

**BOARD OF ZONING APPEALS  
MADISON TOWNSHIP, LAKE COUNTY, OHIO  
RULES OF PROCEDURES AND GENERAL GOVERNING RULES**

The Board of Zoning Appeals shall be governed by the provisions of all applicable state statutes, local laws, ordinances, and these rules.

**OFFICERS AND DUTIES:**

1) Chairman and Vice-Chairman:

The Board shall elect annually from its members by a majority vote a Chairman and Vice-Chairman who may be elected to succeed themselves. The Chairman, or in his absence or incapacity, the Vice-Chairman, shall decide all points of order or procedure and may administer oaths, and compel the attendance of witnesses.

2) Secretary:

The Board shall elect annually a secretary who shall keep all records, conduct all correspondence of the Board and supervise the clerical work of the board. The Secretary shall keep a minute book of the proceedings of each meeting and each hearing which shall include the vote of each member on each question or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses, a summary of the facts on which the decision is based, and the decision rendered, and other official actions of the Board.

**MEETINGS:**

1) Quorum: A quorum shall consist of three voting members of the Board.

2) Time of Meeting: Regular meetings shall be held on the second Thursday of each month at 7:30 p.m. or at such other hour as the Chairman may designate. The first regular meeting of the new year shall constitute the annual organizational meeting of the Board.

Special meetings may be called by the Chairman at any time provided that at least forty eight (48) hours notice shall be given each member before a special meeting is held. The Chairman shall call a special meeting within ten (10) days of receipt of a written request from any two (2) members of the Board.

3) Cancellation of Meetings: Whenever there are no appeals for special exceptions or variances or other pertinent business to be considered at a regular meeting, the Chairman may dispense with such meeting by notifying each member at least forty eight (48) hours prior to the time set for such meeting.

4) Order of Business:

The order of business shall be:

- A. Roll call
- B. Public hearings
- C. Approval of minutes
- D. Action on held cases
- E. Action on new cases
- F. Other business
- G. Adjournment

5) Voting and Disqualification of Members:

All matters shall be decided by written ballot vote. Decisions on matters requiring public hearings and which reverse any order, requirements, decision or determination made by the Zoning Inspector or other enforcement office, to decide in favor of the applicant any matter upon which he is required to determine under any ordinance or to grant any variance from requirements of such ordinance shall require the affirmative vote of three (3) voting members present at such hearing.

No member of the Board shall sit in hearing or vote on any matter in which he shall be personally or financially interested, nor shall he vote on the determination of any appeal unless he shall have attended the public hearing thereof.

**PUBLIC HEARINGS:**

1) Matters Requiring Public Hearings:

A public hearing shall be required in all matters involving an appeal from any order, requirements, decision or determination by the Zoning Inspector arising from the enforcement of the Zoning Resolution, and appeal for a variance from the terms of the Zoning Resolution, an appeal for an exception as specified in the Zoning Resolution, or a question involving the interpretation of the Zoning Resolution.

2) Notice of Hearings: The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and shall give at least ten (10) days notice thereof to the parties in interest by publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and shall decide the appeal within a reasonable time after it is submitted.

3) Conduct of Public Hearings: Any person may appear in person, by agent or attorney at any public hearing. The order of proceedings in the hearing of each case at a public hearing shall be as follows:

- A. Reading of the public notice for the hearing by the President
- B. Reading of pertinent written comments or reports concerning the appeal
- C. Witnesses in favor of the appeal
- D. Witnesses in opposition of the appeal
- E. Rebuttals

The Chairman or any member of the Board may require any witness to swear or affirm that his or her statements of fact are true.

4) Re-hearings: No request for a reconsideration of a decision shall be accepted at any time, if it appears that no substantial change in facts, evidence, or conditions has occurred in regard to the neighborhood. Whether or not a change in facts, evidence, or conditions has occurred shall be determined by the Board of Zoning Appeals before the application is accepted and placed on the calendar.

#### **APPEALS:**

Appeals may be taken to and before the Board of Zoning Appeals by any person aggrieved or by any officer, department or Board of the Township. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal and specifying the grounds thereof. The officer or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from is taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give at least ten (10) days notice thereof to the parties in interest, give notice of such public hearing by one (1) publication in one or more newspapers of general circulation in the county at least ten (10) days before date of such hearing and decide the appeal within a reasonable time after it is submitted.

#### **AMENDMENTS:**

These rules may be amended at any regular meeting by an affirmative vote of not less than four voting members of the Board, provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken.