

Warren County Zoning Department

406 Justice Drive, Room 170 Lebanon, Ohio 45036

(Eff. 9/24/2020)

wczoning@co.warren.oh.us

Application # _____

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Application for Administrative Appeal

1) Applicant Name(s): _____

Phone: _____ E-mail: _____

Address: _____

2) Property location / Address: _____

3) Sidwell / Parcel Id ____ - ____ - ____ - ____ - ____

4) Township: _____

5) Reason for Appeal: _____

6) Property Description Survey: _____

7) Subdivision Name & Lot Number: _____

8) Zoning Classification: _____

9) Section (s) (of W.C. Zoning Code) requested for Administrative Appeal _____

Applicant(s) Signature(s): _____ Date: _____

For office use only:

Accepted date for Completeness _____ Submittal Fee Paid _____

Date review packet sent to BZA: _____ Staff report finished _____

Applicant / Adjacent property owners notified: _____

Hearing date: _____ Action taken by: _____

SEC 1.310 ADMINISTRATIVE APPEALS:

1.310.1 Purpose: Administrative appeal is provided pursuant per ORC Section 303.14(A), which specifies that a Board of Zoning Appeals (BZA) may hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by a administrative official in the enforcement of ORC Sections 303.01 to 303.25 or of any resolution adopted pursuant thereto. Per ORC Section 303.14, the BZA, in exercising this power, may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken. Decision by the BZA on such appeal is final, unless otherwise overridden by the Court of Common Pleas of jurisdiction or higher Court thereafter, if successfully filed with the Court by the recipient applicant in disagreement with the BZA decision on the appeal.

1.310.2 When Appropriate: Submitting an application for administrative appeal is appropriate when the applicant can clearly cite grounds that the Zoning Inspector has:

- (A) Wrongfully imposed a requirement or restriction specified necessary by, or in accordance with, this Zoning Resolution upon a property or use activity of the applicant; and/or,
- (B) Wrongfully denied a provision of allowance by, or in accordance with, this Zoning Resolution for a property or use activity of the applicant; and/or,
- (C) Otherwise acted inappropriately upon the applicant or a property or use activity of the applicant in a manner contrary to, or inconsistent with, this Zoning Resolution.

1.310.3 Application Information and Submittal Fee:

- (A) Name, address, fax number, e-mail address, and phone number of the owner/agent of the property;
- (B) Date submitted to, and accepted complete, for processing by the Zoning Inspector;
- (C) The Sidwell identification number of the parcel(s) of the appeal submitted; the name of the Township and zone and the applicable Section, Town, and Range or Military Survey number(s) in which the site is located; the road address of the site, if issued; and, if applicable, the name of the subdivision and the lot number(s) of the site and other identifying references provided, if necessary, to accurately establish the location of the appeal site;
- (D) Statement of the grounds as reason(s) for submitting the application for administrative appeal;
- (E) Signature of the applicant on the application form attesting to the truth and correctness of all information provided on the application form and in any other accompanying information; and
- (F) The application submittal fee established by the Board of County Commissioners.

1.310.4 Application Submittal and Processing for Decision: The procedure by which the application for administrative appeal shall be submitted and processed for decision by the Board of Zoning Appeals (BZA) is as follows:

- (A) **Notice Of Appeal Submittal:** The required application in serving as notice of appeal to the BZA must be submitted to the Zoning Inspector within twenty (20) days after the date that the action of the Zoning Inspector being appealed was made by the Zoning Inspector, together with the required fee for submittal and any accompanying information in support of the appeal.
- (B) **Stay of Proceedings:** Submittal of the appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies in writing to the BZA that, by reason of fact, a stay would cause imminent peril to life and property. In such case, proceedings shall not otherwise be stayed other than by an order of the Court of Common Pleas of jurisdiction upon notice to the BZA and the Zoning Inspector.
- (C) **Processing For Hearing:** Upon receipt of the notice of appeal application, the Zoning Inspector, or via the Zoning Clerk, shall forthwith convey a copy of the application and all papers constituting the record upon which the appeal is based to each member of the BZA along with written notification of the earliest possible scheduled date, time, and place where the BZA shall hold its public hearing on the appeal. The notification describing the appeal and stating the place, date, and time that the BZA will hold its public hearing on the appeal shall also be published in one or more newspapers of general circulation in the zoning jurisdiction area at least ten (10) days prior to the hearing and likewise broadcast on the Warren County Building and Zoning webpage of the Warren County website.
- (D) **Hearing and Record on Appeal:** The BZA shall consider and keep record of all testimony received from persons during the hearing regarding the appeal. Upon the BZA closing the public hearing and its members concluding their deliberation on the appeal, the BZA shall render its decision on the matter.
- (E) **Decision on Appeal:** The BZA shall have all the powers of the Zoning Inspector with respect to making its decision on the appeal. The concurring vote of the majority of the BZA members present at the hearing shall be necessary to uphold, reverse, or modify the appealed action of the Zoning Inspector. The BZA shall render a written decision on the appeal without unreasonable delay after the close of the hearing, and in all cases, not exceeding thirty (30) days thereafter.

1.310.5 Decision, Determination and Findings: The Zoning Inspector order, requirement, decision, or determination appealed shall be upheld unless the BZA determines that the Zoning Inspector action was:

- (A) Based on an erroneous or improper interpretation of the Zoning Resolution; or,
- (B) Based on an erroneous finding of material fact; or,
- (C) Unfounded, indefensible, or inappropriate use of discretion; or,
- (D) Arbitrary or capricious and made without necessary basis on the Zoning Resolution.

1.310.6 Recourse to Unfavorable BZA Decision: The applicant may appeal to the Court of Common Pleas.