

ARTICLE X
ADMINISTRATION

Section 1000.0 *Township Zoning Inspector*

Section 1000.1 *Position of Township Zoning Inspector Established*

For the purpose of enforcing these zoning regulations the position of township zoning inspector is hereby established; and the board of township trustees may establish the position(s) of assistant township zoning inspector(s).

The board of township trustees shall fill the position of township zoning inspector, together with such assistants as the board from time to time deems necessary, fix the compensation for such positions, and make disbursements for them.

Section 1000.2 *Zoning Inspector's Bond*

The township zoning inspector, before entering upon the duties of his/her office, shall be bonded in accordance with the Ohio Revised Code.

Section 1000.3 *Duties of Township Zoning Inspector*

It shall be the duty of the township zoning inspector to enforce the zoning regulations contained in this resolution, and thus in order to fulfill said duty, the township zoning inspector shall:

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.
- B. Receive and act upon applications for zoning certificates in accordance with sections 1100.2 and 1100.3.
- C. Issue zoning certificates as permitted by the terms of this resolution.
- D. Revoke zoning certificates as permitted by the terms of this resolution.
- E. Receive and act upon complaints regarding violations of this resolution in accordance with section 1101.0.
- F. Make inspections as required to fulfill his/her duties.
- G. Upon finding that any provision of this resolution is being violated, he/she shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation.
- H. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.
- I. Safely keep an official record of all actions taken in fulfillment of the duties imposed on

him/her by this zoning resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be kept in an orderly fashion and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of township trustees. None of the records or documents so kept shall be destroyed except upon compliance with R. C. 149.42.

- J. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in R. C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.
- K. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- L. Safely keep and deposit all fees and monies received by him/her with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to R. C. 117.17.
- M. Review proposed preliminary major subdivision plans and final major subdivision plats pursuant to R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original mylar of such plans or plats to ensure proof of compliance with the applicable provisions of this resolution.

Section 1001.0 Township Zoning Commission

Section 1001.1 Township Zoning Commission Created

The board of township trustees has created and established a township zoning commission in accordance with the R.C. 519.04, which states that the commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the board. The board of township trustees may appoint two (2) alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one (1) member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the zoning commission including alternate members, shall be removed for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term.

Section 1001.2 *Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission*

- A. The zoning commission may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The zoning commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the zoning commission may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide. No township trustee shall be employed by the zoning commission of his/her township.
- B. The zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the zoning commission.
- C. The zoning commission may initiate and/or review proposed amendments to this resolution and make recommendations on same to the board of township trustees as specified in article XII.

Section 1002.0 *Township Board of Zoning Appeals*

Section 1002.1 *Township Board of Zoning Appeals Created*

Pursuant to R. C. 519.13, the board of township trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The board of township trustees may also appoint two (2) alternate members to the board of zoning appeals, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the board of zoning appeals, according to the procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The terms of all regular members shall be of such length and so arranged that the term of one (1) member will expire each year.

Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members, including alternate members, shall be removed for the same causes and in the same manner as provided in Section 519.04 of the Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

The board of zoning appeals may, within the limits of the monies appropriated by the board of township trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

Section 1002.2 Powers of Township Board of Zoning Appeals

The township board of zoning appeals may:

- A. 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 sections 519.02 to 519.25 of the Ohio Revised Code or of this resolution.
- B. 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 this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures for specific uses provided for in this resolution and in accordance with the conditions set forth herein.

If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with Section 519.141 of the Revised Code.

Section 1002.3 Rules, Organization, and Meetings of Board of Zoning Appeals

- A. The township board of zoning appeals shall organize and adopt rules in accordance with 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 of zoning appeals determines. The chairman, or in his/her 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 regular or alternate 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 be a public record.
- B. The attendance of three (3) regular or alternate members of the board of zoning appeals is required for a quorum.

All decisions, motions, and actions of the board of zoning appeals shall be by the affirmative vote of at least three (3) regular or alternate members of the board.

Section 1002.4 Procedures of Board of Zoning Appeals

- A. 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 zoning inspector. Such appeal shall be within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Written notices of appeal shall be made on forms provided by the township zoning inspector and shall be signed and dated by the appellant or his/her authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000) or both.

All completed notices of appeal shall be filed with the township zoning inspector and the board of zoning appeals and shall include, at a minimum, the following information. The township zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.

