

**APPLICATION FOR CONDITIONAL USE
LIBERTY TOWNSHIP, UNION COUNTY, OHIO**

P.O. Box 122 | Raymond, Ohio 43067 | (937) 303-2028 | liberty.township.zoning@gmail.com

The undersigned hereby applies to the Liberty Township Board of Zoning Appeals ("the BZA") for a Conditional Use Certificate under the terms of the Liberty Township Zoning Resolution ("the LTZR") for the use described below. This application shall be assessed on the basis of the information contained herein, as well as on information provided by any party at a public hearing conducted under the terms of the LTZR. The applicant recognizes that the BZA is under no obligation to grant the requested Certificate, and that the fee associated with this application is not refundable under any circumstances. The applicant hereby certifies that all information provided and attachments to this application are true and correct.

IN ADDITION to this form, the applicant MUST supply:

- A copy of construction plans, drawn to scale, showing the actual dimensions and shape of the lot, exact sizes and locations of existing buildings on the lot, and the location and dimensions of the proposed building(s) or alteration(s).
- A complete, detailed written description of the specific activities to be conducted on the property.
- A certified check or money order for the appropriate fee made out to LIBERTY TOWNSHIP. (Fee schedule is on the Liberty Township website www.libertytownshipunionco.com)

Location of property (address or parcel number): _____

Name of land owner: _____

Mailing address: _____

Phone: _____ Email: _____

Description and justification of proposed conditional use: (Attach additional sheets if needed.)

Signature of applicant: _____ Date: _____

Address and phone number if different from land owner: _____

-----DO NOT WRITE BELOW THIS LINE-----

Application# _____ Date: _____ Certificate# _____ Date: _____

BZA Chairperson: _____ Approved: YES NO

Reason for denial: _____

LIBERTY TOWNSHIP CONDITIONAL USES

What is a conditional use?

The various zoning districts created in the Liberty Township Zoning Resolution (the "Resolution") possess authorized or "permitted" uses as well as "conditional" uses. The authorized uses are generally those for which the zoning district was created. District R-1, for example, represents mainly low-density residential development. Conditional uses are uses to which a given property may be put, but only after review and hearing before the Liberty Township Board of Zoning Appeals ("the BZA").

How do I get a conditional use certificate?

A conditional use certificate can only be obtained by application to the BZA. The township's Zoning Inspector cannot issue a conditional use certificate unless and until the application is approved by the BZA, although he typically supplies the necessary application and will help guide you through the process.

What is the process?

The first step is the application. The correct application form is available through the Zoning Inspector or by downloading it from the township's web page. Once the application is completed, it must be turned in, along with supporting documents and the appropriate fee payment, to the Zoning Inspector.

Within ten days, the Zoning Inspector will review and process the application, transmitting it to the BZA Secretary. The Zoning Inspector may contact the Applicant to request further information or documentation during this period.

The BZA then must quickly accomplish several tasks:

- Schedule a public hearing within twenty days of the effective date of application to accept testimony and decide on the conditional use request.
- Notify the landowners adjacent to and near the property described in the application that the Applicant has requested permission to engage in a conditional use.
- Notify the public, through a legal notice in a local newspaper, of the conditional use request and the date, time, and location of the public hearing.

As the Applicant, at the hearing you will be expected to answer questions and possibly provide additional information concerning your conditional use request.

How does the BZA make its decision?

Under the terms of the Resolution, the BZA may consider the testimony and materials supplied by the Applicant and by anyone in attendance or by anyone who has submitted comments in writing.

It is the overriding goal of the BZA to insure that the public interest is served in granting or denying any application for a conditional use. In addition, the BZA recognizes that, as the world changes, the uses to which residents may want to put their properties may change also.

According to Article V, Section 563 of the Resolution, the Applicant must explain, and the BZA must consider, these qualifications for any conditional use request:

1. That the proposed use is in fact a conditional use as established within the Official Schedule of District Regulations in the Resolution;
2. That the proposed use will be designed, constructed, operated, and maintained so as to blend with the nature of its vicinity;
3. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses;
4. That the conditional use will be adequately served by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, etc.;
5. That the conditional use will not create excessive additional requirements at public cost for public facilities and services;
6. That the proposed use will not generate excessive traffic, noise, smoke, fumes, odors, etc.;
7. That the proposed use will have adequate vehicle access and parking so as not to interfere with local traffic on public thoroughfares.

Note also that Article V of the Resolution allows for the imposition of specific conditions on any applicant for a conditional use. In addition, the same article provides for the suspension and/or revocation of any conditional use certificate upon a finding of non-compliance with such conditions.

About the Application Fee

As of this writing, the application fee for a conditional use application in Liberty Township is \$500. The fee is payable in cash, certified check, or money order at the time of application. Payment of the application fee will in no way influence the actions of the Zoning Inspector or the BZA, except that failure to pay the fee will prevent the application from being processed.

The application fee is required to offset the costs incurred by the Township as a direct result of your conditional use application and the subsequent hearing. In addition to the time spent, the costs include communications (stationery and postage), public notice (newspaper fees), and payment to the members of the BZA for their services. (Note that BZA members do not receive a salary or other regular compensation, *but are paid only when and if they convene.*)

In short, your application fee has typically been spent by the time your hearing is held. Thus, application fees are not refundable under any circumstances.