

ARTICLE 5
ADMINISTRATION

REV: 5/12/25 - Yellow highlighted is from Jake Brand, Ashtabula County Planning Commission

SECTION 500: OFFICE OF ZONING INSPECTOR CREATED

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. The Zoning Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon these duties, shall give bond as specified in Section 519.161, ~~of~~ the Ohio Revised Code.

SECTION 501: DUTIES OF ZONING INSPECTOR

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, the Zoning Inspector shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of ~~illegal-improper~~ uses of land, buildings, or structures;
3. Order removal of ~~illegal-improper~~ buildings, ~~or~~ structures, ~~or illegal~~ additions, or structural alterations;
4. Order discontinuance of any ~~illegal-improper~~ work being done;
5. 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 ~~and-certificate-of-occupancy~~ permits and such similar administrative duties as are permissible under the law.
6. The Zoning Inspector shall attend any zoning meeting as requested by the chairman of that Board.

SECTION 510: PROCEEDINGS OF ZONING COMMISSION

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 a public record and be immediately filed in the office of the Commission.

SECTION 511: DUTIES OF ZONING COMMISSION

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

1. Initiate proposed amendments to this resolution;
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6;
3. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in Article 13.
4. Any, or all Zoning Commission members are recommended to attend a County Zoning Planning Commission meeting.

SECTION 512: BOARD OF ZONING COMMISSION

A Board of Zoning Commission is hereby created, which shall consist of a minimum of five (5) members may include up to two (2) alternates to be appointed by the Board of Township Trustees each for a term of four (4) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), and four (4) year terms. Each member shall be a resident 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 a public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

SECTION 520: BOARD OF ZONING APPEALS CREATED

Under ORC section 519.13, In any township which adopts zoning regulations the board of township trustees shall appoint a township board of zoning appeals composed ~~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 of the unincorporated territory in the township included in the area zoned Township. The board of township trustees may appoint two alternate members to the township 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 at any meeting of the board of zoning appeals, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of all regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members shall be removable for the same causes and in the same manner and may be suspended as provided by section 519.04 of the Revised Code. The decision of the board of township trustees regarding the suspension or removal may be appealed under Chapter 2506. of the Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. A suspension authorized by section 519.04 of the Revised Code is not a vacancy for purposes of this section. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected. ~~The board of zoning appeals may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ such executive, professional, technical, and other assistants as it considers necessary.~~

SECTION 521: PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held biannually or 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 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 a public record and be immediately filed in the office of the Board.

SECTION 522: POWERS OF THE BOARD OF ZONING APPEALS

In exercising its powers, the Board may 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 may make such order, requirement, decision, or determination ~~as ought to~~ shall be made, and to that end has all powers of the Zoning Inspector from whom the appeal is taken.

For the purpose of this resolution the Board has the following specific responsibilities:

1. 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;
2. To authorize, upon appeal, in specific cases, such variance 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 unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done;
3. To grant conditional use permits for the use of land, buildings, or other structures if such uses are specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this resolution;
4. Revoke an authorized variance or conditional zoning certificate granted ~~for the extraction of minerals,~~ if any condition of the variance or certificate is violated.

SECTION 530: 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 360 of this resolution. Nothing in the 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 ten (10) days of the Board's written decision.

SECTION 540: PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Section 541-549, inclusive, of this resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 541: 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 within ~~twenty (20)~~ thirty (30) days after the decision 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 being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action appealed from was taken.

SECTION 542: 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 the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

SECTION 543: VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest were owing the special conditions, a literal enforcement of the provision of this resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of the lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. **Variations 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 unnecessary hardship.**

SECTION 544: APPLICATION AND STANDARDS FOR VARIANCES

A 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 containing:

1. Name, address, ~~and~~ phone number of applicants, and email if applicable;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant and special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

SECTION 545: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. 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 of variance is granted, shall be deemed a violation of this resolution and punishable under Section 350 of this resolution.

SECTION 546: PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within ~~twenty (20)~~ thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

SECTION 547: NOTICE OF PUBIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 546, 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 public hearing, and the nature of the proposed appeal or variance.

SECTION 548: NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in one or more newspapers as specified in Section 547.

SECTION 549: ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

SECTION 560: PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Section 561-568, inclusive of this resolution.

SECTION 561: 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 as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in section 562-568, inclusive.

