

APPLICATION for APPEAL

No. \_\_\_\_\_ BZA 20 \_\_\_\_\_

LIBERTY TOWNSHIP BOARD OF ZONING APPEALS

2095 Reynoldsburg Baltimore Rd. NW, Baltimore, Ohio 43105-9401

The undersigned certifies that this application and in the attachments thereto contain all information required by the Zoning Resolution and that all information contained herein is true and accurate and is submitted to induce the requested appeal. Applicant agrees to be bound by the provisions of the Zoning Resolution of Liberty Township, Fairfield County, Ohio.

NAME OF APPLICANT \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE (HOME) \_\_\_\_\_

(WORK) \_\_\_\_\_

(CELL) \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

PROPERTY ADDRESS AND LOCATION DESCRIPTION ZONING CLASS

No. Road or Street City Zip

Subdivision Name \_\_\_\_\_ Section No. \_\_\_\_\_ Township No. \_\_\_\_\_ Range No. \_\_\_\_\_

Total Acreage: \_\_\_\_\_ Current Use: \_\_\_\_\_

Applicant is: \_\_\_\_\_ Owner or \_\_\_\_\_ Lessee of above property.

Appeal of Zoning Inspector's decision / interpretation of Liberty Township Zoning Resolution

Article \_\_\_\_\_, Section \_\_\_\_\_

Nature of Request: The undersigned requests review of (Check one)

A. The decision by the Zoning Inspector of Application for Zoning Permit No. \_\_\_\_\_ denied (issued) on \_\_\_\_\_ (date).

OR

B. The decision by the Zoning Inspector as stated in Notice of Violation letter dated \_\_\_\_\_.

OR

C. Other. (Describe) \_\_\_\_\_

Zoning Inspector's decision / interpretation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why do you believe this decision / interpretation is incorrect? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT

-----OFFICIAL USE ONLY-----

Date Filed: \_\_\_\_\_ Date of Public Hearing: \_\_\_\_\_

Zoning Inspector: \_\_\_\_\_ Secretary to the Board: \_\_\_\_\_

I. ATTACH THE FOLLOWING INFORMATION TO THE APPLICATION FORM AND FILE IN TRIPLICATE WITH THE ZONING INSPECTOR. Please use the numbering scheme below.

- A. Legal Description of the property.
- B. Plot plan of the subject property showing the proposed location of the structure or change (all drawings to scale)
- C. A list of all property owners together with their respective mailing addresses contiguous to, and directly across the street or road from the property for which the appeal is sought.
- D. A fee as established by the Board of Township Trustees, of Five Hundred Dollars (\$500), payable to Liberty Township.
- E. Any other supporting documentation in regard to this application.

EXCERPTS from the ZONING RESOLUTION (full text available at [www.fairfieldcountohio-libertytownship.org](http://www.fairfieldcountohio-libertytownship.org))

### **6.33 DUTIES OF THE BOARD OF ZONING APPEALS**

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Zoning Inspector.
- B. To authorize such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning permits as specified elsewhere in this Resolution and under the conditions specified and such additional safeguards as will uphold the intent of this Resolution.

### **6.34 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Resolution. Under this Resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 4.09 of this Resolution.

#### **7.202 Procedure of Appeal**

An appeal shall stall all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that any reason of facts stated in the application a stay would in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

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## **7.2 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**

### **7.206 Supplementary Conditions and Safeguards.**

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 4.08(D) of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

### **7.207 Public Hearing by the Board of Zoning Appeals.**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

### **7.208 Notice of Public Hearing in Newspaper.**

Before holding the public hearing required in Section 7.207, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

### **7.209 Notice of Parties of Interest.**

Before holding the public hearing required in Section 7.207, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.208. Parties of interest shall include owners of property contiguous to, and directly across the street from the property being considered.

### **7.210 Adjournment of Hearings.**

Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so desires.

### **7.211 Decisions of the Board of Zoning Appeals.**

The Board shall decide all applications and appeals within sixty (60) days after completion of the hearing thereon, and such decision shall become effective upon certification of the Resolution of the Board. A certified copy of the Board's decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board by Resolution certifies its approval on any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one (1) year of the date of the Board's decision the secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence, or facts to be heard by the Board.