

Adopted January 09, 2012

# Rules and Regulations

TRUMBULL TOWNSHIP BOARD OF ZONING APPEAL



2012

**TRUMBULL TOWNSHIP BOARD OF ZONING APPEAL****RULES AND REGULATIONS****Adopted, January 09, 2012**

WHEREAS, by authority granted this Board pursuant to Article 13, 1331, 13-2, ORC 519.15 *et seq.*, the Trumbull Township Board of Zoning Appeal (hereinafter called the "BZA") does hereby adopt the following rules of procedure in the administration and conduct of its duties.

**ARTICLE I Power and Duties****ARTICLE II Election of Officers****ARTICLE III Meetings****ARTICLE IV Agendas****ARTICLE V Appeals****ARTICLE VI Hearings and Notice****ARTICLE VII Conduct of Hearings****ARTICLE IX Final Disposition of Cases****Article I Power and Duties**

Section 1. The BZA shall function within the parameters of the Zoning Text, Trumbull Township, Ashtabula County, Ohio as revised and adopted on November 15, 2008. The Rules and Regulations adopted January 13, 2011 shall continue until amended by majority vote.

Section 2. All meetings of the BZA shall comply with the Open Door and public records law and any amendments thereto.

**Article II Election of Officers**

Section 1. At its first regular meeting of each year, in January, the BZA shall elect from its members a Chairperson and Vice Chairperson. The Vice Chairperson shall have authority to act as Chairperson during the absence or disability of the Chairperson. The Chairperson and Vice Chairperson shall serve until their respective successors are elected. In the event both the Chairperson and the Vice Chairperson are absent from a regularly scheduled meeting, a temporary Chairperson shall be elected from the membership present to Chair that meeting.

Section 2. The Chairperson shall preside at all meetings of the BZA. Except as otherwise authorized by a resolution of the BZA, the Chairperson shall sign all contracts, claims against the BZA budget if applicable and other instruments made by the BZA. The Chairperson shall moderate all matters before the BZA following a fair, unbiased and impartial policy. The Chairperson subject to these rules shall decide all points of order or procedure, unless otherwise directed by a majority of the BZA members present.

Section 3. The BZA shall appoint and prescribe the duties of a Secretary for the discharge of its duties and keep records of its examinations and other official actions all of which shall be public record and filed in the office of the BZA and with the Township Clerk.

Section 4. There shall be no more than five members of the Board and two Alternates appointed pursuant to ORC 519.13.

### **Article III Meetings**

Section 1. Regular meetings of the BZA such as the Organizational meeting in January, Hearings referred by the Zoning Administrator or other BZA business shall be scheduled by the Chairperson and held at the Trumbull Township Hall, 2443 State Route 534, Geneva, OH 44041.

Section 2. Special Meetings of the BZA may be called by the Chairperson, by two (2) members upon written request to the Secretary, or as determined at a regular meeting.

Section 3. A majority of the members of the BZA shall constitute a quorum. No action is official unless authorized by a majority of the BZA at a regular or properly called special meeting.

Section 4. The BZA shall keep minutes of the proceedings and employ an official court reporter. Transcripts are to be filed by the administrative body from whose decision the Appeal originates. The costs of the transcripts are to be assessed as costs in the case, requisitioned by the asking party and paid for directly to the reporting agency. The court reporting agency shall issue the transcripts to the Chair/Secretary of the BZA for Certification to the Court of Appeals if so ordered within 40 days of the approval of the minutes into record after the Appeal Hearing. In addition to the date, time and place of each meeting and reflecting business conducted, the minutes prepared by the Secretary shall show the names of all BZA members present, including the late arrival or early departure of these members. Minutes shall include the vote of each member present and voting on every question, whether or not a final decision is rendered. Should any member be disqualified from participating and voting on any issue or otherwise unable to participate with the BZA, an Alternate may be appointed by the Township Trustees to fulfill the duties of the disqualified member. The approved minutes shall become official when signed by the presiding Officer and attested to by the Secretary. Copies of the minutes of the previous meeting shall be submitted to the BZA members prior to the next regular meeting.

Section 5. All meetings terminate automatically if a quorum of at least three BZA members is not present. Should a meeting last past 10:30 pm the agenda item being heard shall be concluded, and the question shall then be put to the members as to whether to take up any further business or recess the meeting to a time unanimously agreed upon for the purpose of completing that agenda item. A majority of the quorum present shall decide the issue, a tie vote being considered a vote to recess. A recessed meeting shall not be considered a special meeting, although the Secretary shall be required to notify any members who were not in attendance at the regular meeting of the date, time and place of such recess.

Section 6. Unless otherwise provided for in these Rules and Procedures, all meetings shall be conducted according to Roberts Rules of Order.

### **Article IV Agendas**

Section 1. The Zoning Administrator shall review any Application to be placed on the BZA agenda for technical and legal compliance with the terms of the Zoning Text before submitting it to the BZA. In placing any item on a given agenda, care should be taken that the petitioner has sufficient time to comply with the notification requirements and legal notice to interested parties.

