



Harlem Township Zoning Commission
3883 S St. Rt. 605, Galena, Ohio, 43021
www.harlemtwp.com

For Office Use Only
Application#: HTZC 25-14
Date Received: 11/10/25
Hearing Date/Time: 12/1/25 @7:40pm

Application to Amend the Text of Township Zoning Resolution

Date: 11-10-2025

Application # HTZC 25-14

Application submitted by: Harlem Township Zoning Commission

Street Address: 3883 South State Route 605

City, State, Zip: Galena, Ohio 43021

Proposed Changes:

New Article(s) for adoption: _____

Revisions in Existing Article(s): Articles XXVII and XXVIII

(For Office Use only)

Section 27.01 Amendments or Supplements

This article is intended to be a restatement of Section 519.12 of the Revised Code of Ohio and is adopted herein for the convenience of the citizens of Harlem Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein. Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend or supplement the Zoning Resolution pay a fee to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The applicant requesting a district rezoning shall supply to the Zoning Commission a legal description of the parcel as part of the requirements for rezoning application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

The Township Zoning Commission shall then set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be ~~given by the Township Zoning Commission by one publication in~~ **posted on the township website and social media accounts** ~~one or more newspaper of general circulation in the township~~ at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land ~~lands,~~ as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property ~~within and contiguous to and directly across the street~~ **contiguous to, adjoining, adjacent, and across from the property or properties to be rezoned.** ~~from such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners.~~ **The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant.** The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination ~~to the County or Regional Planning Commission and to the Board of Township Trustees as the case may be.~~

Within five (5) days after the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto, to the County or Regional Planning Commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendations to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be ~~given by the Board of Township Trustees by one publication in~~ **posted on the township website and social media account** ~~one or more newspaper of general circulation in the township~~ at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission a majority vote of the Board of Township Trustees shall be required.

Unless otherwise provided by ORC 519.12, such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to ~~but not less than~~ **thirty-five percent (35%)** ~~eight (8%) percent~~ of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Ohio Revised Code.

Section 28.05 – PROCEDURE ON HEARING APPEALS

Appeals to the Board of Zoning Appeals may be taken ~~from~~ **by** any person aggrieved or ~~by~~ any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector ~~from whom the appeal is taken~~ shall ~~forthwith~~ transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal **and** give ten (10) days written notice by **first class ordinary** mail to the parties in interest. **Notice of such hearing shall be posted on the township website and social media accounts** at least ten (10) days before the date of such hearing.

~~give notice to such public hearing by one posting on the township website and by one publication in a newspaper of general circulation within the township and decide the same within a reasonable time after it is submitted.~~

At the hearing, any party may appear in person or by attorney.

Section 28.06 – PROCEDURE ON APPLICATION FOR VARIANCE

The Township Board of Zoning Appeals, appointed by the Township Board of Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have the power to authorize a variance from the term of this Resolution.

- A. **Application:** Written application of a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals.
- B. **Hearing:** The application shall be transmitted to the Board of Zoning Appeals, which shall cause a public hearing to be held.
- C. **Public Notice:** ~~The Board of Zoning Appeals shall give written notice~~ **Notice of the application and the hearing thereon shall be given** by **first class ordinary** mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. **The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in newspapers of general circulation within the township. Notice of such hearing shall be posted on the township website and social media accounts at least ten (10) days before the date of such hearing.**

- D. Hearing and Decision: At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require. The burden of proof will be the responsibility of the applicant.
- E. Criteria: In granting such variance the Board shall determine that said variance meets the following criteria:
1. It is not contrary to the public interest.
 2. It is justified due to special conditions.
 3. It is justified because the literal enforcement of the Resolution would result in unnecessary hardship.
 4. Area Variance: A practical difficulty exists due to a non-use consideration, such as area, size, setback, etc. The factors to be used in determining if a practical difficulty exists were expressed in 1986 by the Ohio Supreme Court in *Duncan v. Village of Middlefield*, 23 Ohio St. 3d 83. These factors, which are not exclusive, are:
 - a) Whether the property will yield a reasonable return or whether there can be beneficial use of the property.
 - b) Whether the variance is substantial.
 - c) Whether the essential character of the neighborhood would be substantially altered, or adjoining properties suffer a “substantial detriment” as a result of the variance.
 - d) Whether the variance would adversely affect the delivery of governmental services.
 - e) Whether the property owner purchased the property with knowledge of the zoning restriction.
 - f) Whether the problem can be solved by some other manner other than the granting of a variance.
 - g) Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.
 5. Use Variance: The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered an unnecessary hardship in the use of his/her property.
 - a) The property could not be used (be put to reasonable use) for the purposes permitted in that zoning district.
 - b) The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
 - c) The use would not alter the essential character of the area or adjoining properties would not suffer a substantial detriment as a result of the variance.

