

Ohio – Fairfield County – Liberty Township Board of Zoning Appeals

2010 By-Laws

These procedures are adopted to ensure compliance with the Ohio Revised Code 510.13 and the Liberty Township Zoning Resolution. The responsibilities of the Liberty Township BZA shall be as set forth in Ohio Revised Code 510.14. Should an entity decide to appeal a decision of the BZA, such appeal shall be to the Court of Common Plea at the County.

- The BZA consists of five members appointed by the Liberty Township Trustees. The Liberty Township Trustees will also appoint alternate member(s).
- An alternate member shall only serve on the board in the absence of a regular member or during the abstention of a regular member for reasons of conflict of interest. The alternate member shall serve in the case until a final decision has been made.
- Alternate member(s) shall only have the right to vote upon those specific matters in which they have been called upon to serve in the absence of a regular member or as a result of a conflict of interest.
- The Board of Zoning Appeals shall elect a Chairperson and Vice Chairperson at its annual January organizational meeting. The Vice Chairperson shall fill the “Chair” position in the absence of the Chairperson.
- The minimum number of members to constitute a quorum of the Board for the conduct of business, to approve a variance, approve a conditional use, or override the Zoning Inspector’s interpretation shall be as stated in the Liberty Township Zoning Resolution. When a quorum is not present, no official action of the Board, except for adjourning or closing the meeting and rescheduling, may take place.
- The BZA shall not engage in discussion of any matter before it during any time in which a quorum of the Board is not present for the conduct of business.
- All public hearings without a quorum present shall be rescheduled and no additional public notice shall be required, provided that the time, date, and place for the rescheduled meeting is announced at that meeting.
- Public Hearings on variances, conditional uses, and interpretations are scheduled as necessary. The required scheduling window to conduct a Public Hearing shall commence after the receipt of a completed application by the Secretary of the BZA. Applicants shall be notified by the Secretary of the BZA of the incomplete application and that the application will be placed on hold until the missing data is received.

- The applicant or representative of the applicant must be present at the scheduled public hearing for an appeal or the complaint, or the issue will be denied or tabled by the Board.
- To ensure that the Public hearing is conducted following the guidelines in the Liberty Township Resolution and the Ohio Revised Code, the following procedures shall be used.

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All individuals desiring to speak during the public hearing shall be sworn in. (Officers of the Court are already sworn in.

All speakers shall direct their comments to the Board of Zoning Appeals.

Each speaker must identify him or her self prior to making a comment.

For large hearings, a time limit of 3 to 5 minutes per speaker may be established for the public comments.

Roberts Rules of Order shall be used as a guideline for the conduct of the meeting, provided, however, that the failure to strictly adhere to such rules shall not negate, invalidate, or otherwise affect any action or vote taken at any such meeting.

- The Preferable, but not mandatory, Order of Business, shall be as follows:

Call to Order

Approval of Minutes

Notification of Public Hearing stating Application Number and subject

Swearing in of all speakers

Zoning Inspector provides staff report

Applicant presents the application

Public Comments from proponents of the application

Public Comments from opponents of the application

Other Public Comments concerning application

Applicant provided the opportunity to refute any evidence or testimony

Closing of Public Hearing after all public comments have been received

Deliberation of Application by BZA

- Board members may request additional information from others via the Chairperson.
- Board may take one of the following four actions:
 1. Approve the application as presented.

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2. Approve the application with conditions.
 3. Deny the application.
 4. Table the application to a future meeting provided the date, time, and place are provided for the future consideration.
- Motions for approval, denial, and to table should include the reasons for such actions.
 - Adjournment