

SUBDIVISION ZONING VARIANCE

APPLICATION FOR ZONING RELIEF



Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____

EXISTING PARCEL ID(S) _____

BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____

Non-Residential Project Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____

TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____

TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance Use Variance Special Exception Conditional Use
- Expansion or Substitution of Non Conforming Use Hillside Overlay District Permission
- Urban Design Overlay District Permission DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT *(Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)*

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. *If you fail to follow the instructions for your type of request, your application may be denied.*

Section 7. SIGNATURE.

The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name _____ Signature _____ Date ____/____/____

Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.

Submit three copies and one digital copy of the following documentation. If you fail to complete the application or provide all information requested, your application may be denied.

<input type="checkbox"/>	Submit two (2) copies and one (1) digital copy of the documents listed below. *A digital copy is a cd, thumb drive, etc... Do not email documents.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Survey plats, site plans, or other accurate drawings showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must also be provided.
<input type="checkbox"/>	Plans, architectural drawings, photographs, elevations, specifications, and other detailed information fully depicting the exterior appearance of the existing and proposed construction, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee. The fee must be paid with a check made payable to "City of Cincinnati." Fees are as follows: Use Variances - \$900; Residential Projects (RCO) One , Two , and Three - Family Dwelling - \$300; Non-residential Projects (Non-RCO) - \$500.

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
 - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; and
 - b. how the project meets either of the following conditions:
 - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; or
 - ii. a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE VARIANCE

Applicants requesting a use variance must demonstrate through “CLEAR AND CONVINCING EVIDENCE” in the form of credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-16. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a use variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing **clear and convincing evidence** demonstrating **all** of the following criteria are met:
 - a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
 - b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. the hardship condition is not created by actions of the applicant;
 - d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. the variance will be consistent with the general spirit and intent of the zoning code; and
 - g. The variance sought is the minimum that will afford relief to the applicant.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A SPECIAL EXCEPTION

Applicants requesting a special exception must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-19. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a special exception:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-19, an applicant must demonstrate all of the following:
 - a. the zoning code allows for a special exception in the district in which the property is located;
 - b. the proposed project meets any special standards for the specific special exception requested; and
 - c. the proposed project will meet all of the following standards:
 - i. be consistent with the purposes of the zoning code and the district where the use is located.
 - ii. not substantially diminish or impair the value of property within the neighborhood in which it is located.
 - iii. not have an adverse effect on the character of the area or the public health, safety and general welfare, and be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations.
 - iv. comply with all other standards imposed on it by this zoning code.

INSTRUCTIONS FOR APPLICATIONS REQUESTING AN EXPANSION OR SUBSTITUTION OF A NONCONFORMING USE

Applicants requesting an expansion or substitution of a nonconforming use must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1447-17. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for an expansion or substitution of a nonconforming use:

1. To meet the standard outlined in Cincinnati Municipal Code 1447-17, an applicant must demonstrate how the proposed project relates to one or more of the following standards:
 - a. consistency with the general purposes and intent of the zoning code;
 - b. promotion of the safe and efficient use of land;
 - c. compatibility with other adjacent land uses and buildings existing in the surrounding area;
 - d. consistency with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property; or
 - e. location in a building that is specially equipped or structurally designed for that use.

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN A HILLSIDE OVERLAY DISTRICT

Applicants requesting development permission in a Hillside Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1433-19 AND Cincinnati Municipal Code 1433-23. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in a Hillside Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-119, an applicant must demonstrate whether the proposed project complies with all base development requirements for a Hillside Overlay District. The list of base development requirements is found in Cincinnati Municipal Code 1433-19.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1433-19, an applicant must demonstrate how the proposed project complies with all base development requirements for a Hillside Overlay District. The list of base development requirements is found in Cincinnati Municipal Code 1433-19.

AND

3. To meet the standard outlined in Cincinnati Municipal Code 1433-23, an applicant must demonstrate the proposed project is in harmony with adjacent buildings and the hillside environment. A list of standards considered by the Zoning Hearing Examiner to determine whether the proposed project is in harmony with adjacent buildings and the hillside environment is found in Cincinnati Municipal Code 1433-23.

*****Please note that applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.**

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN AN URBAN DESIGN OVERLAY DISTRICT

Applicants requesting development permission in an Urban Design Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1437-09. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in an Urban Design Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1437-09, an applicant must demonstrate how the proposed project complies with the standards found in Cincinnati Municipal Code 1437-09 that apply to the particular district in which the proposed project will be located.

INSTRUCTIONS FOR APPLICATIONS REQUESTING APPROVAL FOR A DD DISTRICT PHASED DEVELOPMENT

Applicants requesting approval for a DD District Phased Development must provide all information required by Cincinnati Municipal Code 1411-45.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for approval of a DD District Phased Development:

1. For projects that intend to phase development by first erecting a building and then enlarging that building or erecting one or more additional buildings or both, the applicant must:
 - a. provide a site master plan to the Zoning Hearing Examiner. The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of this zoning code. The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner; **and**
 - a. comply with all other applicable requirements set forth in Cincinnati Municipal Code 1411-45.

INSTRUCTIONS FOR APPLICATIONS REQUESTING CONDITIONAL USE APPROVAL

Applicants requesting approval a conditional use approval must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a conditional use approval:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the project meets any limitations specifically listed in the applicable zoning district use regulations; **and**
 - c. the project’s location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE PERMIT

Applicants requesting approval Use Permit must demonstrate through credible testimony, documentary evidence, or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applicants that are not supported by testimony, documentary evidence, or written statements may be denied.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards a Use Permit:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the Use Permit is specifically listed in the applicable transect zone use table;
 - b. the project meets any limitations specifically listed in the applicable transect zone regulations; **and**
 - c. the project’s location, design, configuration, and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood