

**INSTRUCTIONS IN CONNECTION WITH AN APPEAL**  
**TO THE BOARD OF ZONING APPEALS**  
**PURSUANT TO CHAPTER 1137 OF THE CODIFIED ORDINANCES OF**  
**THE CITY OF WYOMING**

This form is intended to provide an overview of the appeals process and to provide direction to anyone considering the filing of an appeal with the Wyoming Board of Zoning Appeals. It may also be used as a guide to help format the request.

**GENERAL INFORMATION**

As appeals are not granted simply for the convenience of the appellant, before requesting an appeal, you are strongly encouraged to consider any and all "legal" alternatives before submitting a plan that requires a variance. If an appeal is going to be sought, the letter of application must provide a general overview of the project and explain the basis for the decision to pursue the chosen option. Additionally, your 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 outline that follows, be fully addressed in the order that they appear. 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 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, 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 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 attached hereto. The meetings are generally held in the City Council Chambers at 800 Oak Avenue. **The complete and accurate application 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 be not be scheduled until all of the required information has been provided.**

In order for the Board members to fully appreciate the impact that a proposal may have on the adjoining properties and the neighborhood, they will often times visit the property prior to the hearing. On occasion, they may also solicit the opinions of the abutting property owners. Although the Board does not base its decision on the opinions of the abutting property owners, their views are important and anyone seeking an appeal is encouraged to discuss their

proposal with them as a minor design consideration may have a significant impact on the acceptance of a proposal with an adjoining property owner. If the adjoining property owners support the proposed change(s), the Board will give consideration to their opinions. Likewise, negative opinions will also be considered. 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 appellant will be billed for the direct expenses incurred by the City for the preparation of the documents by the City Solicitor and the recording fees. Any such restriction must be placed of record before the building permit will be issued.

Attached to this form you will find a copy of Chapter 1137 of the Codified Ordinances of the City of Wyoming. 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 of the items are adequately addressed in your application.

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

#### **SPECIFIC CODE REQUIREMENTS (Outline)**

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. All appeals must be in the form of a typewritten letter and must include sufficiently detailed plans to clearly show the scope of the work, if applicable. **Eight (8) copies of the application and all of the required information, including the plans, must be submitted in order for the appeal to be considered.** A filing fee of **\$200.00** (effective 1/1/15) **must accompany the application.**

The following information must be included when filing the appeal.

- 1) A clear and accurate description of the proposed work or use.
- 2) The occupants' telephone number and the names, addresses, and telephone numbers of the owners of all abutting and facing properties.
- 3) Building plans for every proposed structure.
- 4) 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.
- 5) Appeal 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.
- 6) The Code Section that the proposal violates.
- 7) The specific reasons for the appeal.
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**TO THE BOARD OF ZONING APPEALS:**

In accordance with plans, applications, and all data heretofore filed with the City Manager, all of which are attached hereto and made a part of this appeal, I/We the Undersigned \_\_\_\_\_ hereby affirm the statements contained in all of the exhibits transmitted herewith are true.

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE NUMBER

2016 Board of Zoning Appeals  
Submission Deadlines  
And  
Meeting Dates

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<b><u>Meeting Date</u></b>	<b><u>Submission Deadline</u></b>
January 12, 2016	December 11, 2015
February 9, 2016	January 8, 2016
March 8, 2016	February 5, 2016
April 12, 2016	March 11, 2016
May 10, 2016	April 8, 2016
June 14, 2016	May 13, 2016
July 12, 2016	June 10, 2016
August 9, 2016	July 8, 2016
September 13, 2016	August 12, 2016
October 11, 2016	September 9, 2016
November 8, 2016	October 7, 2016
December 13, 2016	November 11, 2016

Meetings are held at 800 Oak Avenue at 6:00 p.m. unless otherwise noted or advertised.