



CITY OF AVON

Planning Department

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BOARD OF ZONING AND BUILDING APPEALS RESIDENT GUIDE

What is the Board of Zoning and Building Appeals?

The Board of Zoning and Building Appeals (BZBA) is a five member board of Avon residents with the authority to make decisions associated with variance requests and appeals from the Zoning Code and Building Code. The BZBA is an administrative board that is quasi-judicial in nature. It operates more like a court than a legislative body and uses many standards and procedures similar to those associated with the courts. The board administers oaths and hears testimony associated with cases. It makes decisions based upon facts presented into the record rather than opinions.

How do I know if I need a variance?

Most often, residents become aware a variance is required when they apply for a building permit for a project which is found not to meet code. You are strongly encouraged to look at ways of eliminating the need for a variance by changing some aspect of the project before making application to the BZBA. Codified Ordinances are available on the city's website at www.cityofavon.com. City staff is also available to review plans for residential projects and provide guidance before you apply for a permit.

How does a BZBA hearing work?

Public notice of the hearing is provided in advance to the owner, applicant and abutting property owners. City staff advises the board and introduces cases. Owners and applicants are required to attend the hearing where their case is heard. You or your representative (design professional, contractor, attorney, etc.) should be prepared to present the rationale for the appeal or variance and answer questions of the board. Abutting property owners may also give testimony. All parties presenting evidence are sworn in by the Law Director at the start of the case.

Do I need an attorney?

It is not required that you be represented by an attorney; however, you are free to have an attorney represent you should that be your choice.

Do I need HOA approval?

If you belong to a Homeowners Association or if your property is in a subdivision that has deed restrictions, you will be required to show in writing that your proposed improvement does not violate those restrictions. You can obtain this information from your association or the developer of your subdivision.

How can I prepare for the hearing?

Applicants are expected to submit any documents or information relevant to their request with their application. Board members conduct site visits prior to the hearing. Applicants are expected to make oral presentations to the board at their hearing describing the need for any variance. In preparing for a presentation, it is helpful to know what standards the board members apply in making their determination. For residential zoning variances, the most frequent requests are to relax area standards (setbacks, areas, heights, lot coverages, etc.) rather than use. The board considers several factors, including but not limited to, whether the variance is substantial, the impact to surrounding properties and neighborhood character, the impact on municipal service delivery, whether the predicament can be resolved through any means other than a variance, and whether the spirit of the code will be upheld if the variance is granted.

What if my variance request is denied?

Ohio law provides you with a right to appeal the decision to the Court of Common Pleas. See the Ohio Revised Code §2505 and §2506 for appeal procedures.