

Petition for Administrative Appeal
Albany Zoning Code §155.804(A)

The BZA will hear and decide appeals filed for relief from an alleged hardship or where it is alleged by the appellant that there is error in any citation, order, requirement, decision, grant, or refusal made by the Village.

1. APPLICANT INFORMATION.

Fee: \$100.00

Applicant Name _____

Address _____ City _____ State _____ Zip _____

Telephone _____ email _____

Property Address: _____ **ALBANY, OH. 45710**

Parcel ID Number _____ Lot Number _____ Zoning District _____

2. It is the applicant's contention that the following error was made in the determination of the Zoning Inspector or any other zoning matter:

3. SUPPORTING INFORMATION.

Submit this completed and signed petition along with the following documents;

- ____ Zoning Certificate refusal or Notice of Violation.
- ____ Plat Map.
- ____ Plot plan of property (show parcel property lines, dimensions, and shape of lot).
- ____ Plans, sketch, letters, photographs, and any other information relevant to the case.
- ____ Additional sheet(s) if necessary for elaboration or explanation of appeal of your appeal basis.

4. ACKNOWLEDGEMENT AND SIGNATURE.

Site visits to the property by Village representatives are essential to process this application. By signing below, the owner/applicant authorizes Village representatives to visit and photograph the property described in this application.

I hereby certify that the information contained in this application and all attachments is true and correct.

Applicant Signature

Date Submitted

- The Albany Board of Zoning Appeals shall conduct a Public Hearing during which sworn testimony will be heard by the BZA from the applicant, the Zoning Administrator, adjacent property owners and the general public.
- Evidence will be reviewed (including that provided by the applicant) after which a decision by the BZA will be handed down. There are absolutely no assurances implied that any application will be granted or denied prior to a public hearing by the BZA.
- The information requested on this petition may be relied upon by the Village in considering the application. Any false statement made knowingly may be grounds for criminal action under state and local law: **Ohio Revised Code §2921.13**

Petition for Administrative Appeal

VILLAGE ADMINISTRATOR (BZA Pre-Hearing)

5. ZONING ADMINISTRATOR CHECKLIST. *(Village of Albany, Zoning Code Article 8(A))*

Date: _____ **Case Number** _____ **Filing Fee Collected** _____

- (a) Review, **WITH APPLICANT**, completed petition and attachments, for accuracy, supporting documents and payment of fees.

Date petition reviewed: _____

- (b) Within 3 (three) business days of completing Section **5(a)** above, and working with the BZA Chair, a public hearing shall be scheduled as provided in Albany Zoning Code §155.805(A).

Date set for Public Hearing: _____ **Time:** _____

- (c) Attach a list of the owners of all properties lying within one hundred (100) feet of any part of the exterior boundaries of said property and their addresses: *(Zoning Code §155.805(A))*.

- (d) Notice of the time and place of hearings shall be mailed, by **first class mail**, to the aforementioned property owners in **Section 5(c)** above *at least* ten (10) days prior to the hearing.

Information to be included in the notice shall include:

- street address or other means of identification of the property considered,
- the nature of the request. *(include relevant code section numbers)*
- when and where the request will be considered,
- where all related documents can be viewed prior to the public hearing,
- when and where written comments will be received.

Date notices mailed: _____ *(Attach copy of letter to this form)*

- (e) Notice of the hearing shall be published in a paper of general circulation in the Village **AND** posted at all public posting locations as set forth by ordinance *at least* seven (7) days prior to the hearing.

Date completed: _____ *(Attach notice to this form)*

- (f) Supply to each BZA member a copy of these documents together with all other relevant information available to him/her *at least* ten (10) days prior to the public hearing as scheduled in **Section 5(b)** above.

✓ Materials **MUST** reach members early enough to allow adequate time to study and prepare.

Date information sent to BZA members: _____

Zoning Administrator Signature

Date

Petition for Administrative Appeal

BOARD OF ZONING APPEALS

6. BZA HEARING WORKSHEET. *(Zoning Code §155.805)*

(a) Hearing Date _____ Time _____ Case Number _____

_____ Zoning Administrator Checklist **(Section 5)** completed.

_____ Reading of the Appellant's Application. *(original must be attached to this document)*

(b) Exhibit Checklist.

_____ Completed, appropriate application form.

_____ All Required Exhibits attached. *(per Hearing Petition form)*

(c) Testimony.

_____ Sworn testimony from Appellant.

_____ Sworn testimony from Zoning Administrator.

_____ Sworn testimony from others *(first in favor, then opposed, then general)*.

_____ Close testimony from the floor.

_____ Motion brought forward by: _____

_____ Motion Second made by: _____

(d) Findings of Fact. *(List all code sections, if any, that are relevant to this appeal)*

§ _____ Description _____

§ _____ Description _____

§ _____ Description _____

BZA findings _____

(e) Conclusion of the Board.

Petition for Administrative Appeal

7. RESOLUTION OF THE BOARD.

RESOLUTION NUMBER _____

A RESOLUTION OF THE ALBANY BOARD OF ZONING APPEALS ORDERING AN ACTION PURSUANT TO CASE NUMBER _____ WHERE IT IS ALLEGED BY THE APPELLANT THAT THERE WAS AN ERROR IN A CITATION, ORDER, REQUIREMENT, DECISION, GRANT, OR REFUSAL MADE BY THE VILLAGE IN RELATION TO A ZONING ISSUE, AS DESCRIBED IN SECTION 2 OF THE APPLICATION.

WHEREAS, The Albany Board of Zoning Appeals was created as provided in Chapter 155, Article 8(A) of Albany Village Code to hear and decide various requests as brought before it, and

WHEREAS, pursuant to the provisions set forth in Albany Village Code, Chapter 155, Article 8(F) evidence was presented during a public hearing, and, The Board of Zoning Appeals voted and made the following findings of fact and conclusions of law,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE VILLAGE OF ALBANY, STATE OF OHIO:

(a) RESULTS of the VOTE.

_____ Yea to Approve _____ Nay to Deny _____ Abstained/Recused

_____ ADMINISTRATIVE APPEAL APPROVED _____ ADMINISTRATIVE APPEAL DENIED

(b) SPECIAL CONDITIONS ORDERED. *(If applicable)*

(c) FINAL CONCLUSION of the BOARD. *(Findings of Fact)*

THIS ADMINISTRATIVE APPEAL, IF APPROVED, SHALL REMAIN IN EFFECT SO LONG AS THE OWNER SHALL MAINTAIN THE CONDITIONS AND REQUIREMENTS PROVIDED ABOVE. THE CONTINUING VALIDITY OF THIS ORDER IS DEPENDANT UPON COMPLIANCE WITH ALL OTHER SECTIONS OF ALBANY VILLAGE CODE.

THIS RESOLUTION ADOPTED AS TO FORM.

BZA Chair Signature

Date

BZA Secretary Signature

Date

Those aggrieved by the recommendation of the BZA, and subsequent action may appeal such decision to the Athens County Court of Common Pleas, as provided for in ORC Chapter 2506.01. Such appeal petition shall be presented to the court within 30 days after the day upon which written notification of the BZA decision is mailed to the applicant or appellant.