

AMERICAN TOWNSHIP ZONING DEPARTMENT BOARD OF ZONING APPEALS

APPLICATION FOR APPEALS, VARIANCES, CONDITIONAL USES, AND ADMINISTRATIVE APPEALS

A. APPLICANT INFORMATION:

CASE No. _____

NAME: _____
ADDRESS: _____
CITY/ST/ZIP: _____
EMAIL: _____
APPLICANT IS THE: PROPERTY OWNER AGENT

B. PROPERTY INFORMATION:

PROPERTY OWNER: _____
PROPERTY ADDRESS (IF ANY): _____
CITY/ST/ZIP: _____
PARCEL #: _____
ZONING DESIGNATION: _____
TOTAL LOT SIZE / ACREAGE: _____

THIS APPLICATION IS DIVIDED INTO FOUR SECTIONS. SELECT ONLY ONE-1 TYPE OF BOARD OF APPEAL ACTION YOU ARE SEEKING.

THE FIRST PART IS AN APPLICATION FOR A VARIANCE TO THE ZONING RESOLUTION, SECOND PART IS FOR A CONDITIONAL USE PERMIT CONSIDERATION, THIRD IS FOR EDUCATIONAL / AGRICULTURAL EXEMPTION, AND LASTLY IS AN APPEAL OF ADMINSTRATIVE ACTION (VIOLATION NOTICE / CITATION & FINE).

VARIANCE TO AMERICAN TOWNSHIP ZONING RESOLUTION

1. I, _____ SERVING AS APPLICANT / PROPERTY OWNER AM SUBMITTING AN APPLICATION FOR A VARIANCE TO THE AMERICAN TOWNSHIP BOARD OF ZONING APPEALS.

I AM APPEALING SECTION OF THE AMERICAN TOWNSHIP ZONING RESOLUTION:
SECTION / ARTICLE: _____

WHICH STATES: _____

2. THE APPLICANT(S) HEREBY REQUEST PERMISSION TO MAKE THE FOLLOWING IMPROVEMENTS TO THE PROPERTY:

3. THE FOLLOWING SPECIAL CIRCUMSTANCES, CONDITIONS, OR HARDSHIPS EXIST AT THE PROPERTY, BUT DO NOT APPLY GENERALLY THROUGHOUT THE ZONING DISTRICT. EXAMPLES OF THE SPECIAL CONDITIONS OR CIRCUMSTANCES ARE: EXCEPTIONAL IRREGULARITY, NARROWNESS, SHALLOWNESS OR STEEPNESS OF THE LOT, OR ADJACENCY TO NONCONFORMING AND INHARMONIOUS USES, STRUCTURES OR CONDITIONS.

4. WILL THE PROPERTY IN QUESTION YIELD A REASONABLE RETURN OR WHEATHER THERE CAN BE ANY BENEFICIAL USE OF PROPERTY WITHOUT THE VARIANCE?

5. IS THE VARIANCE THE MINIMUM NECESSARY TO MAKE POSSIBLE AND REASONABLE USE OF THE LAND OR STRUCTURES?

6. WILL THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BE SUBSTANTIAALLY ALTERED OR WILL ADJOINING PROPERTIES SUFFER SUBSTANTIAL DETRIMENT AS A RESULT OF THE VARIANCE?

7. WILL APPROVING THE VARIANCE ADVERSELY AFFECT DELIVERY OR GOVERNMENTAL SERVICES SUCH AS WATER, SEWER, TRASH PICK UP?

8. DO THESE SPECIAL CONDITIONS OR CIRCUMSTANCES EXIST AS A RESULT OF THE ACTIONS OF THE PROPERTY OWNER?

9. CAN THE OWNER'S PREDICIMENT BE OBIATED THROUGH SOME OTHER METHOD OTHER THAN A VARIANCE?

10. WILL THE SPIRIT AND INTENT OF THE BEHIND THE ZONING REQUIREMENT WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY GRANTING THE VARIANCE?

