



## **INSTRUCTIONS TO FILE AN APPLICATION FOR THE BOARD OF ZONING APPEALS**

The Hamilton Board of Zoning Appeals (BZA) hears appeals for variances from the Hamilton Zoning Ordinance (HZO) provisions.

An appeal shall be considered filed when the application is completed, signed and received by the Planning Department office along with all required information and fee.

Be sure to fill in all appropriate blanks on the application. All information should be typewritten or printed legibly in ink, and signed by the applicant or their authorized representative.

If sufficient space is not available on the form to provide information or answer a question, please attach 8 1/2" x 11" sheets to each copy and make specific reference to the question being answered.

Make certain that each page of information presented contains your name and the address and lot number of the property concerned. The Planning Department may waive the submission of any information not relevant to the hearing of the appeal.

If you wish to subpoena any witnesses, a written request should be made to the Chairman at least five (5) days before the scheduled hearing. You will have to pay all costs incurred to subpoena any witnesses.

The application should include:

- One **completed** appeal application
- One copy of plans no larger than 11" x 17" as submitted for zoning review
- One copy of all written supporting information

A fee of \$200.00 shall accompany each appeal for variance(s).

If applying to the BZA, the applicant, along with the owners of all property within 100 ft. of the property in question will be notified of the date, time and place of the public hearing.

### **HEARING PROCEDURE**

You, as the appellant, or your representative, should be present at the meeting in order to have the case considered.

- Planning Department Staff will present and explain the case.
- You, or your representative, may then present any information or testimony relevant to the appeal.
- The Board will then hear from any other interested parties.
- After considering all information presented, the Board will then render a decision.
- The Secretary will inform the appellant by letter as soon as possible of the decision of the Board. Such decisions shall not become final until the expiration of five (5) days from the date of the decision, unless the board shall certify otherwise.

*(Continued on Next Page)*



If you proceed with the project on the basis of the Board's decision or in accordance with the HZO, whichever applies, you must then submit to Construction Services proper drawings and specifications for the project to obtain the necessary building permits.

**NOTE:** No approval of the Board permitting erection or alteration of a building or use of a building or premises is valid longer than six (6) months unless a building permit for such erection or alteration is obtained and the work is started within such period. Or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.

Copies of the Hamilton Zoning Ordinance (HZO) and zoning map are online at [hamilton-city.org](http://hamilton-city.org) (Planning Department) or may be obtained from the Planning Department office (345 High Street) for a fee of \$10.00 each.



**BOARD OF ZONING APPEALS APPLICATION**

<b>Fees:</b>	
All Appeals to BZA	\$200.00
Appeal of ADRB Decision	no charge

Property Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Phone Contact: \_\_\_\_\_

Appellant's Name (If different from owner): \_\_\_\_\_

Appellant's Mailing Address: \_\_\_\_\_

Appellant's Email Address: \_\_\_\_\_

Appellant's Phone Contact: \_\_\_\_\_

**Purpose of Application (Check all that apply):**

- Requesting a variance for signs. Please describe the request below (also fill out **Appellant's rational for requesting a Variance**. See: Page 4)

- Requesting a variance other than a sign from the following Sections of the Hamilton Zoning Code (also fill out **Appellant's rational for requesting a Variance**, Page 4)

- Other – Skip to “Other” Section of Application Form (Page 5)

**VARIANCES**

**Appellant's Rationale for requesting a Variance: (See Next Page)**



**VARIANCES**

Variance-Findings of the BZA: No variance of the provisions or requirements of the Hamilton Zoning Ordinance shall be authorized by the BZA unless the BZA finds, beyond reasonable doubt, that all of the following facts and conditions exist. **Please address each condition below in the space provided.**

Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District. **(What is unique about your case that requires a variance?)**

Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity. **(Why is the variance needed to preserve property rights?)**

Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest. **(How will the variance not be harmful to the property or nearby properties?)**

Not of General Nature: No grant of variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation. **(What makes the variance a non-recurring request or a rare case?)**



**OTHER:** Please check the reason for the Application and Explain.

- |  |   |
|--|---|
| <input type="checkbox"/> Substitution of Non-Conforming Use                      | <input type="checkbox"/> Temporary Use            |
| <input type="checkbox"/> Appeal of Decision of Architectural Design Review Board | <input type="checkbox"/> Appeal of Interpretation |

**CERTIFICATION:**

I certify that all of the information contained in this Application is complete, true and accurate.

\_\_\_\_\_  
Appellant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Appellant's Printed Name

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's Printed Name