

## **APPEAL APPLICATION INSTRUCTIONS**

IN ORDER FOR A NOTICE OF APPEAL REQUEST APPLICATION TO BE PROCESSED, IT MUST INCLUDE ALL OF THE FOLLOWING:

1. A completed application form
2. A complete and accurate list of all property owners specified in paragraph 1003.03 and their mailing addresses.
3. All of the items requested in paragraph 1003.04.
4. A copy of the deed to the property in question to show the full legal description of the property.
5. A check in the amount of **\$200.00** made payable to the **Portage Township Trustees**.
6. Return the completed paperwork and check to the Zoning Inspector for processing.
7. Complete and accurate description of the error that caused the Zoning Inspector to refuse to issue a Zoning Certificate.

### **ALL PAPERWORK MUST BE IN DUPLICATE**

Included with these instructions are:

1. Article 10 of the Portage Township Resolution
2. Notice of Appeal Request Form

**NOTICE OF APPEAL**

**Application** \_\_\_\_\_

Portage Township, Ottawa County, Ohio

One copy must be filed with the Township Zoning Inspector and one copy with the Board of Zoning Appeals within 20 days after the decision.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

I hereby appeal to the Board of Zoning Appeals the refusal of a Zoning Certificate by the Township Zoning Inspector for the reason that:

A: There was the following error in said decision:

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

\_\_\_\_\_  
Appellant

**ZONING DISTRICT** \_\_\_\_\_

Date Notice of Appeal filed with Zoning Inspector, \_\_\_\_\_, 201\_\_

Date Notice to parties in interest \_\_\_\_\_, 201\_\_

Date of Hearing \_\_\_\_\_, 201\_\_

Decision of Board of Zoning Appeals:

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

**BOARD OF ZONING APPEALS**

**ATTEST:**

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

ARTICLE 10

BOARD OF ZONING APPEALS

1000 Membership

1000.01 The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.

1000.02 The members of the Board shall serve the same length terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Article 11. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

1000.03 The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. An alternate member of the board of zoning appeals may not simultaneously serve as an alternate member to the zoning commission. (10/15/08)

1001 Rules Of The Board

1001.01 The Board shall by majority vote of its members elect a Chairman, a Vice Chairman, and a Secretary who shall occupy such offices until their successors are duly elected at the next meeting of the Board, which shall be held during the month of January of each year.

1001.02 If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.

1001.03 A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (10/15/08)

1002 Jurisdiction

1002.01 Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement officer in the administration and enforcement of the provisions of this Resolution.

and 1002.02 Variances: The factors or standards to be considered weighed for an area variance include, but are not limited to the following: (07/02/97)

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. (07/02/97)
- b. Whether the variance is substantial. (07/02/97)
- c. 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. (07/02/97)
- d. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage.) (07/02/97)
- e. Whether the property owner purchased the property with knowledge of the zoning restriction. (07/02/97)
- f. Whether the property owner's predicament feasible can be obviated through some method other than a variance. (07/02/97)
- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance. (07/02/97)

The variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building.(07/02/97)

1002.03 Conditional Use Permits: As provided in Article 7 of this Resolution.

1002.04 Exceptions: To authorize, upon application, the following exception:

- a. Permit in districts limiting the heights to thirty-five (35) feet or under, schools, hospitals, sanitariums, institutions, churches, and other similar uses allowed under the use regulations of this Resolution, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided that the front and side yard requirements for such buildings are complied with and fire-fighting equipment is available.
- b. Permit a manufactured home on a lot which is owned by the manufactured home occupant, and upon which the occupant is constructing a dwelling, for a period of one year. The manufactured home shall be removed once construction of the dwelling is completed. A

six (6) month extension may be granted by the Board. The requirements of Section 806.01 shall not apply in this situation.

- c. Permit two (2) main buildings on one (1) lot for reasons of health, disability, or natural disaster; such permit to be issued for a period of not more than one year, however, the permit may be renewed annually subject to the review of the Board.

### 1003 Procedures

1003.01 Meetings: Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, each amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed in the office of the Board of Township Trustees, and shall be a public record.

A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of the majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, staff shall postpone or cancel items requiring a vote and proceed with items presented for information only. (07/02/97)

1003.02 Appeals: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or affected, or by any officer of the Township, regarding any decision of the zoning administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds. If the twentieth day after the decision of the zoning administrative officer falls on a Saturday, Sunday, or holiday, the appeal may be taken on the next business day following. A fee as established by the Board of Township Trustees shall be paid upon the filing of the appeal. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. (6/18/98)

1003.03 Public Hearing and Decision: The Board shall fix a date for a public hearing of an appeal, variance, conditional use, or special exception application within thirty (30) days from the date of filing, and shall give at least ten (10) days notice in writing, by first-class mail, to the parties in interest, and to all owners of property within, contiguous to and directly across the street from the property involved in the application; this notice shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of

delivery of such notice shall not invalidate any action taken by the Board of Zoning Appeals. The Board shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any individual may appear in person or by attorney or authorized agent.(4/20/95) The Board shall decide the appeal, variance, conditional use, or special exception within thirty (30)days after the date of the public hearing. Every decision of the Board shall be based upon a finding of fact. In addition, the Board shall forthwith transmit a copy of its decision to the applicant. (06/03/93)

1003.04 Application Requirements: Every appeal, variance, conditional use, special exception application(s) shall be accompanied by a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or to be made.

- a. Each plan shall show:
  1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
  2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
  3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
  4. The location and size of the proposed structure(s) and/or the proposed enlargement of the existing structure(s).
- b. Where complete and accurate information is not readily available from existing records, the Board may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- c. Each property owner or authorized agent may be required to attest to the correctness of the statements and data furnished with the application.
- d. Any other information or documents required by the Board. (07/02/97)

1003.05 Fees: A fee as established by the Board of Township Trustees shall be paid upon the filing of an appeal, variance, conditional use, or special exception application. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law.