11. WILL GRANTING THE VARIANCE CONFER ON THE APPLICANT A SPECIAL PRRIVILEGE THAT IS DENIED BY THIS REGULATION TO OTHER LANDS, STRUCTURES OF BUILDNGS IN THE SAME ZONING DISTRICT?

NOTE:

1. EACH CASE SHALL BE DETERMINED BY ITS OWN MERITS.
2. THE GRANTING OF THE VARIANCE SHALL BE IN ACCORDANCE WITH THE GENERAL PURPOSE AND INTENT OF THE REGULATIONS IMPOSED BY THIS RESOLUTION IN THE DISTRICT IN WHICH IT IS LOCATED AND SHALL NOT BE INJOURIOUS TO THE AREA OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE.

3. THE GRANTING OF THE VARIANCE WILL NOT PERMIT THE ESTABLISHMENT OF ANY USE WHICH IS NOT OTHERWISE PERMITTED IN THE DISTRICT.
4. THERE MUST EXIST SPECIAL CIRCUMSTANCES OR CONDITIONS, FULLY DESCRIBED IN THE FINDINGS, APPLICABLE TO THE LAND OR BUILDINGS FOR WHICH THE VARIANCE IS SOUGHT, WHICH ARE PECULIAR TO SUCH LAND OR BUILDINGS AND DO NOT APPLY GENERALLY TO LAND OR BUILDINGS IN THE AREA, AND WHICH ARE SUCH THAT THE STRICT APPLICATION OF THE PROVISIONS OF THE RESOLUTION WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF SUCH LAND OR BUILDING. MERE LOSS IN VALUE SHALL NOT JUSTIFY A VARIANCE; THERE MUST BE DEPRIVATION OF BENEFICIAL USE OF LAND.
5. THERE MUST BE PROOF OF A SIGNIFICANT HARDSHIP WHICH IS CREATED BY THE STRICT APPLICATION OF THIS RESOLUTION. IT IS NOT SUFFICIENT PROOF OF HARDSHIP TO SHOW THAT GREATER PROFIT WOULD RESULT IN THE VARIANCE WERE GRANTED. FURTHERMORE, THE HARDSHIP COMPLAINED OF BY THE APPLICANT, CAN NOT BE SELF CREATED NOR CAN IT BE ESTABLISHED ON THIS BASIS BY ONE WHO PURCHASES, WITH OR WITHOUT KNOWLEDGE OF THE RESTRICTIONS; IT MUST RESULT FROM THE APPLICATION OF THIS RESOLUTION. IT MUST BE SUFFERED DIRECTLY BY PROPEERTY IN QUESTION AND EVIDENCE OF VARIANCES GRANTED UNDER SIMILAR CIRCUMSTANCES NEED NOT BE CONSIDERED.
6. THE GRANTING OF A VARIANCE IS NECESSARY FOR THE REASONABLE USE OF THE LAND OR BUILDING, AND THE VARIANCE AS GRANTED IS THE MINIMUM VARIANCE THAT WILL ACCOMPLISH THIS PURPOSE.
7. THE PROPOSED VARIANCE WILL NOT IMPARE AND ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY, SUBSTANTIALLY INCREASE THE CONGESTION IN THE PUBLIC STREETS, INCREASE THE DANGER OF FIRE, ENDANGER THE PUBLIC SAFETY, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES OF THE ADJACENT AREA; AND
8. THE GRANTING THE VARIANCE REQUESTED WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVLEDGE THAT IS DENIED BY THIS REGULATION TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT.
9. APPLICANT IS REQUIRED TO PAY APPLICATION FEE OF \$500.00 FOR THE PROCESSING OF THE APPLICATION, ADVERTISEMENT(S), BOARD MEMBER FEES, AND ADMINISTRATIVE FEES.

☐ CONDITIONAL USE PERMIT TO BE ISSUED BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING.

