

SECTION 11

BOARD OF ZONING APPEALS

(Amended July 20, 1992, effective August 20, 1992)

11.1 There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. Members of the Board of Zoning Appeals shall be compensated as provided by the Board of Township Trustees at a regularly scheduled meeting.

11.2 The Township Board of Zoning Appeals shall have the following powers:

- 1.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision on determination made by an administrative official in the enforcement of the zoning laws or of this Resolution or any amendments thereto.
- 2.** To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
- 3.** To grant conditional use permits for the use of land, buildings or other structures, if such certificates for specific uses are provided for in this Resolution.
- 4.** To revoke an authorized variance or conditional use permit granted for the extraction of minerals if any condition of the variance or condition of the certificate is violated.

11.3 In exercising the above-mentioned powers, such Board may, in conformity with the provisions of law and this Resolution and amendments thereto, by a favorable vote of three (3) or more members, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

11.4 The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

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- 11.5** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be made after the decision, in accordance with the Ohio Revised Code, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer 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 was taken.
- 11.6** The Township Board of Zoning Appeals shall hold a hearing on any appeal, in accordance with applicable provisions of the Ohio Revised Code. The Township Board of Zoning Appeals may approve or disapprove the appeal. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this County in the grounds that such decision was unreasonable or unlawful.

A. Period of Validity: No variance granted by the Board of Zoning Appeals shall be valid for a period longer than one (1) year from the date on which the Board grants the variance unless within such period a zoning certificate is obtained and the construction, moving or remodeling of structure is started. The Zoning Inspector may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application, without notice of Hearing.

- 11.7** An application to the Board of Zoning Appeals shall be accompanied by a fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees.

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