SECTION 562: 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- Zoning Inspector~~ by ~~at least one~~ both the owner(s) and lessee, if applicable, of property for which such conditional use is proposed. The Zoning Inspector shall contact the Chairman of the Trustees and the Chairman of the Board of Zoning Appeals within 48 hours. At a minimum, the application shall contain the following information:

1. Name, address, ~~and~~ phone number of applicant(s), and email if applicable;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking, loading area, traffic access, traffic circulation, open spaces, landscaping, refuse, service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution;
7. 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;
8. Such other information as may be required in Section 564.

SECTION 563: GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 564, 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 propose location:

1. 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 910 for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or zoning resolution;
3. 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 essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services as highways, streets, 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;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, vibration, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

SECTION 564: SPECIFIC CRITERIA FOR CONDITIONAL USES

Following is a list of specific requirements for conditionally permitted uses as specified in the Official Schedule of District Regulations:

1. All structures and activity areas should be located at least one hundred (100) feet from all property lines;
2. Loud speakers which cause a hazard or annoyance shall not be permitted;
3. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street;
4. There shall be no more than one (1) sign oriented to each abutting street identifying the activity;
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
6. Structures should have primary access to a collector thoroughfare;
7. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets;
8. Such developments ~~/structures are preferred to~~ should be located adjacent to ~~non-residential uses such as~~ churches, parks, industrial, or commercial uses where use could be made of joint parking facilities;
9. Site locations ~~should be~~ are preferred that offer natural or man-made barriers (i.e., appropriate fence height) that would lessen the effect of intrusion into a residential area appropriately landscaped to be harmonious with surrounding properties;
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
11. ~~Such structures should be located adjacent to parks and other non-residential uses as schools and shopping facilities where use could be made of joint parking facilities;~~

12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
13. ~~The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties;~~
14. ~~Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses;~~
15. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
16. ~~Such developments should be located on or immediately adjacent to state highways;~~
17. Such uses shall not be conducted closer than five hundred (500) feet from a residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district;
18. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be ~~mined~~ **MINED** and the location of adjacent properties, roads, and natural features;
 - a. ~~Information shall be submitted on the anticipated depth of excavations and on depth and probable effect of the existing water table and coordinated with the Ohio Division of Water;~~
 - b. ~~All work conducted in connection with such operations should be performed between the hours of 7:30 am and 5:00 pm;~~
 - c. ~~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;~~
 - d. ~~There shall be filed with the Board of Appeals 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 acre of trees, shrubs, or grass to be planted, and the location of future roads, drives, drainage courses or other improvements contemplated;~~
 - e. ~~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, non-flammable, and non-combustible solids, to secure:~~
 - i. ~~That the excavated area shall not collect and permit to remain therein stagnant water or;~~
 - ii. ~~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 adjoining 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;~~
 - f. ~~A vegetative barrier of at least four (4) feet in height and four (4) feet in depth shall be planted along the property line and maintained by the applicant. Vegetation shall be an evergreen or similar type to provide screening year-round. Vegetative barriers shall not be planted in the front yard setback area.~~
19. ~~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.~~
20. No more than one (1) person other than immediate family members ~~of the family may reside - residing-~~ on the premises and be engaged in a home occupation;:-

21. The use of a dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;:-
22. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation other than one sign, not exceeding ~~four (4)~~ eight (8) square feet in area, and non-illuminated;:-~~and mounted flat against the wall of the principal building.~~
23. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need to parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution and shall not be located in a ~~required~~ front yard;:-
24. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

SECTION 565: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. 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 ~~340-350~~ of this resolution.

SECTION 566: PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, publish notice in a newspaper or electronic communication, and given written notice to all parties in interest according to the procedures specified in Section 546 through 548.

SECTION 567: ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, 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 for 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 the manner specified in Section 530.

SECTION 568: EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one (1) particular condition use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

SECTION 569: CONDITIONAL USE PERMITS NOT TRANSFERRABLE

A conditional use permit is a signed agreement between the applicant and the Township. The applicant shall not transfer the conditional use permit to another owner or lease the operation of the conditionally permitted use to another person or corporation. The new operator must apply and receive a conditional use permit from the Zoning Board of Appeals and a new agreement must be signed by the Township and the new operator or applicant.