BOSTON TOWNSHIP

ZONING DEPARTMENT

1775 Main Street • PO Box 123 • Peninsula, OH 44264 • 330-657-2601 • Fax 330-657-2396 • www.bostontownship-oh.gov

Commercial / Nonresidential Zoning Application

For Township Use Only: BZA / File No. _____ Date Filed _____ Application No. _____
Filing Fee Paid $_____ Receipt No. _____

Application Type (check all that apply):

☐ Commercial Construction / Addition ☐ Business Corridor District (Ch. 7)
☐ Business Use Occupancy Certificate ☐ Permanent Sign ☐ Transient Vendor Permit (Certificate)
☐ Conditional Use ☐ Variance ☐ Demolition ☐ Other: _____

APPLICANT DATA

Name: _____

Business / Company Name: _____

Address: _____

Telephone: _____ Email: _____

Authorized Agent (if any): _____

Agent Address (if different): _____

PROPERTY DATA

Zoning District: _____ Corner Lot: ☐ Yes ☐ No Multiple-Occupancy Bldg: ☐ Yes ☐ No

Property Address: _____ Parcel No.: _____

Owner(s): _____

Owner Address: _____

Telephone: _____ Email: _____

If owner is not the applicant, relationship to applicant: _____

USE & PROJECT DATA

Complete the fields that apply to your application type.

Description of proposed use / construction / addition:

_____

_____

_____

_____

If more space is needed, attach additional sheets.

Current use of the property: _____

Zoning Resolution section(s) for the use sought: _____ Use type: ☐ Permitted ☐ Conditional ☐ Non-conforming

Conditional / non-conforming uses require BZA approval, and a conditional use application must include the list of property owners within 500 feet described under Required Submittals (§800.02(h)).

Setbacks (ft): Front _____ Side _____ & _____ Rear _____

Height (ft) _____ Mean height of principal building (ft) _____

SEWAGE DISPOSAL (§902(C))

Required for new construction and for any new or changed use. No zoning certificate may issue until the agency having jurisdiction has approved the sewage disposal (§902(c)).

Served by: ☐ Public sanitary sewer ☐ On-site (septic) system ☐ None — no sewage

Design flow (gallons per day): _____ Discharges to waters of the State: ☐ Yes ☐ No

Approving agency: ☐ Summit County Public Health (1,000 gpd or less, no discharge) ☐ Ohio EPA (over 1,000 gpd, or any discharge) ☐ S

Approval / permit no.: _____ Date approved: _____ Approval attached: ☐ Yes ☐ Applied for

BUSINESS USE OCCUPANCY (IF APPLICABLE)

☐ New use in new building ☐ New use in existing building ☐ Change of use ☐ Change of occupant

Description of business use: _____

Sq. ft. of leased space _____ Full-time employees _____ Part-time employees _____

Building name (if different): _____ Building owner: _____

Before any occupancy or change of occupancy in a business-district building, a Business Use Certificate is required and includes Valley Fire District approval.

PERMANENT SIGN (IF APPLICABLE)

Complete one row per proposed sign. See Zoning Resolution Chapter 12.

Reason (new/replace/alter/relocate)	**Type** (wall/ground/monument)	**Dimensions H × W × D (ft)**	**Area (sq ft)**	**Illumination (int/ext, candlepower)**	**# Sides**	**Building Face Area (sq ft)**

TRANSIENT VENDOR PERMIT (CERTIFICATE) (IF APPLICABLE)

Description / items to be sold: _____

Activity Start Date _____ Activity End Date _____ Summit Co. Permit No. (if req.) _____

Hold-Harmless / Public Liability Insurance Certificate attached: ☐ Yes ☐ No

DEMOLITION (IF APPLICABLE)

Item(s) to be demolished: _____

Start Date _____ Completion Date _____ Summit Co. Permit No. _____

Hold-Harmless Insurance Certificate attached: ☐ Yes ☐ No

VARIANCE / CONDITIONAL USE REQUESTED (IF APPLICABLE)

List the Zoning Resolution section(s), a description of each variance or conditional use sought, and (for variances) the practical difficulty justifying it.

Section	Description	Practical Difficulty (variances)

VARIANCE JUSTIFICATION — DUNCAN FACTORS

*When requesting a **variance**, the Board of Zoning Appeals weighs the following factors (Duncan v. Village of Middlefield). Address each factor as it applies to your request. Attach a separate sheet if you need more room.*

Factor the Board considers	Applicant's response
1. Reasonable return. Whether the property can yield a reasonable return, or be beneficially used, without the variance.	
2. Substantial variance. Whether the variance requested is substantial in relation to the applicable requirement.	
3. Neighborhood character. Whether the essential character of the neighborhood would be substantially altered, or adjoining properties would suffer a substantial detriment.	
4. Governmental services. Whether the variance would adversely affect the delivery of governmental services, such as water, refuse collection, or sewers.	
5. Prior knowledge. Whether the property owner purchased the property with knowledge of the zoning restriction.	
6. Alternative methods. Whether the property owner's predicament can be resolved through some method other than a variance.	
7. Spirit and intent. Whether the spirit and intent behind the zoning requirement would be observed, and substantial justice done, by granting the variance.	

