

SECTION 20.01 TOWNSHIP ZONING COMMISSION: The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged so that the term of one member will expire each year.

Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges being filed with the Board, 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 shall answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

SECTION 20.02 FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION: The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for carrying out by the Board of Township Trustees of this Zoning Resolution. The Township Zoning Commission may, within the limits of monies appropriated by the Board of Township Trustees for the purpose, employ or contract with planning consultants and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

Members of the Township Zoning Commission may be allowed their expenses, or such compensation, or both as the Board of Township Trustees may approve and provide.

No Township Trustee may be employed by the Township Zoning Commission

SECTION 22.01 BOARD OF ZONING APPEALS: Recognizing that the provisions and details of this Resolution may unfairly or inequitably impact or effect a property owner in the township, or, due to unique facts or circumstances, may not equitably apply to a particular property owner, a Township board of Zoning appeals is hereby created. The Board of Zoning Appeals is to investigate and consider the facts and circumstances as they pertain to a specific lot or parcel of land and apply the provisions of this Resolution to said lot or parcel of land as fairly and equitably as possible following the provisions of Article 11 and the criteria and guidelines of this Article XXII. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of Porter Township included in the area zoned by this Zoning Resolution. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified.

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges being filed with the Board, 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 residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

SECTION 22.02 ORGANIZATION: The Board of Zoning Appeals shall organize, elect a chairman and acting chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals 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 the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the of each member upon each 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 immediately filed in the office of the Board of Township Trustees and shall be a public record.

SECTION 22.04 POWERS OF THE BOARD: The Township Board of Zoning Appeals may:

- a) 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 sections 519.02 to 519.25 of the Revised Code, or of any resolution adopted pursuant thereto.
- b) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.
- c) Grand Conditional Use Permits for uses designated as a conditional use within a zoning district.
- d) Revoke an authorized variance granted if any condition of the variance is violated. The Board shall notify the holder of the variance by certified mail of its intent to revoke the variance under division (c) of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney, or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the variance without a hearing. The authority to revoke a variance is in addition to any other means of zoning enforcement provided by law. In exercising the above mentioned powers, the Board may in conformity with such sections, taking into consideration and following the criteria and guidelines set forth in Section 22.06 reverse or affirm, wholly or partly, or may 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 has all powers of the officer from whom the appeal is taken.

SECTION 22.05 PROCEDURE ON HEARING APPEALS: Appeals 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 Zoning inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in two (2) newspapers of general circulation within the township at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.