

The fee to file this application is **\$150.00**. It may be paid by cash or check. We currently do not except online payment of any kind.

If paying by check, please make it out to:
Fulton County Regional Planning Commission
152 S Fulton St
Wauseon, OH 43567

This application may be submitted:

- Via mail
- Via email to fcplan@mvpo.org
- In-person

1) What this application is for:

TLDR ("Too long, didn't read"): When the Fulton County Zoning Inspector denies your permit application.

- Variances may be granted when, because of special conditions, a literal enforcement of the zoning code will result in unnecessary hardship. Variances may not be contrary to the public interest. (See Section 100-21.4, "Authority".)

2) You have 20 days from the day of the decision in question to file a variance application. Anyone can file.

- The Zoning Inspector then gives your zoning variance application and all associated documents to the Board of Zoning Appeals. (See Section 100-21.6, "Appeals".)

3) When will my variance application be heard?

TLDR: Usually about a month from the date you turn in your completed application and pay the \$150.00 fee.

- The BZA must "fix a reasonable time for the public hearing of the [variance application]." (See Section 100-21.6, "Appeals".)
- The BZA must also have a *Notice of a Public Hearing* in 1 or more newspapers that circulates in the county for at least 10 days before the hearing.
- Adhering to that newspaper's publishing schedule pushes back the soonest date the variance application can be heard.
- The BZA will always contact the applicant with the date and time of the appeal.

4) When will my appeal be decided?

- The BZA's official decision must be made "within a reasonable time after it is submitted." You will receive a Certificate of Approval once your application is decided. (See Section 100-21.6, "Appeals")

5) Who must be present at the public hearing?

- "Upon the hearing, any party may appear in person or by attorney." (See Section 100-21.6, "Appeals".)

6) What if I don't like the outcome?

- "Any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Fulton County on the grounds that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal." (See Section 100-21.6, "Appeals".)



Zoning Variance Application

Applicant Information:

Application #: _____

Name of Applicant/Attorney: _____

Phone: _____ Email: _____

Property Owner Information:

Owner's Name: _____

Address: _____

Phone: _____ Email: _____

Information about the Parcel Whose Permit was Denied:

Address: _____ City: _____ State: _____

Zip: _____ Parcel Number: _____ Township: _____

Which best describes the state of your parcel?

Undeveloped Existing Residence Present Other: _____

Water and Sewer for Existing Residence:

- Type of Water Supply: Public Private None or N/A
- Type of Sanitary Sewer System: Public Private None or N/A

Why are you applying?

(Example: My application for a zoning permit was denied because my accessory building would have been too close to the road, even though it would have been even with the front of my house.)

Who denied your application? (Check one)

- Fulton County Zoning Inspector
- Other County Official - Please list their name: _____

What date did you receive your denial memo? Date: _____ (DD/MM/YYYY)

Their decision was based on their interpretation of Article _____, Section _____ of the Fulton County Zoning Resolution.

Justification of Variance:

For a variance to be granted, the applicant must prove to the Board of Zoning Appeals that **ALL** the following statements are true:

Please attach any additional sheets of paper and/or copies of relevant documentation with this application.

a. Special conditions exist particular to the land or building in question.

b. The special conditions do not result from previous actions of the applicant.

c. A literal interpretation of the resolution would deprive the applicant of the ability to enjoy what other property owners enjoy and benefit from.

d. That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

Example Scenario:

An applicant had their zoning permit application denied. They wanted to attach a new garage to their home and they wanted the garage to be even with the front of the house.

The permit application was denied on the grounds that placing the garage even with the front of the house would place it too close to the road for today's zoning standards in that area. The zoning inspector stated that it would instead need to be 25 feet behind the back of the house to be in compliance, but the property owner did not want to do that.

It was also denied because of the language present throughout Article 100-6 of the code, where Non-Conformances are addressed. That Article allows non-conforming structures to exist, but does not encourage their survival by adding onto them or by creating more of them.

Example Justification:

a. Special conditions exist particular to the land or building in question.

I live in Fulton Township at 12345 Co Rd K, Swanton, OH 43558. My home was constructed in 1964, ten years before the County Zoning Code was adopted on February 5th, 1974. According to page 15, Article 100-6.1 of the Fulton County Zoning Code, this classifies my house as a "non-conforming" structure.

Prior to my purchasing of the home in 2004 and from thereon after, the home has sat at this exact same location. Its location did not take into account zoning regulations because they simply did not exist at the time of its development.

b. The special conditions do not result from previous actions of the applicant.

I did not construct the home on or after February 5th, 1974. Its non-conformance with the current zoning code of Fulton Township is merely a coincidence.

c. A literal interpretation of the resolution would deprive the applicant of the ability to enjoy what other property owners enjoy and benefit from.

Enforcing the zoning code against my permit application deprives me ability to enjoy a natural layout of residential buildings on my property. Many other residents in Fulton Township and Fulton County enjoy this. Permitting my variance would also make more a more attractive lot. This will increase its marketability and likely increase its market value when it comes time to sell, which will allow me to benefit from the natural layout in the same way that others currently do.

d. That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings

I request my variance to be no farther forward than even with the house, which is set back 35' from the road's proposed Right-of-Way, and 65' from the centerline of County Road M.

Review Standards

Along with your justification, this is what the Board of Zoning Appeals will look at when making a decision to approve, modify, or deny your zoning variance application. The number of these statements that need to be confirmed is up to them, but they strive for all eight (8). (See Article 100-21.5, "Standards".)

The proposed variance:

- 1) Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.
- 2) Will be of a nature that will minimize the hazards resulting from vehicular and pedestrian traffic taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
- 3) Will be designed as to location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- 4) Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- 5) Will relate harmoniously with the physical and economic aspects or adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific area of the County.
- 6) Is necessary for the public convenience at that location.
- 7) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- 8) Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.