



PROCURE AND APPLICATION FOR VARIANCE AND CONDITIONAL USE PERMIT

Updated December 2011

READING THIS APPLICATION FULLY WILL ASSIST YOU DURING THE HEARING

The Board of Zoning Appeals is authorized by Ohio Revised Code Section 519, and consists of five (5) residents of the Township, who are appointed by the Township Trustees. The Board of Zoning Appeals meets on the first Tuesday of each month, except for December, in the Township Hall at 68 Portage Lakes Drive (behind the Fire Station) at 7:30 p.m. (Certain meeting dates may be changed due to Election dates). All meetings are audio recorded and kept for a period of six (6) months.

The last two pages of this Application, along with a drawing must be submitted to the Zoning Office two weeks before the meeting date you wish to have your case heard on. All appeals for variances and/or requests for Conditional Use Certificates from the present Zoning Resolution of Coventry Township and/or appeals from the decision of the Zoning Inspector must have a public hearing.

You must be on the agenda in order to have a hearing. Before submitting a request for a variance, possible alternatives which do not require a variance should be explored.

A notice of Public Hearing will be advertised in the Akron Beacon Journal by the Township ten (10) days before the hearing.

- The applicant is responsible to provide the names and addresses of adjacent property owners. This information may be obtained from the Summit County Auditor's Office or via the internet (www.summitoh.net).
- The two (2) pages marked "Application for Zoning Appeal" in this packet must be completed and submitted to the Zoning Inspector or Township Secretary along with all other drawings of the proposal at least 15 days before the date of the hearing.
- The application fee for a variance request is \$175.00, or \$300.00 for a Conditional Use request hearing or special hearing. These fees are non-refundable. Please make checks payable to *Coventry Township*.

The applicant should attend the hearing or send someone well versed on the request to answer questions and possibly agree to a modification. You may be represented by legal counsel if you deem it necessary.

- A site-plan of the proposed construction, with distances to the property lines must be submitted with the attached application. This drawing should include any other structures or natural features on the property. *Please use standard size paper and do not use color (this enables copies to be made). If you do wish to use color or non-standard size paper, please provide 8 copies of each page.*

Please submit any additional information which may help the Board to understand your request. Floor plans and elevation views help the Board greatly. Indicating the proposed construction on the property, with stakes or paint also helps, as most members will visit the site before the hearing. The location of the proposed building as depicted on the drawings submitted to the Board, even though not the subject of the actual variance request, is the only location the Zoning Inspector can issue a permit for.

Board members receive copies of all information submitted by the applicant as well as a lot layout and any other information in the Township's zoning files concerning the location in question. Board members may visit the site before the hearing; you should have as little contact with them as possible, if any. Board members are instructed not to talk to applicants during the site visit. Adjacent owners may attend or submit written statement on the request. The Board may or may not rule in accordance with a neighbor's request.

Allotment deed restrictions may be in effect in certain neighborhoods and they may be more restrictive than Zoning requirements. It is the responsibility of the applicant to research deed restrictions as they may play a role in the Board's decision.

If a request is denied you must file an appeal in the Summit County Court of Common Pleas to try to overturn their decision. The Township Trustees have no authority to override the Zoning Appeals Board. You may revise your plan and resubmit to the Board of Zoning Appeals, which will require re-application, including the fee. If a request is tabled you may come back before the Board with a modified plan without re-application.

If a variance is approved you must obtain a Zoning Permit and a Summit County Building Permit. Permits may be obtained one week after the hearing, if approved; the regular permit fee is applicable. Construction must commence within one year of the variance being granted.

Please Note: As a cost saving measure, if only one request for a hearing is submitted for a meeting date, that hearing will be postponed one month, hoping for an increased agenda.



BOARD OF ZONING APPEALS

FREQUENTLY ASKED QUESTIONS

1. *What is the Board of Zoning Appeals?*

It is a five (5) member board (with two alternates) of township citizens that operate as a fact finding and decision making body.

2. *How was it established?*

It comes as a result of the Zoning Resolution (Code). If you have a rule, the Ohio Revised Code Section 519.3 gives a mechanism to get relief from that rule. The Board of Zoning Appeals was established in the 1950's.

3. *Who is it responsible to?*

It is an independent board appointed by the Township Trustees. Its decisions can only be appealed through the Summit County Court of Common Pleas.

4. *What does it do?*

It looks, listens, evaluates and decides if a variance from the Zoning Resolution (Code) is reasonable. It also grants conditional use variances. Concepts of hardship, practical difficulty and public interest are used.

5. *What does it NOT do?*

It does not establish zoning resolutions, issue zoning permits, go with the political flow or make everyone happy.

