

CHAPTER 6 BOARD OF ZONING APPEALS

The Board of Zoning Appeals is hereby created in accordance with Ohio Revised Code 713.11.

SECTION 6.1 – MEMBERSHIP, ORGANIZATION, POWERS AND DUTIES

A. Membership & Organization

The Board of Zoning Appeals (“BZA”) shall consist of five members, appointed by the Mayor and approved by Council. Council may remove any member of such Board for cause upon written charges and after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of the member affected. Members of the BZA shall serve five-year terms and shall be eligible for reappointment. All members serve without compensation. The BZA shall elect its own officers, (chairperson, vice-chair, and recording secretary) annually and shall adopt the rules necessary to conduct its affairs. Meetings shall be held at the call of the chairperson at such a time as the Board may determine. Four members of the BZA shall constitute a quorum for the conducting of business. The chairperson, or in his absence, the acting chairperson, may administer oaths and compel to the attendance of witnesses. All meetings and records shall be open to the public. The concurring vote of two-thirds of the BZA shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer, or to decide in favor of the applicant on any matter upon which they are required to pass under the terms of this Zoning Code.

B. Powers And Duties

1. To hear and decide appeals, only in such cases where it is alleged there is error in any order, requirement, decision or determination made by the Enforcing Officer in the enforcement of this Zoning Code.
2. Determination of Similar Uses. To determine if uses not specifically mentioned in this Zoning Code are similar to uses permitted within a district.
3. Conditional Use Permits. To hear and decide only such conditional uses as the BZA is specifically authorized to act on under the terms of this Zoning Code.
4. The BZA shall have all the duties and powers prescribed by law and by this Zoning Code to authorize variances upon appeal from the provisions of this Zoning Code when there are unnecessary hardships otherwise resulting from the enforcement of the Zoning Code.

5. The BZA may prescribe appropriate conditions and safeguards to allow for conformity with this Zoning Code. Violations of such conditions and safeguards, when such are made part of the terms under which a variance is granted, shall be punishable under Chapter 3, Section 3.3 within this Zoning Code.
6. In approving or disapproving any petition or other matter brought forth, the BZA shall act by resolution or motion and shall keep minutes of its proceedings showing the vote of each question, or in the alternative, the facts of each appeal considered by the BZA and the section of this Zoning Code, where applicable. Accurate written meeting minutes and audio recording of meeting shall be kept of all BZA meetings, with a copy of all minutes forwarded, within two weeks of each meeting, to the Enforcing Officer and retained in the Administration Building.
7. The Board of Zoning Appeals shall schedule public hearings, within thirty days upon receipt of said application. Notice of the public hearing shall be given by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least ten (10) days before the date of the hearing. The published notice shall set forth the time, date, location and a summary of the appeal. Additionally, written notice of said hearing shall be mailed by first-class mail to property owners abutting or within 200 feet of said property in question at least ten (10) days prior to the public hearing and such notice shall contain the time, date, location and summary of the appeal.

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