



## Board of Zoning Appeals, City of Dayton, Ohio Area/ Bulk Variance Application

Complete this form online by typing within the highlighted fields or print and fill out manually. Make sure to add the required signature(s) in blue or black ink and have the application notarized. If you have questions regarding the application or would like to schedule an application interview please call (937) 333-3670. Return the application with the required fee and attachments.

City of Dayton  
Department of Planning & Community Development  
c/o Board of Zoning Appeals (6th Floor)  
101 West Third Street  
Dayton, Ohio 45402

An application for an **Area/ Bulk Variance** from the provisions of the City of Dayton Zoning Ordinance for premises or structure(s) located at:

\_\_\_\_\_ (Street Address)

\_\_\_\_\_ in a \_\_\_\_\_  
(City Lot Number(s)) (Zoning District)

***Proposed Use:***

1. The particular requirements of the zoning ordinance which prevent the proposed use or construction

2. The characteristics of the subject property that prevent compliance with said requirements of the zoning ordinance

3. The reduction of the minimum requirements of the zoning ordinance that would be necessary to permit the proposed use or construction. List all variances required, including section numbers

4. The practical difficulty that would result if said particular requirements of the zoning ordinance were applied to the subject property

**Dayton Board of Zoning Appeals**

*Application Instructions*

***Applicant***

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zipcode \_\_\_\_\_

Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

***Owner***

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zipcode \_\_\_\_\_

Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

The applicant is \_\_\_\_\_ of the property which is subject to this application.  
*(Interest of Applicant)*

***I hereby depose and say that the above statements and the statements contained in all exhibits transmitted herewith are true.***

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Applicant's Signature*

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

My commission expires on \_\_\_\_\_, 20 \_\_\_\_\_

*Notary Public* \_\_\_\_\_

**Required Attachment(s):**

Site Plan/ Floor Plan(s)/ Exhibits (8.5" x 11" or digital JPEG/ PDF)

Zoning Refusal, Notice of Violation, or Landmark Denial

Vicinity Map

Property Owner's List

Mailing Labels (Avery 5160)

(Revised 10/2013 A. Free)

## Dayton Board of Zoning Appeals

### *Application Instructions*

When properly completed, this form and required attachments meet most of the variance requirements for the City of Dayton Zoning Ordinance. This application should only be completed after receiving a written Zoning Administration Refusal, Legal Notice of Violation, or City Landmarks Commission denial, and information contained within these is necessary to complete the application correctly.

### **Filing Procedure**

An application for a variance must be filed with the Department of Planning & Community Development, c/o Dayton Board of Zoning Appeals (6th Floor), Dayton City Hall, 101 W. Third Street, Dayton, OH 45402, (937) 333-3670. Applications are scheduled for hearings based on application deadlines. See the BZA hearing schedule and application deadlines at <http://cityofdayton.org/departments/pcd/Documents/Applications/BZAApplicationDeadlines.pdf>

The application shall be typewritten, printed legibly in blue or black ink, or filled out online using Adobe Reader software. Applications which are not complete or legible will be returned to the applicant, and will not be scheduled for public hearing until complete. Incomplete applications shall be a basis for denial.

### **Required Contents of Application**

All materials submitted as part of this application and presented at the public hearing must be retained as part of the public record and cannot be returned. Applicants are encouraged to keep a copy of all items for their own records.

At a minimum the application must contain the following:

1. One (1) notarized copy of the appropriate completed BZA Application.
2. One (1) copy of the site plan, floor plan(s), and other exhibits at 8.5" x 11" size. A digital copy in JPEG or PDF format may also be submitted in lieu of paper copies.
3. One (1) copy of the vicinity map showing all properties within 250 feet of the subject property at 8.5" x 11" size. See next page for instructions.
4. One (1) copy of the Property Owner's List containing the names and addresses of the property owners within 250 feet of the subject property. See next page for instructions.
5. One (1) set of mailing labels (Avery 5160 or equivalent) with the names and addresses of the property owners within 250 feet of the subject property. See next page for instructions.
6. One (1) copy of the Zoning Administration Refusal, Legal Notice of Violation, or City Landmarks Commission denial.
7. Filing Fee (per Ordinance 30712-08, Revised February 7, 2008):

Conditional Use	\$250.00
Bulk/ Area Variance	\$200.00
Use Variance	\$200.00
Appeal	\$100.00

# Dayton Board of Zoning Appeals

## Application Instructions

### 1. Application Form

The Applicant's notarized signature is required on BZA Applications. The Department of Planning & Community Development can notarize the signature at not cost, if needed. All of the blanks (unless marked optional) must be completed. Explanations may be continued on additional sheets of paper if the space provided is insufficient.

### 2. Site Plan, Floor Plan(s), and Other Exhibits

Site and Floor Plan(s) must include the location and dimensions of existing and proposed buildings, structures, vehicular access, off-street parking lots (including spaces), signs, property lines, and other exhibits required per Section 150.115.6. Attach to application in 8.5" x 11" size or include a digital copy in JPEG or PDF format. All plans and exhibits submitted with the application must be the same information as reviewed by the Zoning Administrator. If any changes are made, it must first be reviewed by the Zoning Administrator again before filing an application.

