



7802 Liberty Rd., Powell, OH 43065 Zoning Office  
740-938-2010  
www.libertytp.org

APPLICATION FOR USE AND AREA  
**VARIANCE**  
Board of Zoning Appeals

FILE BZA# \_\_\_\_\_ DATE: \_\_\_\_\_

FEES: \$600.00 RECEIPT # \_\_\_\_\_

CURRENT ZONING DISTRICT \_\_\_\_\_ CURRENT DEVELOPMENT PLAN \_\_\_\_\_

Please make sure all required information is provided. Incomplete applications will not be accepted.

|                         |   |
|-------------------------|---|
| <b>SUBJECT PROPERTY</b> | ADDRESS: _____  |
|                         | CITY/STATE/ZIP: _____   |
|                         | SUBDIVISION: _____ LOT #: _____ ACRES: _____                        |
|                         | CURRENT ZONING DISTRICT: _____ CURRENT USE: _____                   |
|                         | RANGE: <u>19</u> TOWNSHIP: _____ SECTION: _____ FARM LOT(S)#: _____ |

|                                  |                       |
|----------------------------------|-----------------------|
| <b>CURRENT PROPERTY OWNER(S)</b> | NAME: _____           |
|                                  | ADDRESS: _____        |
|                                  | CITY/STATE/ZIP: _____ |
|                                  | TELEPHONE: _____      |
|                                  | EMAIL ADDRESS: _____  |

|  |       |
|--|-------|
| <b>DESCRIPTION OF REQUEST AND APPLICABLE CODE SECTION(S)</b> | _____ |
|  | _____ |
|  | _____ |
|  | _____ |
|  | _____ |

|                   |   |             |
|-------------------|---|-------------|
| <b>SIGNATURES</b> | The undersigned certifies that this application (both sides) and the attachments thereto contain all information required by the Liberty Township Zoning Resolution, that all information contained herein is true and accurate and is submitted to induce the requested zoning change, and agrees to be bound by the provisions of the Zoning Resolution of Liberty Township, Delaware County, OH. The undersigned also gives Liberty Township permission to place signage on subject property to announce hearings. |             |
|                   | PROPERTY OWNER(S): _____  | DATE: _____ |
|                   | PROPERTY OWNER(S): _____  | DATE: _____ |
|                   | DEVELOPER: _____  | DATE: _____ |

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

|                               |  |
|-------------------------------|--|
| <b>Submittal Requirements</b> | <p>Fees AND one (1) completed original application form AND the following arranged into six (6) packets:</p> <ol style="list-style-type: none"> <li>1) Legal description of subject property in text and map form.</li> <li>2) List of all property owners within two hundred (200) feet of the exterior boundaries of the land for which the Variance is requested.</li> <li>3) All Drawings/plans must be measureable to the scale as listed on the document.</li> </ol> <p style="text-align: center;">*You may also include any supporting documentation</p> |
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**Section 25.06 – PROCEDURE ON APPLICATION FOR USE AND AREA VARIANCE**

The Board of Zoning Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the terms of this Zoning Resolution in harmony with its general purpose and intent, in accordance with the specific rules contained herein.

**25.06.A Public Notice:** Written application for a Use or Area Variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a Variance is requested. An application for a Variance shall be advertised at least one (1) time, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the Township. The notice shall state the time and place of the public hearing and the nature of the proposed appeal or variance.

**25.06.B Use Variance:** At such hearing, the applicant shall present a statement and adequate evidence in such form as the Township Board of Zoning Appeals may require. The Board of Zoning Appeals shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:

- 25.06.B.1** There are special circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions were not created by the applicant.
- 25.06.B.2** The granting of a Variance application is necessary for the preservation and enjoyment of substantial property rights.
- 25.06.B.3** The granting of the application will not materially and adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare, or injurious to property or improvements in such neighborhood.

**25.06.C Area Variance:** The Board of Zoning Appeals shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of his/her property. The factors to be considered and weighed by the Board are:

- 25.06.C.1** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance.
- 25.06.C.2** Whether the Variance is substantial.
- 25.06.C.3** 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.
- 25.06.C.4** Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- 25.06.C.5** Whether the property owner purchased the property with knowledge of the zoning restriction.
- 25.06.C.6** Whether the property owner's predicament can be obviated feasibly through some method other than a Variance.
- 25.06.C.7** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

In granting any Variance under the provisions of this Section, the Board of Zoning Appeals shall designate any related conditions that, in its opinion, will substantially secure the objectives of the regulations or provisions in the application on which the Variance is granted.

**25.06.D Hearing and Decision:** At such hearing, the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require.

Within a reasonable period of time after the public hearing the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the requested Variance.

In granting any variance under the provisions of this Section, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards, set forth in this Article and to carry out the general purpose and intent of this Resolution.

**25.06.E Form of Application:** All Applications for Use and Area Variances under this Section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said Application.

Failure to comply with the terms of a Use or Area Variance shall be regarded as a violation of this Zoning Resolution, and the sanctions may include revocation of such Variance after due process.

**For any questions or concerns, please call the Liberty Township Zoning office at (740) 938-2010**