THE APPLICANT AND / OR PROPERTY OWNER IS SEEKING A CONDITIONAL USE PERMIT FOR THE BELOW INDICATED PROPERTY WITHIN AMERICAN TOWNSHIP. A CONDITIONAL USE PERMIT MAY FURTHER BE REQUIRED FOR GENERAL OR SPECIAL LAND USAGE WITHIN RESIDENTIAL, COMMERCIAL AND MANUFACTURING ZONED LOCATIONS.

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE No. _____ EMAIL: _____

PROPERTY OWNER: _____

OWNER ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE No. _____ EMAIL: _____

LEGAL DESCRIPTION OF PROPERTY: _____

ZONING DISTRICT: _____

ALLEN COUNTY PARCEL No.: _____ LOT No. _____

CURRENT USE OF PROPERTY: _____

DESCRIPTION OF PROPOSED CONDITIONAL USE: _____

- **PER ARTICLE 17.2.6** – THE APPLICANT IS TO PROVIDE A DETAILED SITE PLAN (REQUIRED): PLAN OF PROPOSED SITE FOR THE CONDITIONAL USE, SHOWING LOCATION OF ALL BUILDINGS, PARKING & LOADING AREAS, STREETS AND TRAFFIC ACCESS, OPEN SPACES, REFUGE AREA, UTILITY AREAS, SIGNS, YARDS, LANDSCAPING FEATURES AND ANY OTHER INFORMATION THE BOARD OF ZONING APPEALS MAY REQUIRE.
- **PER ARTICLE 17.2.7** – THE APPLICANT IS TO PROVIDE A NARRATIVE STATEMENT DISCUSSING THE COMPATIBILITY OF THE PROPOSED USE WITH THE EXISTING USES OF ADJACENT PROPERTIES, AND WITH THE AMERICAN TOWNSHIP COMPREHENSIVE PLAN TO INCLUDE AN EVALUATION OF THE EFFECTS ON ADJOINING PROPERTIES OF SUCH ELEMENTS AS TRAFFIC CIRCULATION, NOISE, GLARE, ODOR, FUMES, AND VIBRATION.
- **THE APPLICANT IS TO PROVIDE A LIST OF ALL PROPERTY OWNERS WITHIN 500 FEET OF THE PROPOSED BUILDING LOCATION.** THIS IS TO INCLUDE PROPERTY OWNERS NAME, ADDRESS, AND PARCEL NUMBER. DISTANCE IS FROM PARCEL LINE TO PARCEL LINE.
- **APPLICANT IS REQUIRED TO PAY APPLICATION FEE OF \$500.00** FOR THE PROCESSING OF THE APPLICATION, ADVERTISEMENT(S), BOARD MEMBER FEES, AND ADMINISTRATIVE FEES.
- **PER ARTICLE 17.2.10** – THE APPLICANT IS **REQUIRED TO PROVIDE A NARRATIVE ADDRESSING EACH OF THE CRITERIA** BELOW. ANY MISSING INFORMATION WILL RESULT IN APPLICATION BEING RETURNED TO APPLICANT FOR CLARIFICATION AND ADDITIONAL INFORMATION:
 - *Will the Conditional Use and site plan be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the zoning resolution;*
 - *Will the Conditional Use and site plan be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
 - *Will the Conditional Use and site plan not be hazardous or disturbing to existing or future neighboring uses;*
 - *Will the Conditional Use and site plan be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;*
 - *Will the Conditional Use and site plan not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;*
 - *Will the Conditional Use and site plan not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;*
 - *Will the Conditional Use and site plan have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and,*
 - *Will the Conditional Use and site plan not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*
- **THE BZA SHALL ALSO CONSIDER THE FOLLOWING AS APPLICABLE TO THE CONDITIONAL USE APPLICATION:**
 - The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
 - The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
 - 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;
 - The capacity of adjacent streets and intersections to handle increased traffic in terms of traffic volume and patterns;
 - 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;
 - The requirements for public services 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;
 - The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
 - 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;
 - The impact of a 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; and
 - Any other physical or operational feature or characteristic that may affect the public health, safety, and welfare.

