

VILLAGE OF LODI  
P.O. BOX 95  
LODI, OHIO 44254  
330-948-2040 or Fax: 330-948-3017

## APPLICATION FOR VARIANCE

Permit No. \_\_\_\_\_

Date: \_\_\_\_\_

Permit Fee. \$50.00

**PERMIT FEE IS NON-REFUNDABLE**

Name of Applicant(s): \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Address of Requested Variance: \_\_\_\_\_

Description of the property: \_\_\_\_\_

Describe the exact nature of the variance: \_\_\_\_\_

Explain how the requested variance conforms to the following standards:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same district.
- B. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands in the same district under the terms of this Ordinance.
- C. That the special conditions and circumstances do not result from the actions of the applicant(s).
- D. That granting the variance is denied by the Ordinance to other lands, structures or buildings in the same district. (Each of the above items must be separately addressed and fully explained in detail before any application will be acted upon by the Zoning Board.) Please use back of this form if more space is required.

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)      Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)      Date: \_\_\_\_\_

### **To Be Completed by the Village Of Lodi**

Date of Hearing: \_\_\_\_\_

**The application for the variance described herein, which includes the required information, is hereby:**

Accepted     Rejected for the following: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

(Signature of Mayor)

(Signature of Zoning Inspector)

CHAPTER 1244  
Board of Zoning Appeals

1244.01	Authority of Platting Commission.	1244.07	General requirements for appeals and variances.
1244.02	Composition, appointments and organization.	1244.08	Appeals generally,
1244.03	Quorum; voting.	1244.09	Stay of proceedings.
1244.04	Meetings.	1244.10	Variances generally.
1244.05	Administration of oaths; witnesses.	1244.11	Procedure for appeals and variances,
1244.06	Powers and duties.		

CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06 Restrictions on buildings, structures, lots and setbacks - see Ohio R.C. 713.07 et seq.  
 Administrative Board; powers and duties - see Ohio R.C. 713.11  
 Violations may be enjoined - see Ohio R.C. 713.13

**1244.01 AUTHORITY OF PLATTING COMMISSION.**

The Platting Commission is hereby authorized to act as an administrative board and a board of zoning appeals, as provided in Ohio R.C. 713.11 of the Ohio Revised Code, unless the Council establishes a separate Board of Zoning Appeals to fulfill the duties contained in this Section. Otherwise, the Platting Commission shall have all the powers and duties prescribed by law and by this Zoning Code.

**1244.02 COMPOSITION, APPOINTMENTS AND ORGANIZATION.**

The Board of Zoning Appeals shall consist of five members. Each member, except for the Mayor and Council representative, shall be appointed for a period of six years, and terms shall be so arranged that the terms of one member shall expire every two years. The Mayor and Council representative shall serve for their respective terms of office. Each member shall serve until his or her successor is appointed. The Board of Zoning Appeals shall elect a Chairperson from its membership, shall appoint a clerk, and shall prescribe rules for the conduct of its affairs.

Members of the Board shall be removed for nonperformance of duty, misconduct in office or other cause, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail or by leaving the same at his or her usual place of residence. The member shall be given an opportunity to be heard and to answer such charges. In the event a vacancy occurs, such vacancy shall be filled by appointment for the balance of the unexpired term.

#### **1244.03 QUORUM; VOTING.**

The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and the concurring vote of three members shall be necessary to effect any order. (Ord. 1533. Passed 8-11-80.)

#### **1244.04 MEETINGS.**

The Board of Zoning Appeals shall meet at the call of its Chairperson or of two other members, and at such other regular times as it may by resolution determine. (Ord. 1533. Passed 8-11-80.)

#### **1244.05 ADMINISTRATION OF OATHS; WITNESSES.**

The Chairperson or Acting Chairperson of the Board of Zoning Appeals (Planning Commission) may administer oaths and compel the attendance of witnesses in all matters coming within the purview of this Zoning Code. (Ord. 1533. Passed 8-11-90.)

#### **1244.06 POWERS AND DUTIES.**

The Board of Zoning Appeals shall:

- (a) Hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Code;
- (b) Authorize, upon appeal, in specific cases, variances from the specific requirements of this Zoning Code as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship, and so that the spirit of this Zoning Code shall be observed and substantial justice done; and
- (c) Grant conditional zoning certificates for the use of land, buildings or other structures as specifically provided for elsewhere in this Zoning Code.

(Ord. 1533. Passed 8-11-80.)

**1244.07 GENERAL REQUIREMENTS FOR APPEALS AND VARIANCES.**

Appeals and variances shall conform to the procedures and requirements of Sections 1244.08 through 1244.11. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Zoning Code and shall be punishable under Chapter 1242 of this Zoning Code. (Ord. 1533. Passed 8-11-80.)

**1244.08 APPEALS GENERALLY.**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Code may be made by any person aggrieved by, or by any officer or bureau of the legislative authority of the Village affected by, any decision of the Zoning Inspector. Such appeal shall be made within thirty days after decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

(Ord. 1533. Passed 8-11-80.)

**1244.09 STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after the notice of appeal is filed with him or her, that by reason of facts stated in the application, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown. (Ord. 1533. Passed 8-11-80.)

**1244.10 VARIANCES GENERALLY.**

(a) Authority of Board. The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts, shall be considered grounds for issuance of a variance.

Variations shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship.

(b) Application and Standards. A variance from the terms of this Zoning Code shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- (1) The name, address and telephone number of each applicant.
- (2) A legal description of the property.
- (3) A description of the nature of the variance requested.
- (4) A narrative statement demonstrating that the requested variance conforms to the following standards:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district.
- B. That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures or buildings in the same district. A variance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by paragraph (b)(4) hereof have been met by the applicant. (Ord. 1533. Passed 8-11-80.)

#### **1244.11 PROCEDURE FOR APPEALS AND VARIANCES.**

(a) Public Hearing by Board. The Board of Zoning Appeals shall hold a public hearing within forty days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant. Before holding the public hearing required, notice of such hearing shall be given in a newspaper of general circulation at least twenty-one days prior to the date of said hearing. Such notice shall set forth the time and place of the hearing and the subject of the proposed appeal or variance.

(b) Notice to Parties in Interest. Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be mailed by first class mail, at least twenty-one days before the day of the hearing, to all parties in interest. The notice shall contain the same information required of notices published in newspapers as specified in subsection (a) hereof.

(c) Action by Board. Within forty days after the public hearing required, the Board shall either approve, approve with supplementary conditions as specified in Section 1244.10, or disapprove, the request for appeal or variance. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance will make possible a reasonable use of the land, building or structure. Appeals from the decision of the Board may be made to the courts, as provided in Ohio R.C. Chapters 2505 and 2506.