

ARTICLE 13 ADMINISTRATION

1300 PURPOSE

This article sets forth the powers and duties of the Zoning Commission, Board of Zoning Appeals, Board of Township Trustees, and the Zoning Administrator with respect to the administration of the provisions of this Resolution.

1301 GENERAL PROVISIONS

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township of Austinburg government:

1. Zoning Administrator
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees
5. County Prosecutor

1310 ZONING ADMINISTRATOR

A Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. The Zoning Administrator may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

1311 RESPONSIBILITIES OF ZONING ADMINISTRATOR

For the purpose of this Resolution, the Zoning Administrator shall have the following duties:

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution, and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which is authorized to act on by the provisions of this Resolution within the specified time or notify the applicant in writing of refusal or disapproval of such application and the reasons thereof. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.
7. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

1320 ZONING COMMISSION

The Zoning Commission is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years, except that the initial appointment shall be one (1) member for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of Austinburg Township. Members of the Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.¹

1321 PROCEEDINGS OF ZONING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting shall be held each year in the month of January. Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 a public record and be immediately filed in the office of the Commission and Trustees.

1322 DUTIES OF ZONING COMMISSION

For the purpose of this Resolution the Commission shall have the following duties:

1. Recommend the proposed Zoning Resolution, including text and Official Zoning District Map to the Township Trustees for formal adoption.
2. Initiate advisable changes to the Official Zoning District Map or to the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Township Trustees.
3. Review all proposed amendments to the text of this Resolution and the Official Zoning District Map and make recommendations to the Township Trustees as specified in Article 6.
4. Review all Planned Unit Development Applications and make recommendations to the Township Trustees as provided in this Resolution.
5. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

1330 BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges

¹ Section 1320 Amended 3/10/97

and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

1331 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chairperson and at such times as the Board may determine. The chairperson, or in absentia the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings 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 be a public record and be immediately filed in the office of the Board of Appeals and also with the Township Clerk.

1332 DUTIES OF THE BOARD OF ZONING APPEALS The Township Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator;
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution;
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under Subsection 4 of this Section and of the holder's right to a hearing before the Board, within 30 days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, may be represented by an attorney or may present a position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, such 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.

1340 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, 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 and this Resolution. Under this Resolution the Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 1351 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Ohio Revised Code §2505 and §2506. Any such appeal shall be made within ten (10) days of the Board's written decision.

1350 BOARD OF TOWNSHIP TRUSTEES

The powers and duties of the Board of Township Trustees pertaining to the Zoning Resolution are as follows:

1. Appoint a Zoning Administrator.
2. Approve the appointments of members to the Zoning Commission.
3. Approve the appointments of members to the Zoning Board of Appeals.
4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
5. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

1351 SCHEDULE OF FEES

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Board of Township Trustees. 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.