☐ AGRICULTURAL HUTCH / PEN PERMIT TO BE ISSUED BY THE AMERICAN TOWNSHIP ZONING ADMINISTRATOR / CODE ENFORCEMENT OFFICER, UPON ADMINISTRATIVE REVIEW.

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE No. _____ EMAIL: _____

PROPERTY OWNER: _____

OWNER ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE No. _____ EMAIL: _____

LEGAL DESCRIPTION OF PROPERTY: _____

ZONING DISTRICT: _____

ALLEN COUNTY PARCEL No.: _____ LOT No. _____

CURRENT USE OF PROPERTY: _____

DESCRIPTION OF PROPOSED USE: _____

TYPE OF AGRICULTURAL USE: _____

WHAT EDUCATIONAL FACILITY, 4H CLUB, FFA CHAPTER: _____

HUTCH / PEN SIZE: _____ QUANTITY OF LIVESTOCK ON PROPERTY: _____

PER AMERICAN TOWNSHIP ZONING REGULATIONS:

13.24.1 In any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

- a. **Agriculture on lots of one acre or less; In accordance with Ohio Revised Code Section 519.21 the keeping and rearing of poultry, waterfowl, farm, and ranch animals to include but not limited to chickens, roosters, ducks, turkey, geese, ducks, rabbits, goats, pigs, swine, alpaca, llamas, cattle, horses, mules, buffalo, shall be prohibited within residential zoned locations or residential dwellings on commercial lots, when the lot area is less than one-(1) acre in size.**
- b. **Parcels greater than one-(1) acre but less than five-(5) acres located within a residential platted subdivision or when over 35 % of the lots in the subdivision have been developed for residential or commercial use. In this case then, dairying, animal, and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code. A variance requesting a "Conditional Use Permit" by the Zoning Board of Appeals would be required for keeping said animals by the homeowner, resident or tenant.**
- c. **Non-subdivision lots, and parcels located in the outlining areas of the Township that are greater than one-(1) acre but less than five-(5) acres; dairying, animal, and poultry husbandry shall be permitted subject to the conditions listed below.**

13.24.2 A temporary exemption, not to exceed twelve-(12) months may apply for 4H, FFA, or Middle/High School Educational Projects. Refer to section (13.24.2)- (a) through (mm) for requirements.

The 4H, FFA Exemption provision is being provided, based on the following criteria.

- a. **The purpose of this provision is to promote learning, leadership, citizenship, and other life skills in the youth of American Township for property owners having one acre or less of lot space, and within a residential or non-residential neighborhood setting.**

