

ARTICLE – 5

ADMINISTRATION

Section 500 Office of Zoning Inspector Created

A zoning inspector(s) designated by the Board of Township Trustees shall administer and enforce this resolution. He/she may be provided with the assistance of other such 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.

Section 501 Duties of the Zoning Inspector

For the purpose of this resolution, the zoning inspector shall have the following duties:

- A. 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.
- B. Order discontinuance of illegal uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. 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 certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 502 Zoning Commission Created

A Township 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 appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and (5) years terms. The Board of Township Trustees may appoint up to two (2) alternate members each for a term of five (5) years. The Alternate Members shall meet the same appointment criteria as regular Members and shall take the place of an absent Regular Member at the meeting of the Board of Zoning Commission. Alternate Members may vote on any matter on which the absent Member is authorized to vote. Each member including alternate members shall be an elector and resident of unincorporated Etna Township. Any member or alternate member whom shall cease to reside in the unincorporated portion of the Township and thus loses the qualifications required herein to hold said office, the position held by that person shall be deemed vacant and formal removal pursuant to this section shall not be required. Members or alternate members of the Zoning Commission may be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the public hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member or alternate member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees shall fill vacancies through appointment for the un-expired term of the member or alternate member vacating the position. A vacancy shall automatically be declared when a member misses four (4) meetings in succession without just cause or when an alternate member misses four (4) meetings in succession when called upon for duty without just cause.

The Board of Township Trustees shall establish rates of compensation and procedures for reimbursement of expenses incurred in the performance of duties.

Section 503 Proceedings of the Zoning Commission

A. Organization

In March of each year, the Zoning Commission shall organize and select a chairman and vice-chairman. 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 chairman 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 public record and be immediately filed in the office of the Commission.

B. Zoning Commission Clerk

A clerk shall be appointed by the Etna Township Zoning Commission. The Etna Township Zoning Commission shall establish the clerk's rate of compensation and procedures for reimbursement of authorized expenses in the performance of the clerk's duties. The Etna Township Zoning Commission by a majority vote of the Zoning Commission members may remove the person employed in the clerk position for failure to fulfill the requirements of the job as described herein. The clerk's duties shall include keeping attendance, minutes and other duties as directed by the Etna Township Zoning Commission.

C. Conflicts of Interest

No member of the Zoning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission.

Section 504 Duties of the Zoning Commission

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

- A. Initiate proposed amendments of this resolution.
- B. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in **Article 6**.
- C. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in this resolution.
- D. Review all proposed changes to the official Zoning Map and make recommendations to the Board of Township Trustees as specified in **Article 6**.
- E. Review all proposed changes to the Comprehensive Land Use Plan and Future Land Use Map and make recommendations to the Board of Township Trustees.
- F. Serve as an Architectural Review Board to enforce compliance with any zoning standards adopted and pertaining to landscaping or architectural elements as delegated by the Board of Trustees per O.R.C. 519.171.

Section 505 Board of Zoning Appeals Created

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 and an elector 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 un-expired term of the member affected. A vacancy shall automatically be declared when a member misses four (4) meetings in succession without just cause. The Board of Township Trustees shall establish rates of compensation and procedures for reimbursement in the performance of duties.

Section 506 Proceedings of the Board of Zoning Appeals

A. Organization

The Board 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 chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and adjudicatory hearings shall be open to the public. Subsequent meetings of the Board for deliberations and decision announcements are not required to be conducted in public, but can be if the Board so chooses.

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 public record and be immediately filed in the office of the Board. The Board, upon its decision, will issue a final order signed by all participating members.

B. Board of Zoning Appeals Clerk

A clerk shall be appointed by the Etna Township Board of Zoning Appeals. The Etna Township Board of Zoning Appeals shall establish the clerk's rate of compensation and procedures for reimbursement of authorized expenses in the performance of the clerk's duties. The Etna Township Board of Zoning Appeals by a majority vote of the Board of Zoning Appeals members may remove the person employed in the clerk position for failure to fulfill the requirements of the job as described herein. The clerk's duties shall include keeping attendance, minutes and other duties as directed by the Etna Township Board of Zoning Appeals.

