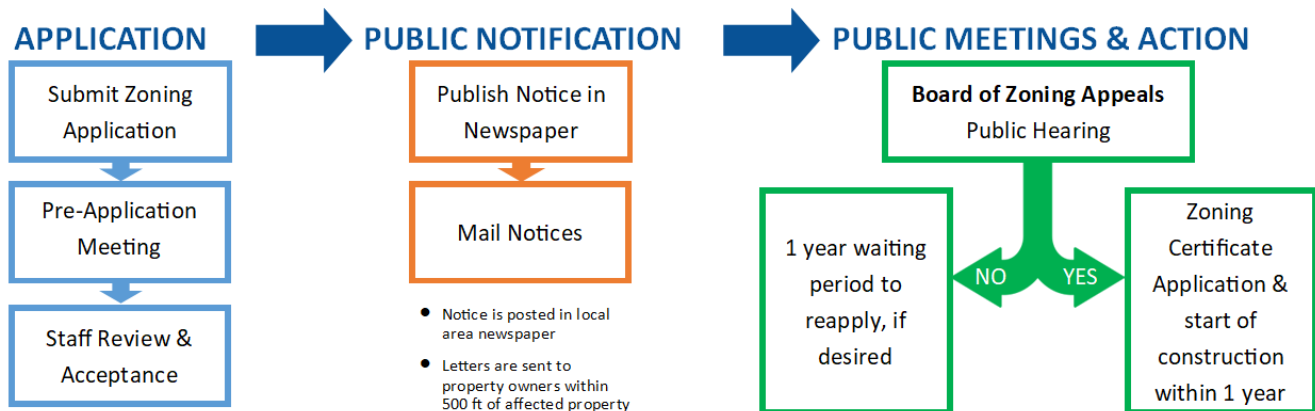


## VARIANCE FROM THE ZONING CODE

FEE: \$300.00  
\$25/ADDITIONAL REQUEST



### SUBMISSION PROCEDURES

There are some instances in which a property owner, due to certain conditions on his/her property, may request a variance from strict adherence to the standards of the Zoning Code. Variances are reviewed and acted upon by the Board of Zoning Appeals (BZA). To obtain a variance, an applicant must demonstrate, to the BZA's satisfaction, that literal enforcement of the Zoning Code result in factors as listed on page 2. The applicant should discuss as many factors as possible.

BZA meetings are held on the second Tuesday of each month, with some adjustments for holidays, at 7 PM, in City Council Chambers, at City Hall. Applications are generally due 26 days prior to the meeting. See the City's website for a list of dates.

Applicants are strongly advised to consult with Planning & Zoning Department staff before submitting an application. Staff members will explain the process and make applicants aware of the regulations that apply to their projects. Application forms can be downloaded from the City's website.

#### To complete a proper application for variance

- Submit eight (8) completed application packets + 1 electronic version with payment to the Planning & Zoning Department by the scheduled deadline (checks made payable to City of Tallmadge).

#### **The 8 application packets, stapled or clipped (no loose-leaf uncollated sets), must include the following:**

- Typewritten application signed and dated by both applicant and owner
- Written statement of applicable factors (see page 2)
- Scaled drawings of proposed structure in an 8 ½" by 11" or 11" by 17" format, or, if necessary to maintain legibility, a larger format
- A scaled Site Plan of the property with all existing structures and proposed structure with appropriate measurements (including proposed structure size and setback measurements)
- A plot map with listing of property owners within five hundred (500) feet any part of the property affected.

#### Public Hearing and Board of Zoning Appeals Review - what to expect

Neighbors, who will be notified in advance of the hearing by mail, and other interested parties will have the opportunity to participate during the public hearing portion of the BZA meeting. BZA may grant or deny the variance, or it may postpone making a decision to consider or seek additional information. It is BZA's responsibility to make decisions based on the evidence presented within the framework of factors established by the Zoning Code.

At the Board of Zoning Appeals meeting, the applicant will have the burden to demonstrate to BZA that the literal enforcement of the Zoning Code will result in factors that are provided on page 2. Applicants should demonstrate as many factors as possible by discussing facts that relate to those factors.

#### **Other Approvals:**

When the variance is granted, it is valid for one year. Within that time, applications must be made to the Zoning Department for a Zoning Certificate within one year of approval. The completion of the project must be completed per the Zoning Code Section 1102.07 H. The granting of a variance does not imply approval of specific plans by the Building Department or other City Departments. Questions about building permits and regulations may be addressed to Summit County Department of Building Standards at 330-630-7280.



