

The Board of Zoning Appeals designated by the Council is a quasi-judicial body that shall hear request for appeals, variances, and conditional uses and decide whether or not to grant the request. The Board of Zoning Appeals shall have such additional powers and duties as provided by the Zoning Code.

(a) *Appointment of the Board of Zoning Appeals.* The Board of Zoning Appeals (Board) shall consist of five members, who shall be qualified electors of the village and appointed by Council. The term of office shall be five years and their terms shall be so arranged that the term of one member shall expire each year. Any vacancy shall be filled for the remainder of the unexpired term in the manner the original appointment was made. Each member of the Board shall serve for the term of his or her appointment and until a successor is appointed and qualified.

(b) *Proceedings of the Board of Zoning Appeals.*

(1) The Board of Zoning Appeals shall annually elect a President and Vice-President. The secretary shall be the administrative coordinator of the municipality. The Board of Zoning Appeals shall adopt rules for the conduct of its affairs in keeping with the provisions of state and local laws.

(2) The secretary shall record Board of Zoning Appeals action and 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.

(3) Meetings shall be held at the call of the President and at such other times as the Board of Zoning Appeals may determine. The President, or in his or her absence, the Vice-President, may administer oaths and compel the attendance of witnesses. All meetings and hearings shall be open to the public. If permitted under Ohio Law, the Board of Zoning Appeals may go into Executive Session for discussion, but not for a vote on any case before it.

(4) A quorum of the Board of Zoning Appeals shall consist of a majority of all the members of the Board of Zoning Appeals. The Board shall decide upon all applications or appeals within 21 days after the final hearing. Unless otherwise specifically set forth in this zoning code, no variance nor conditional use exception shall be granted without the affirmative vote of at least three members of the Board. All other decisions of the Board shall require not less than three concurring votes. No member of the Board of Zoning Appeals shall be authorized to vote by proxy.

(c) *Duties of the Board of Zoning Appeals.* For the purpose of the Zoning Code, the Board of Zoning Appeals has the following specific responsibilities:

(1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer or his or her authorized representative.

(2) Authorize such variances from the terms of the Zoning Code as will not be contrary to the public interest, where owing to the special conditions, a literal

enforcement of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done.

(3) Grant conditional use permits as specified in [Chapter 1280](#) and such additional safeguards as will uphold the intent of the Zoning Code.

(4) The Board of Zoning Appeals may call upon and make use of such information and counsel as is available from the various public officials, departments, and agencies of the village for assistance in the performance of its duties. It shall be the duty of such public officials, departments, and agencies to render such assistance to the Board of Zoning Appeals as may reasonably be required.

(5) Interpret boundaries of the zoning map when such boundaries are otherwise indeterminable under § [1248.05](#).

(6) Perform such other functions and have such other powers as Council may provide.

(Ord. 2012-20, passed 4-17-2012)

§ 1244.11 VILLAGE COUNCIL.

The powers and duties of the Village Council pertaining to the Zoning Code are as follows:

- (a) Appoint one member of Village Council to the Planning Commission.
- (b) Appoint five persons to the Board of Zoning Appeals.
- (c) Initiate or act upon text or map amendments to the Zoning Code, provided that Council shall not act on any amendments or changes until the Planning Commission has had the opportunity to review the proposed changes and offer its recommendations to Council. Council shall act favorably upon such changes or amendments, following the receipt of a formal recommendation from the Planning Commission, only if the request can be justified on one of the following grounds:
 - (1) The change is in conformity with community development policies of the municipality.
 - (2) There had been a substantial and significant change in area conditions.
 - (3) There is a need for additional land in the zoning district classification being requested;
 - (4) There is a manifest error in the Zoning Code text or the Official Zoning District Map.
- (d) Review the Planning Commission's recommendation on proposed Planned Development applications, and approve or disapprove the application by an affirmative vote of Council.

(e) Override a written recommendation of the Planning Commission on a text or map amendment provided that such action is passed by a vote of not less than five members of the Village Council.

(Ord. 2012-20, passed 4-17-2012)

§ 1244.13 DUTIES OF THE CODE ENFORCEMENT OFFICER, BOARD OF ZONING APPEALS, VILLAGE COUNCIL, AND COURTS ON MATTERS OF APPEAL.

(a) It is the intent of the Zoning Code that all questions of interpretation and enforcement shall be first presented to the Code Enforcement Officer or his or her authorized representative and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Code Enforcement Officer or his or her authorized representative. Recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.

(b) It is further the intent of the Zoning Code that the duties of the Village Council, in connection with the Zoning Code, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section.

(Ord. 2012-20, passed 4-17-2012)

§ 1244.15 SCHEDULE OF FEES.

After considering the recommendations of the Code Enforcement Officer or his or her authorized representative with respect to actual administrative costs, both direct and indirect, the Village Council shall by ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of the Zoning Code. The schedule of fees shall be available in the office of the Code Enforcement Officer or his or her authorized representative and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

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