

CITY OF WILLOUGHBY
BOARD OF ZONING APPEALS APPLICATION PROCEDURE

SITE:

1. **ADDRESS:** Address of the property for which the Zoning Variance is being requested.
2. **PERMANENT PARCEL NUMBER:** Identifying number assigned to the property by the Lake County Recorder's office. The staff will assist you with this number.
3. **ZONING CLASSIFICATION:** As identified on the zoning map. The staff will assist you.
4. **CURRENT USE:** The present occupancy of the site and the names of the occupants. Otherwise, state "vacant".

APPLICANT:

5. **OWNER:** Name, address, business and cell phone number(s) and email address of the property owner.
6. **APPLICANT:** Name, address, business and cell phone number(s) and email address, if other than the owner.

APPEAL:

7. **NATURE OF APPEAL:** State as clearly as possible the substance of your request. Example: "to construct a garage 2 ft. from the side property line."
8. **APPROPRIATE FACTORS:** There are ***nine factors** listed in Section 1109.09(b) (at the end of the application) which the Board of Zoning Appeals must consider when determining practical difficulty. **Circle all factors which, in your opinion, are pertinent and relevant to the nature of your appeal.**
9. **WRITTEN NOTIFICATION:** This must be provided no less than 10 days prior to the scheduled hearing to property owners within 300 ft. of the property line to which the application relates. In an R-50 District, the distance from the subject property need only be 200 ft. (*see instruction sheet*)
10. **PLAN, SKETCH OR PICTURE:** Required items will vary with the nature of the request. The intent is to provide all necessary information to the Board in order to make a decision. The staff will discuss the appropriate items with you. **(Nine (9) copies are required, if plans please make 11 x 17).**
11. **APPLICATION FEE:** **\$100.00** Cash or check payable to the **City of Willoughby** is due upon application filing.
12. **APPLICANT SIGNATURE:** The appeal will not be placed on the agenda without a signed application. At the time of application, you will be informed of the next available Board of Zoning Appeals meeting for your hearing. The Board of Zoning Appeals meets the 2nd and 4th Wednesday of every month unless otherwise notified. (*holidays may affect this schedule-check w/secretary for dates*)

PLEASE READ

Filing Deadline: The Board is required to advertise your appeal in a local newspaper *at least* ten (10) days prior to the meeting and send notice to all adjacent property owners. Your completed application must be submitted at least sixteen (16) days prior to the meeting. Ask the staff for the deadline due date.

Prior to the Meeting: The applicant or his representative is encouraged to discuss with the Building Department staff the appeal and any witnesses, documentary evidence, or other matters pertaining to the appeal at a reasonable time prior to the filing deadline. Such discussion is intended to ensure sufficient information at the hearing, protection of the rights of the applicant, and to facilitate a fair and timely resolution of the appeal.

Applicant must show proof of interest in the property (e.g.-purchase or lease agreement or written permission of owner).

Granting of a variance does not constitute approval of a building permit. A building permit must be obtained from the Building Department prior to construction.

CITY OF WILLOUGHBY
APPLICATION FOR ZONING APPEAL

SITE/PREMISES LOCATION:

1. Address: _____
2. Parcel No.: _____ 3. Zone District: _____
4. Current Use: _____

OWNER:

5. Name: _____ Business Phone: _____ Cell Phone: _____
- Address: _____
Street City State Zip Code
- Email Address: _____

APPLICANT: *(correspondence will be sent to the applicant, unless applicant specifies otherwise)*

6. Name: _____ Business Phone: _____ Cell Phone: _____
- Address: _____
Street City State Zip Code
- Email Address: _____

APPEAL:

7. Describe nature of appeal: _____

8. Before proceeding please read **Codified Ordinance 1109.09(b)** at the end of this application, outlining **factors** which will be considered to determine “practical difficulty” requiring a variance.
Circle all factors that may apply to this variance request: 1 2 3 4 5 6 7 8 9

9. This application must be accompanied by a list of surrounding property owners within 300 feet of the parcel address. In R-50 District the notification distance need only be 200 feet from the parcel address.

10. List plans, sketches or pictures illustrating the variance request, included with this application

11. Application Fee: \$100.00 Cash_____ Check No. _____ Receipt No. _____

12. Applicant Signature: _____ Date: _____

Date of Hearing (*staff use only*): _____ @7:00 p.m.

CITY OF WILLOUGHBY
CODIFIED ORDINANCE 1109.09(b)

Review by the Board. According to the procedures established for appeals in Section 1109.08(b) the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Code and evidence demonstrates that the literal enforcement of this Code will result in practical difficulty. The following **factors* shall be considered and weighed by the Board in determining practical difficulty:

1. 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;
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
4. 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;
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
6. Whether special conditions or circumstances exist as a result of actions of the owner;
7. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
9. 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.

GIS Instructions to find addresses within 200'/300' of property boundary

Go to www.lakegis.org

Click on picture on left hand side- **LAKENAVIGATOR 3.0 BETA**

You will see five gray boxes- Click on the one with the envelope all the way to the right. A box pops up that will say **Buffer/Public Notification**. The first box says- **Select or search for a feature in the map**. Type the street number and street only (no extension i.e. Road, Street etc.) in this box. Next check the box that says **Apply a search distance**. It currently says 300'. (If you are in an R-50 district you will need to change this to 200'.) Then click the search icon (next to where you entered to address).

Scroll down with the thin gray bar to the right until you see the **DOWNLOAD** button. Click this button. At the bottom of your screen click open or save (depends on what version your computer program is).

Once you open the document in Excel the names may be squeezed together. You may need to adjust the columns. You will need to highlight all three columns A, B and C and then click the **FORMAT** button at the top right of your screen. This will bring up a drop down box. You can then click on **AutoFit Column Width**. Once you click this button you should see the entire list of names, addresses and cities with zip codes. You may also have to adjust your margins for the list to print properly.

If you need further assistance, please call the Lake County Auditor's Office at (440)350-2534.