

ZC-2025-1

Zoning verbiage clarification – Findings of fact and conclusions of law suggestion for amendment

Exhibit A

Additions are highlighted in yellow

Deletions are in red text and ~~strikeout~~.

Suggestion for proposed amendment

12.02.04 PROCEDURES OF BOARD OF ZONING APPEALS.

- A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector. Such appeal shall be taken within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Written notices of appeal shall be made on a form provided by the township zoning inspector and shall be the most current version approved by the Board of Trustees at the time of application. The Zoning Inspector may deem information not applicable. The township zoning inspector or the Board of Zoning Appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution. Such application shall be signed and dated by the appellant or his/her authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

The appeal fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 1.05.0.

- C. The board of zoning appeals shall fix a reasonable time for public hearing of the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued from day to day for good cause shown.

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties of interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

- D. Any renewal or extension of a zoning certificate shall be subject to the same procedure as specified herein for the original granting of the certificate.

- E. Hearing before the board of zoning appeals shall be conducted in accordance with the following:
1. Any person may appear in person or by attorney.
 2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his/her absence the acting chairman of the board of zoning appeals.
 3. A party in interest shall be allowed:
 - a. To present his/her position, arguments and contentions;
 - b. To offer and examine witnesses and present evidence in support thereof;
 - c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
 - d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions; and
 - e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
 4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board on township premises.
 5. An accurate record of proceedings shall be kept and preserved by the board of zoning appeals.
- F. Decisions of the board of zoning appeals shall be in accordance with the following:
1. All decisions shall include ~~conclusions of fact~~ findings of fact and conclusions of law of the board in support of the decision.
 2. A decision of the board and the adoption of ~~conclusions of fact~~ findings of fact and conclusions of law shall be made at a public meeting of the board. The decision and the ~~conclusions of fact~~ findings of fact and conclusions of law of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
 3. The original written decision and ~~conclusions of fact~~ findings of fact and conclusions of law of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceedings shall be filed by the board of zoning appeals with the township fiscal officer within five (5) days of the signing of the written decision and ~~conclusions of fact~~ findings of fact and conclusions of law by the board of zoning appeals.
 4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within two (2) days of the signing of the written decision, to the township zoning inspector and the appellant. All denials of the

board of zoning appeals shall be sent by certified mail
(return receipt requested) to the appellant.

5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.