PLANNING & ZONING DEPARTMENT | 46 NORTH AVE, TALLMADGE, OH 44278 | P 330.633.0090 | F 330.633.1359 | ZONING@TALLMADGE-OHIO.ORG | WWW.TALLMADGE-OHIO.ORG

OFFICE USE ONLY			
RCT		FEE	
<input type="checkbox"/> PZ	<input type="checkbox"/> SVC	<input type="checkbox"/> STR	<input type="checkbox"/> UTIL <input type="checkbox"/> ENG <input type="checkbox"/> B/C

# PLANNING & ZONING CERTIFICATE APPLICATION

## BASIC APPLICATION REQUIREMENTS (See the appropriate application guide for any additional requirements)

Completed & Signed Application Form     Application Fee     Plot Plan     Building Plan     Additional per Application Guide

## APPLICATION TYPE (Check all that apply)

SITE DEVELOPMENT		AMENDMENT/VARIANCE/APPEAL	
<input type="checkbox"/> Residential Construction	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Variance from the Zoning Code	<input type="checkbox"/> Map Amendment
<input type="checkbox"/> Non-Residential Construction	<input type="checkbox"/> General Development Plan	<input type="checkbox"/> Riparian Setback Variance	<input type="checkbox"/> Request for Appeal
<input type="checkbox"/> Demolition	<input type="checkbox"/> Signage		

## PROJECT DETAILS

PROJECT: \_\_\_\_\_

PROJECT ADDRESS/LOCATION \_\_\_\_\_

EXISTING CONDITIONS	PROPOSED PROJECT DETAILS, WHERE APPLICABLE
---------------------	--

ACREAGE: \_\_\_\_\_ NO. OF LOTS \_\_\_\_\_ SQ.FT OF PROPOSED STRUCTURE: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_ PROPOSED ZONING DISTRICT: \_\_\_\_\_

EXISTING LAND USE: \_\_\_\_\_ PROPOSED LAND USE \_\_\_\_\_

CHECK ALL THAT APPLY AND PROVIDE DOCUMENTATION: \_\_\_\_\_

EASEMENT     FEMA FLOODPLAIN     RIPARIAN     WETLANDS

## CONTACT INFORMATION

**Applicant**  
 \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

**Architect/Engineer/Surveyor/Other:** \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

**Owner**  
 \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

**Architect/Engineer/Surveyor/Other:** \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

## SIGNATURES & ENDORSEMENTS

\_\_\_\_\_ I UNDERSTAND THAT I MUST CONTACT SUMMIT COUNTY DEPARTMENT OF BUILDING STANDARDS (330-630-7280) TO VERIFY BUILDING DEPARTMENT REQUIREMENTS FOR APPLIED PROJECTS.

\_\_\_\_\_ I UNDERSTAND THAT I MUST CONTACT THE CITY OF TALLMADGE ZONING DEPARTMENT WHEN THE PROJECT IS STAKED OUT FOR SETBACK COMPLIANCE. I AM RESPONSIBLE FOR DETERMINING PROPERTY LINES AND MAINTAINING THE APPROVED SETBACKS.

The undersigned hereby certifies that the information in and with this application is accurate, and consents to employees and/or agents of the City entering the premises for inspection verification of the information submitted.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

**VARIANCE REQUEST**

Application is hereby made for VARIANCE from the requirements of the Zoning Code of the City of Tallmadge, Ohio under the discretionary power vested in the Board of Zoning Appeals by Title 2, Section 1102.10 Zoning Variances.

**VARIANCE IS REQUESTED FROM THE FOLLOWING REQUIREMENTS: (INCLUDE SPECIFIC REFERENCE IN ZONING CODE)**

**STATEMENT OF APPLICABLE FACTORS**

To obtain a variance, an applicant must show evidence, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code’s standards would result in certain factors for the applicant. To this end, a written statement of applicable factors must accompany an application for a standard variance. Please complete this Statement of Applicable Factors, by addressing all of the factors listed below that are relevant to your situation.

Additional documents may be submitted as further proof.

In deciding whether to grant a variance, BZA will consider the following factors per Zoning Code Section 1102.10 (B):

A. Explain why the strict application of the provisions of this Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this Zoning Code.

B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.

C. The granting of such variance will not be of substantial detriment to the public interest or to property or improvements in such district in which the variance is sought and will not materially impair the purpose of this Zoning Code.

OFFICE USE ONLY		
<input type="checkbox"/> Public Hearing Legal Notice: _____		
<input type="checkbox"/> 500' Mailing: _____		