

Adopted: \_\_\_\_\_

# Rules and Regulations

TRUMBULL TOWNSHIP BOARD OF ZONING APPEAL



2024

**TRUMBULL TOWNSHIP BOARD OF ZONING APPEAL**

**RULES AND REGULATIONS**

**Adopted, September 6, 2023**

WHEREAS, by authority granted this Board pursuant to Article 13, 1331, 13-2 *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, January 13, 2011, June 21, 2017, July 7, 2022 and **September 6, 2023**, and shall continue until amended by majority vote.

Section 2. All meetings of the BZA shall comply with the Open Door or Sunshine Act and any amendments thereto.

**Article II Election of Officers**

Section 1. At a regular meeting of each year, 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 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.

## **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 if the Board deems necessary. Transcripts may be ordered after the meeting and paid for by the requesting party. The cost will be invoiced and paid in full prior to delivery. 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 member 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.

Section 7. The BZA Board may enter Executive Session as permitted by ORC 3358;17-1-04.2.

## **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 and Pledge of Allegiance to the Flag
- B. Introduction of the Board

- C. Reading of the Legal Notice
- D. Swearing in of the Parties
- E. Declaration of the Quorum
- F. Approval of past Minutes (if applicable)
- G. Election of Officers (if applicable)
  - Chairperson
  - Vice Chair Person
  - Secretary
- H. Public Hearing and Decision (or Continuation)
- I. Old Business
- J. New Business
- K. 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 **three** days prior to the meeting. If support information on a particular item is not received by the Board the item may be tabled for 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 with the BZA.

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.

The Zoning Administrator shall present to the Appellant the Trumbull Township Board of Zoning Appeal applicable Information Sheet, VARIANCE OR CONDITIONAL USE. This sheet should be filled out at the time of the original meeting with the Zoning Administrator and include all the application documentation required to schedule a Hearing.

The Zoning Administrator shall transmit this along with the other requirements from the Zoning Application as soon as possible. Transmission shall be accepted by electronic means and the physical copies shall be placed in the BZA Mailbox located in the Administration Building.

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. Before conducting the public hearing required in Section 413, notice of such hearing shall be given in one or more newspapers of general circulation in 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 3. Before conducting the public hearing required in Section 413, 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, or hand carry to all parties within a 500' radius. The notice shall contain the same information as required of notices published in newspapers as specified in section 414.

Section 4. Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 413, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 412, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing 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 decision shall be made in the manner specified in Section 1340.

## **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 has 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 prior to 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 will result in the petition being tabled and rescheduled. 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. During the hearing the Chairperson may limit the length of time all persons may speak or request that repetitious statements by different speakers be avoided in order to reasonably limit the length of the hearing.

Section 8. 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 9. 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 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 shall be scheduled for rehearing. When the Application is heard at the subsequent meetings a brief recapitulation of their previous presentation may be elected 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 **September 6, 2023**. 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 Brower* dotloop verified  
10/11/23 7:25 AM EDT  
COB1-P2B3-BTUN-H84Z

**Chairperson**

**ATTEST:**

[Signature line for Secretary]

**Secretary**

**Adopted:** 09/06/2023

**Present and Voting:**


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