

## **CHAPTER 22**

### **APPEALS TO THE BOARD OF ZONING APPEALS**

#### **22-1 PURPOSE**

The purpose of this Chapter is to set forth the standards and procedures by which administrative relief may be taken from any order, requirement decision or determination made by the Administrative Official.

#### **22-2 AUTHORITY**

The Board of Zoning Appeals shall have authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution.

#### **22-3 PARTIES ENTITLED TO APPEAL**

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any Officer of the Township affected by any decision of the Administrative Officer.

#### **22-4 PROCEDURE**

Appeals to the Board of Zoning Appeals shall be taken in accordance with the following procedures.

##### **22-4.1 Notice of Appeal**

Appeals to the Board shall be taken within twenty (20) days following the order, requirement, decision, or determination being appealed by filing with the Officer from whom the appeal is taken and with the Board, in such number of duplicate copies as the Board may from time to time require, a notice of appeal specifying the grounds therefore.

##### **22-4.2 Fees**

Nonrefundable application and hearing fees shall accompany the notice of appeal. Such fees are established by the Board, from time to time with the approval of the Board of Township Trustees, to help defray administrative costs and costs of a hearing.

##### **22-4.3 Stay of Proceeding**

An appeal to the Board shall stay all proceedings in furtherance of the action in respect to which the appealed order, requirement, decision or determination was made unless the Officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in writing to the Board a stay would, in that Officer's opinion, cause imminent peril to life of property. In such case, proceedings shall not be stayed other than by an order of the Court of Common Pleas of Hamilton County upon notice to the Board and to the Officer, and on due cause shown.

##### **22-4.4 Public Hearing Notice**

Upon receipt of the notice of appeal, the Board shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the notice of appeal, hold a hearing of the appeal in accordance with its procedures as provided in Section 22-4. Notice of the public hearing shall be given in writing to the property owners within 200 feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

## **22-4.5 Action by Board of Zoning Appeals**

Within one hundred twenty (120) days following the filing of a notice of appeal and within thirty (30) days after the closing of the public hearing, the Board shall render its decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the appealed order, requirement, decision or determination. The failure of the Board to render a decision within the one hundred twenty (120) days, or such longer period of time as may be agreed to by the applicant, shall constitute a decision favorable to the applicant. Within ten (10) days following such decision or the expiration of such period without a decision, the Board shall publish notice and mail a certificate of such decision or failure to act to all parties entitled thereto.

## **22-5 RIGHT TO GRANT VARIANCE IN DECIDING APPEALS**

In any case where the notice of appeal is accompanied by an application for a variance in accordance with Chapter 21, the Board may grant a variance as part of the relief sought on approval, but only in strict compliance with each of the provisions of Chapter 21.

## **22-6 APPEAL OF DECISION**

Any party adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.