REQUIRED SUBMITTALS

Every item below is required by the Zoning Resolution section cited with it. Check each item you are filing, or mark it "N/A" where it does not apply to your application type.

A. Every application — §902.01, §904

☐ **Completed, signed application** — applicant name, address and telephone (§902.01(a)); legal description of the property (§902.01(b)); address of the building site (§902.01(c)); existing use (§902.01(d)); proposed use(s) (§902.01(e)); zoning district boundaries and designation (§902.01(f)); building height (§902.01(h)); and number of dwelling units (§902.01(i)). Signed by the owner, or by an agent with the owner's written authority.

☐ **Plans drawn to scale — 3 full-size, 5 half-size and a digital copy** — the lot's actual dimensions and shape, the size and location of existing buildings, the location and dimensions of the proposed building or alteration, and the required yard and building setback lines (§902.01(g)). Every application, of every kind, files this same set: the Township submission standard, in place of the copy counts in §902.01(g), §803.05 and §1002.

☐ Copy of the **legal description / deed** (§902.01(b)).

☐ **Health Authority sewage approval** — evidence that the sewage disposal serving the use has been approved by **the agency having jurisdiction over it**, which is not always the county. **No zoning certificate may be issued without it** (§902(c)), and the Zoning Inspector's thirty-day review runs from the complete application and fee (§902.02) without waiting for it, so start it early and file it with the application wherever possible. Mark this box "N/A" only if the project involves no sewage disposal at all.

> **Which agency. Summit County Public Health** — a household system serving one, two or three dwellings, or a **small flow on-site system** serving a non-household building, where the design flow is **1,000 gallons per day or less** and no discharge permit is needed (ORC Chapter 3718; OAC 3701-29). **Ohio EPA** — a system whose design flow is **more than 1,000 gallons per day**, and any system that discharges to waters of the State. Summit County Public Health refers these out; Ohio EPA issues a **permit to install** (OAC 3745-42; ORC Chapter 6111) and, where there is a discharge, an **NPDES permit** (ORC 6111.03). Allow for the longer review. **The sanitary sewer authority** — where the use connects to a public sewer instead, its written approval of the connection.

☐ **Non-refundable filing fee**, per the current Boston Township Zoning Fee Schedule. **No action is taken on the application until every fee, charge and expense is paid**, so the Zoning Inspector's thirty days do not start before then (§904, §902.02).

☐ **Filed before work begins** (§902(a), §902.01). Work begun before applying adds a penalty of **50% of the permit fee**, and building or using property without a certificate is a misdemeanor punishable by a fine of up to **$500 for each day** it continues (§905, §905.03).

☐ **State highway proximity** — tell the Zoning Inspector if the land is within **300 feet of the centerline** of a certified new highway or improvement, or **500 feet of its intersection** with an existing public road. The Inspector must then notify the Ohio Director of Transportation by certified mail and **may not issue a certificate for 120 days** unless the Director clears it sooner (§902.03).

B. Site plan review — §803.01, §803.05

☐ **3 full-size and 5 half-size copies plus a digital copy** of the site plan (Township submission standard, in place of §803.05's twenty copies), at a scale of **not less than 1 inch = 20 feet**, bearing the **seal of an Ohio-licensed engineer, landscape architect or surveyor** (§803.05), showing total area; existing zoning here and adjacent; rights-of-way and easements; **topography at two-foot intervals** and drainage; water courses, floodplains and wetlands; significant natural features; all existing and proposed buildings with uses, dimensions, heights, floor area, stories and elevations; curb cuts, drives, parking and loading; streets, sidewalks and paths; walls, fences and buffer yards; trees over 9 inches and proposed landscaping; signs; outdoor lighting with a foot-candle diagram at the property lines; the storm-water management plan; trash screening; water, hydrants, storm and sanitary sewer and other utilities; septic and well locations; and adjacent properties' buildings, drives, streams and natural features to 300 feet — with **proposed and finished grades and the direction of drainage flows** (§803.05(g),(j)).

☐ **Landscape plan** (§709) — required with any site plan review, and for any new building, an addition or parking expansion of more than 25%, or a new loading facility. It covers the whole lot: a 30-foot landscape strip along every frontage, parking-lot islands and perimeter trees, screening next to a residential district, screened dumpsters, and at least 30% native plants.

