

**FORM NO. 12  
NOTICE OF APPEAL  
REQUESTING A VARIANCE  
BURTON TOWNSHIP**

**THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.**

- A. Name of Appellant: \_\_\_\_\_  
Address of Appellant: \_\_\_\_\_  
Telephone Number of Appellant: \_\_\_\_\_  
Fax Number of Appellant: \_\_\_\_\_  
E-mail Address of Appellant: \_\_\_\_\_
- B. Name of Owner of Record: \_\_\_\_\_  
Address of Owner of Record: \_\_\_\_\_  
Telephone Number of Owner of Record: \_\_\_\_\_  
E-mail Address of Owner of Record: \_\_\_\_\_
- C. Address of the Lot: \_\_\_\_\_  
(if different from Appellant's current address)
- D. Attach the names, addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
- E. Attach documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease, or purchase agreement).
- F. Attach a legal description of the lot, as recorded with the Geauga County Recorder.
- G. Provide the current zoning district in which the lot is located: \_\_\_\_\_
- H. Provide a description of the existing use of the lot: \_\_\_\_\_  
\_\_\_\_\_
- I. Provide a description of the proposed use of the lot: \_\_\_\_\_  
\_\_\_\_\_
- J. Attach two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
  2. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
  3. The setback (in feet) from all lot lines of existing buildings, structures, and uses on the lot, if any.
  4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
  5. The total amount of square feet of floor space for each floor of proposed buildings or structures

on the lot or of any addition or structural alteration to existing buildings or structures.

6. The setback (in feet) from all lot lines of proposed buildings, structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.

7. The height (in feet) of existing buildings or structures on the lot.

8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.

9. The name and location of the existing road(s), public and private, adjacent to the lot.

10. The number of dwelling units existing (if any) and proposed for the lot.

11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.

12. For commercial and industrial uses: the location, dimensions (in feet), and number of loading/unloading spaces.

13. The location and dimensions (in feet) of any existing or proposed easements on the lot

14. The location and description of any existing and proposed landscaping and buffer areas on the lot.

15. The existing topography of the lot, at contours intervals of two (2) feet, and a final grading plan.

16. The location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

17. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.

18. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

K. For an appeal requesting a variance to sign regulations, provide the following information:

1. Attach two (2) copies of a drawing, drawn to scale and dated, showing:

a. The dimensions (in feet) of the sign.

b. The area of the sign (per sign face) in square feet.

c. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front lot lines.

d. The height (in feet) of the sign.

e. The method of illumination, if any.

f. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).

L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.

M. The "General Standards for Conditional Uses" listed under section 505.0 may apply and may be required as a part of the application.

N. Provide the following additional information:

1. State the exact nature of the variance requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Provide the specific zoning regulations from which a variance is requested: \_\_\_\_\_

\_\_\_\_\_

3. Written justification for the requested variance shall be made. If the request is for a "USE" variance, responses to the following questions shall be provided. The unnecessary hardship standard shall apply to a "USE" variance and the factors to be considered include, but are not limited to, the following:

a. Whether there are conditions that are unique to this lot, and not ordinarily found in the same zone or district? \_\_\_\_\_

\_\_\_\_\_

b. Did the applicant create these conditions? \_\_\_\_\_

c. Whether the variance would adversely affect the rights of adjacent owners? \_\_\_\_\_

\_\_\_\_\_

d. Whether the variance would adversely affect the public health, safety or general welfare? \_\_\_\_\_

\_\_\_\_\_

e. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? How? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Whether the requested variance is the minimum action, which would afford relief to the applicant? \_\_\_\_\_

g. What other economically viable use of the lot could be made within this zoning district? \_\_\_\_\_

\_\_\_\_\_

4. Written justification for the requested variance shall be made. If the request is for an "AREA" variance, responses to the following questions shall be provided. The practical difficulties standard shall apply to an "AREA" variance and the factors to be considered include, but are not limited to, the following:

a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance. \_\_\_\_\_

\_\_\_\_\_

b. Whether the variance is substantial. \_\_\_\_\_

\_\_\_\_\_

- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

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- d. Whether the variance would adversely affect the delivery of governmental services.

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- e. Whether the lot owner purchased the property with the knowledge of the zoning restriction.

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- f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance. \_\_\_\_\_

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- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. \_\_\_\_\_

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I hereby certify that all of the information supplied in this application and attachments hereto are true and correct to the best of my knowledge, information, and belief.

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

\_\_\_\_\_  
Appellant's Signature

\_\_\_\_\_  
Date

FOR OFFICIAL USE ONLY

Application Number: \_\_\_\_\_

Zoning Certificate Application Number: \_\_\_\_\_

Date Notice Filed with Zoning Inspector: \_\_\_\_\_

Date Notice Filed with Board of Zoning Appeals: \_\_\_\_\_

Date of Notice to Parties in Interest: \_\_\_\_\_

Date of Notice in Newspaper: \_\_\_\_\_  
(provide name of newspaper)

Date of Public Hearing: \_\_\_\_\_

Amount of Appeal Fee Paid: \$ \_\_\_\_\_

I hereby acknowledge receipt of this notice of appeal requesting a variance this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

Signature of Chairman or Secretary  
of Township Board of Zoning Appeals

Print Name: \_\_\_\_\_