



## Anderson Township Zoning Commission **INSTRUCTIONS FOR FILING A MAJOR MODIFICATION**

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These instructions are prepared to aid the appellant (applicant) in filing a major modification to the final development plan for a planned district. The sections below describe the process for filing a modification, including the necessary ownership interest in the property, the information required for filing an application, and the procedures and fees for the process.

### **I. Ownership Interest in the Property**

An individual or his or her agent filing an appeal must have a legal and/or equitable interest in the subject property. The Anderson Township Zoning Commission (ATZC) requires the owner or agent to be present at the Public Hearing.

An officer or an employee of a corporation may file an appeal relating to property in which the corporation has a legal and/or equitable interest. The corporation, however, must be represented by legal counsel at the Public Hearing.

### **II. Required Information for Filing an Application**

**TEN (10) COPIES OF THE FOLLOWING SUPPORTING INFORMATION MUST BE SUBMITTED TO THE ATZC AND ALL DOCUMENTS SHOULD BE IN PACKET FORM, PLANS FOLDED, READY FOR DISTRIBUTION.**

1. A clear concise statement of all the facts, summarization of the proposed plan, and reasons for approving the application.
2. The specific references to any Article(s) of the Township Zoning Resolution or approving resolution for the district, which are relevant to the application.
3. The plats and plans normally used for filed for a Zoning Certificate should be used when filing the appeal. These plats or plans must:
  - Be drawn to scale and show the actual shape and dimensions of the lot(s) in question.
  - Show the exact size and location on the lot of the existing buildings and accessory buildings.
  - Show the lines where the proposed building will be erected or altered.
  - Show the existing and intended use of each building or part of a building.
  - Show the number of families or housekeeping units the building is intended to accommodate.
  - Show the landscaping or plant screening proposed.
  - Provide other information regarding the lot and neighboring lots which may be necessary for a determination of the application.

Where a new building is being constructed all dimensions shown on the plans relating to the location of the proposed building and size of the lot must be based on an actual survey.

Where addition, alteration or use of existing building(s) is involved, the plans filed must be based on an actual survey.

4. A description of the construction or use of the proposed structure or use.

### **III. Procedures**

The information above must be presented to Anderson Township Planning & Zoning Department at 7850 Five Mile Road, Cincinnati, Ohio 45230. The submittal must be received 20 days before the next scheduled ATZC meeting date, which is the fourth Monday of each month. (Some meeting dates are subject to change due to holidays, etc.) Applications filed near the deadline may be deferred until the following meeting if necessary because of excessive workload demands.

The cost for filing a modification is \$400, which includes advertisement and mailing costs. Checks should be made payable to Anderson Township. We do accept Visa or MasterCard with a 3% administrative fee.

All forms, including notices, necessary for the processing of an appeal will be executed by the Department of Planning & Zoning. A legal notice will be prepared by the office and placed in a newspaper of general circulation in Hamilton County ten (10) days prior to the Public Hearing.

Failure to appear at the scheduled Public Hearing may result in the dismissal of the application.

**An application will not be accepted unless and until all the above requirements are met.**

For additional information, you may contact our office during normal business hours 8:00 a.m. to 4:30 p.m., Monday through Friday at (513) 688-8400.

**C. Major and Minor Modifications of a Final Development Plan:**

The following provisions establish the various methods by which an applicant can modify the features of a Final Development Plan. These provisions shall apply to all Final Development Plans approved for developments in Community Unit Plan (CUP), EE, OO, DD or GG Districts. For any modifications that are of a technical or engineering nature as determined by the Director of Planning and Zoning or his/her designee, the applicant must submit a report from the appropriate public agency assuring compliance with agency regulations, in addition to meeting the requirements as listed below.

1. **Minor Modification:** The Director of Planning & Zoning or his/her designee has the authority to consider and approve Minor Modifications to a Final Development Plan provided such modifications are limited to altering the location of structures, circulation elements, enlargement or relocation of open space or grading where such alterations will comply with the intent of all regulations as established by the Anderson Township Zoning Resolution and by the approving Resolution for the development as adopted by the Board of Township Trustees. In no case shall a Minor Modification consist of an increase in impervious surface area, square footage of buildings, the grading or location of structures over an existing sanitary sewer, or lighting above what is allowed by the Anderson Township Zoning Resolution or by Resolution of the Board of Anderson Township Trustees. Nor shall a Minor Modification consist of the reduction of open space, landscaping or buffer, or a change of use(s), or increase in signage as originally approved in the Preliminary Development Plan.
2. **Major Modification:** Any modification to the approved Final Development Plan that fails to meet the requirements set forth in **Article 5.1.C.1**, but does not infringe

upon a specific requirement or standard as set forth in the development's approving Resolution as adopted by the Board of Township Trustees shall be considered a Major Modification to the Final Development Plan. The Anderson Township Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the legal property boundaries of the subject development, shall hold a meeting within 14 days of said public notice to consider the Major Modification application. For approval, there shall be findings that any proposed changes to the Plan will be in substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees. The applicant will be notified of the Zoning Commission's decision within one week from the date of such decision. If the proposed modification has been approved, a new Zoning Certificate shall be issued.

3. **Substantial Modification:** If the Director of Planning & Zoning or his/her designee or the Anderson Township Zoning Commission determines that the proposed modification to the Final Development Plan does not meet the above requirements, or that the proposal would be in direct conflict with the specific provisions of the approving Resolution as adopted by the Board of Township Trustees, then the proposal will be considered pursuant to the provisions as set forth in §519.12 and related sections of the Ohio Revised Code and **Article 2.5** of the Anderson Township Zoning Resolution. Any application for a final development plan that occurs more than one year after the effective date of the approving resolution for the site shall be subject to a public hearing and governed by the provisions of law and this Resolution applicable thereto.