

## Chapter 600: Board of Zoning Appeals

### **610 Creation of the Board of Zoning Appeals**

There shall be created and maintained a Board of Zoning Appeals in accordance with Section 519.13 of the Ohio Revised Code.

### **620 Organization and Procedures of the Board of Zoning Appeals**

The Board of Zoning Appeals shall organize and adopt rules for its own government as provided by Section 519.15 of the Ohio Revised Code and in so doing shall elect a chairman at its annual organizational meeting.

621 A quorum shall consist of three members of the Board of Zoning Appeals.

622 The concurring vote of at least four members of the Board of Zoning Appeals shall be required to reverse any order of the Zoning Inspector or to grant a variance or special use under the terms of this resolution. Other matters may be decided by the concurring vote of three members.

623 All meetings and hearings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its meetings and shall have the power to compel the attendance of witnesses, administer oaths, and require the production of documents as it deems necessary. When a public hearing is required for action by the Board of Zoning Appeals, the procedure noted in Section 640 of this Resolution shall apply.

### **630 Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the following powers and duties in accordance with Section 519.14 of the Ohio Revised Code.

### **631 Appeals**

The Board of Zoning Appeals has the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution under the following conditions:

- a. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing with the Zoning Inspector and the Board of Zoning Appeals a notice of appeal specifying the grounds for appeal. The Zoning Inspector shall transmit a copy to the Board of all papers constituting the record upon which the action appealed from was taken; and
- b. An appeal shall stay all proceedings in furtherance of the action appealed from unless, in the determination of the Zoning Inspector, a stay would cause imminent peril to life or property; in this case, proceedings shall not be stayed otherwise than by order of the Board of Zoning Appeals or the courts with due cause known.

### **631 Variances**

The Board of Zoning Appeals has the power to authorize, upon application, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest. Such a variance may be granted where, due to specific circumstances, a literal enforcement of this Resolution will result in unnecessary hardship but that the spirit and intention of this Resolution will be preserved. The

Board of Zoning Appeals may grant a variance after consideration of the following items:

- a. That there are unique physical circumstances or conditions applicable to the property (including irregularity, narrowness, or exceptional physical conditions) which make its reasonable development difficult or impossible under the terms of this Resolution.
- b. That such unnecessary hardship has not been created by the applicant;
- c. That the variance, if authorized, will not altar the essential character of the neighborhood or be detrimental to adjacent properties and property values; and
- d. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of this Resolution.

**633 Special Use Permits**

The Board of Zoning Appeals has the power to grant special use permits for the use of land, buildings, or other structures as provided in this Resolution subject to the following conditions (as well as any other requirements in this Resolution):

- a. The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards pertinent to each special use shall be satisfied by the establishment and operation of the proposed special use. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objective of this Resolution shall be observed, including specific limitations as to future expansion.
- b. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:
  1. Will be harmonious with and in accordance with the objectives of this Resolution and a comprehensive plan;
  2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  3. Will not be hazardous or detrimental to existing or future neighboring uses or to the community as a whole;
  4. Will be served adequately by essential public facilities and services and be in compliance with all other local regulations (e.g., subdivision, health, etc.); and
  5. Will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding streets or roads.
- c. The Board of Zoning Appeals shall review applications for special use permits which shall contain, at minimum, the following elements:
  1. Name, address, and phone number of the applicant;
  2. Legal description of the property;
  3. Description of the existing use and a description of the proposed special use;
  4. Zoning districts;
  5. A plan of the proposed site for the special use showing the location of all buildings, dwellings (with the number of units therein), parking and loading areas,

traffic access and circulation, open spaces, landscape, utilities, signs and other such information as the Board of Zoning Appeals may require. The plan submitted shall be considered part of the application and no deviation from this plan shall be permitted without approval of the Board of Zoning Appeals. Alteration of the plan, as determined by the Board of Zoning Appeals, shall cause the application to be voided and the permit revoked.

6. Such other information as may be required by the Board of Zoning Appeals.

**634 Interpretive Responsibility**

The Board of Zoning Appeals has the power to determine in which district(s) a specific use, not provided for in this resolution, may be permitted or permitted as a special use. In making this determination, the Board of Zoning Appeals shall consider the nature of the use in light of the district(s) where uses of a similar nature are provided. In addition, the Board of Zoning Appeals may require such additional conditions and safeguards as it feels necessary to uphold the intent of this Resolution.

**640 Hearings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing, within a reasonable time, after the receipt of an application for an appeal, variance, or special use permit. Before holding the public hearing, notice of such hearing shall be given in at least one newspaper of general circulation in the Township at least 10 days before the date of hearing. The notice shall set the time and place of the public hearing and the nature of the matter to be considered.

**641 Notice to Parties of Interest**

Before the public hearing, written notice of the hearing shall be mailed, by first class mail, at least 10 days before the day of the hearing to all parties of interest. The notice shall contain the same information as in the newspaper notice specified in Section 640.

**641 Action by the Board of Zoning Appeals**

After the public hearing, the Board shall either approve, approve with conditions or disapprove a request for appeal, variance or a special use permit within 45 days after the hearing. The Board of Zoning Appeals shall set forth the reasons for the particular decision and transmit a certified copy of the action to all parties in interest.

**642 Appeals from Decision of the Board of Zoning Appeals**

Any appeal from a decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas.

**650 Applications and Fees**

The Board of Township Trustees may establish application forms for requests to the Board of Zoning Appeals and may establish fees for said applications to defray the cost of public notices, mailings, etc., as it deems necessary.