

Article X

Board Of Zoning Appeals

Sec. 1001 Authority, Composition, and Appointment

¹There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Township Board of Trustees. The Board shall include five (5) citizens of the unincorporated area of Bath Township. Each member shall be appointed for a period of five (5) years and terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may appoint up to two (2) alternate members to the Board of Zoning Appeals for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member according to procedures prescribed by a resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member and shall serve until a successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event a vacancy occurs on the Board, such vacancy shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

Sec. 1001-1 Organization

The Board of Zoning Appeals shall elect a Chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

Sec. 1001-2 Quorum

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to effect an order.

Sec. 1001-3 Meetings

The Board of Zoning Appeals shall meet at the call of its Chairman or two (2) other members, and at such other regular times as the Board of Zoning Appeals may, by Resolution, determine. All meetings of the Board shall be open to the public.

¹ Amended January 5, 2002

Sec. 1001-4 Witnesses

The Board of Zoning Appeals Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses in all matters coming within the purview of the Board.

Sec. 1001-5 Proceedings of the Board of Zoning Appeals

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 immediately be filed in the office of the Township Trustees and shall be a public record.

Sec. 1001-6 Powers and Duties

- A. To hear and decide appeals where it is alleged there is an error on any order, requirements, 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 this Resolution as will not be contrary to the public interests, where owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship and so that the spirit of the Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings, or other structures as special exceptions to this Resolution and as specifically provided for elsewhere in this Resolution.
- D. The Board of Zoning Appeals shall have **no** authority to permit a use where such use is prohibited by this Resolution.
- E. Review site plans in accordance with **Section 301-5**.

Sec. 1001-7 Appeals

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer, board or department of Bath Township, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector, whose decision is appealed, shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning

Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within a reasonable time after the date of hearing.

Sec. 1001-8 **Procedure**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specific provision of the Resolution involved and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for, and the ground on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be made by Resolution, each of which shall contain a full record of the finding of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation; Variances; together with all documents pertaining thereto.

Sec. 1001-9 **Notice of Hearings**

When notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal and notice by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Sec. 1001-10 **Fees**

A fee as provided for in **Section 901-4** shall accompany any request for an interpretation, exception, variance, or appeal from the Board of Zoning Appeals.