



**LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**  
**7162 LIBERTY CENTRE DRIVE, SUITE A**  
**LIBERTY TOWNSHIP, OH 45069**  
**(513) 759-7500**

<b>BZA Case #:</b> _____
<b>Date Filed:</b> _____
<b>Pre-application Meeting:</b> _____

PROPERTY ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

SECTION \_\_\_\_\_ TOWN \_\_\_\_\_ RANGE \_\_\_\_\_ PARCEL \_\_\_\_\_

SUBDIVISION \_\_\_\_\_ LOT # \_\_\_\_\_ ZONE DISTRICT \_\_\_\_\_

APPLICANT _____	PHONE (____) _____	EMAIL _____
ADDRESS _____	CITY _____	ZIP _____
PROPERTY OWNER _____	PHONE (____) _____	EMAIL _____
ADDRESS _____	CITY _____	ZIP _____

The undersigned applicant, \_\_\_\_\_, hereby applied for a(n)

- ADMINISTRATIVE APPEAL       CONDITIONAL USE       VARIANCE

Under Section(s) \_\_\_\_\_ of the Liberty Township Zoning Resolution.

The applicant(s) hereby request permission to make the following improvements to the property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The following special circumstances, conditions, or hardships exist at this property, but do not apply generally throughout the Zoning District: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**\*The applicant hereby requests a waiver of the thirty (30) day waiting period pursuant to the Liberty Township Zoning Resolution Article 3, Section 3.7.1 (3) (b):**  YES  NO (The applicant understands the BZA may choose not to waive the waiting period.)

**\*Written answers have been provided addressing the appropriate review criteria as detailed in this application?**

YES  NO

Applicant or representative must be present at this hearing. If the applicant or representative is not present the Liberty Township Board of Zoning Appeals may deny the case and require the applicant to re-file their application. An applicant may request to have the hearing tabled for one (1) month by doing so in writing to the Liberty Township Zoning Department prior to the hearing. The BZA reserves the right whether or not to accept the applicant's request to table the hearing.

A Liberty Township Zoning Hearing sign will be placed on the property by the Liberty Township Service Department and must remain until after the hearing. The signs will be removed by the Liberty Township Service Department following the public hearing.

Unless otherwise noted the minutes and resolutions/notice of decisions will approved by the Liberty Township Board of Zoning Appeals at their next regularly scheduled or special meeting and will be made available as expeditiously as possible.

A Zoning Certificate shall be obtained within one (1) year for variances and within three (3) years for conditional uses or the approval from the Liberty Township Board of Zoning Appeals shall be deemed null and void. Applicants may submit one (1) request for an extension of six (6) months to the Liberty Township Board of Zoning Appeals.

**I hereby certify all the above statements, submitted information, and attached drawings to be factual and representative of the existing and proposed conditions of the property relative to this application, and agree to comply with the Liberty Township Zoning Resolution and the conditions placed upon the property by the Liberty Township Board of Zoning Appeals in regards to the use of the property.**

\_\_\_\_\_  
**Applicant**

\_\_\_\_\_  
**Date**

Any questions or part thereof not answered in full or complete explanation may cause the application to be returned to the applicant for further explanation and no hearing will take place until the information submitted is deemed sufficient by Liberty Township.

The Liberty Township Board of Zoning Appeals shall take into consideration the Variance Review Criteria in Section 3.7.3 of the Liberty Township Zoning Resolution when making a determination on a variance request before the Board. Below are the review criteria. Applicants should attach responses to the questions in their application packet to the Board of Zoning Appeals.

### **3.7.3 Variance Review Criteria**

- (1)** The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to establish to the satisfaction of the BZA that unnecessary hardship will prevail unless the variance is granted.
- (2)** The BZA shall not possess the power to grant a variance to permit a use of any land, building, or structure, which is not permitted by this resolution in the zone in question, or to alter the density of dwelling unit requirements of the zone in question unless otherwise specifically stated in this resolution.
- (3)** No variance shall be considered or granted by the BZA, which would allow a change in use of a parcel, building or structure where such change of use could be accomplished by a redistricting of the subject property.
- (4)** The BZA shall not grant a variance as authorized in this resolution unless it can determine that there is an unnecessary hardship encountered by the applicant in complying with this resolution and/or orders of administrative officials related thereto.

This evaluation shall include, but is not limited to, the following criteria **(Please provide written responses of questions a-h with the application submittal):**

- (a) Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property**
- (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;**
- (e) Whether the property owner purchased the property with knowledge of the zoning restrictions;**
- (f) Whether the problem can feasibly be addressed through some method other than variance;**
- (g) Whether the variance preserves the spirit and the intent behind the resolution and whether substantial justice would be done by granting the variance; and**
- (h) The potential impact on property tax revenue and the potential tax impact on established tax-increment financing (TIF) or joint economic development districts (JEDD).**

No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

- (5)** The BZA shall not grant a variance unless the BZA finds that special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.

The Liberty Township Board of Zoning Appeals shall take into consideration the Conditional Use Review Criteria in Section 3.7.3 of the Liberty Township Zoning Resolution when making a determination on a conditional use request before the Board. Below are the review criteria. Applicants should attach responses to the questions in their application packet to the Board of Zoning Appeals.

### **3.7.4 Conditional Use Review Criteria**

(1) In reviewing conditional uses, the BZA shall consider the following:

- (a) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
- (b) The use is in accordance with the objectives of the Liberty Township Comprehensive Plan and zoning resolution; and
- (c) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.

(2) The BZA shall also consider the following as applicable to the application:

- (a) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
- (b) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
- (c) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
- (d) The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
- (e) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
- (f) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;
- (g) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
- (h) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
- (i) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
- (j) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
- (k) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.
- (l) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare; and
- (m) The potential impact on property tax revenue and the potential tax impact on established tax-increment financing (TIF) or joint economic development districts (JEDD).

**PROPERTY OWNERS AFFIDAVIT**

STATE OF OHIO  
COUNTY OF BUTLER

I (we) \_\_\_\_\_, hereby certify that we are all of the owners and of the real estate which is subject of the pending zoning application; that we hereby consent to the Board of Zoning Appeals acting on my/our appeal for the subject real estate. I/we understand that our application will be considered and processed in accordance with the regulations as set forth by the Liberty Township Zoning Department and Zoning Resolution; that we agree to accept, fulfill, and abide by those regulations and all stipulations and conditions attached to the decision by the Board of Zoning Appeals. As owner(s) of the real estate which is the subject of the pending zoning application, I hereby consent to the Liberty Township Zoning Department temporarily placing a sign advertising the zoning request on the subject property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Person to be contacted for details, other than signatory:

\_\_\_\_\_  
Name Address Phone

**SUBMITTAL REQUIREMENTS FOR THE LIBERTY TOWNSHIP BOARD OF ZONING APPEALS**

- Thirteen (13) Copies of:
  - Application
  - Variance Review Criteria and/or Conditional Use Review Criteria (if applicable) (13 copies)
  - All drawings (site plans, photographs, construction drawings, letters, etc.) (physical and electronic format)  
Appropriate documentation will be determined at the pre-application meeting.
- Property Owners Affidavit
- Property Deed
- Filing Fee in the amount of \$250.00 for Residential or \$500.00 for Commercial to the Liberty Township Zoning Department for the purpose of defraying expenses.
- Sanitary System Approval (if needed) - Butler County Health Department (863-1770)