

APPENDIX “A”

This appendix sets forth the Ohio Revised Code procedure for appeals from the action of the County Zoning Inspector as said Ohio Revised Code was in force at the time of the adoption of this resolution.

Ohio Revised Code 303.13 – County Board of Zoning Appeals; compensation and expenses.

In any county which adopts zoning regulations the Board of County Commissioners shall appoint a County Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the county included in the area zoned, but no more than two members may be residents of the same township. The terms of all members shall be of such length and so arranged that the term of one member will 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 by section 303.04 of the Revised code. Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of County Commissioners may approve and provide. The Board of County Commissioners may also appoint two alternate members for terms the Commissioners shall determine who shall take the place of a regular member at any meeting upon designation by the chairman.

The Board of Zoning Appeals may within the limits of the money’s appropriated by the Board of County Commissioners for the purpose, employ such executives, professional, technical and other assistants as it deems necessary.

Ohio Revised Code 303.14 – Power of County Board of Zoning Appeals

- 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 section 303.01 to 303.25, inclusive of the Ohio Revised Code or of any resolutions 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 condition, 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 zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution.

In exercising the above mentioned powers, such board may, in conformity with such sections reverse or affirm, wholly or partly, or may modify the 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.

Ohio Revised Code 303.15 – Rules, organization and meetings of Zoning Appeals Board.

The County 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, 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 County Commissioners and be a public record except that the Board may deliberate in executive session as provided by law.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the county 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.

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 in interest, give notice of such public hearing by one publication in one or more newspaper 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.

STANDARDS FOR GRANTING HARDSHIP VARIANCES

- A) The particular physical surrounds, shape or topographical condition of the specific property would cause unusual and unnecessary hardship if the literal provisions of the zoning resolution were followed.
- B) The purpose of the variance is not primarily based upon a desire to increase property value or usage.
- C) The alleged hardship has not been created by the applicant for the variance after the adoption of the zoning resolution.

- D) The granting of a variance will not be materially detrimental to the public health, safety, convenience or general welfare or injurious to other property or improvements in the vicinity.
- E) The granting of a variance will not constitute a grant of a special privilege, or permit a use not allowed by the existing zoning resolution, or permit a use forbidden to other property in the same classification or district or zone.

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