



Anderson Township Board of Zoning Appeals **INSTRUCTIONS FOR FILING A ZONING APPEAL**

These instructions are prepared to aid the appellant (applicant) in filing an appeal of a zoning decision. The sections below describe the basis for an appeal, the necessary ownership interest in the property, the information required for filing an appeal, and the procedures and fees for the appeal.

I. The Basis for a Zoning Appeal

There are two reasons for filing an appeal:

1. The denial of a zoning certificate, and/or
2. Failure to comply with the Anderson Township Zoning Resolution.

If a Zoning Certificate is not issued by the Township Zoning Inspector (1), the applicant will receive a copy of the application which has been denied showing the reason(s) for the refusal and the Township Zoning Resolution section numbers which are the basis for the denial.

If the Township Zoning Inspector directs compliance with the Township Zoning Resolution (2), the applicant will receive a letter which cites the applicable Township Zoning Resolution section numbers.

The appeal must be filed within 20 days of notification.

II. 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 Board of Zoning Appeals (BZA) requires the owner or agent to be present at the Public Hearing. Any representative of the applicant, other than the designated agent or attorney for the applicant must have written consent to speak on the applicant's behalf.

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.

III. Required Information for Filing an Appeal

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

1. A clear concise statement of all the facts and reasons for granting the appeal (See Attached Sections 184.2-1 or 184.2-2).
2. The specific references to the Section(s) of the Township Zoning Resolution which are the basis for the appeal. These are contained in the denial issued by the Zoning Inspector (Item #1 above) and in the text of the Township Zoning Resolution.
3. The plats and plans previously filed for a Zoning Certificate may 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 appeal.

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 an 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.
5. A consent of the owner(s) to inspect the premises (See Attached Form).

IV. Procedures

The information required in section (III) above must be presented in person or sent by registered mail to the Anderson Township Development Services, Anderson Center, 7850 Five Mile Road. The submittal must be received 20 days before the next scheduled BZA meeting date, which is the first Thursday of each month. (Some meeting dates are subject to change.) Appeals filed near the deadline may be deferred until the following meeting if necessary because of excessive workload demands.

The cost for filing an appeal is \$250 for Residential property or \$350 for Commercial property. Checks should be made payable to Anderson Township.

All forms, including notices, necessary for the processing of an appeal will be executed by the Township Zoning Office. 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 appeal.

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

For additional information, you may call the Anderson Township Development Services during normal business hours 8:00 a.m. to 4:30 p.m., Monday through Friday at (513) 688-8400.

Sec. 184.2 To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, or impose practical difficulties, so that the spirit of the Resolution shall be observed and substantial justice done.

Sec. 184.2-1 Standards to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardships in the use of his/her property are as follows:

- (1) There are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same District or Vicinity;
- (2) The special circumstances or conditions do not result from actions of the property owner or any of the predecessors in title;
- (3) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant that is possessed by owners of other properties in the same District or Vicinity; and
- (4) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the District or Vicinity in which the property is located.

Sec. 184.2-2 Standards to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his/her property include, but are not limited to the following:

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

Sec. 184.3 To permit the extension of a District where the boundary line of a District divides a tract of not more than one acre in area and held in a single ownership on the effective date of this Resolution, provided such extension shall not exceed 100 feet.