- b. Application for the exemption shall be completed, by the landowner or tenant with the written authorization by the landlord / property owner. Upon completion, the said application and documentation shall be submitted to the Zoning Inspector for review and approval.
- c. Hutch / Pen Permit issued by the Zoning Inspector shall be valid for one-(1) year and subject to annual renewal. The annual permit fee is \$25.00 per residence. Permit shall be required from the American Township Zoning Department prior to obtaining chickens, ducks, goats or rabbits.
- d. The total number of animals approved shall not exceed eight-(8) animals per residence.
- e. No predatory birds, guinea fowl or roosters are permitted.
- f. All animals shall be kept confined within a coop or hutch constructed in such a manner to contain the animals and exclude the introduction of vermin, dogs, cats and predatory wildlife. All livestock, animals and chickens shall be suitably fenced and contained upon the property owner's property.
- g. No adult animals shall be kept within a residence, garage, porch, or other ancillary structure not designed or intended for the keeping of chickens, ducks, goats or rabbits. Note, during the juvenile stage of development of the animals, the animal may be kept within the residence, garage, or ancillary structure to satisfy warmth requirements that ensure the proper health of the animals.
- h. A coop for chickens and / or ducks shall be of sufficient size to accommodate at least one square foot of sheltered space per animal; further a coop shall include an attached run accessible to the animals not larger than one hundred square feet.
- i. A hutch and pen for rabbits or goats shall be constructed to provide a minimum of nine-9 SF of sheltered space per animal.
- j. The coop or hutch shall be a minimum of 20 feet from all property lines.
- k. One-(1) coop or hutch is permitted per residence. Two-(2) may be permitted if different breeds are housed in the same area.
- l. No coop or hutch shall be constructed in the front yard of a residence. In addition, no coop or hutch shall be constructed in the side yard of a residence if sufficient space is available in the back yard of the residence.
- m. Feed ruminants, manure, litter, natural bedding materials, shall be composted, dug into the garden plots, or disposed of with natural garbage.
- n. At no time shall offensive odors be noticeable that impinge upon the enjoyment of neighboring properties or present a nuisance condition at the property keeping chickens, ducks, goats or rabbits.
- o. All feed shall be stored in rodent proof containers.
- p. No residential commercial sale of chickens, geese, ducks, rabbits or goats shall occur. Animals may be sold after fair program as part of the completion of the 4H or FFA Project.
- q. No diseased or sick animals shall be kept without an attempt to provide veterinary or lawfully available owner administered medications, treatments, or other humane intervention.
- r. Fowl must be secured in a coop from dusk to dawn. During daylight hours, they may have access to outdoors via chicken run. The barrier which comprises the chicken run must be attached and adjacent to the coop. Fowl may not roam outside of their coop or run at any time, nor can they stray beyond the premises of which they are secured.
- s. Any order issued by the Ohio Department of Agriculture to destroy animals to limit or eradicate the spread of disease or veterinary condition shall be immediately complied with in a humane manner.
- t. In the event of the reproduction of rabbits, upon the weening of the offspring the number of rabbits shall be reduced within a reasonable amount of time to comply with the requirements of this zoning regulation.
- u. Any pre-existing harboring of chickens, geese or rabbits occurring in the Township, prior to the adopted date of this article, the owner / keeper shall be required to follow and shall be in compliance with this amended article within one hundred eighty-(180) days of adoption by the Board of Township Trustees. Failure to comply with these requirements will result in directives to remove an over-limit amount of animals from the property.
- v. The Zoning Inspector may revoke a coop / hutch zoning permit for failure to satisfy or maintain the conditions of animal husbandry prescribed in the article, failure to maintain the limitations upon the population of animals prescribed by the article, or misrepresentation / falsification of the information presented by the keeper of the coop / hutch permit application.
- w. The keeper shall permit the Zoning Inspector or designee reasonable access to inspect a permitted coop or hutch to determine compliance to this article, AND set back distances from property lines.
- x. Failure to comply with the conditions imposed by the Board of Zoning Appeals will result in the Zoning Inspector or designee revoking a coop or hutch permit. The keeper of the animals shall be directed to remove the animals within thirty-30 days after the mailing of said notification, and the coop / hutch shall be removed from the premises within sixty-60 days after the mailing of said notification. The area formally occupied by a coop or hutch shall be returned to lawn, a landscaped condition, or vegetable production. No unsightly, muddy or nuisance conditions shall exist after the removal of the coop or hutch.
- y. No coop or hutch permit shall be issued to another member of a revoked keeper's household for the purposes of circumventing a revoked permit.

z. The Zoning Inspector may at his discretion permit animal populations to be temporarily exceeded to accommodate a 4H or FFA project associated with the Allen County Fair..

13.24.3 Permit application fee shall be same fee amount as outlined in the American Township Administrative Fee Schedule.

13.24.4 On larger parcels, less than five-5 acres where dairying, animal and poultry husbandry is permitted within the Township; livestock and poultry husbandry shall be located no closer than one hundred (100) feet from adjacent property lines. Measurement is from property line to property line. No livestock or poultry shall be permitted in the front yard or side yard areas.