### 3. Vicinity Map

A Vicinity Map can be obtained by visiting the Montgomery County, Ohio Auditor's website at [www.mcrealestate.org](http://www.mcrealestate.org). Conduct a **Property Search** using the subject property address. **View the Property Details** then select the **Maps** option. When the map is fully loaded, use the **Binoculars** tool and select **Buffer 250 Foot** from the list. Place a point on the map as a reference for the 250 foot buffer; Choose the subject property from the map (parcel should already be highlighted). Once the buffer is complete, all properties within 250 feet will be highlighted (rights-of-way may also be highlighted).

**Print Results** using the Printer icon within the Results window; **Save As or Open** as an Excel file containing the property owner information. Minimize the Excel file to use later for the Property Owner's List/ Mailing Labels. **Zoom to Results** with the **Magnifying Glass** icon in the Results window, the **Collapse** the Results window. Using your web browser, **Print** the Vicinity Map with **Landscape** orientation and attach to the application.

### 4. Property Owner's List & Mailing Labels

Cut and paste the property owner information from the original Excel file to a new file using the column fields **MName1, Address1, & Address3**. If information is missing, consult additional columns in the original Excel file. Select the column headings (Mname1, Address1, & Address3) and **Filter** (in top menu bar) **MName1** and **Sort A to Z**, then scroll through the list and delete duplicate entries. **Save** the new Excel file for use later.

A Property Owner's List & Mailing Labels can be created in Microsoft Word using the new Excel file you created. Under the **Mailings** tab in Microsoft Word choose **Start Mail Merge** and select **Step by Step Mail Merge Wizard** from the drop-down menu. Refer to the Mail Merge menu (right side of screen) to complete the steps.

**Step 1:** Choose **Labels** as Document Type and click Next at the bottom of the menu.

**Step 2:** Select **Label Options**; Choose Avery US Letter as the Label Vendor and 5160 as the Product Number.

**Step 3:** Select **Recipients (Browse)** and choose the new Excel file you created.

**Step 4:** Arrange **Recipients (Address Block)** and **Match Fields** (First Name - MName1, Address 1 - Address1, City - Address3) to assure labels populate correctly; **Update Labels**.

**Step 5:** **Preview Labels** to make sure addresses field are correct. **Complete the Merge**.

**Step 6:** **Edit Individual Labels** to check for accuracy. **Save and Print** as the Property Owner's List using plain paper. **Print** as Mailing Labels on an Avery 5160 label sheet. Attach Property Owner's List and Mailing Labels to the application.

## Dayton Board of Zoning Appeals

### *Application Instructions*

#### **150.120.10 Variances by the Board of Zoning Appeals**

(D) Standards for Variance. The BZA shall not grant a variance unless it shall, in each case, make specific findings of fact directly based upon the particular evidence presented to it from the factors below.

(1) Variances Based in Practical Difficulty. The BZA shall consider and weigh the following factors in determining practical difficulty:

- (a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions;
- (b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup;
- (f) Whether the property owner purchased the property with the knowledge of the zoning restrictions;
- (g) Whether special conditions or circumstances exist as a result of actions of the owner;
- (h) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (i) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (j) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

# Dayton Board of Zoning Appeals

## *Application Instructions*

### **Public Hearing Procedure**

An application for an appeal, variance, or conditional use shall be filed on the proper form and the application fee paid, and shall be scheduled for the Board of Zoning Appeals public hearing within sixty (60) days, unless the applicant agrees to a later date. Appeals shall be filed by written notice to the Secretary of the Board of Zoning Appeals within thirty (30) days and shall specify the grounds for such appeal. Written notice for hearings of Board of Zoning Appeals shall be sent at least fourteen (14) days prior to the hearing by first class mail to the owners of property within 250 feet of the applicant's property and shall state the time, place, date, and subject of the hearing. Applicants, or their representatives, are expected to be present at the hearing. If a public hearing is recessed and is announced at the time of adjournment, the continued hearing shall not require further notice.

The order of the public hearing is generally as follows:

1. Planning staff report presentation
2. Applicant's presentation
3. Comments from public in favor of variance
4. Comments from public in opposition to variance
5. Rebuttal and summaries
6. Closure of public hearing

The Board may propose a decision on the application following the hearing. However, any action taken at this time is unofficial until the minutes of the hearing are approved, and written decision order is signed and issued by the Secretary of the Board. The applicant will receive the original copy of the final decision order within fourteen (14) days.

The Zoning Administrator is not able to issue any permits until the decision order is issued. A decision of the City of Dayton Board of Zoning Appeals is final. Decisions cannot be appealed to the Dayton City Commission.

**Dayton Board of Zoning Appeals**  
*Application Instructions*

Example: Vicinity Map

Example: Property Owners List/  
Mailing Labels (Avery 5160)