

# WAYNE TOWNSHIP, BUTLER COUNTY

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ED DULLE

*Zoning Administrator*

EDWARD TRUSTER

*Road Superintendent*

June 3, 2013

## REQUIREMENTS FOR A WAYNE TOWNSHIP BOARD OF ZONING APPEALS HEARING

Section 519.14 of the Ohio Revised Code and Article 25 of the Wayne Township Zoning Resolution establish the jurisdiction of the Wayne Township Board of Zoning Appeals and the procedures for hearings before the Board. An application for relief from the Board of Zoning Appeals must state the specific relief requested by the applicant.

Any person filing an application for a hearing before the Board of Zoning Appeals is responsible for complying with all requirements for invoking the jurisdiction of the Board and properly identifying the relief requested from the Board and the reasons supporting the request. The following is intended to provide an overview of the types of relief which the Board of Zoning Appeals may grant, however this overview is NOT intended to relieve an applicant of the obligation to fully comply with legal requirements. Additionally, the Township Zoning Inspector is not permitted to provide legal advice and an applicant is advised to contact an attorney if the applicant has any questions concerning the legal requirements concerning the process before the Board of Zoning Appeals.

Upon the filing of an application, the Board of Zoning Appeals shall conduct a hearing and may grant one of the following forms of relief to an applicant.

The Wayne Township Zoning Resolution describes the uses permitted in each zoning district, including "Conditional Uses Requiring Board Approval." A conditional use is a use of property which may be permitted by the Board of Zoning Appeals upon such conditions as the Board determines are necessary to ensure that the use will not adversely impact the health, safety, comfort and general welfare of the surrounding area and will be compatible with the surrounding uses. Because potentially affected owners in the area will have the right to present evidence concerning potential adverse impact(s) upon their property, they will receive a certified letter from the Zoning Inspector with the date and time of the hearing. An applicant may want to discuss his request with his neighbors to ensure that they fully understand the nature of the request.

A property owner may request a Variance from the literal application of any provision of the Wayne Township Zoning Resolution. The Board of Zoning Appeals may grant a variance if it determines, based upon evidence presented at the hearing that the applicant will suffer an **unnecessary hardship** from a literal application of the Zoning Resolution, and that granting a variance will be consistent with the spirit and intent of the Resolution and will not be contrary to the public interest. An unnecessary hardship must generally be based upon the unique characteristics of the applicant's property or surrounding area: an unnecessary hardship cannot be based upon conditions created by the applicant, or prior owner of the property.

To contest the Zoning Inspector's issuance of a zoning violation citation or interpretation of the Zoning Resolution, an applicant may file an Appeal to the Board of Zoning Appeals. After hearing evidence and argument at the hearing, the Board may affirm, reverse or modify the decision of the Zoning Inspector. An appeal must be filed within twenty (20) calendar days of the citation or interpretation issued by the Zoning Inspector. Any application requesting an appeal must state the specific action being appealed and should state the interpretation of the Zoning Resolution which the applicant believes is appropriate.

Application must be filed with the Zoning Inspector. The current fee for filing any application to invoke the jurisdiction of the Board of Zoning Appeals is five hundred (\$500.00) dollars.