- d) The problem is not self-created.
 - e) The variance would not adversely affect the delivery of governmental services.
 - f) The applicant purchased the property with knowledge of the zoning restriction.
 - g) The applicant's predicament feasibly cannot be resolved through some method other than the variance.
 - h) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- F. Conditions:** In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.
- G. Form of Application:** All applications for variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said applications.

Section 28.07 – PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMITS

The owner of any land or building within a zoning district within the township may apply to the Board of Zoning Appeals for authority to carry out any use designated as Conditional Use within the district.

- A. **Application:** An application for a conditional use permit shall be submitted on such forms as designated and/or approved by the Township Trustees. A legal description of the property shall accompany the application. No application shall be considered unless the same is fully completed and accompanied by all required information of said application together with plot plans or drawings as necessary.
- B. **Hearing:** The application shall be transmitted to the Board of Zoning Appeals, ~~which who~~ shall cause a public hearing to be held.
- C. **Notice:** Notice of the application for a conditional use permit and the hearing thereon shall be given ~~by first class mail~~ to all property owners within two hundred (200) feet of the ~~exterior boundaries of the land premise~~ on which the use is planned. ~~The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. Notice shall be given by ordinary mail.~~ In addition, ~~at thereto~~ one (1) notice of said meeting shall be ~~published in a~~ ~~posted on the township website and social media account~~ ~~newspaper(s) of general circulation in the Township~~ at least ten (10) days before the date of such hearing.
- D. **Decision:** The board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use permit, it may impose such reasonable conditions as it deems necessary to maintain the rural character through preservation of natural, scenic or historic features of importance and to address each of the following factors to ensure that the use will be conducted in the best interests of the zoning district: 1) Traffic, 2) Parking, 3) Noise, 4) Smoke, fumes, and/or odors, 5) Dust, 6) External lighting, 7) Vibration.

- E. Revocation: The Board of Zoning Appeals may revoke a conditional use permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 27.01 Amendments or Supplements

This article is intended to be a restatement of Section 519.12 of the Revised Code of Ohio and is adopted herein for the convenience of the citizens of Harlem Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein. Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend or supplement the Zoning Resolution pay a fee to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The applicant requesting a district rezoning shall supply to the Zoning Commission a legal description of the parcel as part of the requirements for rezoning application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

The Township Zoning Commission shall then set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be posted on the township website and social media accounts at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to, adjoining, adjacent, and across from the property or properties to be rezoned. The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Township Trustees.

Within five (5) days after the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto, to the County or Regional Planning Commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendations to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission, a majority vote of the Board of Township Trustees shall be required.

Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than thirty-five percent (35%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Ohio Revised Code.

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- A. Application: Written application of a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals.
- B. Hearing: The application shall be transmitted to the Board of Zoning Appeals, which shall cause a public hearing to be held.
- C. Notice: Notice of the application and the hearing thereon shall be given by first class mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. Notice of such hearing shall be posted on the township website and social media accounts at least ten (10) days before the date of such hearing.
- D. Decision: At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require. The burden of proof will be the responsibility of the applicant.
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 - a) Whether the property will yield a reasonable return or whether there can be beneficial use of the property.
 - b) Whether the variance is substantial.
 - c) Whether the essential character of the neighborhood would be substantially altered, or adjoining properties suffer a “substantial detriment” as a result of the variance.
 - d) Whether the variance would adversely affect the delivery of governmental services.
 - e) Whether the property owner purchased the property with knowledge of the zoning restriction.
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 - c) The use would not alter the essential character of the area or adjoining properties would not suffer a substantial detriment as a result of the variance.
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- F. Conditions: In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.
- G. Form of Application: All applications for variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said applications.

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- B. Hearing: The application shall be transmitted to the Board of Zoning Appeals, which shall cause a public hearing to be held.
- C. Notice: Notice of the application for a conditional use permit and the hearing thereon shall be given by first class mail to all property owners within two hundred (200) feet of the exterior boundaries of the land on which the use is planned. The applicant shall consider all their own contiguous properties as a single property with a single perimeter and must list the first contiguous, adjoining, adjacent, and across from properties not owned by the applicant. In addition, one (1) notice of said meeting shall be posted on the township website and social media account at least ten (10) days before the date of such hearing.
- D. Decision: The board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use permit, it may impose such reasonable conditions as it deems necessary to maintain the rural character through preservation of natural, scenic or historic features of importance and to address each of the following factors to ensure that the use will be conducted in the best interests of the zoning district: 1) Traffic, 2) Parking, 3) Noise, 4) Smoke, fumes, and/or odors, 5) Dust, 6) External lighting, 7) Vibration.
- E. Revocation: The Board of Zoning Appeals may revoke a conditional use permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.