
ADMINISTRATION

4.0 OFFICE OF ZONING INSPECTOR

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The township zoning inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

4.1 DUTIES OF ZONING INSPECTOR

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s);
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

4.2 ZONING COMMISSION

A Zoning Commission, shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years. The initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), five (5) year terms. Each member shall be a resident of the 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.

Adopted Date: 8/3/98

Effective Date: 9/2/98

Revised 4.13, 4.21 Date: 3/7/05

4.3 PROCEEDINGS OF ZONING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. 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 motion; if absent or failing to vote, indicate such fact; keep records of its examinations and other official actions, all of which shall be a public record and filed in the office of the Commission.

4.4 DUTIES OF ZONING COMMISSION

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

1. Initiate proposed amendments to this resolution,
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6,
3. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in Article 24,
4. Review actions of the Board of Zoning Appeals for possible amendments to this resolution.

4.5 BOARD OF ZONING APPEALS

Board of Zoning Appeals shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years. The initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), 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 and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

4.6 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to conduct its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in absence the acting chairperson, may request 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 motion, or if absent or failing to vote, indicate such fact; keep records of its examination and other official actions, all of which shall be a public record and filed in the office of the Board.

4.7 DUTIES OF THE BOARD OF ZONING APPEALS

The Board has the following responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;

2. To authorize 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. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 4.19 and such additional safeguards as will uphold the intent of this resolution.
4. To interpret the Zoning Map. Where the streets or lot lines actually in place, or as recorded, differ from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the Map in such away as to carry out the intent and purpose of this Resolution. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the Resolution, a request for interpretation of the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

The concurring vote of a majority of the Board shall be necessary to reverse any order.

4.8 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTER OF APPEAL

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, 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 Board of 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 Board of Township Trustees shall have only the duties of considering the 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 5.11 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 Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the Board's written decision.

4.9 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 4.10 through 4.19. As specified in Section 4.7, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

4.10 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within ten (10) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector

shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appeals form was taken.

4.11 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action for which the appeal was made. After the notice of appeal is filed with the Zoning Inspector, he may, by reason of facts stated in the application, find and certify to the Board of Zoning Appeals that a stay, in his opinion, would cause imminent peril of life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

4.12 VARIANCE

The Board of Zoning Appeals may authorize upon appeal in specific cases, such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. A variance shall not be granted on grounds of personal difficulties, hardships, convenience or profit. Such variance runs with the land and is to be tied in to problems with land use only. It may be granted because there are problems with the land whereby the applicant cannot comply with the zoning resolution. Conditions may be placed on a variance relating to the land use. Land use characteristics, as defined by permitted and conditional uses for zoning districts, may not be altered by the granting of a variance for a property. No non-conforming use of neighboring lands, structures or buildings in the same district and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.

4.13 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicant(s).
2. Legal description of property, including legal owner's consent if applicant is not the legal owner.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
 - c. The applicant will show that the special conditions and circumstances will not occur;

- d. That granting the variance requested will not confer on the applicant special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
5. In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of pending zoning changes. The Township will provide a notice sign approximately 4' x 4' or 16 sq. ft with the recommended wording:
"This property is being considered for a zoning change. For additional information contact the Harrison Township Zoning Office at 740-927-8277"
The notice must be erected within 48 hours of application . It shall be erected on the site readily legible from the most traveled thoroughfare adjacent to the property. The sign must be maintained until a final decision by the appropriate board. At which time the sign must be returned in good condition to the township.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

4.14 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 5.10 of this resolution.

4.15 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector.

4.16 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 4.15, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

4.17 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 4.16, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all parties owning property contiguous to the property subject to the variance or appeal. And if owner and the applicant, are different notify the owner. The notice shall consist of the same information as required of notices published in newspapers as in Section 4.16.

4.18 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 4.15, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 4.14, or disapprove the request for appeal or variance. The Board of Zoning Appeals may further make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 4.8.

4.19 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Sections 4.20 through 4.27.

4.20 GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually.

4.21 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit shall be filed with the Zoning Inspector by at least one owner or lessee of property for which such conditional use is proposed. The application shall contain the following information:

1. Name, address and phone number of applicant;
2. Legal description of property; legal owner and address
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A drawing of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards. Note additional information may be required by the Board at the time of the hearing
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district;
8. Such other information as may be required in Section 4.23, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
9. In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of pending zoning changes. The Township will provide a notice sign approximately 4' x 4' or 16 sq. ft with the recommended wording:
"This property is being considered for a zoning change. For additional information contact the Harrison Township Zoning Office at 740-927-8277"

The notice must be erected within 48 hours of application . It shall be erected on the site readily legible from the most traveled thoroughfare adjacent to the property. The sign must be maintained until a final decision by the appropriate board. At which time the sign must be returned in good condition to the township.

4.22 PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a conditional use permit specified in Section 4.21, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 4.15 through 4.17.

4.23 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 4.22, the Board shall either approve, approve with supplementary conditions or disapprove the application as presented. When considering the application for conditional use the Board of Zoning Appeals should refer to the specific district of this resolution to which this application applies. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 4.8.

4.24 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year.