

Township Zoning Boards



Zoning Commissions
and
Boards of Zoning Appeals

Zoning Appointments



- ❧ The Township board of Trustees are responsible for the appointments of the Zoning Commission, the Board of Zoning Appeals, and the Zoning Inspector.
- ❧ The determination of compensation is also the responsibility of the Trustees.
- ❧ The Township Board of Trustees is also responsible for the setting of fees, permits and fines.

Township Zoning Commission

- ❧ Legislative body.
- ❧ One time - Creates and drafts the township zoning resolution.
- ❧ Ongoing - Reviews and recommends amendments to the zoning resolution and map.
- ❧ Does NOT advise the township zoning inspector/administrator or board of zoning appeals.

Township Zoning Commission

- ❧ All public meetings...no executive sessions.
- ❧ Decisions are generally not appealable, but are subject to referendum.

Township Zoning Commission

☞ How zoning amendments are initiated:

- By motion of the zoning commission;
- By the passage of a resolution by the board of trustees;
or
- By the filing of an application for an amendment by one or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission.

Township Zoning Commission

- ∞ In the interest of public health and safety:
- Building location, height, bulk, stories, and size (and other structures including tents, cabins, and trailers)
 - Percentage of lot areas which may be occupied, setback building lines, sizes of yards, courts, and open spaces
 - Density of population
 - Uses of buildings and other structures
 - Uses of land
 - Establishment of reasonable landscaping and residential architectural standards, but excluding exterior building materials (found unconstitutional due to manner of adoption...General Assembly has not corrected)
 - Adult entertainment establishment regulations

Township Zoning Commission

∞ Exemptions

- Agricultural activities
- Public utilities, railroads, or liquor sales

∞ Limited regulation

- Surface mining
- Telecommunications towers

Board of Zoning Appeals

∞ Quasi-judicial body

- MANDATORY DUTIES IMPOSED BY STATUTE
 - Hear and decide appeals
 - Authorize variances (upon appeal)
 - Issue conditional use permits
 - Revoke authorized variance or conditional zoning certificate granted for the extraction of minerals
 - Broad powers are granted to a zoning board of appeals to provide for flexibility in the implementation of regulatory measures so that the measures do not operate in an arbitrary, unreasonable, or confiscatory manner, or in any manner that would be unconstitutional

Am. Jur. 2d, Zoning and Planning §722

Board of Zoning Appeals

- ❧ The township board of zoning appeals does NOT make zoning regulations or zoning districts; that is the function of the township zoning commission.
- ❧ ...[T]he board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken. Ohio Revised Code §519.14

Board of Zoning Appeals

- ❧ Responsible for keeping a record/transcript and preparing such record/transcript in the event of an appeal to the Court of Common Pleas.
- ❧ NOT responsible for defending decisions upon appeal to the Court of Common Pleas.