

## SUMMARY

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The following is a summary of the procedures designed to process your requested appeal of the zoning/building code resolutions adopted by Olmsted Township. Please contact the Building Department for complete details of this process. (235-4225)

Applications for Zoning appeals are available online at: [www.olmstedtownship.org](http://www.olmstedtownship.org) or at the building department. All fees, hearing dates, legal notices and notification of adjacent property owners are determined by the Building Department..

Olmsted Township is not responsible for verification of property line location or measurements. If you are not sure where the property lines are, it is the property owner's responsibility to have the property surveyed.

The Board of Zoning Appeals meets the third Wednesday of each month. Applications must be received no later than the first business day of that month, for the purposes of advertisement of legal notices and site visits by board members prior to the meeting date. Legal notices must be published and neighboring property owners must be notified, ten (10) days prior to the public hearing.

Decisions by the Board of Zoning Appeals are final within the Township.

## OLMSTED TOWNSHIP



Established 1814

26900 Cook Road

Olmsted Township, Ohio 44138

Phone: 440.235.4225

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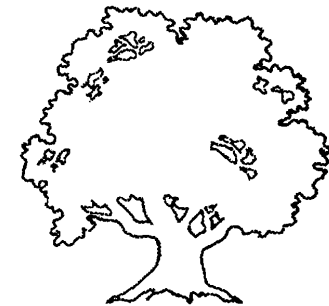
[www.olmstedtownship.org](http://www.olmstedtownship.org)

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## BOARD OF ZONING APPEALS PROCEDURES

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## OLMSTED TOWNSHIP



Established 1814

## APPEALS TO THE BOARD OF ZONING APPEALS

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### SECTION 540.01\*

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Township, deeming himself or itself to be adversely affected by any decision or action of the Zoning Inspector or by any administrative officer deciding matters relating to this Zoning Resolution.

## PUBLIC HEARING OF THE BOARD

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### SECTION 540.03\*

Upon receipt of the material related to the proposed action, the Board of Zoning Appeals shall set a date for a public hearing to consider the appeal. Notice of such hearing stating the time, place, and object of the hearing shall be sent by first class mail, addressed to the parties making the request for appeal, at least 10 days prior to the date of the scheduled hearing. Not less than 10 days prior to the date set for such hearing or appeal, written notice of such hearing shall be sent by first class mail to any person, firm, or corporation owning premises located within 500 feet of the property line to which such appeal or application relates. Failure of delivery of such notice shall not invalidate action taken on such application. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required. Any person may appear before the Board at the public hearing on the application and state their reasons for or against the proposal.

## APPEALS TO THE COURT OF COMMON PLEAS

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### SECTION 540.07\*

Decisions of the Board of Zoning Appeals granting or denying variances shall be final within the Township. Appeals shall be subject to judicial review by the Court of Common Pleas of Cuyahoga County, Ohio, in accordance with the laws of the State of Ohio.

## VARIANCES AS A TYPE OF APPEAL

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### SECTION 540.06 (b) 1 – 9\*

According to the procedures established for appeals in Section 540.03, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence demonstrates that the literal enforcement of this Resolution will result in practical difficulty. The following factors shall be considered and weighed by the Board in determining practical difficulty:

- (1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

- (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- (6) Whether special conditions or circumstances exist as a result of actions of the owner;
- (7) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

\* Code Sections taken from Olmsted Township Zoning Resolution.