

: BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five 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 years beginning January 1, except that the terms of the original members shall be of such length and so arranged that the terms of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired terms.

The township Board of Zoning Appeals shall have the following powers:

1. 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 the zoning laws or of this resolution or any amendments thereto.
2. To 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 the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.
3. In exercising the above mentioned powers, such Board may, in conformity with the provisions of law and this resolution and amendment thereto reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination appealed from, and may make such order, requirement or determination as ought to be made, and to the end shall have all powers of the office from whom the appeal is taken.
4. The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, or in his absence the Acting Chairman, may administer oaths and the Township 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 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 immediately be filed in the office of the board of Township Trustees and shall be a public record.
5. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or any officer of the Township affected by any decision of the administrative officer. Such appeals 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 thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken from.
6. The Township 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 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.

- 7. The filing of an appeal from any decision of the Zoning Inspector with the Board of Zoning Appeals shall suspend any action by the Zoning Inspector or other authority in a court of competent jurisdiction to enforce the provisions put in question by said appeal, except that the Zoning Inspector may bring an action in injunction to enjoin the appellant from further construction or use during the pendency of his appeal.**
- 8. Any appeal which has been resolved by the Board of Zoning Appeals may not be refiled nor will said Board entertain the same within six (6) months from the time of the resolution of the original appeal.**
- 9. Any future changes of the Ohio Revised code will automatically apply to the procedure written herein and supersede the same.**
- 10. The Board of Township Trustees of Hartford Township may appoint two (2) alternate members of the Township Board of Zoning Appeals, for terms not to exceed five (5) years. An alternate member shall take place of an absent regular member at any meeting/hearing of the Township Board of Zoning Appeals according to procedures prescribed by resolution by the Board of Township Trustees. Allowable expenses or compensation shall be paid as the Board of Township Trustees may approve and provide. When attending a meeting/hearing on behalf of the absent member of the Township Board of Zoning Appeals, the alternate member may vote on any matter of which the absent member is authorized to vote. An alternate member shall serve until the alternate member's successor is appointed and qualified.**

(Amended 12/5/2005)