

BOARD OF ZONING APPEALS - EXPLANATION OF PROCESS

The Anderson Township Board of Zoning Appeals (BZA, Board) is appointed by the Anderson Township Trustees to hear appeals from decisions of the zoning inspector, authorize variances from the requirements of the Township Zoning Resolution, grant conditional zoning certificates, and in certain situations revoke an unauthorized variance. The procedures followed by the BZA are generally proscribed by Section 519 of the Ohio Revised Code. Actions that come from the BZA are final; they are not reviewed by the Township's Zoning Commission or the Board of Trustees. Any person aggrieved by a decision of the BZA can appeal to the Court of Common Pleas. The law requires that any such appeals to the Court must be filed within thirty days.

General Process. The BZA normally meets once a month on the first Thursday at 5:30 P.M. All meetings, with the exception of executive sessions, are open to the public. After an applicant has submitted a variance application or other request, and notice is given, the BZA holds a Public Hearing. The public is notified of this hearing through the publication of a legal notice in the *Cincinnati Enquirer*, through regular U.S. mailings to property owners within 200' of the parcel in question, and by the placement of a sign on the property (as available). Information and plans regarding the request are available for review at the Anderson Township Government Center prior to the meeting, and letters or comments may be submitted prior to and during the Public Hearing. After the Public Hearing is closed, the Board will deliberate later that evening or at the next meeting, prior to taking a "straw" vote to approve or deny the request. At a subsequent meeting the Board approves a typewritten Resolution giving the final decision of the Board. In rare situations, a case may be heard, deliberated, and a Resolution prepared in the same evening. It should be noted that BZA hearings generally relate to individual parcels and differ from zone changes, which usually relate to a comprehensive zoning classification. Zone changes are considered by the Zoning Commission rather than the BZA.

Conduct of the Meetings

Public Hearing. At the first meeting, all persons wishing to speak on the request, whether for or against, may do so after they have been sworn in. After a brief summary of the request by the staff, the applicant presents its request. When the applicant and any proponents have completed their presentations, those opposed to the request then state their position and ask any questions relating to the case. Once the opposition has been heard, the applicant may rebut any issues raised by opponents and complete its presentation. The Board may ask questions at any time. When it is determined that all available information and comment has been received, the Board closes the public hearing. No further comment, letters, or additional information can be received, unless specifically requested by the Board.

Straw Vote. The Board will deliberate the request normally at the second meeting, but may also do so the same night of the hearing after all agenda items are heard. This portion of the meeting is open to the public, but the Board will not hear any additional comments or answer questions regarding the request. The Board will then take a "straw" vote on the request, which enables staff to prepare a resolution. This decision is not final.

Approval and Journalization. Normally at the third meeting (or second if a straw vote is taken the night of the public hearing), the Board will read a typewritten draft Resolution. The Board will then vote on the Resolution and journalize it. The Board's decision is effective at that time and requires three of five possible votes to approve, modify, or deny the application.

Notes

- 1) All materials submitted to the Board at the Public Hearing, including artwork, photographs, etc. must remain in the file.
- 2) Board members should not be contacted directly. All communication to the Board should go through staff at the Township Offices.