be interpreted in the manner in which the zoning inspector has interpreted the Resolution and that if properly interpreted, the Zoning Resolution would allow the applicant to use the property in question in the fashion urged by the applicant.

Variance: If the applicant is requesting a variance, the applicant acknowledges that the zoning inspector has properly interpreted and applied the rules set forth in the Zoning Resolution, but that the applicant seeks a modification of the specific standards set forth in the Zoning Resolution in order to avoid an “unnecessary hardship” as that phrase is defined in the Zoning Resolution.

Alternative Contentions: An applicant may make alternative contentions. The applicant may first contend that the zoning inspector has erred in applying the specific terms of the Zoning Resolution. Second, the applicant may, in the alternative, assert that if the zoning inspector has correctly applied the rules set forth in the Zoning Resolution, then a variance should be granted.

NEED FOR LEGAL ASSISTANCE

Proceedings before the Board of Zoning Appeals are informal, and there is no requirement that an applicant has to be represented by legal counsel. However, while there is no requirement that legal counsel represent the applicant, the Zoning Resolution is a long and complicated document, which is sometime not easily understood.

Furthermore, the Board of Zoning Appeals is a quasi-judicial administrative body. Its decisions do decide valuable economic and property rights and if an applicant does not agree with the decision of the Board, the applicant's only appeal is to the court of Common Pleas. Therefore, each applicant should consider whether to consult with and be represented by legal counsel.

INFORMATION SUBMITTED UNDER PENALTIES OF PERJURY

The information contained in this Appeal is submitted under penalties of perjury, and it is true and accurate to the best of my knowledge, information and belief of the applicant(s).

Applicants Signature: _____ Date _____

Applicants Signature: _____ Date _____

GENERAL INFORMATION

Applicant's Name(s) _____

Street Address: _____

City/State/Zip Code: _____

Daytime telephone no. (____) _____ Evening telephone no. (____) _____

Mailing address if different than above: _____

ERROR IN DECISION

The zoning inspector erred in applying the specific terms of the Zoning Resolution as follows: _____

REQUEST FOR A VARIANCE

Standards for Requesting a Variance

Variance Defined: Under the Granville Township Zoning Resolution, a variance is a "modification" of a specific standard set forth in the Resolution which the Board of Zoning Appeals concludes is necessary in order to avoid an "unnecessary hardship" to the applicant.

Unnecessary Hardship: Under the Resolution, an "unnecessary hardship" is specially defined as a "substantial and serious" hardship, which meets certain criteria.

1. Special conditions unique to the property are required. The need for a variance must be due to special conditions unique to the property in question and not common to other properties in the same district. Among other things, this

requires a showing: a) that denial of the variance would deprive the applicant of rights commonly enjoyed by others in the same district, and b) that granting the variance would not grant the applicant a special privilege not enjoyed by others in the same district as the applicant.

2. Hardship may not be self-created. The hardship for which a variance is requested cannot be self-created. That is, the hardship cannot be the result of actions of the applicant(s).

INSUFFICIENT GROUNDS FOR A VARIANCE

Certain conditions, standing alone do not constitute grounds for a variance. For example:

Economic Loss: Under the Resolution, merely showing that the applicant will suffer an economic loss is not sufficient. For economic loss standing alone to be sufficient to grant a variance, it must be shown that the failure to grant the requested variance would render the applicant's property practically valueless. A property is not practically valueless under the Resolution unless it can be shown that the property cannot reasonably be used for "any" productive use allowed within the district.

Other Non-Conformities Insufficient: Merely showing the existence of other non-conforming uses in the same district or in other districts is not, by itself, grounds for granting a variance.

VARIANCE CANNOT BE CONTRARY TO THE PUBLIC INTEREST:

In granting a variance, the Board must observe the spirit of the Resolution and the variance must result in substantial justice. This means that in granting relief to the applicant, the Board cannot grant a variance to permit a use of property expressly or by implication prohibited by the Resolution, nor can the Board grant a variance, which is contrary to the public interest:

SPECIFIC INFORMATION AND QUESTIONS

Describe the variance requested: _____

What special circumstances and conditions exist with respect to the property, which require that a variance be granted? _____

To your knowledge, do similar circumstances or conditions exist with respect to other properties in the same district as the property for which this variance is requested?
Yes____ No____

If YES, describe the extent to which the circumstances or conditions are common with respect to other properties in the district. Whether YES or NO, describe the extent to which you made inquiry to determine whether the circumstances or conditions exist with respect to other properties in the district. _____

How would application of the literal terms of the Zoning Resolution, (that is denial of the variance request) deprive the applicant of the rights commonly enjoyed by other properties in the same district? _____

Why will the granting of this variance NOT result in granting the applicant a special privilege denied to other properties in the same district? _____

Are the special circumstance and conditions, which are the grounds for the requested variance the result of any action taken by the applicant? That is, to what extent is the hardship self-created? _____

To the knowledge of the applicant, would the granting of the variance requested directly or indirectly result in allowing a use within the district which is not permitted, under the terms of the Resolution? YES____ NO____.

If YES, please explain. _____

OTHER INFORMATION AND DOCUMENTS TO BE SUBMITTED:

1. Description of the property which is the subject of the zoning inspector’s decision.
2. A detailed property map from the county engineer’s office.
3. A copy of denial letter from the township zoning inspector.
4. A copy of the county auditor’s tax appraisal card.
5. A scale drawing of the property and the changes you wish to make to the property, including dimensions.
6. A list of all contiguous property owners, including those across a street, including full name and mailing address.
7. Any other information the applicant believes might be helpful to the Board in deciding whether or not to grant this variance request, such as photographs, letters from neighbors, etc.

Mail or deliver the original and eight copies of the application and attachments, along with a check payable to Granville Township, for the hearing expense fee (contact BZA Chair or Secretary for current fee) to:

Stacy Engle, BZA Secretary
79 Llanberis Dr
Granville OH 43023
Daytime telephone No. 740 522 5460
Evening telephone No. 740 587 4232

Form No. ZBA 1
Adopted: May 28, 2003