

**DANBURY TOWNSHIP BOARD OF ZONING APPEALS**  
**Application for an Area Variance**

An area variance is a departure from the provisions of the zoning resolution usually relating to setbacks, side yards, height, frontage/lot width, and lot size. These variances relate to the physical characteristics of the property. Strict enforcement of the zoning requirements for the specific lot would present “practical difficulties”, basically making the property unusable.

Application for an area variance shall be filed with the zoning inspector and must consist of the following:

1. Application form
2. Copy of the deed showing ownership and legal description of the property. If the applicant is not the owner of the property, the applicant must obtain power of attorney from the owner granting the applicant authority to request the variance.
3. Plot plan showing the dimensions of the property, location of road(s), size and location of any structures on the property, setbacks to these structures, direction of north, applicant’s name and address. If the variance is being requested to allow for the construction of a structure or addition, show the location, dimensions and setbacks to the proposed structure or addition (Note: setbacks are measured to the overhang, not the foundation.)
4. A typewritten list of the names and addresses of property owners within, contiguous to, and directly across the street from the property involved. The names and addresses shall be obtained from the County Auditor’s current tax list or the County Treasurer’s mailing list. Failure to deliver all of the property owners’ names and addresses will not invalidate the action taken by the Board of Zoning Appeals, but may result in revocation of the zoning permit upon request by a party who was not properly notified.
5. A typewritten statement explaining why the variance from requirements of the zoning resolution is requested and how the applicant believes he/she meets the standards listed in Section 901.3 (a-g) of the zoning resolution. These are the standards the Board will use in determining whether to grant an area variance. ***Section 901.3 is listed on the back of these instruction.***
6. A \$200.00 filing fee. Checks should be made payable to Danbury Township.

No application will be scheduled for hearing until all of the above items have been filed with the Zoning Inspector. Hearings are held the third Wednesday of each month. Filing deadline is noon on the last Friday of the preceeding month. At the time of filing, the zoning inspector will supply flags which the applicant is required to use in order to mark the property at least 10 days prior to the hearing. For this reason, **applications must be filed in person, either by the applicant or a designated representative.**

DANBURY TOWNSHIP ZONING RESOLUTION  
Section 901.3

The factors or standards to be considered and weighed for an area variance include, but are not limited to the following.

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).
- e. Whether the property owner purchased the property with knowledge of the zoning restriction.
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.