



Board of Zoning Appeals, City of Dayton, Ohio
Application for a Variance to Increase Total Maximum Daily
Inventory (TMDI) of Regulated Substances

The City of Dayton highly recommends that applicants schedule a pre-application meeting to discuss the proposed application and how to complete this application form. To arrange a pre-application meeting, please call (937) 333-3670.

Please complete this form by printing it and filling it out manually. Make sure to attach the required additional information. Add the required signature(s) and have the application notarized. Return the application with the required fee and all attachments to: City of Dayton Department of Planning & Community Development, c/o Board of Zoning Appeals (6th Floor) 101 West Third Street Dayton, Ohio 45402. **Information, in addition to that listed in this application, may be requested and required by the City of Dayton before the application is considered complete.**

Variances by the Board of Zoning Appeals to increase TMDI are regulated by Section 150.120 of the City of Dayton Zoning Code. Variances to increase established TMDI within the Well Head Operation (WO) District and/or the Miami Well Field are prohibited. Variances to increase TMDI in connection with a prohibited use as enumerated in Section 150.363.2 (E) of the Zoning Code or a use explicitly prohibited in the Zoning Code's definition of "Manufacturing, heavy" are also prohibited.

An application for a Variance to increase Total Maximum Daily Inventory (TMDI) of Regulated Substances for premises or structure(s) located at:

_____ (Street Address)

_____ in a _____
[City Lot Number(s)] (Zoning District)

1. Provide current and requested TMDI for the applicable zoning lot (i.e., "application lot"):

- What is the current established TMDI for the application lot? _____(pounds)
- What is the increased amount of TMDI requested for application lot? _____(pounds)
- What would be the new total TMDI (current established + increased amount requested) for the application lot?
_____ (pounds)

Please use additional sheets of paper if necessary to provide the following required information.

2. List the Regulated Substances will be used in connection with the requested increase in TMDI. Also attach a Safety Data Sheet for each Regulated Substance.

3. Briefly describe:

(a) The nature of your business. (Examples: Manufacturing of medical equipment; automotive repair)

(b) The changes in the business that require an increase in TMDI. (Examples: Business growth requires new machinery and/or materials; existing machines will be replaced with ones with larger chemical reservoirs; business use has changed; a new product line is being created; business growth in general – hiring additional staff and/or adding multiple shifts).

(c) Operational changes that will be made to the business and best management practices (BMP) that will be implemented to accommodate the requested increase in TMDI. (Examples: New storage area; just in time delivery).

4. Briefly describe:

(a) The Spill Prevention and Response Plan for the business that will use the increased TMDI. The plan must describe, at a minimum, how the business will prevent or respond in the event of a spill or release. (Examples: Spill response supplies; emergency contact information; and employee training.) If the business has a Spill Prevention and Response Plan, it must be attached. If not, one must be created. A template for a plan is available upon request from the City of Dayton Water Department's Division of Environmental Management, 937-333-3727.

(b) The additional safeguards and pollution prevention/spill response measures that will be implemented to offset the risk of groundwater contamination as a result of increasing the TMDI. (Examples: Secondary containment; engineering controls; spill response supplies; employee training.)

5. Zoning Code Section 150.120.10 (D) (3) (a) through (e) lists the criteria that the applicant must prove to the BZA by clear and convincing evidence before a variance to increase TMDI can be granted in whole or part. Explain how this application meets each of the criterion listed below. Please use additional sheets of paper if necessary.

(a) The granting of the variance (to increase TMDI) will not adversely affect the City's well fields or the ability of government water services to be safely delivered and thereby adversely affect the public health, safety or general welfare.

(b) Risk to the Source Water Protection Area posed by the requested variance (to increase TMDI) is negated through proper engineering controls and a Spill Prevention and Response Plan. (A Spill Prevention and Response Plan is required and must be attached to the application.)

(c) The granting of the variance (to increase TMDI) will not adversely affect the rights of adjacent property owners or residents.

(d) The variance (to increase TMDI) will be consistent with the general spirit and intent of the Zoning Code and the Source Water Protection Program.

(e) The variance sought (to increase TMDI) is the minimum that will afford relief to the applicant.

The following attachments are required:

1. Site plan of the zoning lot including the location where the additional TMDI will be used and/or located.
2. Safety Data Sheet (SDS) for each Regulated Substance that will be used in connection with the requested increase in TMDI.
3. Compliance histories of: a) the site where the additional TMDI will be used and/or located, and b) of all owners' affiliates or subsidiaries detailing any non-compliance with Federal, state, local and Source Water Protection Program regulations. If there are no compliance issues, please note. More information on compiling a compliance history is available from the City of Dayton Department of Water's Division of Environmental Management, 937-333-3727.
4. Vicinity Map (see attached instructions for format)
5. List of Property Owners (see attached instructions for format)
6. Mailing Labels (see attached instructions for format)

Site visits to the property by City representatives are essential to process this application. By signing below, the owner/applicant authorizes City representatives to visit and photograph the property described in this application.

Applicant

Name: _____

Organization/Business: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Signature: _____

Printed Signature: _____

The applicant is the _____ of the property which is the subject of this application.
(Interest of Applicant)

Owner

Name: _____

Organization/Business: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Signature: _____

Printed Signature: _____

Complete this section ONLY in the presence of a Notary Public:

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

Applicant's Printed Name

Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20_____

My commission expires on _____, 20_____

Notary Public Signature

Please see next page for instructions on:

- How to Create a Vicinity Map
- List of Property Owners within 250 Feet of the Subject Property
- Mailing Labels

Dayton Board of Zoning Appeals **Application for a to Increase TMDI of Regulated Substances**

How to Create a Vicinity Map, List of Property Owners within 250 Feet of the Subject Property, and Mailing Labels

A vicinity map, a list of property owners within 250 feet of the property which is the subject of the variance application, and mailing labels for those property owners are required attachments to the application. The City of Dayton Zoning Code requires that property owners within 250 feet of the property which is the subject of the variance application are notified of the BZA public hearing on the variance application. The list of property owners and mailing labels will be used for this notification.

A Vicinity Map can be obtained by visiting the Montgomery County, Ohio Auditor's website at 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.

To create the **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, & Address 3) 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 generated 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.