C. Conflicts of Interest

No member of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Board.

Section 507 Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. A quorum of the Board and the concurring vote of a majority of the Board in attendance shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. For the purpose of this resolution, that Board has the following specific responsibilities:

- A. 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.
- B. 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 practical difficulties and so that the spirit (intent) of this resolution shall be observed and substantial justice done.
- C. To grant conditional use permits as specified in the official schedule of district regulations and under the conditions specified in **Article 9** of such additional safeguards as will uphold the intent of this resolution.

Section 508 Duties of Zoning Inspector, 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 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 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 312 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 Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the approval of the minutes of the meeting when the decision was made by the Board. A written notice (final order) shall be sent to the person(s) initiating the appeal, the zoning inspector, and the Township Trustees stating the decision of the Board, and the date on which the minutes were approved. This notice shall be sent no later than one (1) working day following the approval of the minutes.

Section 509 Procedures and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of **Sections 509** through **518**, inclusive, of this resolution. As specified in **Section 506**, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 510 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 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 taken. This notice must be presented at the Etna Township Hall to the township clerk or the zoning inspector by the close of normal business hours on the twentieth (20th) day after the decision. In their absence, the notice may be administratively received by a township official. The zoning inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed is taken.

A. Application:

An appeal of an alleged error made by an administrative official in the enforcement of the Zoning Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for an appeal is submitted to the zoning inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of the applicant(s).
2. Description of nature of appeal requested.
3. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) shall accompany the appeal application.
4. The applicant shall provide a narrative statement describing their reasoning for believing an error by an administrative official has occurred and provide any additional evidence with the application.

Section 511 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the zoning inspector from whom the appeal is taken on due cause shown.

Section 512 Area Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such area variances 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 practical difficulties.

A. Application:

An area 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 by the owner(s) and lessee(s), if any, of the property for which such area variance is proposed. Such application shall contain the following:

1. Name, address, and phone number of the applicant(s).
2. Legal description of property.
3. Description of the variance requested.
4. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) shall accompany the variance application.
5. The applicant shall provide a narrative statement addressing the Standards for Area Variances set forth in sub-section **512.B** so that the Board can consider and weigh the factors in determining whether the property owner seeking the area variance has encountered practical difficulties in the use of his property.

B. Standards for Area Variances:

Area variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in practical difficulties. The Board of Zoning Appeals shall consider and weigh the following standards when determining area variances based on practical difficulty:

1. Whether the property in question will yield a responsible return or whether there can be any beneficial use of the properties without a variance.
2. Whether a variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services,(e.g. water, sewer, garbage);
5. Whether the property owner purchased the property with knowledge of the zoning restrictions (prior knowledge does not destroy opportunity for area variance request);
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Section 513 Use Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such use variances 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. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

A. Application:

A use 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 use variance is submitted to the zoning inspector and the Board of Zoning Appeals by the owner(s) and lessee(s), if any, of the property for which such variance is proposed. Such application shall contain the following:

1. Name, address, and phone number of the applicant(s).
2. Legal description of property.
3. Description of nature of variance requested.
4. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) shall accompany the use variance application.
5. The applicant shall provide a narrative statement addressing the Standards for Use Variances set forth in sub-section **513.B** so that the Board can consider and weigh the factors in determining whether the property owner seeking the use variance has encountered unnecessary hardship in the use of his property.

B. Standards for Use Variances:

Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provision of this resolution would result in unnecessary hardship. In order to grant a use variance, the Board of Zoning Appeals shall find the following standards for unnecessary hardship to be accurate through clear and convincing evidence:

1. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
2. The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
3. The hardship condition is not created by actions of the applicant;
4. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
5. The granting of the variance will not adversely affect the public health, safety or general welfare;
6. The variance will be consistent with the general spirit and intent of the Zoning Code; and
7. The variance sought is the minimum that will afford relief to the applicant.
8. That granting the variance requested will not confer on the applicant special privileges that are denied by this resolution to other lands, structures, or buildings in the same district.

