



*The Board of Zoning Appeals meets on the
4th Wednesday of each month at 6:30p.m.
in the Colerain Township Trustees'
Chamber 4200 Springdale Road
Colerain Township, Ohio 45251*

BOARD OF ZONING APPEALS

The Board of Zoning Appeals is a quasi-judicial board made up of a five members appointed by the Colerain Township Board of Trustees. The Board hears appeals of decisions of the Zoning Administrator, including permit application refusals and violation citations, as well as Conditional Use applications, Expansion of a Nonconforming use applications, and Compatible Nonconforming Use applications. The BZA may authorize, upon appeal, variances from the terms of the Zoning Resolution where practical difficulties exist and when the variance will not be contrary to the public interest.

All those speaking in favor of or against the appeal are sworn in. Please keep comments to the Board and Staff relevant and appropriate.

Brief explanation of the BZA process:

1. The Zoning Staff will present a brief summary or report of each appeal.
2. The Applicant will be given an opportunity to speak and present his/her evidence. Anyone else in favor of or in opposition of the appeal will be given an opportunity to speak.
3. The public portion of input for that case is closed and Board members may ask questions to the applicant, staff member, or others who testified.
4. After discussion, a motion will be made by a Board member to either approve or deny the appeal. The vote is known as a "straw vote." Such vote brings forth a resolution at our next meeting reflecting the Board's decision.

- If your case has been approved, you, must still wait for your Zoning Certificate to be issued. It will be issued following the NEXT meeting, when your case is journalized.

See back for **Duncan Factors**. These are the criteria used by the Board of Zoning Appeals in determining how to gauge practical difficulties.

We appreciate everyone's participation and cooperation in this process.

Duncan Factors

*In Ohio, a set of 7 guidelines are prescribed for officials and courts to employ in fairly and equitably considering how to gauge practical difficulties. These are informally referred to as the **Duncan Criteria or Duncan Factors** and are enshrined in *Duncan v. Middlefield (1986)* , 23 Ohio St. 3d 83:*

1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. 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;
4. Whether the variance would adversely affect the delivery of governmental services;
5. Whether the property owner purchased the property with the knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

We appreciate everyone's participation and cooperation in this process.