13.24.5 On lots greater than five-(5) acres there is no zoning authority for agricultural uses.

a. The use shall not create a nuisance, disturb the peace; or result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and of which the animals shall be contained on the site of the property owner.

b. Agricultural structures shall comply with applicable accessory building setback and permitted square footage requirements; No such structure shall be located in the front yard, nor in an area required for on-site sewage treatment, water well isolation radius or any easement for drainage or utility purposes.

c. Colonies of bees shall not be located on lots of less than one-(1) acre in size. A minimum of one & one-half (1.5 acres) shall be required for each additional colony. Bee colonies shall not be located within one hundred-(100) feet of any property line as measured from parcel line to parcel line.

d. All livestock, farm animals and fowl shall be suitably fenced and contained within the property in such a manner as to not run at large, or free range about the property or encroach upon other adjacent properties or parcels.

e. Chicken coops, livestock shelters, or other accessory buildings greater than one-hundred-(100) square feet shall require a zoning certificate. Structures over two-hundred-(200) square feet shall be assessed applicable permit fees. Agricultural use structures shall not exceed the height of fifteen- (15) feet, as measured on common ground.

13.24.6 All health and sanitation requirements of the State of Ohio and Allen County Board of Health shall be followed.

I, _____ ACKNOWLEDGE THAT I HAVE READ THE ABOVE ZONING REGULATIONS CONCERNING AGRICULTURAL USES, AND HAD THE OPPORTUNITY TO ASK QUESTIONS CONCERNING THESE USES ON MY PROPERTY. VIOLATION OF ANY OF THESE CONDITIONS WILL RESULT IN REVOCATION OF THE HUTCH/PEN PERMIT BY THE ZONING INSPECTOR.

ISSUED DATE: _____ RE-APPLICATION DATE: _____

DATE: _____

ZONING ADMIN./CODE ENFORCEMENT OFFICER

ADMINISTRATIVE APPEAL TO NOTICE OF VIOALTION AND/OR ADMINISTRATIVE CITATION AND CIVIL FINE IMPOSITION BY ZONING INSPECTOR TO THE BOARD OF ZONING APPEALS

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE No. _____ EMAIL: _____

PROPERTY OWNER: _____

OWNER ADDRESS: _____

CITY / STATE / ZIP CODE: _____

PHONE No. _____ EMAIL: _____

LEGAL DESCRIPTION OF PROPERTY: _____

ZONING DISTRICT: _____

ALLEN COUNTY PARCEL No.: _____ LOT No. _____

CURRENT USE OF PROPERTY: _____

NARRATIVE:

I _____, RESIDING AT: _____

RECEIVED A ZONING VIOLATION NOTICE OR ADMINISTRATIVE CITATION & FINE, ON: _____

FROM THE AMERICAN TOWNSHIP ZONING INSPECTOR. IT IS ALLEGED THAT I COMMITTED THE FOLLOWING ZONING VIOLATIONS ON MY PROPERTY:

I BELIEVE THAT THIS IS INCORRECT FOR THE AFOREMENTIONED REASONS:

WHAT ARE YOU SEEKING FROM THE BOARD OF APPEALS CONCERNING YOUR NOTICE OF VIOLATION OR CITATION?

WHEN DID YOU RECEIVE YOUR WRITTEN NOTICE IN THE MAIL OR POSTED ON THE STRUCTURE OF THE RESIDENCE? _____

- a. DID YOUR NOTICE STATE THE SPECIFIC NATURE OF THE VIOLATION ALLEGELY OCCURRED? _____
- b. DID YOUR NOTICE STATE THE REQUIRED CORRECTIVE ACTION? _____
- c. DID YOUR NOTICE STATE THE AMOUNT OF TIME PROVIDED TO CORRECT THE VIOLATION? _____
- d. DID YOUR NOTICE ADVISE YOU WHAT WOULD HAPPEN IF YOU FAILED TO CORRECT THE ZONING VIOLATION, WHAT THE NEXT STEP WOULD BE PROVIDED? _____
- e. DOES THE VIOLATION CURRENTLY STILL EXIST ON YOUR PROPERTY? _____, IF SO, WHY?

