



Application for Variance

City of Port Clinton, Ohio
1868 E. Perry Street
Port Clinton, Ohio 43452

I hereby appeal to the Board of Zoning Appeals for the following variance:

Accompanying this application are the plans, sketches and other materials for the proper disposition of this case for the property located at:

Street Address of requested Variance

Date: _____

Applicant

Address

Phone Number

Date Application Filed: _____

Fee Paid \$ _____ Date of Hearing: _____

Decision of Board of Appeals: _____

Date of Decision of Board of Appeals: _____

Attest:

Board of Zoning Appeals

Secretary

by: _____
Chairman

1173.04 VARIANCES.

The following regulations shall govern the granting of variances:

- (a) Where the Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, or the Comprehensive Plan.
- (b) In granting variances or modifications, the Commission may require such conditions as, in its judgment, will secure substantially the objective of the standards or requirements so varied or modified.
- (c) Any variance granted shall be entered in the minutes of the Commission setting forth the reasons which justify said variance.
- (d) A fee, as determined by the Commission, shall be paid to the Commission upon filing for a variance.

1173.05 SUBDIVISION VARIANCE FORM.

APPLICATION FOR SUBDIVISION VARIANCE	
Date _____	Application # _____
Name _____	
Address _____	
Phone _____	
1. Locational Description: _____ _____	
2. Nature of Variance Requested: Describe generally the nature of the variance __ _____	
3. Justification of Variance: On a separate sheet, please attach a statement explaining why the variance from requirements of the subdivision regulations is requested. Include such items as:	
a. exceptional topographical or other conditions peculiar to this particular parcel of land;	
b. why a strict interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners;	
c. that the peculiar conditions do not result from previous actions of the applicant;	
d. that the requested variance is the minimum variance that will allow a reasonable division of the land;	
e. a sketch of the area showing the location and characteristics of the requested variance.	
I certify that all information contained in this application and its supplements is true and correct.	
_____	DATE
_____	SIGNATURE
----- (For Official Use)	
Date Received _____	Action _____
Fee Due _____	_____

1173.06 APPEAL.

Any person who believes he has been aggrieved by these regulations or the action of the Commission has the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code.

1173.07 FEES.

Fees shall be determined by City Council. All fees shall be submitted with the applications.

The aforementioned fees shall be paid in legal tender or by check or money order made payable to the "Port Clinton Planning Commission Fund." No final plat, administrative approval, or appeal for variance shall be considered filed until said fees have been paid.

Other agencies may require a fee to defray their costs of inspection or other work.

1173.99 PENALTY.

The following penalties shall apply to the violations of these regulations:

(a) Whoever violates any rule or regulation adopted by the City of Port Clinton for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit by the City or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Ottawa County.

(b) A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the City Law Director in the name and for the use of the City of Port Clinton.

(c) Whoever, being the owner or agent of any land, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. Such sum may be recovered in a civil action, brought by the City Law Director, other corresponding official, or the Commission in the name of the City of Port Clinton. The sale of lots, parcels or tract from the plat of a subdivision where these areas are indicated for the exclusive use of the abutting or other owners in such subdivision and are not public streets, ways, or grounds shall not serve to exempt the seller from the requirements of Chapter 711 of the Ohio Revised Code as amended or from the forfeiture herein provided.

(d) Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action in the name of the City Treasurer for the use of the City of Port Clinton.

CODIFIED ORDINANCES OF PORT CLINTON