

Application for a
Board of Zoning Appeals
Variance

An application to request a Variance 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 variance 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 variance 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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<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 VARIANCE 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>_____</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>	

I 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: _____

Variance Review Criteria

Per Liberty Township Zoning Resolution Section 3.7.3

- 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 the 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 be determined 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 to the questions below as part of your 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 variances?*
- g) *Whether the variance preserves the spirit and the intent behind the resolution and whether substantial justice would be done by granting the variances?*
- h) *The potential impact on the 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 the 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.

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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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1. GENERAL REQUIREMENTS CHECKLIST

PRE-APPLICATION MEETING (IF NEEDED)

The applicant is to present the Variance 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 three (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 Variance 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.***

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 VARIANCE APPLICATION

Complete and submit ten (10) copies of the Board of Zoning Appeals Variance 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.

VARIANCE REVIEW CRITERIA

Complete and submit ten (10) copies of the original Variance 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) copy 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.