

**APPLICATION TO LAGRANGE TOWNSHIP BOARD OF ZONING APPEALS
(BZA # _____)**

NAME OF APPLICANT _____

MAILING ADDRESS _____

CITY _____ **ZIP** _____

HOME PHONE (____) _____ **CELL PHONE (____)** _____

PERMANENT PARCEL NUMBER _____

1. The property is in a _____ district located at _____ consisting of _____ acres with a total frontage of _____ and depth of _____.

2. The Property Owner and address (if other than applicant)

- 3. Reasons for appeal:**
- a. ___ Previous decision of zoning inspector
 - b. ___ Request for an area variance
 - c. ___ Request for a use variance

4. Explain reason for appeal or description of variance or conditional use (*attach a narrative if necessary*)

5. Zoning resolution section(s) under consideration:

6. The following exhibits or items should be attached hereto, if applicable:

- a. Legal description of property or copy of the deed**
- b. A scale drawing of property (plot plan) depicting principal building, and all other structures, pools, ponds, gazebos (*include dimensions*)**
- c. Include on the plot plan the proposed structure. Indicate by dotted lines the proposed structure and give width, depth, and height. Indicate all measurements of distance from proposed structure to all lot lines.**
- d. Site plan for conditional use permit**
- e. Copy of any relevant or applicable deed restrictions or easements**
- f. A list of names and addresses of all abutting and across the street property owners**
- g. A narrative statement stating reasons for the request, including any written reports, materials, or documents you intend to introduce into evidence. If asking for a conditional use also include the following:**
 - 1. Include any economic effects on adjoining property**
 - 2. An evaluation of the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property**
 - 3. General Compatibility with adjacent and other properties in the area.**
 - 4. How the conditional use will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan.**
 - 5. Explain how the conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the area.**
 - 6. A statement which addresses how the conditional use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection,**

drainage, structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

7. A statement which demonstrates that the conditional use will not create excessive additional requirement at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
8. A statement which addresses how the conditional use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

h. Any additional information to support this request, including the names and addresses of any expert witnesses that you intend to call.

i. A non-refundable application fee of \$450.00

7. Applicants who plan to videotape and/or attend the meeting with legal counsel must notify the BZA of their intentions at least five (5) business days prior to the hearing.

THE ABOVE AND ATTACHED STATEMENTS ARE COMPLETED IN FULL AND ARE TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF
APPELLANT _____ **DATE** _____

Return the completed documents to Zoning Inspector, 17400 Creekside, Lagrange, OH 44050 (see attached Conditions for Granting Variances)

Informational items for applicant:

Conditions considered for granting Variances

- A. Conditions for Granting Variances. The Zoning Board of Appeals may grant variances where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. An aggrieved property owner may make a request for a variance to the Zoning Board of Appeals through the Zoning Inspector. The Zoning Board of Appeals shall not authorize a variance from the provisions or requirements of this Resolution unless it finds that all the following facts and conditions exist:
1. That unnecessary hardship would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardship, such as theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must demonstrate that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.
 2. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.
 3. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 4. That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
 5. That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.
 6. That said variance would not permit the establishment within a district, or any use other than those permitted by right within that district, or any use for which a conditional permit is required.
 7. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.
 8. That said variance, if granted, is the minimum modification that will make

possible the reasonable use of the land, building or structure.

9. That in no instance shall a variance be considered for the following reasons:
 - a. Presence of nonconformities in the zoning district.
 - b. Previous variances granted in the zoning district.
 - c. Uses in adjoining zoning districts.
 - d. The applicant's belief that the intended use would be permitted upon his purchase of the land.
 - e. The character standing of the applicant.
 - f. Hardship being demonstrated beyond the contest of zoning; e.g. economics and health.

10. Area Variance - a "practical difficulties test"; The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of this property include but are not limited to:
 - 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 a substantial detriment as a result of variance.
 - d. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, safety services).
 - e. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 - f. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
 - i. Standard for area variance is much less stringent than standard for use variance.
 - ii. Both variances and their standards should be contained within a township zoning resolution.

- G. Conditions Imposed by the Zoning Board of Appeals. The Zoning Board of Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XV of this Resolution.

- H. Lapses of Variances. A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of one (1) year, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning Inspector shall give a notice in writing, and thirty (30) days thereafter the variance shall be deemed null and void and all regulations governing said premises in question shall revert to those in effect before the variance was granted.

Conditional Uses

- A. General Standards Applicable to All Conditional Uses. In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plan.
 2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 3. Will not be hazardous or disturbing to existing or future neighboring uses.
 4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 5. Will not create excessive additional requirements at public cost of facilities and services and will not be detrimental to the economic welfare of the community.
 6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 7. Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

8. Will not result in the destruction, loss, or damage of a natural, scenic, historic feature of major importance.
- B. Supplementary Conditions and Safeguards. In granting any conditional use, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable.
 - C. Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.