

# KINGSTON TOWNSHIP DELAWARE COUNTY, OHIO

## BOARD OF ZONING APPEALS APPLICATION FOR VARIANCE(S) OR APPEAL OF ADMINISTRATIVE DECISION

All applications must be submitted to the Zoning Office, 9899 St. Rt. 521, Sunbury, OH 43074, with a \$300.00 filing fee plus \$100 per acre if the Variance is for land. The Application shall be accompanied by the following information and arranged into 10 complete packets:

- \_\_\_\_\_ Typewritten or neatly printed application filled out completely;
- \_\_\_\_\_ Specified fee;
- \_\_\_\_\_ A list of all names and addresses of property owners, according to the Delaware County Auditor's Current Tax List, that are within, contiguous to, and across the street or easement from the premises in question, within 500' of the property line;
- \_\_\_\_\_ A set of stamped and addressed envelopes for all the names on the above-mentioned list;
- \_\_\_\_\_ A plot plan drawn to scale of the subject property showing the actual shape and dimension of the lot; buildings and accessory buildings existing; the existing and intended use of each building or part of a building; proposed location of the structure or change; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide the proper hearing for the application; and,
- \_\_\_\_\_ Other pertinent supporting information.

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Name of Lessee: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Legal Description: Subdivision Name: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Range: \_\_\_\_\_ Section: \_\_\_\_\_ Farm Lot: \_\_\_\_\_ Parcel Number: \_\_\_\_\_

(If not in a platted subdivision, attach a legal description)

Existing Use: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_

REQUEST (Check one):

\_\_\_\_\_ APPEAL of administrative decision

\_\_\_\_\_ VARIANCE from zoning ordinance requirements

Check item for which variance is requested:

- |                 |       |   |       |
|-----------------|-------|---|-------|
| a. Lot coverage | _____ | g. Fence                                    | _____ |
| b. Lot size     | _____ | h. Landscaping                              | _____ |
| c. Lot width    | _____ | i. Height/area requirements                 | _____ |
| d. Parking      | _____ | j. Nonconforming residential/commercial use | _____ |
| e. Setbacks     | _____ | k. Accessory or special use                 | _____ |
| f. Sign         | _____ | l. Other                                    | _____ |

If an appeal is being requested, state administrative decision being appealed and date of decision:

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

If a variance is being requested, state reasons for request:

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

Zoning Ordinance Code Sections Applicable to Variance: \_\_\_\_\_

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

**IT IS RECOMMENDED THAT APPLICANTS OBTAIN THE**

**KINGSTON TOWNSHIP ZONING CODE PRIOR TO MAKING APPLICATION.**

THE COMPLETE ZONING RESOLUTION (CODE) IS AVAILABLE FOR REVIEW OR PURCHASE (\$25.00) AT THE ZONING OFFICE; IT CAN BE EXAMINED AT THE SUNBURY COMMUNITY LIBRARY; AND IT CAN BE REVIEWED ON-LINE VIA THE DELAWARE COUNTY REGIONAL PLANNING WEBISTE [www.dcrpc.org](http://www.dcrpc.org) OR THE KINGSTON TOWNSHIP WEBSITE [www.kingstontwp.org](http://www.kingstontwp.org)

The undersigned certifies that this application and the attachments thereto contain all information required by the zoning resolution and that all information contained herein is true and accurate and is submitted for a variance or to appeal an administrative decision. Applicant agrees to be bound by the provisions of the zoning resolution of Kingston Township, Delaware, County, Ohio.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

Date of Hearing by Board of Zoning Appeals \_\_\_\_\_

Date of Decision \_\_\_\_\_

Recommendation: Approved \_\_\_ Denied \_\_\_

Vote: Aye \_\_\_\_\_ Nay \_\_\_\_\_ Abstain \_\_\_\_\_

**IMPORTANT**

LISTED BELOW IS ESSENTIAL INFORMATION THAT WILL AID YOU IN PROPERLY PREPARING YOUR APPLICATION, AS WELL AS HELP YOU DETERMINE THE MERITS OF YOUR CASE. YOU MAY CONFER WITH THE ZONING OFFICE IF YOU HAVE QUESTIONS ABOUT SPECIFIC ISSUES. PLEASE REEVALUATE YOUR PERSONAL SITUATION AND SEEK ADDITIONAL CLARIFICATION ASSISTANCE AS NEEDED.

