

ARTICLE 11
ADMINISTRATIVE BODIES AND THEIR DUTIES
ZONING INSPECTOR

SECTION 1101 TOWNSHIP ZONING INSPECTOR

The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any citizen, official, or employee of the Township may assist the Zoning Inspector by reporting to him any new construction, reconstruction, land use changes, or suspected violation.

1101.1 *Duties*

The Township Zoning Inspector shall be responsible for the following duties:

- a. The Township Zoning Inspector shall review all applications for Zoning Certificates as outlined in Section 1201 to ensure that they conform to all applicable provisions of this Resolution. Then, the Zoning Inspector shall issue a Zoning Certificate. A record of all certificates shall be maintained;
- b. The Zoning Inspector may periodically conduct on-site inspections to ensure that the actual construction will conform to the Zoning Certificate;
- c. The Zoning Inspector, upon finding that any of the provisions of this Resolution are being violated, shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation;
- d. The Zoning Inspector may order discontinuance of illegal uses of land, buildings, or structures;
- e. The Zoning Inspector may order removal of illegal buildings or structures or illegal additions or structural alterations;
- f. The Zoning Inspector, Zoning Commission, and Township Trustees may review all applicable subdivision plats and lot splits which are submitted to the Geauga County Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.

SECTION 1102 TOWNSHIP ZONING COMMISSION

The Township Trustees shall establish a Township Zoning Commission consisting of five (5) citizens of the Township to be appointed by the Township Trustees. None of the members shall concurrently serve as a member of the Board of Zoning Appeals. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire on December 31 of each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

1102.1 *Meetings*

The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for 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 Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings

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and shall keep record of its examinations and other official actions, all of which shall be a public record.

1102.2 ***Actions***

The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.

1102.3 **Duties**

The Township Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Section 1203.

The Township Trustees shall appoint five (5) residents of the township to be regular members of the Board of Zoning Appeals. The terms of the regular members shall be so arranged that the term of one member shall expire on December 31 of every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.

At their discretion, the Township Board of Trustees may appoint two (2) additional residents of the Township to serve as alternate members for a term to be established by the Board of Trustees. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Board of Zoning Appeals. When filling a vacancy created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Board of Zoning Appeals. Alternate members of the Board of Zoning Appeals are expected to attend all meetings of the Board of Zoning Appeals even when they are not filling a vacancy. At such times their status as an active or inactive alternate member shall be made clear to all attending the meeting.

The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removable for nonperformance of duty, misconduct in office, or other causes by the Township Board of Trustees upon the same procedure as is applicable to regular members of the Board of Zoning Appeals.

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BOARD OF ZONING APPEALS

1103.1

Meetings

The Board of Zoning Appeals 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 Board of Zoning Appeals 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 of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon 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 of Zoning Appeals. All proceedings before the Board of Zoning Appeals pursuant to Section 1103.3 of this Resolution shall be stenographically recorded. An organizational meeting shall be held in January of each year.

1103.2

Actions

In exercising its duties, the Board of Zoning Appeals may, as long as such action is 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 be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

1103.3

Duties

For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:

- a. To hear and decide appeals in accordance with Article 12, Section 1202, where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
- b. Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to 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. The consideration of such variances shall be in accordance with Article 12, Section 1202;
- c. To grant Conditional Zoning Certificates as in Article 8, Section 801, and such additional safeguards as will uphold the intent of the Resolution;
- d. To determine the exact location of any district boundary in accordance with Article 3, Section 303 if there is uncertainty as to the exact location involved.

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SECTION 1104

TOWNSHIP TRUSTEES

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 of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the 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 Article 12, Section 1202.

1104.1

Duties

The Township Trustees shall be responsible for the following duties:

- a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;
- b. To establish a schedule of fees for issuing zoning certificates, appeals, variances, conditional zoning certificates, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications; and
- c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provided in Article 12, Section 1203.