

CITY OF HURON- ZONING DEPARTMENT

417 Main Street

Huron, OH 44839

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**THE BOARD OF BUILDING AND ZONING APPEALS
APPLICATION PACKET**

The City of Huron’s Board of Building and Zoning Appeals meets the second (2nd) Monday of every month at 6:30p.m. in the Council Chambers of the City Building, 417 Main Street, Huron, OH 44839.

To qualify for the Board’s agenda, all required information and fees shall be submitted to the Zoning Office, 417 Main Street, Huron, OH 44839 by 4:00pm no later than the Wednesday two weeks prior to the regularly scheduled hearing date. Please review the attached information sheet regarding Ohio Planning and Zoning Law and the City of Huron Zoning Code relative to variance requests.

The information required to be submitted by the deadline:

- A completed and signed Appeals application.
- A complete plot plan of the subject property, drawn to scale on an 8.5” x 11” paper, showing the location of all existing and proposed buildings and structures on the property, the distances between each and their distances to the property lines.
- \$150.00 filing fee made payable to the City of Huron.

Incomplete application packets will not be accepted. Please note, the city is required to prepare and mail notifications to neighboring properties located within 100’ of the parcel to inform them of the application and meeting information.

2019 BZA Meeting Dates

Application Deadline

January 14, 2019	January 2, 2019
February 11, 2019	January 30, 2019
March 11, 2019	February, 27, 2019
April 8, 2019	March 27, 2019
May 13, 2019	May 1, 2019
June 10, 2019	May 29, 2019
July 8, 2019	June 26, 2019
August 12, 2019	July 31, 2019
September 9, 2019	August 28, 2019
October 14, 2019	October 2, 2019
November 11, 2019	October 30,2019
December 9, 2019	November 27, 2019

The following information was taken from:

OHIO PLANNING AND ZONING LAW AND THE CITY OF HURON ZONING CODE

and is used by the Board of Appeals on every request.

Use Variance and Area Variance Distinguished

A use variance permits land uses for purposes other than those permitted in the district, for example, a commercial use in a residential district. An area variance involves structural or lot restrictions; for example, the relaxation of setback lines.

The standards for granting a variance differ based on whether the variance sought is a use variance or an area variance.

The standard for a variance that relates solely to area requirements should be a lesser standard than that applied to variances that relate to use. An application for an area variance need not establish unnecessary hardship; it is sufficient that the application show practical difficulties. The lesser, practical difficulties standard applies in all area variance cases.

Practical Difficulties

A property owner seeking an area variance must establish practical difficulties in the use of his property. 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 his property include, but are not limited to:

(The Seven (7) Way Test-Duncan vs The Village of Middlefield)

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services (*for example, water, sewer, garbage*).
5. Whether the property owner purchased the property with knowledge of the zoning restriction or if the need for the variance is “self-imposed”. (The owner created the situation)

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Unnecessary Hardship

The enabling act is specific in authorizing a variance only where, owing to special conditions, a literal enforcement of the zoning resolution will result in unnecessary hardship. Under these acts, variance must be based upon evidence that literal application of zoning regulations on a specific parcel of property will result in an unnecessary hardship unique to that property, and that the granting of a variance would serve the spirit of the zoning regulation.

Through an extensive series of court cases, a set of tests has evolved to determine the presence of unnecessary hardships. These are the kinds of standards that ought to be incorporated into any zoning resolution dealing with variances.

1. The courts have ruled that the required use must remove all profitable use from the land, or in other words, the applicant's supposed hardship cannot be one of economics alone.
2. The hardship must result from circumstances affecting a particular and unique piece of land, and not from a general condition throughout the neighborhood. The application should be denied on the basis that any hardship is common to the entire area and not just to the applicant's property. The hardship must be unique and not general. In this case, proper remedy was a rezoning through the regular amendment procedure.
3. A variance must not alter the essential character of a neighborhood.
4. It is not enough to show that the effects of a variance would be harmless. Real, unnecessary hardship must still be established by the applicant.
5. Any hardship must result from the requirements of the zoning resolution and not from the applicant's own actions. For instance, a variance request is properly denied when the applicant knowingly bought a piece of land too small for his intended use of the land or he created the situation.
6. A variance must not be contrary to the public interest, even if a hardship can be established.

CITY OF HURON, OH
THE BOARD OF BUILDING AND ZONING APPEALS APPLICATION

We, the undersigned represent that we are the title owners of the following described property situated in the City of Huron, OH:

Property Owners' Name: _____

Address: _____

City, State, Zip: _____

Phone Number _____

Location of Project:

Lot/Parcel #: _____

Address: _____ Huron, OH 44839.

We further request a Hearing before the Board of Building and Zoning Appeals of the City of Huron, Ohio, on the following question: (state the variance being requested)

We believe the request should be granted due to the following hardship which is created by the property: (explain the hardship that exists pursuant to the code)

Date: _____

Signed _____

ZONING DEPT. USE ONLY

Date received: _____ Plans attached _____ \$150 filing fee: _____

Comments _____

Hearing Date: _____

Request: Granted Emergency Provision Denied

Motion made by _____; Seconded by _____

Motion _____

Approved under Section: _____