



**BOARD OF ZONING APPEALS  
CITY OF WILMINGTON, OHIO  
BUILDING AND ZONING DEPARTMENT  
69 N. SOUTH STREET  
WILMINGTON, OH 45177  
TELEPHONE (937)382-5134 FAX (937)655-8253**

**APPLICATION INSTRUCTIONS AND SUBMITTAL REQUIREMENTS**

An application to appear before the Board of Zoning Appeals submitted to the Office of the City of Wilmington Building and Zoning Department must comply with the requirements and procedures outlined herein.

This packet contains a checklist of general, written, and graphic requirements, as well as application submittal forms. The checklist, together with all required information and application forms, must be submitted in complete and accurate form before the appearance request will be processed by the Code Enforcement Official. It is the responsibility of the property owner/applicant to supply all the necessary copies of plans and drawings as well as any other relevant information in order for the Board of Zoning Appeals to adequately evaluate the application. Incomplete information may delay the processing of the application.

The filing date of the application packet shall be the date on which all information submitted is examined by the Code Enforcement Official and found to meet all the requirements as described in this packet. The attached schedule lists the closing dates for the filing of applications and corresponding hearing dates. The submittal due date represents the final date on which an application will be accepted. **Early submission is highly recommended to assure placement on the agenda and adequate time for revisions and corrections.**

**FEES**

**\$50.00 – Must accompany the application.**

**Applicant will also be billed for legal notice to the newspaper and postage fees for notification to adjacent property owners by certified mail.**

**MEETINGS**

The Board of Zoning Appeals meets on the first Monday of the month or at other times as may be required. All meetings are held in the City Council Chambers at 69 N. South Street, Wilmington, Ohio 45177 at 7 p.m. The applicant or representative is expected to be present at the meeting. Lack of representation by the applicant may result in the request being tabled to the next meeting.



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**APPLICATION**

(Please type or clearly print application)

ADDRESS OF SUBJECT PROPERTY \_\_\_\_\_

NAME OF APPLICANT/AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

PHONE # \_\_\_\_\_ FAX # \_\_\_\_\_

E-MAIL \_\_\_\_\_

NAME OF OWNER (If different from Applicant) \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

PHONE # \_\_\_\_\_ FAX # \_\_\_\_\_

E-MAIL \_\_\_\_\_

APPLICANT IS REQUESTING TO APPEAR BEFORE THE BOARD FOR THE PURPOSE  
OF (please check all applicable boxes):

- REQUESTING A VARIANCE FROM THE ZONING CODE
- REQUESTING APPROVAL FOR A CONDITIONAL USE
- APPEALING A NOTICE OF VIOLATION (PROPERTY MAINTENANCE OR ZONING)

**APPLICABLE ONLY TO VARIANCE REQUESTS:**

PLEASE DESCRIBE THE NATURE OF THE VARIANCE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE SITE SECTION OF THE ZONING CODE FOR WHICH VARIANCE IS NEEDED  
(Example: 3.402.2)

- 1. Section \_\_\_\_\_
- 2. Section \_\_\_\_\_
- 3. Section \_\_\_\_\_

**APPLICABLE ONLY TO CONDITIONAL USE REQUESTS:**

CONDITIONAL USE BEING REQUESTED:-  
\_\_\_\_\_  
\_\_\_\_\_

CURRENT ZONING OF PROPERTY (circle one):

- DC    LI    SN    SC
- DT    MF    TN
- GI    MH    RR

**APPLICABLE ONLY TO APPEALS OF NOTICES OF VIOLATION FROM ZONING AND/OR BUILDING INSPECTOR:**

NATURE OF ZONING AND/OR BUILDING VIOLATION:-  
\_\_\_\_\_  
\_\_\_\_\_

SUMMARY OF GROUNDS FOR APPEAL:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **APPLICABLE ONLY TO VARIANCE REQUESTS:**

Refer to the following sections of the Wilmington Zoning Code when providing arguments for granting the variance:

### **1.307.5 REVIEW CRITERIA, FACTORS, AND CONSIDERATIONS**

#### **(A) Review Criteria**

In granting a variance, the BZA shall determine that one or both of the following factors are met by the request:

- (1) The conditions upon which an application for a variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district; or
- (2) The variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the variance.

