

SECTION IX – BOARD OF ZONING APPEALS

- 9.01 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 April 1 and so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided for by Section 519.04 of the Revised Code of Ohio. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. Compensation shall be changed at a regular meeting of the Board of Township Trustees but no more than once in each calendar year. (4/13/1982)
- 9.02 The Board of Zoning Appeals may, within the limits of the monies appropriated by the Board of Township Trustees for such purpose, employ such executives, professional, technical, and other assistants as it deems necessary. (6/1959)
- 9.03 The Township Board of Zoning Appeals shall have the following powers:
- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25 inclusive of the Revised Code of Ohio or of any resolution adopted pursuant thereto.
 - B. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
 - C. To grant Conditional Use Permits for the use of land, buildings, or other structures; such condition, among other things, may require certain acts or forbearance of the applicant, or may be otherwise so conditioned as to secure observance and conformity to the letter or spirit of the Zoning Resolution.
 - D. To grant and exception in the following instances:
 1. Grant variances or interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompany and made a part of this Resolution were the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 2. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities or where such regulation would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.
 3. Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of a multiple dwelling.
 4. Permit a variation in the yard requirements of any districts where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of a lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare. (6/1959)
- 9.04 In exercising the above mentioned powers said Board may, in conformity with such sections, 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. (6/1959)

- 9.05 The Board of Zoning Appeals shall organize and adopt rules in accordance with the 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 determines. The chairman, or in his absence the acting chairman, may administer oaths and the 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 of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote shall indicate such fact. The Board of Zoning Appeals 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 be a public record. (6/1955)
- 9.06 Three (3) or more of members of the Board of Zoning Appeals at a meeting shall constitute a quorum, and the affirmative vote of three (3) or more members is required for a decision. (6/1959)
- 9.07 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 taken within twenty (20) days after the decision 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. 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 from was taken. (6/1959)
- 9.08 The party appealing to the Board of Zoning Appeals shall deposit with the Clerk of the Board a fee in accordance with a fee schedule adopted and made a part of this Resolution. If a verbatim record is desired by appellant, he shall furnish the court reporter and bear the expense of typing said report. (4/13/1982)
- 9.09 The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties of interest, file notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing any person may appear in person or by attorney. Any person adversely affected by decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Lake County on the grounds that such decision is unreasonable or unlawful. (6/1959)
- 9.10 A. The "parties of interest" who shall be notified of the hearing on appeal to the Board of Zoning Appeals shall include:
1. The applicant for the Zoning Permits,
 2. The person aggrieved who appealed to the Board,
 3. All owners of the property within, contiguous to, and directly across street from the premises to which the application for a Zoning Permit relates, and
 4. Such other individual or individuals as the Board shall determine.
- B. The notice to parties of interest herein required shall be satisfied by one (1) publication in a newspaper of general circulation in the county, and by personally delivering or sending by regular mail a notice to all owners of the property within, contiguous to, and directly across the street from such premises as such owners appear on the county auditor's current tax list or the treasurer's mailing list. The notice shall give the name of the appellant, the name of the owner of the premises involved, the road on which the premises are located, and time and place of hearing of the appeal. No decision of the Board of Zoning Appeals shall be invalidated if the required newspaper notice was duly given. (12/30/1988)