



HAMILTON COUNTY ZONING RESOLUTION USER'S GUIDE

Appeals

HAMILTON COUNTY

Board of Zoning Appeals

138 E COURT ST RM. 801
CINCINNATI, OH 45202-1224

GENERAL INFORMATION

Phone: (513) 946-4550
Fax: (513) 946-4475

Secretary/
Development Services
Administrator

Bryan Snyder, AICP

- **What is an Appeal?**

The appeal procedure is the public hearing process through which any individual may request relief from any order, requirement, decision, or determination made by an administrative official. The majority of appeal cases are filed as a result of a situation or violation of the zoning code discovered through field investigation. Other appeals may be filed as a result of a conflict or disagreement related to a zoning resolution interpretation. All appeals are heard and decided by the Board of Zoning Appeals. If an appeal is being requested as the result of a field order, the case must be filed within thirty (30) days of the order.

- **How do I apply for an Appeal?**

A letter describing the situation in question, or a copy of the field order from which relief is being sought shall accompany an application for an appeal. Site plans, structural details, and additional information may be provided at the applicant's discretion or upon request by the BZA in order to make a sound determination on the case. Refer to the attached application packet for additional information. The completed packet and application fee shall be filed directly with the Board of Zoning Appeals. You may schedule an appointment with the Administrator of the Board if you have questions or wish to further discuss details of a case prior to submission. ***Requests for variance of a yard, bulk, or parking standard contained in the Zoning Resolution should follow the application procedures for Variances (see the Variances User's Guide).***

- **Processing Procedures for an Appeal:**

Minimum processing time for an Appeal is typically 62 days.

- a) Within 5 days after filing a complete application, the BZA Administrator sets a public hearing for between 30 and 62 days from that date.
- b) The BZA Administrator sends notice of the public hearing at least 10 days prior to such hearing to the applicant, the Township, and to property owners within 200 feet of the subject property. A legal advertisement is published in a local county newspaper.
- c) **The Board of Zoning Appeals holds a Public Hearing** at their regularly scheduled meeting, usually the second Wednesday of each month at 1:00 p.m. Please refer to schedule for exact submission and hearing dates. The applicant or someone representing the applicant MUST be present at the public hearing.
- d) Following the closure of the public hearing, the BZA takes action within 30 days.
- e) If the application is approved:
 - 1) The BZA Administrator prepares a Resolution of Approval for the Chairman of the Board to sign officially authorizing the appeal.
 - 2) Applicant must apply to the Rural Zoning Commission for a Zoning Certificate when directed to do so by the Board. Zoning Certificates for projects that also require a building permit are valid for a period no longer than six months unless a building permit has been issued or the BZA has granted an extension.
 - 3) Applicant applies to the Building Department for a Building Permit when required.

HAMILTON COUNTY BOARD OF ZONING APPEALS

County Administration Building
138 E. Court Street, Room 801
Cincinnati, Ohio 45202
513-946-4550

CHECKLIST FOR FILING AN APPEAL APPLICATION

Applications for an appeal shall be **filed in person** with the Board of Zoning Appeals. A legal notice will be prepared by the Board of Zoning Appeals and placed in a newspaper of general circulation in the county at least 10 days prior to the public hearing. *The applicant will receive the bill for said legal notice.* The Board may also prepare for the applicant, if requested, a typewritten list of names and complete addresses of the property owners of all lots and lands located within 200 feet of the property requesting the appeal. Said list will be prepared from the County Auditor's current tax list. *The office of the Board will execute all forms, including individual and legal notices, necessary for the processing of an application.*

Hearings are held by the Board of Zoning Appeals in Room 805 of the County Administration Building, located at 138 East Court Street, Cincinnati, Ohio 45202

All complete applications shall include the following information. *Please submit this checklist with your application.*

1. THE LETTER - Please provide 1 copy

An explicit typewritten statement addressed to the Board of Zoning Appeals, setting forth the following:

_____ The location and size of the property.

_____ A clear and accurate description of the proposed construction or use of the property (when filing an appeal from a field order).

_____ Specific sections of the zoning resolution in question, or from which the appellant is requesting an interpretation or relief.

_____ State clearly any fact, hardship, or other pertinent information related to the appeal or believed to support the interpretation sought or recommended.

2. THE SITE PLAN – As necessary for an Appeal

The site plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information.

_____ Surveyor's Seal (*Required for all new dwellings, residential additions or structures over 600 sq. ft. or less than 10' from a property line, and all commercial buildings.*)

_____ Name of person(s) preparing the plan

_____ Title, name of owner, & name of builder/contractor

_____ North Arrow (North to top of plan)

_____ Property lines, property dimensions, street name(s), site size

_____ Existing and proposed buildings & other structures

- _____ Distance from structures to property lines
- _____ Paving, parking areas, driveways, walks, etc.
- _____ Parking space, aisle & drive dimensions, & parking analysis
- _____ Land use of parcels adjoining the proposed site
- _____ Streetscape & boundary buffer yards & interior landscape areas (when applicable)
- _____ Existing & proposed grades
- _____ Easements & purpose of easements

Note: Modification or changes to the plats and/or plans approved by the Board are subject to review by the Board and a new case may be required.

3. THE LANDSCAPE & LIGHTING PLAN – As necessary for an Appeal

The landscape plan shall be drawn to scale of not less than 1 inch equals 50 feet. A landscape plan is not required for single family dwellings and similar uses not subject to buffering and landscape standards, but when required for other uses, the plan shall contain the following information.

- _____ Landscape Architects Seal or plants selected from Appendix A-2 – Recommended Plant List
- _____ Streetscape buffer yard width & location
- _____ Boundary buffer yard(s) width & location
- _____ Interior landscape areas size & location
- _____ Detailed schedule of planting materials including type, size, and location within each yard or area
- _____ Location and details (height, type, etc.) of any exterior light fixtures or poles
- _____ Indication (either photometric plan or similar lighting plan) that the light levels will be less than 0.5 footcandles at all property lines.

4. THE STRUCTURAL DRAWING – as necessary for an Appeal

5. THE APPLICATION – Complete one (1) copy of the BZA application form.

6. THE FEE \$ _____ + Legal Advertisement

An application fee is required when the appeal is filed (all fees are nonrefundable and must be made payable to the Hamilton County Treasurer). Contact the Board of Zoning Appeals at 946-4550 for additional information.

Checklist Prepared by: Name _____
 Address _____
 Phone _____
 E-Mail _____
 Date _____