

Application for a
Board of Zoning Appeals
Conditional Use

An application to request a Conditional Use from the Board of Zoning Appeals submitted to the Liberty Township Planning and Zoning Department must comply with the requirements and procedures outlined herein.

This packet contains a checklist of general, and written requirements in addition to application submittal forms, which explain the conditional use process. The checklist together with all required information, original application forms, and copies must be submitted in its entirety before the application will be processed by the Planning and Zoning Department. If a request is submitted by the advertised Submittal Deadline Date, which is maintained in the Planning and Zoning Department, and if it is deemed to be complete and accurate, the public hearing process will begin and the conditional use request will be scheduled for the next available Board of Zoning Appeals meeting. After the Submittal Deadline Date, the Applicant cannot modify any portion of the information submitted, unless specifically requested by Staff. Therefore, early submission is highly recommended to assure placement on the agenda and adequate time for revisions and corrections.

BOARD OF ZONING APPEALS PROCESS
Per Liberty Township Zoning Resolution Section 3.7.1

STEP 1 – APPLICATION

An application for variances, conditional uses, or other review over which the BZA has original jurisdiction under Section 2.5 (Board of Zoning Appeals) may be made by any property owner, including and authorized agent, or by a governmental officer, department, board or bureau.

STEP 2 – PUBLIC HEARING WITH THE BOARD OF ZONING APPEALS

- a) Upon application (step 1), the BZA shall fix a reasonable time for the public hearing on any application or appeal, give at least 10 days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.*
- b) Any party may appear in person or by an appointed representative at a hearing for an appeal or application.*
- c) Upon the day for hearing any application or appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not to be notified of the time of resumption of said hearing unless the BZA so decides.*

STEP 3 - DECISION

- a) Within 30 days after the hearing concludes (step 2), the BZA shall make a decision on the application or appeal.*
- b) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.*
- c) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the zoning inspector. Such decision shall be binding upon the Zoning inspector and observed by him and shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a Zoning Certificate.*
- d) For Appeals, the BZA may, in conformity with the provision of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.*
- e) In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this resolution. In authorizing a variance or conditional use with attached conditions, the BZA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.*
- f) Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Resolution.*
- g) Any party adversely affected by a decision of the BZA may appeal the decision to the Butler County Court of Common Pleas.*

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Conditional Use

<p>A. APPLICANT INFORMATION</p> <p>NAME: _____ PHONE: () _____ - _____</p> <p>ADDRESS: _____</p> <p>CITY/ST/ZIP: _____</p> <p>EMAIL: _____</p> <p>APPLICANT IS THE: <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> AGENT</p>	<p>CASE NO. _____</p>
<p>B. PROPERTY INFORMATION</p> <p>PROPERTY OWNER: _____</p> <p>PROPERTY ADDRESS (IF ANY): _____</p> <p>CITY/ST/ZIP: _____</p> <p>SECTION: ____ TOWN: ____ RANGE: ____ PARCEL #: D _____ - _____ - _____ - _____</p>	<p>PAYMENT INFORMATION</p> <p>FEE AMOUNT: \$250 RESIDENTIAL \$500 COMMERCIAL</p> <p>RECEIPT #: _____</p> <p>RECEIVED BY: _____</p>
<p>C. PROPERTY ZONING</p> <p>CURRENT ZONING OF PROPERTY: _____</p> <p>TOTAL ACRES OF PROPERTY: _____</p>	
<p>D. APPLICANTS REQUEST</p> <p>THE UNDERSIGNED APPLICANT, _____, HEREBY APPLIED FOR A CONDITIONAL USE UNDER SECTION(S) _____ OF THE LIBERTY TOWNSHIP ZONING RESOLUTION.</p> <p>THE APPLICANT(S) HEREBY REQUEST PERMISSION TO MAKE THE FOLLOWING IMPROVEMENTS TO THE PROPERTY:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>THE FOLLOWING SPECIAL CIRCUMSTANCES, CONDITIONS, OR HARDSHIPS EXIST AT THE PROPERTY, BUT DO NOT APPLY GENERALLY THROUGHOUT THE ZONING DISTRICT:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>THE APPLICANT HEREBY REQUEST A WAIVER OF THE THIRTY (30) DAY WAITING PERIOD PURSUANT TO THE LIBERTY TOWNSHIP ZONING RESOLUTION ARTICLE 3, SECTION 3.7.1 (3) (B) <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	

Hereby certify that all the statements, submitted information and drawings to be factual and representative of the existing and proposed conditions of the property relative to this application. I agree to comply with the Liberty Township Resolution and the conditions placed upon the property by the Liberty Township Board of Zoning Appeals in regards to the use of this property. I understand that all information submitted with this application will be assumed to be correct and the Applicant shall assume responsibility for any errors and/or inaccuracies resulting in an improper application.