Section 2. The order of business on the agenda for each regular meeting shall be:

- A. Call to Order
- B. Introduction of the Board
- C. Previous Minutes Regarding Current Hearing
- D. Reading of the Legal Notice and Declaration of Quorum
- E. Introduction
- F. Swearing In and Instructions
- G. Testimony and Evidence
- H. Questions from the Board
- I. Continuation or Motion to Executive Session - Vote
- J. Old Business , Election of Officers if applicable
- K. New Business
- L. Adjournment

Section 3. Copies of the agenda and support documentation for the items appearing at the regular meeting shall be submitted to the BZA members no less than seven days prior to the meeting. If support information on a particular item is not received by the Board the item may be tabled until the next scheduled meeting. Deletions but not additions to the agenda may be submitted to the BZA in a regular scheduled meeting. The agenda for a special meeting may be submitted at the time of a meeting, but shall include only the item or items for which the meeting was specifically called.

**Article V Appeals**

Section 1. An Appeal from any order, requirement, decision, or application made shall be filed in writing with the Zoning Administrator or formal written Appeal with the BZA by the petitioner.

Section 2. The Appeal shall be filed within (20) days of the decision of the Zoning Administrator. In those occasions where the twentieth day falls on a Saturday, Sunday or legal holiday, the filing shall be extended to the end of the next business day.

The Zoning Administrator shall transmit to the BZA all copies of the Application, permit, drawings, plot plan, permit copies and all documents constituting the record upon which the action appealed was taken.

When an Appeal is filed with the BZA, proceedings on the premises affected shall be stayed unless the Zoning Administrator from whom the appeal is taken certifies to the BZA after notice of appeal is filed with him; that by reason of facts stated, a stay would cause imminent peril to life and property.

**Article VI Hearings and Notice**

Section 1. The BZA shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

Section 2. Notice of hearings shall be given in one or more newspapers of general circulation in the Township by the Secretary at least ten (10) days prior to the hearing date. The notice shall set forth the time, place and date of the public hearing and the nature of the proposed appeal or variance.

Section 3. The BZA shall render a decision within thirty (30) days after the public hearing. The BZA shall make a finding of fact and mail to the interested parties in the Appeal.

#### **Article VII      Conduct of Hearings**

Section 1. A public hearing that has been legally advertised and noticed to be held at a given meeting may start later than the stated time if prior items on the addenda are running late, but in no case can it start earlier than the stated time.

Section 2. No member of the BZA shall participate in a hearing and determination of a zoning matter in which he or she or immediate family members have a direct or indirect financial interest. Any disqualification of a member shall be included in the minutes, and an Alternate member be appointed to participate as a member concerning that item.

Section 3. All members present at a given meeting shall vote on all questions before the BZA unless they are disqualified from participating by law. No abstentions from voting shall be allowed.

Section 4. Should a question concerning defect of the notice be raised, it must be raised during the meeting at the start of the hearing, although personal appearance by such an owner shall waive the defect.

Section 5. The petitioner, petitioner's attorney or their representative with proper power of attorney must be present in order for a public hearing to be held as scheduled. Failure of the petitioner or their representative to appear may result in the petition being tabled and rescheduled or dismissal. Public announcement of this change or dismissal at the originally scheduled meeting will be deemed sufficient notice to all parties.

Section 6. Orderly conduct shall be required of every person appearing before the BZA or attending a BZA meeting. All persons shall abide by these rules and the direction of the Chairperson. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the BZA and shall be dealt with as the BZA or Chairperson directs. All persons recognized by the Chair shall rise and identify themselves by name and address before addressing the Board.

Section 7. The Petitioner may make a brief rebuttal to any public remonstrance. To maintain order, each side should proceed without interruption by the other side.

Section 8. Further discussion may be called on by the BZA. Any amendments to the motion itself must be made, seconded, discussed and voted on.

#### **Article IX      Final Disposition of Cases**

Section 1. All decisions of the BZA, on matters held in public hearings shall be by record vote. The Chairperson shall publicly announce the decision of the BZA if there is no deliberation; votes are taken for purpose of recording the Minutes. The vote of each member shall be a matter of permanent record.

Section 2. In the event that a vote on an Application before the BZA results in a tie vote or does not receive the necessary majority, a “no decision vote” is declared. The Appeal may be scheduled for a continuance. When the Application is heard at the subsequent meetings a brief recapitulation of their previous presentation may be made. They may elect to amend it or present additional evidence in support of it. Any public hearing which was held when the application was originally presented shall be reopened to remonstrance or to address any proposed amendments or any new evidence which has been introduced.

WHEREFORE, the Rules and Procedures of the Trumbull Township Board of Zoning Appeals are approved by the Affirmative vote of the members of the BZA in attendance at the public meeting January 13, 2011. These Rules and Procedures are to become effective immediately and their formal adoption and implementation shall be considered revocation of any prior Rules and Procedures and amendments thereto.

***APPROVED BY:***

---

**Robin L Brower, Chairperson**

**ATTEST:**

---

**Barb Shemkunas, Secretary**

**January 13, 2011**