

NOTICE OF APPEAL TO THE BZA DUE TO A RULING ON AN ISSUED PERMIT

FOR BZA USE ONLY

This application cost is \$250.00 if Applicant initiates the action. If Thorn Township initiates, no charge.

Please Type or print information and use extra sheets as needed: THERE MUST BE EIGHT (8) COPIES OF THE ENTIRE APPLICATION SUBMITTED TO THE SECRETARY OF THE BZ.A.

To the Honorable Board of Zoning Appeals of Thorn Township in Perry County

1. The Applicant is , _____ (names of property owners); if not property owners indicate relationship here _____ (i.e., authorized representative(s), address of the property is, _____ and being within the (circle one) G Rural Residential District (RR) as defined in Article XIII, or G Northwest Residential District (NRD) as defined in Article XV; or G Urban-Density Residential District (UR) as defined in Article XVI; or G Rural Business District (RB) as defined in Article XVIII; or G Industrial District (I) as defined in Article XIX; or G Special Use District (SU) as defined in Article XX or G Planned Residential Development (PRD) as defined in Article XXI.

2. The Applicant[s] come before this Board requesting an appeal from the following provisions of the Thorn Township Perry County Zoning Resolution (list each Article, section and non-compliance term Applicant is unable to conform with).

Article _____ Section _____ Reason for non-compliance

Article _____ Section _____ Reason for non-compliance

Article _____ Section _____ Reason for non-compliance

(Use back of page if needed for other citations)

3. Please, list the intended construction or changes on or to the land that the Applicant wants the BZA to consider for this violation hearing:

(Use additional page(s) as needed for other changes, labeling it ATTACHMENT A)

4. Attach as ATTACHMENT B, a certified copy of record of the land/lot that is the subject matter of this hearing. This will be the deed of record on file at the Perry County Recorder's Office in New Lexington, Ohio.

5. Attach either a certified surveyor's pin placement map of the subject parcel and all other parcels within 200 feet of the non-conforming property with the proposed changes included. Labeling it ATTACHMENT C.

6. Attach a list all owners of property contiguous to and directly across the street/road within 200 feet of the subject property. The addresses of those owners shall conform to the listed property owners of record at the Perry County Recorder's Office in New Lexington, Ohio. Label this ATTACHMENT D

7. Title 5, Chapter 519.02 of the Ohio Revised Code (ORC) empowers the Thorn Township Trustees to regulate building and land use in unincorporated territory for public purpose. For the purpose of promoting public health, safety, and morals . . . in accordance with a comprehensive plan . . . that has been properly enacted under the Ohio Revised Code. This Resolution was enacted with proper formalities April 11, 2000. Title 5, Chapter ' 519.14 of the ORC grants Township BZAs the power to hear variances and appeals of administrative decisions. Thorn Township Zoning Resolution (Resolution) Article VII Sections 7.01 through 7.07 govern Appeals and variances. The BZA have four (4) criteria under Article VII Section 7.04 that they must weigh when making a decision; (A) that the are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the appeal is sought and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located; (B) That, because of such physical conditions, there is limited possibility that the property can be developed in strict

conformity with the provisions of the Zoning Resolution and that the authorization of a variance, conditional use of an appeal of an administrative order is therefore necessary to enable the reasonable use of the property; (C) That such necessary hardship has NOT been created by the applicant; and (D) that the appeal if favorably rule upon, if authorized, will represent the minimum exception(s) to the Resolution that will afford relief and will represent the least modification possible of the Regulation at issue.

Under no circumstances shall the BZA grant a variance or an appeal that would 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, Thorn Township Zoning Resolution, Article VII, Section 7.04 pages I-24 and I- 25

8. The Applicant shall summarize his/her claim with regard to each claim made in numbers 2, 3 and 5. Please indicate by number and issue of the above non-compliances or intended construction that would put this property in non-compliance. Answer these in response to ITEM 7's A, B, C, D and E questions. (Attach as ATTACHMENT E)

a. Following Article IV Section 4.02 list all items, A through I, that you complied or your lack of compliance with in the filling out of the permit, and include the manner of compliance or non-compliance.

A.

B.

C

D

E

F

G

H.

I

9. Response to the citation issued by the Zoning Inspector per Article and Section. If Applicant was cited under Article IV Section 4.09 respond to: If cited under a different Article or Section please respond to that citation. If application for Appeals is not in response to a citation, disregard this request.

A.

B.

C.

10. The Applicant may notify as many neighboring, contiguous property owners within 200 feet of the subject matter of this hearing, as reasonably possible. The best method of notice would be to send all aforementioned neighboring property owners a letter by return receipt registered mail. The return of that receipt and production of the sent letter would be construed as notice that would allow irrefutable proof of notice to all adjacent land owners of record. Another method is; assigning an affidavit indicating that neighboring property owners were notified of the purposed non-complying changes or use of the subject property or structures. Make as many copies as needed and attach them as AATTACHMENT F.

11. Contact person other than signatory above

(Name)

(Address)

(Phone)

12. The person signing this document is the landowner or a person who has proper authority to represent himself or herself as agent for the bona fide owner of the aforementioned property and hereby request this variance or relief appeal from the Thorn Township Zoning Resolution.

I or We _____ being duly sworn depose and say that I or We are the owners or are their representative[s] with legal authority to bind the true owners to the application's truthfulness and speak for and accept the outcome decision[s] of the

Thorn Township Board of Zoning Appeals at a formal public hearing. The aforementioned owners and assigns swear that all information given within this application and attachments are accurate and true to the best of my/our knowledge and belief.

Owner/Representative

Property Address

Contact Phone Number

Sworn to and Subscribed to before me this _____ (day) of _____ (month) of 20____.

Notary

Seal

Mail all Correspondence to:

Deborah Morgan

268 Middleground Road

Pataskala, OH 43062

Or phone 740-258-2637 if questions