

**Article 2000  
Administrative Authority**

2001	Purpose.	2010	Establishment of Board of Zoning Appeals.
2002	Zoning Inspector.	2011	Board of Zoning Appeals composition and appointment.
2003	Powers and duties of Zoning Inspector.	2012	Organization and rules.
2004	Establishment of Zoning Commission.	2013	Meetings.
2005	Zoning Commission composition and appointment.	2014	Witnesses.
2006	Quorum.	2015	Board of Zoning Appeals proceedings.
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2009	Powers and duties of the Zoning Commission.		

**2001 PURPOSE.**

This Article sets forth the powers and duties of the Zoning Inspector, Zoning Commission and the Board of Zoning Appeals with respect to the administration of the provisions of this Zoning Resolution.

**2002 ZONING INSPECTOR.**

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of township zoning inspector, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

**2003 POWERS AND DUTIES OF ZONING INSPECTOR.**

The zoning inspector shall have the following duties:

- a. To accept and review all applications for zoning permits as required herein. The Zoning Inspector shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application on that date for consideration of the action(s) requested.

- b. To issue zoning permits as provided by this Zoning Resolution where all applicable provisions of this resolution are complied with in the application therefore and keep a record of same with a notation of any special conditions involved.
- c. To deny the issuance of a zoning permit in those cases where one or more applicable provisions of this resolution are not complied with in the application therefore, and
- d. Maintain in current status the Zoning District Map which shall be kept on permanent display in the Township.
- e. Maintain permanent and current records required by this Resolution including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.
- f. Respond to questions concerning applications for amendments to the Zoning Resolution and the Zoning District Map.
- g. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to stop work, and to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- h. Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- i. To make a determination that a proposed use that is not listed or provided for in this Resolution is substantially similar to a principal or conditional use that is listed and provided for in this Resolution.
- j. Enforce all provisions of this Resolution uniformly throughout the township.

**2004 ESTABLISHMENT OF ZONING COMMISSION.**

The Zoning Commission of Amherst Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

**2005 ZONING COMMISSION COMPOSITION AND APPOINTMENT.**

The Zoning Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Amherst Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

**2006 QUORUM.**

Three (3) members of the Zoning Commission shall constitute a quorum at all meetings. A vote of three shall be necessary to effect an order, take action, make decisions, or act on any authorization. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting; thus, if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present.

In the absence of one or more of the members of the board, a proposed action receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Zoning Commission. In such case, a unanimous vote of the Township Trustees is necessary to approve a proposed zoning amendment and overturn the recommendation of the Zoning Commission.

In the event that only three members of the Zoning Commission are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next meeting of the Commission. Upon receiving such request from the applicant, the commission may receive public input, but, prior to taking a vote, shall continue the public hearing to its next regular meeting.

**2007 MEETINGS.**

The Zoning Commission shall elect a chairman from its membership; shall appoint a Recording Secretary, and shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Zoning Commission shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Zoning Commission shall be open to the public.

**2008 ZONING COMMISSION PROCEEDINGS.**

The Zoning Commission shall keep minutes of its proceedings including a record of 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 shall be a public record.

**2009 POWERS AND DUTIES OF THE ZONING COMMISSION.**

The Zoning Commission shall have the following powers and duties:

- a. To prepare the Zoning Resolution.
- b. To review all site plans and applications subject to design review as required by this Resolution.
- c. To review all proposed amendments to the Zoning Resolution and Zoning District Map and to submit a recommendation to the Township Trustees.
- d. To propose on its own initiative such amendments to the Zoning Resolution and Zoning District Map as it may deem consistent with the purposes of this Zoning Resolution.
- e. To interpret the precise location of the boundary lines between zoning districts.

**2010 ESTABLISHMENT OF BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals of Amherst Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

**2011 BOARD OF ZONING APPEALS COMPOSITION AND APPOINTMENT.**

The Board of Zoning Appeals shall be composed of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Amherst Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The Trustees shall have the right to remove any members of the Board for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code.

**2012 ORGANIZATION AND RULES.**

- a. The Board of Zoning Appeals shall elect a chairperson, vice chair and secretary from its membership. The Board of Zoning Appeals shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein.
- b. The chairperson shall reside at all meetings of the Board of Zoning Appeals. He/she shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The chairperson may appoint committees deemed necessary to carry out the business of the Board. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- c. The vice chairperson shall serve in the absence of the chairperson. He/she shall have all the powers of the chairperson during his/her absence.
- d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board of Zoning Appeals.

**2013 MEETINGS.**

Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public.

**2014 WITNESSES.**

The Board of Zoning Appeals Chairperson, or in the Chairperson's absence the acting Chairperson, shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

**2015 BOARD OF ZONING APPEALS PROCEEDINGS.**

- a. All actions of the Board shall be taken by resolution, the vote of each member being recorded.
- b. No member of the Board shall vote on any matter in which he/she is personally or financially interested.
- c. An appeal of a determination made by a public official, a request for a variance, the granting of a conditional zoning certificate, or the modification of the

conditions of a conditional zoning certificate, shall require a minimum of three affirmative votes in order for such request to be approved by the Board of Zoning Appeals.

- d. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting; thus, if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present. In the absence of one or more of the members of the board, a proposed action receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Board of Zoning Appeals.
- e. In the event that only three members of the Board of Zoning Appeals are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next meeting of the Board. Upon receiving such request from the applicant, the Board may receive public input, but, prior to taking a vote, shall continue the public hearing to its next regular meeting.

**2016 MINUTES AND RECORDS.**

The secretary of 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 action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

**2017 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall have the following powers:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- b. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to 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.
- c. To exercise such other powers as may be granted to the Board by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

- d. To review and decide all applications for conditional use permits according to the standards, criteria and procedures of this Resolution.

