

**The Village of Gambier, Ohio
115 Meadow Lane
PO Box 1994
Gambier, OH 43022**

Application for Variance to the Village Zoning Ordinance

Instructions:

Please fill out all information on the form, and file it with the Zoning Inspector, Village Administrator, or Clerk/Treasurer Assistant, **along with the required filing fee of \$50.00**. You, or your designee, will be required to appear and give testimony in support of your application at a hearing before the Village Council. If you fail to appear and give testimony, your application will be deemed withdrawn, and no action will be taken. In such case, your filing fee will not be refunded. Any adjoining land owner, and any other person or entity owning real property in the Village of Gambier, may appear at the hearing and present testimony in support of, or in opposition to, your application. The hearing will normally be scheduled for the first regular meeting of Village Council that is at least 21 days after the date you file your application.

Be sure to sign the application on the last page.

Information on variances is provided to assist you in the application process, however, variances can be quite complicated, and you may wish to consult with an attorney prior to filing your application.

Application:

Applicant's Full Name: _____

Applicant's Address: _____

Applicant's Telephone Number: _____

Street Address Of Property For Which A Variance Is Requested:

County Auditor's Parcel Number(s): _____
(Parcel Numbers Are On Your Real Estate Tax Bill, Or May Be Found At <http://www.knoxcountyauditor.org/>)

Applicant Is ☐ The Property Owner.

☐ Under Contract To Purchase The Property From The Record Owner. The Record Owner Is:

Name: _____

Address: _____

Applicant Requests A (Check Either Box For Use Or Area Variance, Or Both Boxes For Use And Area Variance):

☐ **Use Variance.** A use variance allows a landowner to use existing property in a manner not permitted by the zoning ordinance and inconsistent with uses in the surrounding area. An example of a use variance is a commercial establishment, such as a nursery or garage, in a residential zone.

Use Variance Considerations. In order for a use variance to issue, an applicant must demonstrate that "unnecessary hardship" exists. An unnecessary hardship exists where the hardship is unique to a particular property, and where the uses permitted by the zoning ordinance are not "economically feasible." A demonstration that the property could be put to a more profitable use, standing alone, is insufficient to establish unnecessary hardship. Moreover, a person who purchases land with knowledge of the zoning restrictions is said to have created his own hardship and is not entitled to a use variance to relieve such a condition. This is commonly referred to as the "self-created" or "self-imposed" hardship rule.

Generally, a person who knowingly acquires property intending to use it in a manner prohibited by the existing zoning ordinance may not thereafter obtain a use variance based upon unnecessary hardship. The self-created hardship rule has been applied most frequently to persons who acquired land for a purpose outlawed by the zoning regulations. Verbalized in these terms, the self-imposed hardship rule militates only against those who acquire property intending to use the land for a prohibited purpose, speculating that the use variance would be available or might be obtained through affirmative efforts. By the same token, this approach spares the person who purchased with knowledge of the restrictions and conformed his use, but because of changed conditions on adjacent properties, suffers hardship independent of, and without regard to, any self-inflicted conditions.

State with as much specificity as possible what you want to do, and why you need a variance:

☐ Continued On Attached Sheet

□ **Area Variance.** An area variance authorizes deviations from restrictions upon the construction and placement of buildings and other structures. Specifically, this device allows modification of area, yard, height, floor space, frontage, density, setback and similar restrictions. An example of an area variance is where a building is constructed with floor area in excess of the limit prescribed in the ordinance

Area Variance Considerations. Area variances require only a demonstration that "practical difficulties" exist. The practical difficulties standard is a less stringent and more "nebulous" standard than the "unnecessary hardship" standard. To determine whether a property owner seeking an area variance has encountered practical difficulties in the use of his property, village council shall generally consider a list of seven nonexclusive factors: (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 (e.g. water, sewer, garbage); (5) whether the property owner purchased with knowledge of the zoning restriction; (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.

Unlike the unnecessary hardship standard, purchase with knowledge of the zoning restrictions is not determinative under the practical difficulties exercise. Rather, a consideration and balancing of all factors, including it, must be made. The reason for adopting the less stringent standard for area variances is that when the variance is one of area only, there is no change in the character of the zoned district and the neighborhood considerations are not as strong as in a use variance.

State with as much specificity as possible what you want to do, and why you need a variance:

[illegible]☐ Continued On Attached Sheet

Under penalty of perjury, I hereby affirm that the information provided in this application is true and complete to the best of my knowledge and belief.

Applicant

For Village of Gambier Use Only:

Date Application Received: _____ Date Filing Fee Received: _____

Received By (Signature): _____

Hearing Date: _____

☐ Applicant Notified Of Hearing Date On (Date): _____

☐ Adjoining Property Owners Notified Of Hearing Date On (Date): _____

☐ Hearing Date Continued To: _____

☐ Applicant Notified Of Continued Hearing Date On (Date): _____

☐ Adjoining Property Owners Notified Of continued Hearing Date On (Date): _____

Village Council ☐ Granted ☐ Denied The Application On (Date): _____