1. The name, address and telephone number of the appellant.
2. The name, address and telephone number of the owner of record.
3. The address of the lot, if different from the appellant's current address.
4. The names and addresses of all parties in interest from the County Auditor's current tax list (all lots adjacent to and directly across the street from the subject lot).
5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
6. A legal description of the lot, as recorded with the Geauga County Recorder.
7. The current zoning district in which the lot is located.
8. A description of the existing use of the lot.
9. A description of the proposed use of the lot.
10. Eight (8) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - a. The dimensions (in feet) of all lot lines and the total acreage of the lot.
 - b. The dimensions and elevations (in feet) of existing buildings or structures on the lot, if any.
 - c. The setback (in feet) from all lot lines of existing buildings, structures and uses on the lot, if any.
 - d. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - e. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
 - f. The setback (in feet) from all lot lines of proposed buildings, structures and uses

on the property or of any addition or structural alteration to existing buildings or structures.

- g. The height (in feet) of existing buildings or structures on the lot.
- h. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
- i. The name and location of the existing road(s), public and private, adjacent to the lot.
- j. The number of dwelling units existing (if any) and proposed for the lot.
- k. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
- l. For commercial and industrial uses: the location, dimensions (in feet) and the number of loading/unloading spaces.
- m. The location and dimensions (in feet) of any existing or proposed easements on the lot.
 - n. The location and description of existing and proposed landscaping and buffer areas on the property.
- 11. The number of the application for the zoning certificate.
- 12. All notices of appeal for signs shall include, at a minimum, the following information:
 - a. Eight (8) copies of a drawing or map, drawn to scale with a north arrow and date, showing:
 - 1. The dimensions (in feet) of the sign.
 - 2. The area of the sign in square feet.
 - 3. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
 - 4. The height (in feet) of the sign.
 - 5. The method of illumination, if any.
 - 6. The dimensions of the lettering and/or the elements of the matter displayed (e.g. a logo).
- 13. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.
- 14. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.

15. For notices of appeal alleging error by the zoning inspector, a written statement shall be made by the appellant or his/her authorized representative relative to the alleged error made by the zoning inspector in his/her determination of the application for the zoning certificate.
16. For notices of appeal requesting a variance, the appellant or his/her authorized representative shall provide the following:
 - a. A statement relative to the exact nature of the variance requested.
 - b. The specific zoning regulation(s) shall be cited from which a variance is requested.
 - c. Written justification for a variance shall be made by the appellant and the board of zoning appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.
 1. Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
 - a. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance.
 - b. Whether the variance is substantial.
 - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining lots would suffer a substantial detriment as a result of the variance.
 - d. Whether the variance would adversely affect the delivery of governmental services.
 - e. Whether the property owner purchased the lot with the knowledge of the zoning restriction.
 - f. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance.
 - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - h. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable.
 2. Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:

- a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- b. The hardship condition is not created by actions of the applicant;
- c. The granting of the variance will not adversely affect the rights of adjacent owners;
- d. The granting of the variance will not adversely affect the public health, safety or general welfare;
- e. The variance will be consistent with the general spirit and intent of the zoning resolution;
- f. The variance sought is the minimum which will afford relief to the applicant; and
- g. There is no other economically viable use which is permitted in the zoning district.
- h. Such other criteria which the board believes relates to determining whether the zoning regulation is equitable.

17. The appeal fee.

- C. The board of zoning appeals shall fix a reasonable time for public hearing of the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued from day to day for good cause shown.

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give 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. Notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

- D. Hearings before the board of zoning appeals shall be conducted in accordance with the following:
 - 1. Any person may appear in person or by attorney.
 - 2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his/her absence the acting chairman of the board of zoning appeals.
 - 3. A party in interest shall be allowed:
 - a. To present his/her position, arguments and contentions;

- b. To offer and examine witnesses and present evidence in support thereof;
 - c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
 - d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions;
 - e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
4. The board of zoning appeals shall be provided with the original plus eight (8) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
 5. An accurate record of the proceedings shall be kept and preserved by the board of zoning appeals.
- E. Decisions of the board of zoning appeals shall be in accordance with the following:
1. All decisions shall include conclusions of fact of the board in support of the decision.
 2. A decision of the board and the adoption of conclusions of fact shall be made at a public meeting of the board. The decision and the conclusions of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
 3. The original written decision and conclusions of fact of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the board of zoning appeals with the township fiscal officer within five (5) days of the signing of the written decision and conclusions of fact by the board of zoning appeals.
 4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within five (5) days of the signing of the written decision, to the township zoning inspector and the appellant.
 5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in R. C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R. C. Chapter 2506.

Section 1002.5 *Supplementary Conditions on Variances*

The board of zoning appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and morals. Any such supplementary conditions shall be made a part of the board of zoning appeals' proceedings and shall be incorporated into the final decision by the board approving a variance. Violation of such supplementary conditions, which are made a part of the written decision of the board, shall be deemed a violation of this resolution.