Printed Name: _____ **Date:** _____

Applicant Signature: _____

Conditional Use Review Criteria

Per Liberty Township Zoning Resolution Section 3.7.4

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 Vision 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:

Please provide written responses to the questions below as part of your submittal:

- a. The comparative size, floor area and mass of the proposed structure(s) in a relationship to adjacent structures and building 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 service 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 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).

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Conditional Use

PROPERTY OWNER'S AFFIDAVIT

I (we) _____ hereby certify that I (we) are all of the owners of the real estate which is the subject of the pending zoning application; that I (we) hereby consent to the Board of Zoning Appeals of Liberty Township 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 Planning and Zoning Department and Zoning Resolution; that I (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 (we) hereby consent to the Liberty Township staff to temporarily placing a sign advertising the zoning request on the subject property and to enter and inspect the 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 Code

Phone

STATE OF OHIO
COUNTY OF BUTLER

Sworn to or affirmed and subscribed before me by _____ this _____ day
of _____ 20_____.

Notary Public

Person to be contacted for details, other than signatory:

Printed Name

Address/City/St/Zip

Phone

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Conditional Use

1. GENERAL REQUIREMENTS CHECKLIST

PRE-APPLICATION MEETING (IF NEEDED)

The applicant is to present the Conditional Use request to the Planning and Zoning Department, and to obtain and discuss the overall application process prior to submitting the application packet. **Call 759-7500 for appointment. Pre-application meetings MUST be conducted a minimum of 3 business days prior to the Submittal Deadline Closing; However, it is recommended that the Pre-Application Meeting take place at least one week prior to submittal to allow sufficient time for any necessary adjustments.** There will be no assurance at any time, implicitly or otherwise, regarding final Staff comments or concerns presented to governing boards about this application.

SUBMITTAL DEADLINE DATE (DATE: ____ / ____ / ____)

The application packet must be submitted to the Liberty Township Planning and Zoning Department no later than the end of business day (4:30pm) on the advertised Submittal Deadline Date. A list of the advertised submittal deadline dates is available on the township website or in the Planning and Zoning Department. Prior to submission of the application packet and necessary information, it is recommended that the Applicant revise the proposed plans when necessary, as it is advised by Staff during the Pre-Application Meeting. After the submittal deadline date, the applicant cannot modify any portion of the information submitted, unless specifically requested by the Staff or the governing boards. **If it is determined by Staff, at any time, that an application packet is incomplete, or inaccurate, it will not be accepted for processing, or be scheduled for a public hearing.**

APPLICATION FEE (\$250 FOR RESIDENTIAL OR \$500 FOR COMMERCIAL)

The application packet for a Conditional Use shall be accompanied by a non-refundable payment to cover the costs of holding the public hearing thereon, including personnel costs, advertising and legal notices as required by law or otherwise in connection with said case. **Please make checks payable to Liberty Township.**

Application for a
Board of Zoning Appeals
Conditional Use

2. WRITTEN REQUIREMENTS CHECKLIST

PROPERTY OWNER'S AFFIDAVIT

Complete and submit one (1) copy of the Property Owner's Affidavit, which is included on Page 5 of this packet. If multiple property owners are involved, a separate Property Owner's Affidavit shall be submitted for each property owner. ***All completed forms with the original signatures must be provided with the application.***

PROPERTY DEED

Submit one (1) copy of the deed to the subject property as filed in the Butler County Recorder's Office.

SANITARY SYSTEM APPROVAL (IF NEEDED)

Butler County Health Department is located 301 South Third Street in Hamilton or can be reached at 513-863-1770.

BOARD OF ZONING APPEALS CONDITIONAL USE APPLICATION

Complete and submit ten (10) copies of the Board of Zoning Appeals Conditional Use Application Form, which is included on Page 2 of this packet. ***The application must be typewritten and all original forms must be submitted with the required original signatures.*** This form should be attached to the front of the submittal.

CONDITIONAL USE REVIEW CRITERIA

Complete and submit ten (10) copies of the original Conditional Use Review Criteria questions, which is included on Page 3 of this packet. ***The questions must be typewritten.***

ADJACENT PROPERTY OWNERS FORM

Complete and submit one (1) copies of the Adjacent Property Owners Form, which is included on Page 4 of this packet. ***The completed form must contain the name, tax mailing address and parcel information for all properties located within two hundred (200) feet of the subject site.*** It is the Applicant's responsibility to provide a complete and accurate list. The Planning and Zoning Department will appropriately notify the adjoining property owners of the scheduled public hearing.

SUPPORTING DOCUMENTATION

Submit ten (10) copies of all drawings in both physical and electronic format (site plans, photographs, construction drawings, letters etc.) Appropriate documentation will be determined at the pre-application meeting.

CHECKLIST OF REQUIREMENTS

Complete and submit all checklists fully completed.