



## ***ARTICLE 11 Board of Zoning Appeals***

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### **11.01 Appointment and Composition of the Board of Zoning Appeals**

- A. The Board of Zoning Appeals shall comprise five residents of Copley Township appointed by the Trustees to five-year terms, with the terms staggered so that the term of one member expires each year.
- B. The appointment of alternate members of the Board of Zoning Appeals and the removal of members of the Board of Zoning Appeals shall be governed by the provisions and procedures specified in O.R.C. § 519.13.

### **11.02 Organization and Operation**

- A. The Board of Zoning Appeals shall elect a Chairman and Vice-Chairman from its membership and shall prescribe rules for the conduct of its affairs including the taking and maintaining of minutes.
- B. The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to effect an order.
- C. The Board of Zoning Appeals shall meet at the call of its Chairman or two other members, and at such other regular times as it may, by Resolution, determine. All meetings of the Board shall be open to the public.
- D. The Board of Zoning Appeals Chairman, or the Vice-Chairman, or other member, acting as Chairman in the absence of the elected Chairman, may administer oaths and compel the attendance of witnesses in all matters coming within the purview of the Board.
- E. 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 Township Fiscal Officer and shall be a public record.

### **11.03 Powers and Duties**

- A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.

- B.** To authorize, upon appeal, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship or practical difficulties and so that the intent 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 as specifically provided for elsewhere in this Resolution.
- D.** The Board of Zoning Appeals shall have no authority to permit a use where such use is prohibited by this Resolution in all Zoning districts in the Township.

#### **11.04 Appeals**

- A.** Any individual, firm, or corporation, or any officer, Board or Department of Copley Township, may appeal an adverse decision of the Zoning Inspector to the Board of Zoning Appeals. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in the furtherance of the action appealed from, unless the Zoning Inspector, whose decision is appealed, shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.
- B.** The Board of Zoning Appeals may reverse or affirm the decision of the Zoning Inspector, wholly or in part, or modify the order, requirement, decision, or determination of the Zoning Inspector in any manner it determines is proper. In taking such action, the Board may exercise all powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within a reasonable time after the date of its hearing on the appeal.

#### **11.05 Procedures for Variances and Appeals**

- A.** The Board of Zoning Appeals shall act in accordance with the procedures specified by law, including this Resolution.

- B.** All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- C.** When notice of appeal or an application for a variance has been filed in proper form with the Board of Zoning Appeals, the Recording Secretary shall immediately place the appeal or application upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail address to the parties making the request for appeal or application and notice by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to the addresses given in the last assessment roll. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.
- D.** Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the headings below, together with all documents pertaining thereto.
- 1.** Appeal.
  - 2.** Conditional Use.
  - 3.** Variance.
- E.** Any request for an appeal, conditional use permit, or variance from the Board of Zoning Appeals shall be accompanied by a fee in an amount determined by the Township Trustees and listed in a schedule of fees adopted by the Trustees.
- F.** If construction has not commenced and continual progress made toward completion within twelve (12) months of a variance being granted, the variance is voided or invalid.