

**APPLICATION FOR ZONING VARIANCE
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 (“BZA”) for a variance to the terms of the Liberty Township Zoning Resolution (“the Resolution”) for the use described in this application. Said variance shall be assessed on the basis of the information contained within this application, as well as on information provided by any party at a public hearing conducted under the terms of the Resolution. The applicant recognizes that the BZA is under no obligation to grant the requested variance, 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 variance(s) requested.
- 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 variance: (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: _____ Permit# _____ Date: _____

BZA Chairperson: _____ Approved: YES NO

Reason for denial: _____

LIBERTY TOWNSHIP ZONING VARIANCES

What is a zoning variance?

A variance is an exception to, or a deviation from, the established terms of the current Liberty Township Zoning Resolution (“the Resolution”). A variance allows a landowner to use his property in ways that vary from those specifically described in the Resolution. Common variances include reduced setbacks, building height overages, minimum acreage exceptions, and so on. Variances are not “blanket” exceptions; they are one-time grants for specific departures from the Resolution.

How do I get a zoning variance?

A variance can only be obtained by application to the Liberty Township Board of Zoning Appeals (“the BZA”). The township’s Zoning Inspector cannot issue a variance, 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 variance request.
- Notify the landowners adjacent to and near the property described in the application that the Applicant has requested the variance.
- Notify the public, through a legal notice in a local newspaper, of the variance 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 variance 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 variance. The BZA must also consider the application in terms of whether it seeks to cure a situation where an unnecessary and/or unique hardship falls on the Applicant because of the terms of the Resolution.

According to Article V, Section 544 of the Resolution, the Applicant must explain, and the BZA must consider, four qualifications for any variance request:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That a literal interpretation of the provisions of the Resolution would deprive the Applicant of the rights commonly enjoyed by other properties in the same district under the terms of the Resolution;
3. That special conditions and circumstances do not result from the actions of the Applicant;
4. That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

In addition, Article V, Section 543 states the following:

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit but only where the strict application of the provisions of this Resolution would result in unnecessary hardship.

About the Application Fee

As of this writing, the application fee for a zoning variance 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 variance 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 are called together for a hearing.*)

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