



# German Township

## Zoning Department

12102 State Route 725 West, Germantown, Ohio 45327-9761

Halie Sewell, Zoning Inspector

937-855-7882x1

### **IMPORTANT INFORMATION FOR THE APPLICANT**

This packet contains a conditional use, variance, or lot split application as outlined in Article 4 of the German Township Zoning Resolution. Please review all information carefully, answer all questions and submit all the documentation required, along with the required fee. An incomplete or inaccurate application may cause a delay in the hearing of your zoning case. If a copy of the Article and Section of the Zoning Resolution regarding the conditional use that you seek is not included with this information packet, please call the zoning administrator at the above number.

The BZA meets the second Tuesday of each month, once a quarter, at 7:00pm when there is a case pending, unless otherwise scheduled. If for any reason, the meeting cannot be held on that Tuesday (holiday, lack of a quorum, etc.), it will be rescheduled.

A list of standards for a conditional use is included in this packet. At the public hearing for your application, the BZA will vote individually on whether each Board member thinks the applicant has met each of these standards. Although approval of your application is not guaranteed, if every standard is not met, the Board cannot grant the request. Keep these standards in mind as you complete your application. Tear off and keep this instruction sheet with the BZA schedule and the standards page for your review. The rest of the packet is the application that must be completed and turned in for your conditional use request.

The three-page application requires a list of property owners within 300 feet of the entire subject property. The affidavit page (last page) requires the original signature of the applicant. If the applicant is not the owner of the subject property, then the original, notarized signature of the owner(s) of the property must also be signed on the affidavit. To avoid duplication of efforts, only one affidavit page and one list of property owners is required to be submitted for combination cases (i.e., a conditional use case with a variance).

### **PLEASE NOTE:**

The Board of Zoning Appeals cannot discuss a zoning case unless an application has been filed. All testimony must be presented at the public hearing for the case. Board members cannot discuss the case outside of the public hearing. To do so would jeopardize the validity of the vote.

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**APPLICANTS ARE ADVISED TO CONSULT WITH THE ZONING INSPECTOR BEFORE SUBMITTING THE APPLICATION. PLEASE FEEL FREE TO CALL THE ZONING DEPARTMENT AT THE NUMBER ABOVE FOR ANY QUESTIONS.**

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**ZONING FEES ARE DUE AT TIME OF SERVICE AND ARE NON-REFUNDABLE**

**406.05            STANDARDS FOR CONDITIONAL USE**

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- A.     The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.
- B.     Adequate utility, drainage and other such necessary facilities have been or will be provided.
- C.     Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D.     All necessary permits and license for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
- E.     The Conditional Use will be in harmony with the appropriate and orderly development of the district in which it is located with respect to its location and size and the nature and intensity of the operation involved or connected with it.
- F.     The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
- G.     All exterior lights for artificial open-air illumination are so shaded as to avoid casting direct light upon any property located in a Residential District.
- H.     The Conditional Use desired will not adversely affect the public health, safety, and morals.

**405.05            STANDARDS FOR VARIANCES**

The Board shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the evidence presented to it, that support conclusions that:

- A.     The variance requested arises from special conditions of, or involving, the property, which are unique, that is, a situation which is not ordinarily found in the same zoning district.
- B.     The unique situation results from the enforcement of this Resolution and not by an action or actions of the property owner or the applicant.
- C.     The strict application of the provision of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- D.     The variance desired will not compromise the use or enjoyment of adjacent properties.
- E.     The variance desired will not adversely affect the public health, safety, and morals.
- F.     The variance desired will not compromise the general spirit and intent of this Resolution.



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### LOT SPLITS WITHIN THE “A” AGRICULTURAL DISTRICT OF GERMAN TOWNSHIP

For any lot split, both sides of the split will be considered and must comply with the development standards set out for the “A” Agricultural district. Applicants are strongly encouraged to consult with the zoning administrator about any lot split plans. The following requirements apply **only** to lot splits within the “A” Agricultural district of German Township.

1. A lot of twenty acres or more that complies with the development standards for frontage and lot width can be created with no intervention at the township level.
2. Creating any new lot that is less than twenty acres is called a Conditional Use and requires application to the German Township Board of Zoning Appeals.