Section 514 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such 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 311** of this resolution.

The following is a list of general topics that the Board of Zoning Appeals may consider when placing conditions on any proposed Area or Use Variance:

- A. The location, height, and size of all structures and activity areas.
- B. The permission/prohibition and location of speaker systems and any other amplified noises.
- C. The location of all points of entrance or exit and all access points to the property.
- D. The permission/prohibition, location, height, size, and number of on-premise signage.
- E. The permission/prohibition, location, casting, and trespass of all exterior lighting.
- F. The location, amount, width, height, opacity, and type of buffering yards and materials.
- G. The location, amount, and type of landscaping.
- H. The location, amount, type, shading, and screening of parking facilities.
- I. The maintenance and order of the property or use.
- J. The safety and security of the property or use.
- K. The permission/prohibition and location of vehicles and storage of vehicles on the property.
- L. The permission/prohibition regarding hours of operation.
- M. The location, screening, type, and accessibility of garbage disposal areas (i.e. dumpsters, trash cans, recycle cans, etc.).
- N. The location, screening, type, maintenance, and accessibility of public restroom facilities.
- O. The type and permission of any accessory uses.

Section 515 Adjudicatory Hearing by the Board of Zoning Appeals

At the beginning of each calendar year, the Board of Zoning Appeals will adopt an adjudicatory hearing schedule for the year that will establish at least one hearing date in each month. Upon receipt of a notice of appeal, an application for a variance or an application for a conditional use permit, the Board shall fix a reasonable time for the hearing, give at least ten days' notice in writing to the parties in interest and give notice of such public hearing by one publication in one or more newspapers of general circulation in Licking Country, at least ten days before the date of such hearing.

Section 516 Notice of Adjudicatory Hearing in Newspaper

Before holding the adjudicatory hearing required in **Section 515**, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the adjudicatory hearing, and the nature of the proposed appeal or variance.

Section 517 Notice to Parties in Interest

Before holding the adjudicatory hearing required in **Section 515**, written notice of such hearing shall be mailed by the clerk of the Board of Zoning Appeals, by first class mail with certificate of mailing obtained from the post office, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall consist of the same information as required of notices published in newspapers as specified in **Section 516**.

Section 518 Action by Board of Zoning Appeals

Within thirty (30) days after the adjudicatory hearing required in **Section 515**, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in **Section 514**, or disapprove the request for appeal or variance. Appeals from Board decisions shall be made in the manner specified in **Section 508**.

Section 519 Procedure and Requirements for Approval of Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of **Sections 520** through **526**, inclusive of this resolution.

Section 520 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. These specific uses that are conditionally permitted under the provisions of **Article 9** shall follow the procedures and requirements set forth in **Sections 520** through **526**, inclusive.

Section 521 Contents of Application for Conditional Use Permit

An application for conditional use permit shall be filed with the chairman of the Board of Zoning Appeals by the owner(s) and lessee(s), if any, of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A.** Name, address, and phone number of applicant.
- B.** Legal description of property.
- C.** Description of existing use.
- D.** Zoning districts.
- E.** Description of proposed conditional use.
- F.** A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Board may require determining if the proposed conditional use meets the intent and requirements of this resolution.
- G.** A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
- H.** Such other information as may be required in **Section 522**.
- I.** A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) shall accompany the conditional use permit.

Section 522 General Standards Applicable to All Conditional Uses

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A.** Is in fact a conditional use as established under the provisions of **Article 9** and appears on the official schedule of district regulations adopted by **Section 801** for the zoning district involved.
- B.** Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's or Etna Township's comprehensive plan and/or the zoning resolution and similar uses.
- C.** Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the same area.
- D.** Will not be hazardous or disturbing to existing or future neighboring uses.
- E.** Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F.** Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
- G.** Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- H.** Will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

Section 523 General Topics for Conditional Uses

In order to ensure conformity with **Section 522**, the Board of Zoning Appeals may consider the following list of general topics when placing conditions on any proposed Conditional Use:

