



Variance Request – Board of Building and Zoning Appeals

Instructions: Please fill out the required application. All information and application fees in this application must be submitted by the filing deadline or the application will not be processed (see attached schedule for filing deadline).

Application Fee: _____

Code Section: _____

This section to be completed by City Officials

I. General Information (Please type or print)

1. Applicant's Name: _____

Mailing Address: _____

Phone: _____

Other Applicable Names (i.e. Architect, or agent): _____

Mailing Address: _____

Phone: _____

2. Project Name: _____

3. Location of Project: _____

4. Size of the Property (Square Footage): _____

5. Zoning of the Property: _____

III. Approval Criteria for Variances

1. Special Circumstances Not Found Elsewhere

Special circumstances, fully described in Findings of Fact, exist that are peculiar to the property for which the Variance is sought and that do not apply to generally to other properties in the same district or other regulatory classification.

And these circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide, in the form of a text amendment to the applicable regulations, a general regulation to cover them.

2. Hardship or Practical Difficulties

For reasons fully set forth in the written Findings, the literal application of the applicable provisions would result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

3. Not Resulting from Applicant Action

The special circumstances and practical difficulties or hardship that are the basis for the Variance have not resulted from an act of the applicant or of any other party with a present interest in the property undertaken subsequent to the adoption of the regulation being varied.

Knowingly authorizing or proceeding with any action requiring and Variance, permit, certificate, or approval under City development regulations prior to such approval shall be considered such an act and shall not be the basis for approval.

4. Preservation Rights Conferred by District

A Variance is necessary for the applicant to enjoy a substantial property right possessed by other conforming properties in the same district or other regulatory classification and does not confer a special privilege ordinarily denied to such other properties.

5. Necessary for Use of Property

The grant of a Variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a Variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable return, as defined herein, from the property.

6. Not Alter Local Character

The granting of the Variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

7. Consistent with Ordinance and Plan

The granting of a Variance will be in harmony with the general purpose and intent of the regulations of this Code and of the Barberton Comprehensive Plan and other applicable adopted plans of the City, as viewed in light of any changed conditions since their adoption. It will not serve in effect to substantially invalidate or nullify any part thereof.

8. Minimum Variance Needed

The Variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of his or her property.

IV. Approval Criteria Analysis

Please address each of the above criteria. The applicant must provide factual evidence that addresses the above criteria. Opinion differs from facts, i.e. opinion: The additional traffic will create congestion; fact: The business will add 200 cars a day to the existing traffic.

1. Special Circumstances Not Found Elsewhere

2. Hardship or Practical Difficulties

3. Not Resulting from Applicant Action

4. Preserves Rights Conferred by District

5. Necessary for Use of Property

6. Not Alter Local Character

7. Consistent with Ordinance and Plan

8. Minimum Variance Needed

V. Description of Use

- 1. Describe in detail the proposed use at the property including product, services, equipment, number of employees, average number of customers, and traffic to be generate, etc.**

VI. Required Attachments

- 1. Proof of Ownership** – A Copy of the deed, option to buy agreement, lease, lease purchase agreement or a letter from the property owner authorizing the applicant to apply for the permit.

2. **Detailed Site Plan (10 copies full size (24"x36") – or one 11"x17" size)** – A detailed site plan must include the following:
 - Size of lot and dimensions drawn to 1"=20' scale
 - Location and size of all buildings, indicating setbacks of buildings
 - Size of parking areas showing parking spaces and setbacks
 - Indicate existing and proposed landscape features
 - Parking area showing number of spaces, size, bumper guards, curbs, hedges, and lighting
 - Type of hard surfaces
 - Drainage features
3. **Tax Map** – This may be obtained from the Summit County Tax Map Department, 175 S. Main St., 4th Floor, Akron. The property, in which the C.U.P. request is for, must be outlined.
4. **Photographs of the Property** – Submit 3"x5" photographs showing the property from the north, south, east and west direction.

Complete:

I hereby certify that all statements made in this application are true and complete and that I have legal right or do possess a written power of attorney on the above premise.

Signature

Date