2.05 BOARD OF ZONING APPEALS (BZA)

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Goshen Township Board of Zoning Appeals, hereafter referred to as the BZA.

(A) Appointment and Organization

(1) The BZA shall be composed of five members who reside in the unincorporated area of Goshen Township, Clermont County, Ohio, to be appointed by the Board of Trustees.

(2) Members shall serve five-year terms with the term of one member expiring each year.

(3) Each member shall serve until his or her successor is appointed and qualified.

(4) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(5) All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a member of the BZA shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.

(6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

(B) Alternates (1) The Board of Trustees may appoint two alternate members to the BZA for a term of two years each.

(2) An alternate member shall take the place of an absent regular member at any meeting of the BZA.

(3) An alternate member shall meet the same appointment criteria as a regular member.

(4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.

(5) When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed to replace a full member upon a vacancy.

(C) Roles and Powers (1) The BZA shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.

(2) The BZA shall have the authority to hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.

3) In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest.

(4) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.

(5) The BZA shall have the authority to review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied.

(6) The BZA shall have the authority to permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with Article 14: Nonconformities.

(7) The BZA shall have all other powers conferred upon township boards of zoning appeals in the ORC, or as authorized by the Board of Trustees in compliance with state law.

(D) Organization and Bylaws (1) The BZA shall elect a chairman from its membership and shall appoint a recording secretary, who need not be a member of the BZA.

(2) The BZA may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

(E) Meetings (1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the BZA may determine.

(2) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per the ORC.

(3) All meetings of the BZA shall be open to the public, except as exempted by law.

(4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Goshen Township Fiscal Officer and shall be a public record, unless exempted by law.

(5) The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

(F) Quorum and Decisions (1) Any combination of three regular or alternate members of the BZA shall constitute a quorum.

(2) The BZA shall act by resolution when at least three members, who are eligible to vote, concur on a decision.

(G) Modification of Approval No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

**BZA MEMEBERS**

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| ED SEIGLA - CHAIR |
| JOHN LANGENHEIM – VICE CHAIR |
| DERRICK HOLMES |
| JESSE SHAW |
| GARRY THEODORE |
| DENNIS PREWITT |
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