- A. The location, height, and size of all structures and activity areas.
- B. The permission/prohibition and location of speaker systems and any other amplified noises.
- C. The location of all points of entrance or exit and all access points to the property.
- D. The permission/prohibition, location, height, size, and number of on-premise signage.
- E. The permission/prohibition, location, casting, and trespass of all exterior lighting.
- F. The location, amount, width, height, opacity, and type of buffering yards and materials.
- G. The location, amount, and type of landscaping.
- H. The location, amount, type, shading, and screening of parking facilities.
- I. The maintenance and order of the property or use.
- J. The safety and security of the property or use.
- K. The permission/prohibition and location of vehicles and storage of vehicles on the property.
- L. The permission/prohibition of the hours of operation.
- M. The location, screening, type, and accessibility of garbage disposal areas (i.e. dumpsters, trash cans, recycle cans, etc.).
- N. The location, screening, type, maintenance, and accessibility of public restroom facilities.
- O. The type and permission of any accessory uses.

Following are additional requirements for conditionally permitted uses that involve mining operations:

- P. There shall be filed with the zoning inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
- Q. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
- R. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 5:00 PM.
- S. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
- T. There may be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per location of future roads, drives, drainage courses, or other improvements contemplated.
- U. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and non-combustible solids, to secure:
 - 1. That the excavated area shall not collect and permit to remain therein stagnant water.
 - 2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjacent land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- V. There shall be filed with the Board of Township Trustees a bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.

Section 524 Violations of Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution and in relationship with **Section 523**. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under **Section 311** of this resolution.

Section 525 Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in **Section 521**, 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 515** through **517**.

Section 526 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in **Section 525**, the Board shall either approve, approve with supplementary conditions as specified in **Section 523**, or disapprove the application as presented. 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 of 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 a manner specified in **Section 508**. If the application is approved or approved with supplemental conditions, or denied, one of the two (2) application copies received by the Appeals Board is to be properly filled in so stating the Board's decision and mailed by certified mail to the applicant. The zoning inspector is to be notified also.

Section 527 Technical Review Committee

A Township Technical Review Committee is hereby created which shall consist of three (3) members: the Zoning Inspector, and two (2) from the Zoning Commission. Any member of the Zoning Commission is qualified to serve on the Technical Review Committee. The Zoning Commission will provide the Zoning Inspector a list of names, addresses, phone numbers and the assignment schedule of their members to the Technical Review Committee. If the Zoning Inspector is unable to schedule a Technical Review because assigned members are not available, any other Zoning Commission member may serve as the respective replacement for that review only. The Zoning Inspector acts as the committee moderator.

Section 528 Duties of the Technical Review Committee

A technical review will be held at the call of the Zoning Inspector who, after determining that all requirements of **Section 301** are met, needs a recommendation from the Technical Review Committee. The conditions for scheduling a meeting are:

- A.** If the application is for work to be done in any residential, agricultural, or manufactured home park district, the Zoning Inspector may schedule a meeting with the Technical Review Committee.
- B.** If the application is for work to be done in a flood plain, business or manufacturing district, the Zoning Inspector should schedule a meeting with the Technical Review Committee.

All meetings will be open to the public, and notice of such meetings shall be supplied to the applicant and one local newspaper a minimum of ten (10) days prior to the review meeting. Reasons for the acceptance or denial of the application shall constitute the record of the meeting and shall be furnished by the Zoning Inspector to the applicant upon request.

All reviews shall have the Zoning Inspector and at least two (2) members in attendance and the committee will recommend approval if the requirements of this resolution are met or denial if the requirements of this resolution are not met. The Zoning Inspector will notify the applicant, in writing, within ten (10) days of the Zoning Inspector's decision. The applicant or any interested party may appeal the decision of the Zoning Inspector to the Board of Zoning Appeals under the provisions provided in **Article 5** of this resolution.

At the request of the applicant, a preliminary review of the application may be held with the Technical Review Committee. This preliminary review meeting would be held to provide direction to the applicant on how to comply with the resolution. The preliminary review meeting has the same requirements as the official review meeting, except that no recommendation to the Zoning Inspector will be made.