

Village of Chippewa Lake Zoning Proposal

Zoning is submitting a proposal for the inclusion of Variance Standards as set forth in the court finding (*Duncan v. Middlefield* (1986), 23 Ohio St.3d 83) to be added to the Village of Chippewa Lake Zoning codes as a referral item and to direct the Village Webmaster to include this referral item as an automatic printed attachment to Village of Chippewa Lake website “Variance” application form.

Zoning Variance Standards for the Village of Chippewa Lake

The burden of proving the need for a variance **is on the applicant**. In order to prepare for a hearing before the Village Council, applicants should consider the following standards for zoning variances.

Standards for Area Variances

Granting of a nonuse variance (area, size, setback, etc.) requires the existence of a *practical difficulty*. The factors (*Duncan v. Middlefield* (1986), 23 Ohio St.3d 83) to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include:

1. Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?
2. Is the variance substantial?
3. Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?
4. Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?
5. Did the property owner purchase the property with knowledge of the zoning restriction?
6. Can the property owner’s predicament be precluded through some method other than a variance?
7. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

Standards for Use Variances for Village of Chippewa Lake

A use variance allows a use of land that is not permitted in the village in which the property is located. Because this type of relief is so significant, granting of a use variance requires the existence of an *unnecessary hardship*. The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardship in the use of his property include:

1. The property could not be used (be put to a reasonable use) for the purposes permitted in that zone district.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use would not alter the essential character of the area or adjoining properties would not suffer a substantial detriment as a result of the variance.
4. The problem is not self-created.
5. The variance would not adversely affect the delivery of governmental services, for example water, sewer, garbage.
6. The applicant purchased the property without knowledge of the zoning restriction.
7. The applicant’s predicament feasibly cannot be resolved through some method other than a variance.
8. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

VILLAGE OF CHIPPEWA LAKE, OHIO
APPLICATION FOR VARIANCE

Owner's Name (as Recorded on Deed): _____

Owner's Mailing Address: _____

Telephone: _____

Property for which variance is sought: _____

Permanent Parcel Number: _____

Specific nature of variance requested: _____

Reason why variance is necessary: _____

Owner's Signature: _____

Variations may only be granted where, owing to special condition, a literal enforcement of the requirements of the Village Zoning Ordinance will result in unnecessary hardship.

Note: A plot plan must accompany this application, drawn to scale, and showing the following:

1. The dimensions of the lot to be built upon
2. The location, dimensions, height, and bulk of all structures to be erected
3. The yards, open areas, and parking space locations and dimensions (if applicable)

THIS APPLICATION MUST BE SUBMITTED TO THE VILLAGE ZONING INSPECTOR.

A \$75.00 APPLICATION FEE (\$100.00 in Commercial & Industrial Districts) MUST ACCOMPANY THE APPLICATION.

Make check payable to: **Village of Chippewa Lake**

Mail completed application, fee, and plot plan to:

James A. Brandenburg
P.O. Box 10
Chippewa Lake, OH 44215