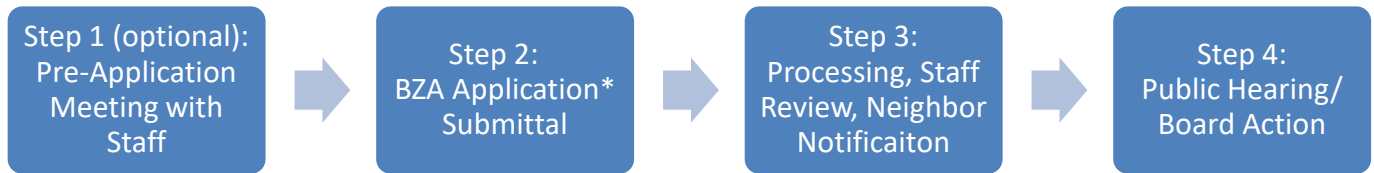




INSTRUCTIONS FOR FILING A VARIANCE REQUEST OR APPEAL WITH THE BOARD OF ZONING APPEALS

This guide is intended to provide an overview of the variance and appeal processes and provide direction to anyone considering filing such request with the City of Wyoming Board of Zoning Appeals (BZA).



*See page 2 for directions on how to submit your application.

GENERAL INFORMATION

As variances and appeals are not granted simply for the convenience of the appellant, before requesting such consideration, you are strongly encouraged to consider all legal (code-compliant) alternatives before submitting a plan that requires a variance. If a variance request or appeal is going to be sought, the appellant must provide a general overview of the project and explain the basis for the decision to pursue the chosen option. Additionally, your variance request/appeal should include detailed descriptions of the other "legal" or less intrusive alternatives that were explored, provide an explanation as to why they were discounted, and any other information that might justify consideration of the project being proposed in lieu of these other designs.

It is strongly suggested that each item identified in the application be fully addressed (refer to page 2 for a checklist of the required information). This will ensure that all of the points are discussed and will assist the Board in their review of the application. It is important to note that the Board must base its decision on their findings resulting from their review of [Section 1137.04 \(b\) of the Wyoming Zoning Code](#). Your application should therefore thoroughly address each of these points.

Although it may not always be necessary for plans to accompany a variance request/appeal, if the project involves the construction of a home, room addition, deck, garage, accessory building, fence, sign, or other similar structure, plans must be submitted. It is not necessary for the plans to be prepared by an architect or to include the final structural details, however, they must be clear, complete, and accurately show the size, height, layout, material components, and other architectural features of the proposed improvements in sufficient detail to present a complete understanding of the project. If the variance request/appeal is based on a setback issue, a location survey is almost always required. The absence of detail or other relevant information may significantly impact the Board's ability to decide the case or may be grounds for rejection.

A meeting schedule for the year has been approved and is posted on the BZA webpage at wyomingohio.gov. The meetings are typically held in the City Council Chambers at 800 Oak Avenue. **The complete and accurate application and filing fee must be received by the submission deadline in**

order to be scheduled for a given meeting. If the application does not contain all of the necessary information, the submission will be deemed incomplete and the case will not be scheduled until all of the required information has been provided.

For the Board members to fully appreciate the impact that a proposal may have on the adjoining properties and the neighborhood, they will oftentimes visit the property prior to the hearing. Although the Board does not base its decision solely on the opinions of the abutting property owners, their views are important. Anyone seeking an appeal is encouraged to discuss their proposal with their neighbors. A minor design consideration may have a significant impact on adjoining property and it could influence the acceptance of a proposal. Opinions, either pro or con, should be based on facts and tangible evidence whenever possible.

In passing on a request, the Board has the authority to request (and require) design modifications, and they may impose deed restrictions. If a deed restriction is imposed, the City Solicitor's office will prepare any necessary documents and record them after obtaining the signature of the property owner(s). All costs associated with the preparation and recording will be billed to the property owner(s). Any such restriction must be placed of record before the zoning certificate will be issued.

[Chapter 1137 of the Wyoming Zoning Code](#) outlines the powers, duties, and procedures of the BZA. This document should be reviewed before preparing your application. This will help to familiarize you with the process and the submission requirements and help ensure that all items are adequately addressed in your application.

If you have any questions regarding the variance/appeal process, please feel free to contact the Community Development/Building Department or Administrative offices of the City of Wyoming at (513) 821-7600.

HOW TO APPLY

*Online permitting is now available through the Cloudpermit platform (<https://us.cloudpermit.com/>). For variance and appeal applications, select "Planning Approval" as the type of application and "Variance/Appeal" as the category, then "appeal" or "variance" depending on the type of request. Variances require selecting a proposed use, which is the type of variance being requested. Please refer to the Apply for a Permit page on the City's website (<https://wyomingohio.gov/362/Apply-for-a-Permit>) for helpful information and a video tutorial on how to use Cloudpermit.

An application and all of the required information, including the plans, must be submitted in order for the variance or appeal to be considered. A filing fee of \$200.00 must accompany the application and can be paid online through Cloudpermit. Appeals must be filed within thirty (30) days after the date of the decision by the City Manager (or representative thereof) from which the appeal is made.

The following information must be included when filing for a variance.

- 1) A clear and accurate description of the proposed work that is prompting the request.
- 2) The Code Section(s) that the proposal violates.
- 3) The specific reasons for the variance request.
- 4) Building plans for every proposed structure.

- 5) A description and/or plan that addresses onsite storm water management when impervious surfaces are proposed.
 - 6) A plat, (survey) drawn to scale, of the existing buildings and accessory structures showing the actual shape and dimension of the lot; the lines within which the proposed building shall be erected or altered; the existing and intended use of each existing and proposed building or part of a building; and such other information as may be helpful in considering the appeal.
 - 7) Variance requests **must** specifically address the following:
 - a) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners or other properties in the same area.
 - b) That exceptional or extraordinary circumstances or conditions apply to the subject property that do not apply generally to other properties in the same area.
 - c) That the essential character of the neighborhood would not be substantially altered.
 - d) That adjoining properties would not suffer a substantial detriment as a result of the variance.
 - e) That the variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
 - f) That the special circumstances or conditions do not result from any action of the property owner or any of the property owner's predecessors in title.
 - g) That the property owner's request for a variance cannot feasibly be obviated through some method other than a variance.
 - h) That the spirit and intent behind the zoning requirement affecting the area would be observed and substantial justice done by granting the variance.
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