☐ **Photometric (lighting) plan** (§710) — every existing and proposed outdoor light with fixture details, heights, hours of use, and foot-candle levels across the site and 30 feet onto neighboring properties. Light trespass at a property line may not exceed **0.5 foot-candles** (§710.02).

☐ A **detailed narrative** of the permitted or conditional use, with Zoning Resolution section citations, for review against the Site Plan Review Guidelines (§804).

☐ Filed with the Zoning Inspector **at least two weeks before** a Zoning Commission meeting (§803.01). The Inspector's thirty days do not run while site plan review is pending (§902.02).

> In the **Business Corridor** district no zoning certificate may issue until the site plan is approved (§711.1). In the Business Corridor, Seasons Road Business and Economic Activity districts the site plan is approved by **both boards** — the Zoning Commission, then the Board of Zoning Appeals — and the certificate issues on their written approval (§803.01, §803.02, §902(b)). Referral to county planning, the County Engineer or a consultant is possible, and **expert review costs are borne by the applicant** (§803.01, §805). A **performance guarantee** equal to the required improvements, for up to two years, may be required (§806).

C. Conditional use — also required (§800.02, §800.03)

☐ Applicant details **signed by the owner or the owner's agent**, with the legal description, the existing use, the zoning district and the proposed use (§800.02).

☐ The **site plan** required of a conditional use (§800.02(f), §803.05) — see section B.

☐ A written **narrative** on the effect of the use on adjoining property — noise, odor, fumes — and its compatibility with the area, addressing each finding both boards must make: that the use is on the district's conditional list; is in harmony with the character of the area; is not hazardous or disturbing to neighboring uses; is adequately served by roads, police and fire protection, drainage, refuse disposal, water, sewer and schools; creates no excessive public cost; is not detrimental through traffic, noise, smoke, fumes or odors; and has vehicle access that does not interfere with surrounding traffic (§800.02, §801(a)–(g)).

☐ Names and addresses of all property owners **within 500 feet**, and of every **contiguous** property and property **directly across the street** even where it lies beyond 500 feet, per the current record of the **Summit County Auditor**, **printed on gummed address labels** (§800.02(h)). The Zoning Commission and the Zoning Inspector mail notice of the meetings and the hearing to these owners at least **ten (10) days** beforehand (§803.02, §800.04), so an application without them cannot be scheduled.

☐ Filed with the Zoning Inspector **at least two weeks before** the next Zoning Commission meeting (§800.03).

The Zoning Inspector may waive items that do not apply to your use (§800.02). Expert advice or special studies the boards seek are **at the applicant's cost**, and the Board of Zoning Appeals may ask that the funds be placed in escrow with the Trustees first (§805). A use on no district list needs a **similar-use determination** by the Board of Zoning Appeals before applying (§906.01(a)(8)).

D. Variance — also required (§908.01(a))

☐ **Proof of ownership, legal interest, or written authority** to act for the owner (§908.01(a)).

☐ A description of the property and **the variance requested**, on the Board's form (§908.01(a)).

☐ A written **narrative addressing the factors the Board weighs** — **practical difficulty** and the ten area-variance factors (§908.02(b)), or, for a **use variance**, every one of the seven conditions including that no other economically viable permitted use exists (§908.02(c)). **The burden of proof is the applicant's.**

☐ **Site plans, floor plans, elevations** and other drawings at a reasonable scale showing why the variance is needed (§908.01(a)).

Notice of the hearing is mailed to owners within **500 feet** and published at least **ten (10) days** beforehand, and an appellant other than the Township **posts security for the cost of the hearing** (§907.02). No action is taken on any application until the fee is paid (§904).

E. By application type

☐ **Permanent sign** — detail drawings giving dimensions, area, number of sides, illumination and the building face area, per **Chapter 12** and the Business Corridor sign rules (§705A; applied in the Seasons Road Business district by §706A). An **internally illuminated sign** in the Seasons Road Business district is a conditional use (§1202, §702A).

☐ **Transient vendor permit or demolition** — hold-harmless / public liability insurance certificate, and the Summit County permit number where the county requires one.

☐ **Business use occupancy** — a **Certificate of Appropriateness** (occupancy permit, §903), issued upon final inspection, is required before a new business premises is occupied, on any change of use, and when a business changes owner or operator (§903, §903.01); the Business Use Certificate includes **Valley Fire District** approval.

☐ **Storm-water management plan** with calculations, where applicable — shown on the site plan (§803.05) and subject to **Summit County Engineer** approval before a certificate is issued.