GUIDELINE FOR DECISIONS ON VARIANCES

The variance is designed to preserve the constitutionality of the Zoning Ordinance or Zoning Resolution. It is a deviation from the strict requirements of the Zoning Ordinance/Zoning Resolution that grants relief to a *particular property owner* from zoning requirements that would otherwise result in an *unnecessary hardship* and possible confiscation through denial of use. The variance is intended to serve as a "safety valve" when zoning requirements which apply to all properties within a certain district create a hardship to a certain few because of unique circumstances. This situation should be distinguished from one which merely involves an inconvenience, a desire to create a more profitable site design, or a desire to establish a use not otherwise permitted.

In order to grant a variance, the Township Board of Zoning Appeals or the municipal authority responsible for administering variances must be presented with evidence that a practical difficulty is involved. The proof of practical difficulty rests with the applicant. The following is a guide to be used in determining whether or not a request warrants the granting of a variance:

- A. Can the dimensional requirements of the particular zoning district involved be met on the existing lot?
- B. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same zoning district?
- C. Would a literal interpretation of the provisions of the Zoning Resolution or Zoning Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Resolution or Zoning Ordinance?
- D. Would granting the requested variance allow the applicant any special privilege that is denied to other lands, structures, or buildings in the same district?
- E. Do any of the special conditions and circumstances result from the actions of the applicant?
- F. Does the applicant request a more intensive use of property than would normally be permitted under the district regulations? Is that the primary factor for requesting the variance?
- G. Will the proposed variance impair an adequate supply of sun light and air to adjoining properties, substantially increase traffic congestion, increase the danger of fire, and/or increase the hazard of flooding?
- H. Will the proposed variance produce nuisance conditions to nearby properties, whether by reason of dust, noise, fumes, odor, vibrations, smoke or lights?
- I. What effect would the rezoning have on property values?
- J. Would the rezoning cause a considerable increase in the volume of traffic? Can existing roads accommodate this traffic?

If the Zoning Commission and Township Trustees or County Commissioners are satisfied that the proposed change is sound, they should next consider the size and shape of the area to be rezoned and where the zoning boundaries should be located. When considering the size of the area to be rezoned the following questions should be asked:

- A. Does the area proposed for rezoning reflect land needed for the proposed use or does it merely reflect the applicant's property lines?
- B. Is the size of the parcel adequate to meet building setbacks, parking and loading, and open space requirements?
- C. Is there a physical feature such as a river, railroad or hill that can be used as a natural dividing line to separate a new district from adjacent properties?
- D. Will future requests for additional rezoning be stimulated by the present requests? If so, where is the logical boundary of the new zone?

THE DUNCAN FACTORS

(Used by Board of Zoning Appeals as determining factors of Variance)

1. Whether the property will yield a reasonable return or whether there can be a 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 adjoining properties suffer a "substantial detriment"
4. Whether the variance would adversely affect the delivery of governmental services
5. Whether the property owner purchased the property with knowledge of the zoning restrictions.
6. Whether the problem can be solved by some manner other than the granting of a variance.
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

CONDUCTION OF THE ZONING APPEALS MEETING

7:30 P.M. PROMPT

MEETING OF THE COVENTRY TOWNSHIP
BOARD OF ZONING APPEALS WILL *COME TO
ORDER.*

INTRODUCTION OF MEMBERS

Ron Meredith, Chris Mollis, Gary Zoldesy, Lew Roberts, Bob Stouffer, Charles Bittner and Alternate John Messmore

READING OF ACKNOWLEDGEMENT

I hereby acknowledge that the full and complete proceedings of this public meeting are being taped and shall be kept with the Zoning Secretary for a period of six (6) months. The tapes of tonight's proceedings, or any other meeting, may be listened to and reviewed at the township administration building between 8:00 am and 4:00 p.m., Monday through Friday. If you have any questions or comments, you must come to the microphone and state your name and address clearly.

PURPOSE

The Board of Zoning Appeals has been vested with the power to hear and decide appeals. The appeal procedure is established under Section 519.15 of the Ohio Revised Code. Decisions made by Boards of Appeals may only be appealed through the Court of Common Pleas. The most common type of appeal deals with a request for variance. The variance is designed to preserve the constitutionality of the zoning regulations. The variance is not intended to grant special favors to certain property owners that would not be available to their neighbors or to allow widespread circumvention of the local zoning regulations.

In order to grant an area variance, the Board of Zoning Appeals must be presented with evidence that a practical difficulty is involved and that granting the variance will not be contrary to public interest. The applicant must show that the spirit of the zoning ordinance supports a variance. Our consideration of the matters at hand are based on mutual fact-finding and decision-making and is not an adversarial process.

SWEARING IN

All persons wishing to speak tonight, please stand, raise your right hand and I will administer the oath: Do you solemnly swear and affirm to tell the truth, the whole truth and nothing but the truth, so help you God.

PRESENT CASES

The meeting will be conducted in the following manner:

1. The Zoning Inspector will define the zoning condition for the variance request.
2. The applicant will present his request (10 minute maximum)
3. The audience will be solicited for comments. (3 min. max.)
4. There will be discussion within the Board.
5. There will be a motion and a second.
6. There will be any further discussion on the motion
7. Vote.
8. Meeting adjournment.

