



HAMILTON COUNTY ZONING RESOLUTION
USER'S GUIDE

Variations

HAMILTON COUNTY

Board of Zoning Appeals

138 E COURT ST RM. 801
CINCINNATI, OH 45202-1224

GENERAL INFORMATION

Phone: (513) 946-4550
Fax: (513) 946-4475

**Secretary/
Development Services
Administrator**

Bryan Snyder, AICP

- **What is a Variance?**

The variance procedure is intended to provide a means by which relief can be granted from unforeseen particular applications of this Resolution that create practical difficulties or unnecessary hardships on property in the county. The Board of Zoning Appeals is authorized only to vary the yard and bulk requirements or to reduce the number of off-street parking spaces required for a new use by not more than 25% or loading spaces by not more than 1 space. When a variance is requested due to the change of use or increase in intensity of an existing structure, the number of off-street parking and loading spaces may be further varied.

A variance, when granted, alters the zoning standards for a particular property in a way that is otherwise prohibited by the Zoning Resolution.

- **What are the Standards for Variations?**

No variance shall be granted that is greater than the minimum necessary to relieve an unnecessary hardship or practical difficulty. The requested variance must satisfy each of the following standards:

- a) The request is related to a unique physical condition of the subject property.
- b) The need for a variance is not self-created.
- c) Denial of the request would deny the property owner substantial rights.
- d) The alleged hardship or difficulty is not merely a request for special privilege.
- e) The request must be in harmony with the purposes of the Zoning Resolution.
- f) The variance would not result in a use or development on the subject property that:
 1. would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
 2. would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;
 3. would substantially increase hazardous conditions in the public streets due to traffic or parking;
 4. would unduly increase the danger of flood or fire;
 5. would unduly tax public utilities and facilities in the area; or
 6. would endanger the public health or safety.
- g) Other specific factors as deemed necessary by the Board.

- **How do I apply for a Variance?**

A variance may be applied for only after a Zoning Plans Examiner has refused to issue a Zoning Certificate. The Plans Examiner, specifying the section(s) of the Zoning Resolution that are at issue, will issue a Letter of Refusal. Following the issuance of a refusal, the application for a variance shall be accompanied by site plans, structural details, and additional information as outlined in the attached checklist. The completed application packet and application fee shall be filed directly with the Board of Zoning Appeals. You may schedule an appointment with the Administrator of the Board if you have questions or wish to further discuss details of a case prior to submission. Requests for variance of a yard, bulk or parking standard must be clearly stated in the letter of application as submitted to the Board. If filing with the Board of Zoning Appeals for a Conditional use, compatible non-conforming use, or some similar application request, your variance request will be combined with such other request and processed at the same public hearing.

- **Processing Procedures for a Variance:**

Minimum processing time for a Variance is typically 62 days.

- a) Within 5 days after filing a complete application, the BZA Administrator sets a public hearing for between 30 and 62 days from that date.
- b) The BZA Administrator sends notice of the public hearing at least 10 days prior to such hearing to the applicant, the Township, and to property owners within 200 feet of the subject property. A legal advertisement is published in a local county newspaper.
- c) **The Board of Zoning Appeals holds a Public Hearing** at their regularly scheduled meeting, usually the second Wednesday of each month at 1:00 p.m. Please refer to schedule for exact submission and hearing dates. The applicant or someone representing the applicant MUST be present at the public hearing.
- d) Following the closure of the public hearing, the BZA takes action within 30 days.
- e) If the application is approved:
 - 1) The BZA Administrator prepares a Resolution of Approval for the Chairman of the Board to sign officially authorizing the variance.
 - 2) A Zoning Plans Examiner issues a Zoning Certificate for the proposed use. Zoning Certificates for projects that also require a building permit are valid for a period no longer than six months unless a building permit has been issued or the BZA has granted an extension.
 - 3) Applicant applies to the Building Department for a Building Permit when required.
- f) When the development is complete a Final Zoning Inspection will be made and a Final Zoning Inspection Certificate will be issued.