#### **(B) Review Factors**

In granting a variance, the BZA shall also determine that all of the following factors are met by the request:

- (1) The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the variance;
- (2) The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the variance;
- (3) The variance is not substantial and is the minimum necessary to afford relief to the applicant and achieve an appropriate and beneficial improvement of the property; and
- (4) The variance would not adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

#### **(C) Review Considerations**

In granting a variance, the BZA shall also consider the following factors:

- (1) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (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; and
- (3) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

### **1.307.6 RESTRICTIONS ON BOARD ACTION**

No variance in the application of the provisions of this Zoning Code shall be approved by the BZA relating to buildings, land or premises now existing or to be constructed, unless, after a public hearing, the BZA shall find that such variance will not:

- (A) Alter the land use characteristics of the district, except as otherwise provided in this Zoning Code.
- (B) Impair the adequate supply of light and air to adjacent property.
- (C) Increase the hazard of fire, flood and other dangers on the property.
- (D) Diminish the marketable value of adjacent lands and buildings.
- (E) Increase the congestion in the public streets.



**ADJACENT PROPERTY OWNER LIST**

Please list names and **mailing addresses** of all property owners adjacent to or directly across the street from said property to be considered by the Board of Zoning Appeals, **according to the current tax duplicate of the Clinton County Auditor.** (Use extra sheets if necessary)

<u>NAME</u>	<u>ADDRESS</u>	CITY/STATE/ZIP
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

**SUBMISSION REQUIREMENTS FOR VARIANCES  
TO THE CITY OF WILMINGTON ZONING CODE**

**1. GENERAL REQUIREMENTS**

\_\_\_\_\_ The application packet must be submitted to the office of the City of Wilmington Building and Zoning Department no later than the due date (see attached schedule). Prior to submitting the application packet and necessary information, the applicant should revise the proposed plans and/or information as advised by the Zoning or Code Enforcement Official. Early submission is recommended to assure placement on the agenda and adequate time for revisions and corrections. Incomplete or inaccurate applications will not be accepted for processing or be placed on the agenda for any hearings or meetings.

**2. WRITTEN REQUIREMENTS**

\_\_\_\_\_ **APPLICATION FORM**  
Complete and submit the Application Form

**3. GRAPHIC REQUIREMENTS**

\_\_\_\_\_ **SITE PLAN (IF REQUEST IS IN REGARDS TO A VARIANCE FROM ZONING REQUIREMENTS)**  
Submit the site plan drawn to scale. The plan should contain the following information.

- \_\_\_\_\_ A. All existing property lines for each parcel within the subject site and the last name of the owners therein;
- \_\_\_\_\_ B. The exact boundaries and dimensions of the subject lot;
- \_\_\_\_\_ C. Title, scale and address of the property.
- \_\_\_\_\_ D. The size and location of proposed and existing structures, including signs and the distances from front lot lines, side lot lines, and rear lot lines. Street names and right of way lines. Drawings of proposed signs with dimensions clearly marked.

INFORMATION SUBMITTED SHALL BE ASSUMED TO BE CORRECT, AND APPLICANT AND/OR AGENT SHALL ASSUME RESPONSIBILITY FOR ANY ERRORS AND/OR INACCURACIES IN AN IMPROPER APPLICATION.

SIGNATURE OF APPLICANT \_\_\_\_\_

\_\_\_\_\_  
DATE

SIGNATURE OF OWNER \_\_\_\_\_

\_\_\_\_\_  
DATE

**Application Fee is \$50.00.** In addition, you will be billed for the legal notice to the newspaper and postage fees for notification to adjacent property owners by certified mail.

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*(For Administrative Use Only)*

Date Application Received \_\_\_\_\_

Fee Paid \$ \_\_\_\_\_

Received by: \_\_\_\_\_

By Cash     By Check

Check # \_\_\_\_\_

Filing Date \_\_\_\_\_  
Signature \_\_\_\_\_  
Code Enforcement Official

\*\*\*\*\*

Application rejected for insufficient or incomplete information \_\_\_\_\_  
(Date)

Signed \_\_\_\_\_  
Code Enforcement Official