ANY THING YOU WOULD LIKE TO ADD: _____

PROCEDURAL STEPS

A. Review Procedure:

The review procedure for appeals, variances, conditional uses, and administrative appeals shall be as follows:

1. Step 1 – Application:

An application for variances, conditional uses, appeals, or other review over which the BZA has original jurisdiction may be made by any property owner, including an authorized agent, or by a governmental officer, department, or board.

a. Special Application Requirements for Appeals

- i. An appeal to the BZA may be made by any person aggrieved by a decision of the Zoning Inspector or by any administrative officer of the Township in interpreting or applying the provisions of this Resolution. Such an appeal shall be taken within ten-10 calendar days of receipt of notification of the decision in question, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Resolution.
- ii. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- iii. The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.

b. The Zoning Inspector shall transmit a copy of the application to the BZA.

c. All applications shall be submitted with the required fees as established in the fee schedule.

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 ten-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 township at least 10 days before the date of such hearing.

b. Written notice shall be given to all property owners contiguous to and directly across the street from the subject property.

c. Any party may appear in person or by an appointed representative at a hearing for an appeal or application.

d. Upon the day for hearing any application or appeal, the BZA may adjourn the hearing 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 be notified of the time of resumption of said hearing unless the BZA so decides.

3. Decision

a. Within 30 days after the hearing concludes (Step 2), the BZA shall decide on the application or appeal.

b. A 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 a decision shall be binding upon the Zoning Inspector and observed by him/her, and he/she shall incorporate the terms and conditions of the decision in the certificate to the applicant or appellant, whenever the BZA authorizes a zoning certificate.

c. For appeals, the BZA may, in conformity with the provisions 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.

d. 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.

e. Failure to comply with the conditions of a decision shall be deemed a violation of this Resolution.

f. Any party adversely affected by a decision of the BZA may appeal the decision to the Court of Common Pleas in Allen County pursuant to the O.R.C.

B. Appeal Review Criteria

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this Resolution, state law, or federal law.

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 supply evidence that demonstrates that the literal enforcement of this Resolution will result in practical difficulty for an area/dimensional variance.

2. The following factors shall be considered and weighed by the BZA to determine practical difficulty:

- a. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
 - b. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - c. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - d. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - e. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 - f. Whether special conditions or circumstances exist as a result of actions of the owner;
 - g. Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
 - h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 - i. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
3. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined by its own merits and facts.

C. Conditional Use Permit Review Criteria

- 1. The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
- 2. The use is in accordance with the objectives of the adopted land use plan or development policies and Resolution; and
- 3. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- 4. The BZA shall also consider the following as applicable to the application:
 - a. The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings 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 and intersections to handle increased traffic in terms of traffic volume and patterns;
 - 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 services 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 a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation; and
 - j. Any other physical or operational feature or characteristic that may affect public health, safety, and welfare.

D. Expiration

- 1. For conditional uses, the applicant shall have 12 months from the date of approval to receive an approved building permit and start construction or the conditional use shall be deemed null and void.
- 2. For variances, the applicant shall have 12 months from the date of approval to receive an approved building permit and start construction or the variance approval shall be deemed null and void.

I ATTEST THE INFORMATION PROVIDED IN THIS DOCUMENT AND ATTACHMENTS ARE CORRECT TO THE BEST OF MY ABILITY.

THIS APPEAL IS SUBMITTED TO THE AMERICAN TOWNSHIP ZONING INSPECTOR, THIS _____ DAY OF: _____
IN THE YEAR OF _____.

PROPERTY OWNER / AGENT FOR OWNER SIGNATURE:

PRINTED:

DATE SUBMITTED: