

WHAT IS A VARIANCE?

According to Article 2 of the Bath Township Zoning Resolution, “A *variance* is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this resolution would result in unnecessary and undue hardship.”



WHAT ABOUT A SIMILAR USE REQUEST?

A variance is required for all uses not identified in the Zoning Resolution. These uses are not permitted unless a similar use determination is approved by the Board of Zoning Appeals.

The BZA will determine if uses not specifically mentioned in the Resolution are **similar** to uses permitted within a District.

A public hearing is not required for Similar Use Determination.

About the Board of Zoning Appeals

This board meets as necessary to hear and decide on requests of Conditional Use, Variances, and Appeals.

BZA meetings are open to the public.

All members of the BZA board must reside in the unincorporated area of the township.

Current BZA Members:

Ms. Karen Hawk

Mr. Jim Heider

Mr. Ken Schroeder

Ms. Clarinda Smith

Mr. Michael Uecker

Mr. Mark Luzader, Alternate

Township Office Hours:

Monday-Friday

12:00-4:00pm

Citizen's Guide To Variance Requests

Bath Township Zoning Department

1006 Yellow Springs-Fairfield Road
Fairborn, OH 45324

p: 937.878.0611

f: 937.878.9081

zoning@bathtwp.us

[www.bathtownshipgreene
countyohio.us](http://www.bathtownshipgreene
countyohio.us)



APPLYING FOR A VARIANCE

To apply for a variance, fill out the **Variance Application Form** in its entirety. All forms are available on the Bath Township Zoning Website, and can also be picked up at the Township Office.

The forms can be filled out by the property owner, tenant, business manager, or contractor.

Mail or drop off the completed form to the Township Offices and include all required drawings, measurements, and additional information requested on the form. Include a CHECK, made payable to BATH TOWNSHIP, for \$300.



WHEN IS A VARIANCE APPROPRIATE?

Variances are covered in the Bath Township Zoning Resolution Article 10, Section 1003. In summary, to obtain a variance, you will need to show:

- There are unique physical circumstances or conditions (irregularity, narrowness, or shallowness of lot size or shape), or exceptional topographical or physical conditions.
- Because of these physical circumstances, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution.
- A variance is necessary to enable the reasonable use of the property.
- That the unnecessary hardship has not been created by the applicant.
- The variance will not alter the essential character of the area where the property is located, will not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- The requested variance will represent the minimum variance and least modification necessary.

NEXT STEPS:

Public Hearing:

After receiving your application, The Zoning Administrator will notify the Board of Zoning Appeals (BZA) and set a Public Hearing date. Notice of the meeting will be sent to all parties of interest, and will be published in the newspaper, in accordance with the Bath Township Zoning Resolution and Ohio Revised Code.

The applicant will have the opportunity to present their request at this meeting, as well as any other parties who wish to speak on the matter. The BZA will then make a decision.

Issuance of Permit or Certificate:

If the variance request is granted, the applicant may then apply for all necessary permits. If no further permits are needed, a copy of the BZA resolution will be provided at no cost. A variance is transferred with the property.

WHAT IF MY REQUEST IS DENIED?

If the variance request is *denied*, the applicant may petition the Court of Common Pleas within 30 days of the decision. Additional options include seeking rezoning, or you may need to revise and re-submit plans. Additional fees may apply.