☐ **Sewage disposal — give the design flow in gallons per day** and name the agency approving it. A commercial building on its own system is where this stops being a county matter: at **more than 1,000 gallons per day**, or wherever the system discharges to waters of the State, the approval comes from **Ohio EPA** — a **permit to install** (OAC 3745-42; ORC Chapter 6111), plus an **NPDES permit** where there is a discharge (ORC 6111.03) — and not from Summit County Public Health, which regulates household and small flow on-site systems of **1,000 gallons per day or less** (ORC Chapter 3718) and refers the larger ones to the State. Ohio EPA review takes considerably longer than a county approval, and §902(c) bars the certificate until it is in hand, so begin it before you file.

☐ **Seasons Road Business district** — a photometric plan is submitted **with the application** (§710), fences are allowed only in conformance with an approved site plan (§706A.e, §713), and a building or buildings on one lot totaling more than 10,000 sq ft, or over 35 feet or three stories, is a conditional use outside a Planned Development (§702A.g–h).

AFTER YOUR CERTIFICATE ISSUES

Report the start of construction (§902.04). Within **five days** after construction starts, notify the Zoning Inspector; the Inspector visits the site within five days of that notice to confirm the work follows the certificate.

Six-month life, one extension (§902.05). A zoning certificate for construction is good for six months and is not affected by a zoning change in that time. It **expires at six months** unless the footer or other base is complete according to the plans, and expires if construction then stops for six months. One six-month extension may be granted if it is requested **before** the certificate expires and the fee is paid within **fifteen days** of the request. A certificate for a **use** — a commercial use or change of use, a Certificate of Appropriateness, a home occupation, a conditional use or a sign — does not expire: it stays in force unless it is revoked (§905.02).

Certificate of Appropriateness (occupancy permit, §903, §903.01). No building or premises may be used until the Zoning Inspector issues a Certificate of Appropriateness, upon final inspection, stating that the use conforms — before a new dwelling or business premises is occupied, for any full or partial change of use, and when commercial property changes owner or operator. Home occupations are excepted. Apply once all the work on the certificate and its plans is complete.

Build what was approved (§806, §807). Where a site plan was approved, all development must conform to it, a departure needs the Board of Zoning Appeals' approval of revised plans, and there is **no occupancy until the site plan improvements are complete** —

including landscaping, drainage, parking, road and driveway improvements. A performance guarantee equal to the required improvements, for up to two years, may be required.

Board permits run on their own clocks. A **conditional zoning permit** is void after **one year** unless the use is begun and **15%** of the work is done (§800.08); a one-year extension must be requested **at least 15 days before** it expires, and any change to its conditions needs a new application and hearing (§800.09). Breaching a condition automatically voids the permit and is a zoning violation (§800.06). A granted **variance** is non-assignable and **expires one year** from the decision unless construction has actually begun (§908.06).

If the application is refused. A refusal states its reasons in writing and may be appealed to the Board of Zoning Appeals **within twenty (20) days** (§902.02, §907.01). A certificate issued contrary to the Resolution, or on false information, may be **revoked** (§905.02).

ADDITIONAL INFORMATION / NOTES

Use this space for any additional detail, explanation, or context relevant to your application.

APPLICANT CERTIFICATION

By signing below, the Applicant and Property Owner certify that they have read, understand, and agree to the following. Initial each item.

SIGNATURES

Applicant Signature: _____ Date: _____

Land Owner Signature: _____ Date: _____

Agent Signature (if any): _____ Date: _____

Make check payable to **Boston Township**. The filing fee is non-refundable and is set by the current Boston Township Zoning Fee Schedule. Certification wording current as of agreement 2026-07 v2.

FEE WORKSHEET — COMMERCIAL / NONRESIDENTIAL

*Current as of November 11, 2026. Fees are set by the Boston Township Fee Schedule and may change; confirm the amount with the Zoning Inspector before submitting. Fees are **non-refundable** (§800.02(i)). Checks payable to **Boston Township**.*

Application Type	Base Fee	Plus, Per Unit	Your Fee (fill in)
Construction & Re-construction	$150.00	$0.25 per sq ft	
Addition or Alterations	$100.00	$0.25 per sq ft	
Fence	$50.00	—	
Certificate of Appropriateness	$50.00	—	
New or Change of Commercial Use	$100.00	—	
Signs	$50.00	$1.00 per sq ft per side	
Vendor Permit	$0.00	$25.00 per vendor	
Demolition	$25.00	—	
Conditional Use Permit	$400.00	—	
Administrative Review (Wireless Tower)	$100.00	—	
Variance Application	$600.00	—	
Appeal of Zoning Inspector Decision	$300.00	—	

Application type selected: _____ Square footage / quantity: _____

Base fee _____ + (rate × quantity) _____ **= Total Due** _____

Some applications carry costs beyond the filing fee. A matter requiring a Board of Zoning Appeals hearing may carry a **hearing cost**, and a re-inspection, a continuation, or an application filed after work has already begun may add a further charge. The Zoning Inspector will confirm the total.