HAMILTON COUNTY BOARD OF ZONING APPEALS

County Administration Building
138 East Court Street, Room 801
Cincinnati, Ohio 45202
513-946-4550

CHECKLIST FOR FILING A VARIANCE APPLICATION

Applications for a variance shall be **filed in person** with the Board of Zoning Appeals. A legal notice will be prepared by the Board of Zoning Appeals and placed in a newspaper of general circulation in the county at least 10 days prior to the public hearing. The Board may also prepare for the applicant, if requested, a typewritten list of names and complete addresses of the property owners of all lots and lands located within 200 feet of the property requesting the appeal. Said list will be prepared from the County Auditor's current tax list. *The office of the Board will execute all forms, including individual and legal notices, necessary for the processing of an application.*

Hearings are held by the Board of Zoning Appeals in Room 805 of the County Administration Building, located at 138 East Court Street, Cincinnati, Ohio 45202 – promptly at 1:00pm

All complete applications shall include the following information. *Please submit this checklist with your application.*

1. THE LETTER - Please provide 1 copy

An explicit typewritten statement addressed to the Board of Zoning Appeals, setting forth the following:

_____ The location and size of the property.

_____ A clear and accurate description of the proposed construction or use of the property.

_____ Specific sections of the zoning resolution in question, or from which the appellant is requesting a variance or relief.

_____ State clearly any fact, hardship, or other pertinent information believed to support the variance sought or recommended.

2. THE SITE PLAN - Provide six (6) drawings + two (2) reduced drawings, 11" x 17"

The site plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information.

_____ Surveyor's Seal (*Required for all new dwellings, residential additions or structures over 600 sq. ft. or less than 10' from a property line, and all commercial buildings.*)

_____ Name of person(s) preparing the plan

_____ Title, name of owner, & name of builder/contractor

_____ North Arrow (North to top of plan)

_____ Property lines, property dimensions, street name(s), site size

_____ Existing and proposed buildings & other structures

_____ Distance from structures to property lines

- _____ Paving, parking areas, driveways, walks, etc.
- _____ Parking space, aisle & drive dimensions, & parking analysis
- _____ Land use of parcels adjoining the proposed site
- _____ Streetscape & boundary buffer yards & interior landscape areas (when applicable)
- _____ Existing & proposed grades
- _____ Easements & purpose of easements

Note: Modification or changes to the plats and/or plans approved by the Board are subject to review by the Board and a new case may be required.

3. THE LANDSCAPE & LIGHTING PLAN

Provide six (6) full size drawings + two (2) reduced drawings, 11" x 17"

The landscape plan shall be drawn to scale of not less than 1 inch equals 50 feet. A landscape plan is not required for single family dwellings and similar uses not subject to buffering and landscape standards, but when required for other uses, the plan shall contain the following information.

- _____ Landscape Architects Seal or plants selected from Appendix A-2 – Recommended Plant List
- _____ Streetscape buffer yard width & location
- _____ Boundary buffer yard(s) width & location
- _____ Interior landscape areas size & location
- _____ Detailed schedule of planting materials including type, size, and location within each yard or area
- _____ Location and details (height, type, etc.) of any exterior light fixtures or poles
- _____ Indication (either photometric plan or similar lighting plan) that the light levels will be less than 0.5 foot candles at all property lines.

4. THE STRUCTURAL DRAWING – Provide six (6) sets of elevation drawings.

5. THE APPLICATION – Complete one (1) copy of the BZA application form.

6. FEE – See attached fee schedule. An application fee is required when the appeal is filed (all fees are non-refundable and must be made payable to the Hamilton County Treasurer). Contact the Board of Zoning Appeals at 946-4550 for additional information.

Checklist Prepared by: Name _____

Address _____

Phone _____

E-Mail _____

Date _____