

Chapter 29
TOWNSHIP BOARD OF ZONING APPEALS

29.01 GENERAL

- A. Township Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members and one alternate, to be appointed by the Township Trustees, who shall be residents of the unincorporated territory of Miami Township included in the area zoned. The terms of all members shall be of such length and so arranged that term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other cause by Trustees upon written charges having been filed with the Trustees after a public hearing has been held recording such charges, a copy of the charges having been served upon the member so charged ten (10) days prior to the hearing, either personally, or by registered mail, or by the same at his usual place of residence. The member shall be given the opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

- B. The Board shall organize and adopt rules in accordance with the provisions of this Resolution. Meetings of the Board 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 the Board may compel the attendance of witnesses. All meetings of the Board 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 immediately filed in the office of the Trustees and shall be a public record. The Board shall act in accordance with its bylaws.

- C. Appeals to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken and processed in accordance with the Ohio Revised Code. Any appeal must be submitted on a Miami Township authorized form.

29.02 POWERS OF THE BOARD

- A. The Board shall have the following powers:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative Official in the enforcement of this Resolution.

 - 2. To authorize, upon appeal, in specific cases, such area variances from the terms of the Zoning Resolution, as will not be contrary to the public interests where owing to special conditions a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

 - 3. To permit a variation in the yard requirements of any District where there are unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions provided such variation will not seriously affect any adjoining property or the general welfare.

4. Grant conditional zoning certificates for the use of land, buildings, or other structures if such Certificates for specific uses are provided in the zoning resolution.
 5. 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 mail of its intent to revoke the variance or certificate under 29.02 (D) of this section and of his right to a hearing before the board, within thirty days of the mailing of the notice, if he 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, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. 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.
- B. To authorize by conditional use certificates for the following uses provided the following conditions are met to the satisfaction of the BZA.
1. In the Planned Industrial Park District "I" the extraction of raw materials and related operations in accordance with Ohio Revised Code Section 519.141.
 2. In the Planned Industrial Park District, "I" airports and/or landing fields provided the following conditions are met:
 - a. In granting a conditional use permit for an airport, the Board of Zoning Appeals shall impose reasonable requirement or restrictions designed to ensure the safety of aircraft in landing and taking off and the safety of persons occupying or using the area and the security of property thereon. In determining these requirements and/or restrictions the Board of Zoning Appeals shall consider the character of the flying operations expected to be conducted at the airport, the percent of slope or grade customarily used in descent or ascent of the aircraft expecting to use the airport with reference to their size, speed, and type, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property is put or is adaptable.
 - b. In determining the "airport hazard area," the Board of Zoning Appeals, prior to approval of a conditional use permit, shall consult with the Division of Aviation, to formulate and adopt an airport approach plan. Each plan shall indicate, the airport hazard area, the circumstances under which structures, objects of natural growth, public highways, and certain uses of land would be airport hazards and the height limits of structures and objects of natural growth and what other restrictions should be contained in the airport zoning regulations. The actions of the Division of Aviation shall be in accordance with Section 4563.08 of the Revised Code.
 3. In all districts, parking lots provided the following conditions are met:

- a. The parking area shall be located on an adjacent property not more than two hundred (200) feet from the boundary of Industrial, Commercial, or Office Districts.
 - b. Parking shall be limited to non-commercial passenger vehicles; and
 - c. The area used for parking meets all requirements of Chapter 23 of this Zoning Resolution.
- C. To the extension of a non-conforming use or building upon a lot or tract of land occupied by such use or building, where such extension is necessarily incident to the existing use, provided, however, that the floor area of such extension or extensions shall not exceed in all fifty (50%) per cent of the floor area of the existing building or buildings devoted to a non-conforming use on the effective date of this Resolution, and provided further, that such extension or extensions shall be undertaken within five (5) years of the effective date of this Resolution or amendments to this Resolution.
- D. In exercising the above-mentioned powers, the Board may 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 shall have all the powers of the Officer from whom the appeal is taken.
- E. In granting conditional use permits, the Board of Zoning Appeals shall provide a specific period of time in which the property owner and/or applicant must commence operation. In no case shall the time period for commencement of operations exceed eighteen (18) months from the date the conditional use permit is granted.

29.03 POWERS NOT GRANTED TO THE BOARD

- A. The Board shall not have the powers to grant Use Variances. Those desiring a use not permitted in a zoning district under this Resolution may submit an application to the Miami Township Zoning Commission for consideration of a text amendment to allow such use. Said application will proceed through the normal text amendment review process.