



**APPLICATION FOR VARIANCE PERMIT  
CITY OF WELLSTON**

**ATTACHMENTS:**

The following material must be attached to each copy of this form.

1. A map or drawing of the property, showing dimensions of the lot (including frontage), the location of all structures (existing and proposed), distances to property lines and other information which would illustrate the facts related to the requested variance.
  2. Legal description of the property-located on deed (a survey may be required).
  3. Names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Jackson County Auditor's current tax list.
  4. Survey pins must be exposed when project is close to property lines.
  5. A narrative statement, explaining the reasons why the variance should be granted, according to the criteria stated in Section 7.02 of the City of Wellston Zoning Ordinance.
  6. One hundred-dollar (\$125.00) application fee.
  7. Other material as maybe requested by Zoning Inspector to determine compliance with the Zoning Ordinance. Material so requested:
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**I certify that all information provided in this application is true and correct.**

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

**STATE OF OHIO, COUNTY OF JACKSON, ss:**

Before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_  
\_\_\_\_\_ who acknowledged that the above  
application and all information supplied pursuant thereto was true.

**IN WITNESS WHEREOF**, I have set my signature and affixed my notarial seal at Wellston,  
Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

(Seal)

\_\_\_\_\_  
Notary Public, State of Ohio

My Commission Expires: \_\_\_\_\_

# APPLICATION FOR VARIANCE PERMIT CITY OF WELLSTON

## APPEALS AND VARIANCES

### § 153.100 APPEALS.

(A) *Taking of appeals.* Appeals to the Planning and Zoning Board concerning interpretation or administration of this chapter by the Zoning Inspector may be taken by any person aggrieved, including a tenant, or by a governmental officer, department or board. Such appeal shall be taken within 30 days after the date of the decision, by filing with the Zoning Inspector or with the Planning and Zoning Board, a notice of appeal specifying the decision of the Zoning Inspector from which the appeal is being taken.

(B) *Imminent peril.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Planning and Zoning Board, after notice of appeal shall have been 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 or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Planning and Zoning Board after notice to the Zoning Inspector, or by judicial proceedings.

(2003 Code, § 153.105) (Ord. 3459, § 7.01, passed 3-7-2002)

### § 153.101 POWERS OF THE PLANNING AND ZONING BOARD.

(A) The Planning and Zoning Board shall have the power to authorize, upon appeal in specific cases, as hereinafter provided, such variances from the provisions or requirements of this chapter as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow or steep lots, or other exceptional physical conditions of the land, whereby strict application of such requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved.

(B) No variance from strict application of any provision of this chapter shall be granted by the Board unless it finds that all the following facts and conditions exist:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the planning and zoning code in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the planning and zoning code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such necessary hardship has not been created by the applicant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and/or welfare; and

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(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(2003 Code, § 153.106) (Ord. 3459, § 7.02, passed 3-7-2002)

### **§ 153.102 APPLICATION FOR VARIANCE AND APPEALS.**

(A) Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector, with the Zoning Inspector or the Director of Public Service, on a form as specified for that purpose. The Zoning Inspector or Director of Public Service shall forward a copy of the application to the Planning and Zoning Board.

(B) The application for a variance or an appeal shall contain the following information:

- (1) Name, address and phone number of the applicant;
- (2) Legal description of property as recorded in the County Recorder's office;
- (3) A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building;

(4) The names and addresses of all property owners within 200 feet, contiguous to and directly across the street from the property, as appearing on the County Auditor's current tax list; and

(5) Each application for a variance or appeal shall refer to the specific provisions of this chapter which apply.

(C) A narrative statement explaining the following:

- (1) The use for which variance or appeal is sought;
- (2) Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be; and
- (3) The specific reasons why the variance or appeal is justified, according to [§ 153.101](#).

(2003 Code, § 153.107) (Ord. 3459, § 7.03, passed 3-7-2002)

### **§ 153.103 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

(A) In granting any appeal or variance, the Planning and Zoning Board may prescribe appropriate and reasonable conditions and safeguards in conformity with this chapter. 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 chapter and punishable under [§ 153.999](#).

(B) Under no circumstances shall the Planning and Zoning Board grant an appeal or variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

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(2003 Code, § 153.108) (Ord. 3459, § 7.04, passed 3-7-2002)

## § 153.104 PUBLIC HEARING BY THE BOARD.

The Planning and Zoning Board shall hold a public hearing within 30 days after receipt of an application for an appeal from decision of the Zoning Inspector. In cases of variance, the Planning and Zoning Board may hold such hearing.

(2003 Code, § 153.109) (Ord. 3459, § 7.05, passed 3-7-2002)

## § 153.105 NOTICE OF PUBLIC HEARING.

(A) Before holding any public hearing pursuant to § [153.104](#), notice of such hearing shall be given in one or more newspapers of general circulation in the city at least ten days before the date of said hearing.

(B) The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. In addition, written notice of such hearing shall be mailed by the Director of Public Service, by first-class mail, at least ten days before the day of the hearing, to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified above.

(C) Parties of interest shall include, at a minimum, owners and occupants of property within 200 feet from, contiguous to and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Planning and Zoning Board.

(2003 Code, § 153.110) (Ord. 3459, § 7.06, passed 3-7-2002)

## § 153.106 ACTION BY PLANNING AND ZONING BOARD.

(A) Within 30 days after the public hearing pursuant to § [153.104](#), the Planning and Zoning Board shall either approve, approve with supplementary conditions as specified in § [153.103](#) or disapprove the request for appeal or variance. The Planning and Zoning Board shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the application is approved, or approved with supplementary conditions, the Planning and Zoning Board shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

(B) If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

(2003 Code, § 153.111) (Ord. 3459, § 7.07, passed 3-7-2002)