An application for a variance shall contain, at a minimum, the following information:

- a) Name, address and telephone number of applicant;
- b) Legal description of the property;
- c) Description of nature of variance requested;
- d) A narrative statement demonstrating that the requested variance conforms to the following standards:
  - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - 2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Resolution.
  - 3) That special conditions and circumstances do not result from the actions of the applicant.
  - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
  - 5) That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is neither the only nor the primary factor for requesting the variance.
  - 6) That the request for a variance will not merely serve as a convenience to the applicant but is necessary to alleviate a demonstrable undue hardship or difficulty.
  - 7) That the granting of the variance will not unreasonably impact on the character and development of the neighborhood, unreasonably diminish or impair established property values in the surrounding area, or in any other way impair the health, safety and comfort of the area.
- e) A fee as established by the Township Trustees.

The burden of proof for granting a variance shall rest with the applicant. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Article XVII of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

The Board of Zoning Appeals shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- a) The variance requested arises from special conditions of, or involving, the property. The special conditions must be unique to the property and not ordinarily found in the same zoning district. Furthermore the special conditions must result from the enforcement of this Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property.
- b) The strict application of the provisions of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- c) The variance desired will not adversely affect the public health, safety and morals.
- d) The variance desired will not compromise the general spirit and intent of this Resolution.
- e) The request for a variance will not merely serve as a convenience to the applicant but is necessary to alleviate a demonstrable undue hardship or difficulty.
- f) The granting of the variance will not unreasonably impact on the character and development of the neighborhood, unreasonably diminish or impair established property values in the surrounding area, or in any other way impair the health, safety and comfort of the area.

<p>ALL SUBMISSIONS MUST BE TURNED IN 21 DAYS PRIOR TO THE HEARING IN ORDER TO BE PLACED ON THE BOARD OF ZONING APPEALS MEETING AGENDA</p>
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The following provisions pursuant to Duncan v. Middlefield, 23 Ohio St. 3d 83 (1986) must be met in total before a variance can be granted. Respond to each of the seven criteria as it pertains to the request.

(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.

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(b) Whether the variance is substantial:

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(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:

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(d) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewage, garbage):

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(e) Whether the property owner purchased the property with knowledge of the zoning restriction:

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(f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance:

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(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance:

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The facts presented above are true and correct to the best of my knowledge:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TYPE OR PRINT NAME HERE: \_\_\_\_\_

**Plot Plan (Site Plan) Information:**

A. Minimum Required Information (to be shown on the site plan):

The site plan shall be legibly and accurately drawn to scale on paper suitable for reproduction. Architect's drawings will also be acceptable. The plan shall contain the following information:

1. The name and address of the person filing the application
2. The date, scale, and north arrow
3. Property lines, building lines, and easements
4. Streets, sidewalks, and alleys
5. Existing and/or proposed structures and improvements (trees, patios, driveways, etc.)
6. Existing structures within 20 feet of the property
7. Accurate dimensions of the property and all structures involved

B. Example of an acceptable site plan attached:

C. Elevations: Elevations shall be submitted for all sign applications, new additions, alterations to existing structures, new accessory structures, and fences. They shall contain the following information:

- 1) Dimensions including height, width, length, and area.
- 2) In the case of signs, the elevation should also indicate the exact appearance of the sign, whether or not it is illuminated, and the type of illumination.

D. Other: Any other information deemed necessary by the Code official should be stipulated below:

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Check by: \_\_\_\_\_ Date: \_\_\_\_\_

Kingston Township Zoning Office  
9899 St. Rt. 521  
Sunbury, OH 43074  
kingston@midohio.net  
740-524-0290  
FAX 740-524-5304

## Example of a Typical Site Plan

This is an example of the type of information the Kingston Township Zoning Office needs on your site plan.

