

Application for Variance

(1) Applicant Name(s): _____

Phone: _____ E-mail: _____

Address: _____

(2) Owner (s) Name (s): _____

Phone: _____ E-mail: _____

Address: _____

3) Property location / Address: _____

Sidwell / Parcel Id ____ - ____ - ____ - ____ - ____ Township: _____

4) Reason for Application: _____

5) Property Description: Total Acreage: _____ Public Road Frontage (feet): _____

Zoning Classification: _____ Wastewater disposal: _____ Water supply: _____

6) Section (Warren County Zoning Code) requested for variance _____

7) Abbreviated Application Requirements (See Section 1.303.3):

____ Owner must meet with the Zoning Staff before submitting application

____ Legal description / Deed (obtain in Recorder’s Office 406 Justice Drive, Rm 237 or log onto <https://www.warrencountyrecorder.com>)

____ Property owner must be present at the hearing to present case himself or with the assistance of an attorney.

____ 4 identical drawings and 1 digital copy of the Site Plan (At a scale/size specified by Zoning Inspector) with vicinity & North arrow.

____ Locations of proposed and existing easements.

8) Application requires compliance with the following in order for the application to be complete:

- Owner must complete the attached Temporary License/Right of Entry (Page 2).

Owners Name(s): _____

Owner Signature(s): _____ Date: _____

Applicant(s) Name(s): _____

Applicant(s) Signature(s): _____ Date: _____

AN OWNER MAY REPRESENT HIMSELF/HERSELF AT THE VARIANCE HEARING. AN APPLICANT WHO IS NOT AN OWNER MAY NOT REPRESENT HIMSELF/HERSELF AT THE VARIANCE HEARING UNLESS THE APPLICANT IS A LICENSED ATTORNEY. NON-OWNER APPLICANTS AND OWNERS OF PROPERTY TITLED IN THE NAME OF A CORPORATION/LLC/PARTNERSHIP MUST BE REPRESENTED BY A LICENSED ATTORNEY DURING THE HEARING.

TEMPORARY LICENSE/RIGHT OF ENTRY FOR POSTING SIGN

(to be completed and signed by all Owner(s) of record)

In accordance with Section 1.307.7, a sign stating the public process for this specific property shall be posted on the property subject to Variance, accordingly, all Owner(s) do hereby grant to Warren County and its employees or agents a temporary license/right of entry onto the subject property to place and maintain a sign as required in Section 1.307.7 of the Warren County Rural Zoning Code. The duration of this temporary license/right of entry is from the date of execution of the Application for Variance until the sign is removed by Warren County or its employees or agents on or immediately after the date the final public hearing is closed by the Approving Authority.

SIGNED BY:

Owner Signature Date

Owner (please print)

Owner Signature Date

Owner (please print)

Owner Signature Date

Owner (please print)

SEC 1.307 VARIANCE APPLICATION:

- 1.307.1 Purpose:** Variance is provided as a type of application for appeal to the Board of Zoning Appeals (BZA) by which a property owner may be granted relief or release from a dimensional and/or numeric requirement of this Zoning Code.
- 1.307.2 Appropriateness:** Applying for variance is inappropriate for any of the following:
- (A) Use variances;
 - (B) Development within a PUD;
 - (C) Changes to the development density of a property; and,
 - (D) Before a zoning permit has been denied by the Zoning Inspector.
- 1.307.3 Application Requirements:** The required application form and information to accompany the request for variance shall satisfy the requirements of Section 1.303.3 or as determined by the Zoning Inspector.
- 1.307.4 Application Processing:** The procedure by which the application in request of variance approval shall be submitted, reviewed, and processed is as follows:
- (A) Pre-submittal consultation with the Zoning Inspector;
 - (B) Formal submittal to, and processing by, the Zoning Inspector (as specified per Section 1.303.5 (B));
 - (C) Review comments from involved authorities and surrounding property owners;
 - (D) Review and decision by the BZA or any appeal; and
 - (E) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of audio recording of the proceedings, and include written meeting minutes and findings of fact. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year. The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant. The decision resolution on the plan by the BZA is placed in the case file and provided to the applicant.
- 1.307.5 Review Criteria:** The BZA shall not authorize approval of variance(s) unless the Board documents Findings of Fact based on the evidence presented upon appeal. The standards for granting such variance from the terms of the Zoning Code to be considered are as follows:
- (A) That granting a variance will not be contrary to the public interest;
 - (B) Where, owing to special conditions, a literal enforcement of the resolution will result in an unnecessary hardship;

- (C) That the spirit of the zoning resolution will be observed if a variance is granted; and,
- (D) Substantial justice will be done if a variance is granted.

1.307.6 Applicable Requirements and Provisions Following Variance Approval:

- (A) **Permits or Approvals from Other Involved Authorities:** The applicant is responsible for obtaining all necessary permits.
- (B) **Development and Maintenance Per The Approved Variance(s):** It is the responsibility of the property owner to develop, improve, operate, and maintain the site, including the buildings, structures, and all elements in accordance with the approved conditions and restrictions.
- (C) **Modification of the Approved Variance(s):** Modification of the approved variance(s) requires re-application to the BZA.

1.307.7 Public Notification: The Zoning Inspector shall post a sign stating the public process and where to get additional information.

Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten days before the date of the hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.