### NO GUARANTY

A lot split application in the Agricultural district **is not guaranteed**. In deciding on a lot split conditional use proposal, the BZA will take into consideration whether or not the proposed new lot is in a prime agricultural area (contains over 50% prime agricultural soils, as defined in the zoning resolution), whether or not the applicant meets the standards for a conditional use (found in Article 4, Section 405.06 of the German Township Zoning Resolution) and other considerations that will arise during the application process.

### AREA AND FRONTAGE REQUIREMENTS

Currently, the **least that can be split off without a variance is two acres with 250' of frontage**. The frontage requirement goes up as the acreage increases as follows:

- Any lot under 4 acres = 250' of frontage;
- Lots from 4 acres to 8 acres = 350';
- Lots over 8 acres are required to have 450' of frontage.

### LOT DEPTH AND WIDTH REQUIREMENTS

In new lots formed, the maximum lot depth cannot exceed 3 times the lot width. At no point shall the lot width be less than ½ of the required frontage.

### REQUIRED FEE

Currently, the fee for a lot split conditional use application is \$500.00 plus \$50.00 for each **new** lot proposed. (If you start out with one lot and end up with two, the fee would be \$550.00; Start out with one and end up with three lots, the fee is \$600.00, etc.) If any variances are needed with the conditional use, the fee is an additional \$50.00 for the piggy-back variance application, regardless of the number of variances involved.

### BOARD OF ZONING APPEALS SCHEDULE

Currently, the BZA meets on the second Tuesday of each month of the quarter, unless otherwise scheduled. In order to allow for staff review and the required timely notices, a conditional use application generally must be submitted no less than 30 days prior to the meeting for which your public hearing will be scheduled.



# German Township

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Halie Sewell, Zoning Inspector

937-855-7882 x2

### APPLICATION FOR CONDITIONAL USE

1. Property Owner \_\_\_\_\_ Telephone \_\_\_\_\_
2. Applicant's Name \_\_\_\_\_ Telephone \_\_\_\_\_
3. Applicant's Address \_\_\_\_\_
4. Parcel ID# \_\_\_\_\_

#### A. Description of Property and Intended Use:

1. A description sufficient to identify the property including a reference of the volume. Include most recent recorded deed.

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2. The proposed use of the subject property.

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3. A statement of the necessity or desirability of the proposed use to the neighborhood or community.

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4. A statement of the compatibility of the proposed use to adjacent properties and land use.

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5. Such other information that may be pertinent to the application, or required for appropriate action.

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**B. Plot Plan:** (Please provide at least 2, 8 ½ x 11 & 2, legal size copies)

- Prepared by a registered Engineer, Architect or Surveyor for the State of Ohio
- Drawn to scale
- Clearly showing:
  - ALL boundaries/dimensions of the property
    - Including but not limited to – setbacks, easements, right of way
  - EXACT size & location of existing and proposed structures on the property
    - Including but not limited to – building(s), well(s), septic/leech, etc.
  - Proposed use of all parts of land and structures
    - Including but not limited to – accessways, walks, on/off street parking, loading, spaces, landscaping, etc.
- The relationship of the requested variance to the standards set by the Zoning Resolution
- Land use and location of structures on adjacent properties

**C. Surrounding Property Owners**

Please list all properties and owners within 300’ of subject property. This list must contain the names, addresses, and parcel ID number. (This can be obtained on the Montgomery Co. Auditor’s website.)

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Please do not print below this line, for office use only.

**OFFICE USE ONLY**

Date Filed with Office \_\_\_\_\_

Payment Type: \_\_\_\_\_

Case # \_\_\_\_\_

Other Info:

Variance Case # \_\_\_\_\_

**AFFIDAVIT**

**STATE OF OHIO**

**COUNTY OF MONTGOMERY**

I/We hereby certify that the foregoing statements herein contained and any information or attached exhibits herewith submitted are in all respects true and correct to the best of my/our knowledge and belief. I have read and acknowledge receipt of the Standards for Conditional Uses that the Board of Zoning Appeals must review in rendering a decision on this request.

\_\_\_\_\_  
*Owner's Name*

\_\_\_\_\_  
*Owner's Signature*

\_\_\_\_\_  
*Applicant Name*

\_\_\_\_\_  
*Applicant Signature*

Sworn and subscribed before me by \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_ County, State of Ohio

(seal)

\_\_\_\_\_  
Notary Public  
My Commission Expires: