



## **BETHEL TOWNSHIP BOARD OF ZONING APPEALS**

### **INSTRUCTIONS AND APPLICATION FOR VARIANCE**

#### **ALL APPLICATIONS MUST BE TYPEWRITTEN.**

The application must be accompanied by ten (10) copies of a plot plan, one (1) area map, and the names and addresses of all property as specified.

#### **A. THE PLOT PLAN**

Shall be a scaled drawing the finished size of which shall not be less than 8 1/2 x 11 nor more 24 x 36 inches in size, and shall show the following information:

1. The exact boundaries and dimension of the subject lot
2. The street right-of-way
3. All recorded easements
4. The approximate size and location of all structures
5. The exact size and location of all proposed structures or signs pertinent to the appeal
6. The existing and proposed uses of the entire lot and all structure
7. Any other information relative or pertinent to the appeal

#### **B. THE AREA MAP**

Shall be scaled drawing, the finished size of which shall not be less than 16 x 20 nor more than 24 x 36 inches in size, and shall show the following information:

1. The exact location of all property contiguous to and directly across the street from the land subject to the appeal, inclusive. (Official County tax maps from the County Auditor's Office are acceptable.)

2. The zoning classification, actual use of land, and approximate location of all structures standing on neighboring properties. (Appeal cases of signs must show the location of all signs on the lot of appeal, adjacent lots, and lots across the street.)

**C. NAMES AND ADDRESSES OF PROPERTY OWNERS TO BE NOTIFIED**

For variance applications: The names and addresses \* of all owners of property located contiguous to, directly across the street from, and/or within three hundred (300) feet of any part of subject land being considered for the variance must be provided.

\* The names and addresses of all owners of property must be obtained from the current County Auditor's tax list. **Addresses must be typed on mailing labels or typed so they can be copied onto labels (Avery Laser 5160 1x2-5/8 or Avery Copier 5351 1x2-13/16).**

**D. APPLICATION FOR HEIGHT OR AREA VARIANCE**

1. The Board, only in the specific instances hereinafter set forth shall have the power to authorize upon application in specific cases, such variances from the height or area requirements of this Resolution as will not be contrary to the public interests; but only in such cases where, the property owner has encountered practical difficulties in the use of his property. Factors 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, but shall not be 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 property owners would suffer a substantial detriment as a result of the variance;
  - d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

- e. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

CASE NUMBER \_\_\_\_\_

**VARIANCE APPLICATION**

**To The Bethel Township Board of Zoning Appeals**

**APPLICATION.** An application to the Board, in cases in which the Board has original jurisdiction under the provisions of the Zoning Resolution, may be taken by any property owner, including a lessee, or by a government officer, department commission, or board, or by a member of the Board. Such application shall be filed with the Director of Planning & Zoning who shall transmit the same to the Board.

NAME \_\_\_\_\_

STREET \_\_\_\_\_

CITY & STATE \_\_\_\_\_

HEIGHT OR AREA VARIANCE(S) AS FOLLOWS (provide brief description of variance being sought, if more than 4 variances are being requested for the same project attach additional page):

**Variance 1:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Variance 2:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Variance 3:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Variance 4:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASE NUMBER \_\_\_\_\_

**DATA REQUIRED**

Appellant or Applicant is \_\_\_\_\_

owner of property affected). Subject property is located on the \_\_\_\_\_ side of  
\_\_\_\_\_, \_\_\_\_\_ feet from the intersection  
of \_\_\_\_\_.

Zoning District \_\_\_\_\_, Miami County Parcel ID # \_\_\_\_\_,

Acreage \_\_\_\_\_, Section \_\_\_\_\_, Town \_\_\_\_\_, Range \_\_\_\_\_.

State the Article(s) and Section(s) of the Zoning Resolution that this variance is seeking relief from by the Board of Zoning Appeals.

List any deed restrictions on subject property, which concern this appeal or applications: If any previous appeal or application has been filed in connection with this property, state the date or dates:

**To receive approval three (3) of the five (5) Board of Zoning Appeals members must vote in favor of the request**

**Note: The following is a list of the Board of Zoning Appeals members: Debbie Fisher, Gary Biggs, Allen Senseman, Jeff Paden and Neal Sonnanstine –Atlernate Greg Schwieterman. Please provide these names to anyone who may represent you to make sure there are no conflicts of interests. Should there be a conflict of interest, the Board of Zoning Appeals member will have to excuse themselves from participating in your case.**

**CASE NUMBER** \_\_\_\_\_

**IMPORTANT PLEASE NOTE:** For height or area variances the Board must consider and weigh the following factors to determine whether a property owner has encountered practical difficulties to be able to grant a variance. Explain all the following factors and provide any supportive evidence (Please explain your answer in full. This should be more than just "Yes" or "No").

- A. Will the property in question yield a reasonable return or is there can be any beneficial use of the property without the variance?
  
- B. Is the variance substantial?
  
- C. Will the essential character of the neighborhood be substantially altered or will adjoining property owners suffer a substantial detriment as a result of the variance?
  
- D. Will the variance adversely affect the delivery of governmental services (e.g., water, sewer, garbage)?
  
- E. Did the property owner purchase the property with knowledge of the zoning restrictions?
  
- F. Can the property owner's predicament feasibly can be obviated through some method other than a variance?
  
- G. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

**Applicant Checklist**

Application for Zoning Certificate

Review with Township staff of application

Statement of Facts

Plot plan drawn to scale.

Map of the Area, including all lots within two hundred (300) feet or any part of the property involved and location and use of buildings thereon for a height or an area variance.

Names and addresses of owners of lots on said map.

Any and all attachments.

Filing fee, payable to the Bethel Township Board of Trustees and as prescribed by the Board, sufficient to cover the cost of publishing, posting and/or mailing notices of hearing or hearings required.

Application signed and notarized by the property owner or agent thereof.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL EXHIBITS TRANSMITTED HEREWITH, ARE TRUE.

\_\_\_\_\_  
APPELLANT OR APPLICANT

Subscribed and sworn before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission expires \_\_\_\_\_, 20\_\_\_\_\_/

\_\_\_\_\_  
Notary Public

**OFFICE USE ONLY**  
\_\_\_\_\_

Filed with Zoning Inspector \_\_\_\_\_ fee required \_\_\_\_\_  
Paid on \_\_\_\_\_ Received by \_\_\_\_\_