

BERKSHIRE TOWNSHIP ZONING OFFICE

1454 Rome Corners Road

Galena, Ohio 43021

740-965-2992, Ext. 1

Berkshire.zoning@gmail.com

www.berkshiretpw.org

Application # _____
Date received _____
Township Fee \$ _____
Make Check Payable to Berkshire Township

Application for Conditional Use

Name of applicant _____ Contact name _____

Address of applicant _____

City _____ State _____ Zip _____

Contact Phone _____ Email _____

Name of Property owner _____

Address of property owner _____

City _____ State _____ Zip _____

Phone _____ Email _____

Location/address of property _____

Parcel number(s) _____

Current zoning _____ Current use _____ Total acres _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Submittal Requirements. The following must be submitted with the correct application fee:

See Berkshire Township Zoning Fees sheet online at <http://www.berkshiretpw.org/berkshire-township-zoning-laws.html> for complete fee list. Make check payable to Berkshire Township.

1. Applicant shall include a complete legal description and survey of the property.
2. A list of the names and addresses of all property owners, as appearing on the County Auditor’s current tax list, who are within, contiguous to, directly across the street from, and within 200 feet of the perimeter boundaries of the property.
3. **Description of Conditional Use being requested**, including the applicable Section number(s) of the zoning resolution. Attach on additional page(s). **(Check One Below Article)**

_____ Article 7(A-1) Section 7.03

_____ Article 11(PRD) Section 11.05

_____ Article 8(FR-1) Section 8.03

_____ Article 18(PID) Section 18.03

_____ Article 9(PERRC) Section 9.05

_____ Article 19(FPRD) Section 19.04

_____ Article 19(FPRD) Section 19.06

Additional Options may be available. Please refer to Article 21.11 or 21.12 (following pages) and check below, if applicable

_____ Article 21 Section 21.11

_____ Article 21 Section 21.12

4. Any other supporting documentation regarding this application.

Applicant is required at time of application to supply seven (7) completed application forms signed by the applicant and property owner(s) or a power of attorney and seven (7) copies of all documentation submitted with application.

If a **conditional use permit** is granted by the Board, it must be clearly understood that such permits do not run with the land, building, or other structure, but rather with your ownership. Should such lot or parcel be conveyed or transferred, any previously granted conditional use permit shall be automatically void and any subsequent owner shall be required to re-apply for a continuation and/or modification of such use to the board.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applicant and property owner(s) certifies that all information contained herein is true and accurate and is submitted to induce the issuance of the requested variance. Applicant agrees to be bound by the provisions of the zoning resolution of Berkshire Township, Delaware County, Ohio.

Applicant: _____ Date: _____

Property owner(s): _____ Date: _____

NOTE The initial application fee covers **ONE** Zoning Appeals hearing. If additional hearings are requested by the applicant, additional fees will be charged in accordance with the adopted fee schedule and are payable before the next hearing will be scheduled.

Received by: _____ Date: _____

**FOR YOUR REFERENCE – SECTION 21.11 and 21.12 from the Berkshire Township Zoning Resolution
Section 21.11**

LIMITED HOME OCCUPATION

A limited home occupation shall be permitted as an accessory use within a Single Family dwelling in accordance with the following provisions:

- 1.) It does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger.
- 2.) Requirements:
 - a.) The appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or unauthorized signs. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes. Other than a permitted sign, there should be no outward appearance of any business use.
 - b.) There are no non-resident employees.

- c.) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, computers, wireless phones or hand held wireless transmitting devices off the premises, or causes fluctuations in line voltage off the premises.
- d.) Sign - One (1) sign shall be permitted, maximum area three (3) square feet on (1) side. Sign may be flatly affixed against the surface of the dwelling, or erected on a pole no more than five feet tall in the front yard. No sign illumination is permitted. A certificate of zoning compliance shall be obtained.
- e.) There shall be no outside storage of any kind.
- f.) Specialized instruction or tutoring shall be limited to one (1) individual at a time.
- g.) No traffic shall be generated in substantially greater volumes than would be generated by a single family home.

Section 21.12

EXPANDED HOME OCCUPATION CONDITIONAL USE

It is recognized that there may be some Home Occupations which do not meet the criteria of Sections 21.11 but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use permit procedure. An expanded Home Occupation Conditional Use may be permitted, provided it meets the procedures and requirements of Section 28.07 and the following requirements:

- 1.) The home occupation shall be carried on solely within the confines of the dwelling unit and/or architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.
- 2.) The Home Occupation shall be carried on by the individual(s) residing within the dwelling unit and there shall be no more than a total of one (1) non-resident employee.
- 3.) Sales of commodities or services produced on the premises may be permitted provided such commodities or services are specified and approved as a part of the application. Examples of possible home occupation conditional use services or commodity sales:
 - a.) Insurance or real estate sales, word processing, Internet web hosting.
 - b.) Arts, crafts or other artistic instruction with united sales of associated materials used in the instruction and preparation of artistic works.
 - c.) Small machinery and equipment repair such as computers, cameras, clocks or other similar small items including the limited sales of repaired or associated parts and equipment.
 - d.) Limited, seasonal sales of specialized items such as holiday ornaments, handicrafts, or sporting supplies.
 - e.) Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with a home occupation conditional use permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly

organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.

f.) No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.

g.) Only one sign, not larger than three (3) square feet of advertising area and five (5) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be mounted flat against a building or on a five-foot pole in the front yard. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.

h.) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side yard or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).

i.) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers, computers, hand held wireless devices or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

j.) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

k.) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

l.) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty percent of the floor space of any garage or accessory building.

m.) Unless otherwise provided by the Board of Zoning Appeals, the Expanded Home Occupation Conditional Use Permit shall cease to be valid and terminates once the premises used for the Home Occupation is no longer occupied by the applicant.