

Article X

Board of Zoning Appeals

SECTION 1000 - CREATION OF THE BOARD OF ZONING APPEALS

Section 1000.01 Appointed by the Township Trustees

There shall be a Jefferson Township Board of Zoning Appeals consisting of five (5) members appointed by the Jefferson Township Trustees as provided by Section 519.13 of the Ohio Revised Code.

Section 1000.02 Organization and Members

The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of 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 Township Trustees, and be a public record.

SECTION 1001 - POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

Section 1001.01 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

- A) Administrative Review
To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator/Inspector in the enforcement of this Zoning Resolution.
- B) Conditional Use
To authorize only such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Zoning Resolution.
- C) Variances
To hear and decide 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 on the land, a literal enforcement of the provisions of this Zoning Resolution would result in unnecessary hardship. In granting such variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

Section 1001.02 Procedure for Administrative Appeal

- A) Administrative Appeals
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 Administrator/Inspector.
- B) Notice of Appeal
Such appeal shall be taken within twenty (20) days after the decision by filing a notice of appeal with the officer from whom the appeal is taken and with the Board of Zoning Appeals, specifying the grounds. The officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action was taken.

Section 1001.03 Procedure for Variance

A) Nature of Variance

On a particular property extraordinary circumstances may exist making a strict enforcement of the applicable Development Standards of the Zoning Resolution unreasonable and, therefore, the procedure for variance from Development Standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

B) Written Application

Eight (8) copies of a provided application accompanied by a copy of the denied Certificate of Zoning and a statement of the reason for denial shall be filed with the Zoning Administrator/Inspector not more than twenty (20) days from the date such denial of the Certificate of Zoning is issued.

C) Description of Property and Nature of Variance

The application shall include the following statements:

- 1) The nature of the Variance; i.e., including the specific provisions of the Zoning Resolution upon which the Variance is requested.
- 2) A legal description of the property.
- 3) A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
- 4) A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
- 5) A list of owners of property within, contiguous to, directly across the street from, and within 1,000 feet of such area proposed to be considered for variance. Such list to be in accordance with the Franklin County Auditor's current tax list, and shall include all owners' addresses.
- 6) Such other information regarding the application for appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

D) Plot Plan

Eight (8) copies of a plot plan drawn to an appropriate scale showing the following shall accompany the application:

- 1) The boundaries and dimensions of the lot.
- 2) The nature of the special conditions or circumstances giving rise to the application for approval.
- 3) The size and location of existing and proposed structures.
- 4) The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping.
- 5) The relationship of the requested Variance to the Development Standards.
- 6) The use of land and location of structures on adjacent properties

E) Review

Review by the county or regional planning commission, or a person qualified in land use planning as designated by Jefferson Township Trustees, may be required. If such a review is required, one (1) copy of the application and plot plan shall be forwarded to the county or regional planning commission or designated planner. Said body or person shall forward their recommendation to the Board of Zoning Appeals in time for consideration at the public hearing.

Section 1001.04 Actions of the Board of Zoning Appeals - Variances

The Board of Zoning Appeals shall fix a reasonable time for a public hearing of the application, give at least 10 days notice in writing to the parties in interest, give notice of such public hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before date of such hearing, and shall within a reasonable time after the application is submitted hold a public hearing and act on a Variance.

A) Approval of Variance

The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

- 1) That such variance or modification will not be contrary to the public interest.
- 2) That owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship.
- 3) That the approval of such variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby.
- 4) That the special conditions and circumstances do not result from the action of the applicant.

Section 1001.05 Effect of a Variance Approval

A) Certificate of Zoning Compliance

A certificate of Zoning Compliance may only be issued for an approved Variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one year of its issuance, meaning there has been no active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval.

B) Building Permit

A building permit may be obtained only for the development in accordance with the approved plot.

Section 1001.06 Procedure for Authorizing a Conditional Use

A) Nature of Conditional Uses

Specifically listed Conditional Uses are provided within the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning Districts.

The intent of the “Procedure for Authorizing a Conditional Use” is to set forth the Development Standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

B) Written Applications

Eight (8) copies of a provided application form shall be filed with the Zoning Administrator/Inspector.

C) Description of Property and Intended Use

The application shall include the following statements:

- 1) A legal description of the property.
- 2) The proposed use of the property.
- 3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- 4) A statement of the relationship of the proposed use to adjacent property and land use.
- 5) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

- 6) A list of owners of property within, contiguous to, directly across the street from, and within 1,000 feet of such area proposed to be considered for a Conditional Use. Such list to be in accordance with the Franklin County Auditor's current tax list, and shall include all owners' addresses.

D) Plot Plan

Eight (8) copies of a plot plan, drawn to an appropriate scale, clearly showing the following, shall accompany the application:

- 1) The boundaries and dimensions of the lot.
- 2) The size and location of existing and proposed structures.
- 3) The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping.
- 4) The relationship of the proposed development to the Development Standards.
- 5) The use of land and location of structures on adjacent property.

E) Review

Review by the county or regional planning commission, or a person qualified in land use planning as designated by Jefferson Township Trustees, may be required. If such a review is required, one (1) copy of the application and plot plan shall be forwarded to the county or regional planning commission or designated planner. Said body or person shall forward their recommendation to the Board of Zoning Appeals in time for consideration at the public hearing.

Section 1001.07 Actions of the Board of Zoning Appeals – Conditional Uses

The Board of Zoning Appeals shall fix a reasonable time for a public hearing of the application, give at least 10 days notice in writing to the parties in interest, give notice of such public hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before date of such hearing, and shall hold a public hearing and act on a Conditional Use in one of the following ways:

A) Approval

The Board of Zoning Appeals shall approve an application for a Conditional Use if the following four conditions are met:

- 1) The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met.
- 2) The proposed development is in accord with appropriate plans for the area.
- 3) The proposed development will be in keeping with the existing land use character and physical development potential of the area.

- 4) The necessity or desirability of the proposed use to the neighborhood or community has been proven.

B) Approval with Modification

The Board of Zoning Appeals may approve with modification an application for a Conditional Use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met, but plot plan modification is required:

- 1) To be in accord with appropriate plans for the area; and
- 2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

C) Disapproval

The Board of Zoning Appeals shall only disapprove an application for a Conditional Use for any one of the following reasons:

- 1) The proposed use is not a Conditional Use of the Zoning District, or the applicable Development Standards are not and cannot be met.
- 2) The proposed development is not in accord with appropriate plans of the area.
- 3) The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.

Section 1001.07 Effect of a Conditional Use Approval

A) Conditional Use Approval

Upon a favorable finding, the Board of Zoning Appeals shall approve a Conditional Use application within thirty (30) days following the public hearing.

B) Conditional Use Permit

A Certificate of Zoning Compliance may be issued within one (1) year from the date of final approval by the Board of Zoning Appeals.

C) Building Permit

A building permit may be obtained only for the development in accordance with the approved plot.

Section 1001.05 Fees for Conditional Uses and Variances

A fee shall be paid to Jefferson Township for each application for Certificate of Zoning Compliance as is prescribed in ORC 519.