



**ZONING COMMISSION  
APPEARANCE REVIEW COMMISSION  
BOARD OF ZONING APPEALS  
BYLAWS**

9/3/2021

Bath Township, Summit County, Ohio

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# BYLAWS

Decision-making roles and authority of the Bath Township Zoning Resolution grants the Zoning Commission, Appearance Review Commission, and Board of Zoning Appeals the power to organize and adopt bylaws for their own governance provided that the bylaws are consistent with state law and the zoning resolution.

## ARTICLE 1: ZONING COMMISSION (ZC)

### Section 101: Board Members and Support Staff

- A. The ZC shall consist of five regular Members and two alternate Members. Regular Members serve a term of five years and they are appointed so that one Member's term expires each year. Alternate Members serve a term of two years and they are appointed so that one Member's term expires each year.
- B. Alternate Members shall take the place of an absent regular Member and remain in that place if the hearing is tabled or continued to a future meeting.
- C. At the first scheduled meeting of each year the ZC shall elect a Chair and Vice-Chair by a majority vote. In the event that the Chair or Vice-Chair's term is not renewed or they are removed from the ZC a new Chair or Vice-Chair shall be elected.
- D. The Planning Director/Zoning Inspector shall serve as the primary staff support for the ZC.
- E. The Zoning Administrative Assistant shall serve as the secretary of the ZC.
- F. The Trustees may appoint Legal Counsel to represent the ZC as they deem necessary.

### Section 102: Ethics and Conflicts

- A. If a Member believes that they may have any conflict of interests regarding the matter before the ZC, that Member shall do the following prior to the presentation:
  - 1. Announce to the Chair that there is or may be a conflict of interest and ask to be excused from the ZC for that specific matter. At the option of the Member, he or she may state the reason of the possible conflict for purposes of determining if there is a conflict of interest. The ZC shall publicly discuss the conflict, if stated, and determine whether or not to excuse the Member.
  - 2. If a Member is excused due to a conflict of interest that Member shall leave the panel for the duration of the hearing on the subject application.
  - 3. If the Chair is excused due to a conflict of interest, the Vice-Chair shall preside over the meeting while the Chair leaves the panel for the duration. If the Vice-Chair is not present the ZC will elect a temporary Chair for the hearing.
- B. An applicant can request that the matter be tabled only once. In the event that a case has been tabled and testimony has been heard at multiple public hearings, only Members present at all of the meetings for that specific matter shall be permitted to vote on the motion. An applicant may withdraw its application at any time before a motion is made to decide the application.
- C. The ZC can continue any hearing for as long and for as many times as it determines without stating a reason.

- D. Members of the ZC can be removed for the following: non-performance of duties, misconduct, or any other cause as determined by the Board of Trustees. The Trustees shall hold a public hearing regarding the removal. The Member in question shall be given at least 10 days prior notice of the hearing. The Member shall be given an opportunity to respond during the public hearing.

### **Section 103: General Meeting Information**

- A. The ZC meets regularly on the second Thursday of each month at 6:00 p.m. in the Trustees Meeting Room for work sessions and for public hearings at Bath Township Center, 3864 W. Bath Rd., Akron, OH 44333.
- B. Zoning Commission meetings will be streamed online via Zoom, or a similar application, for viewing purposes only. Public comments can be made to the Zoning Commission solely in person during the meeting or prior to by way of written correspondence (e.g., letter, memo, or email). All written correspondence to the Zoning Commission is due by the end of the day prior to the scheduled meeting date.
- C. A completed application including all documents relating to the text or map amendment and application fees are necessary prior to the posted meeting deadlines in order to be placed on the following month's agenda.
- D. The Chair may call a special meeting when determined necessary without stating a reason.
- E. Work sessions and hearings shall be open to the public.
- F. Minutes shall be kept by the secretary of the ZC. All minutes shall be included in the final record.
- G. All communications and correspondence, including electronic transmissions, received prior to the meeting shall be included in the case file.
- H. All public comment during the work session or hearing shall be directed to the Chair and all speakers need to present from the microphone to ensure the comments are on the record.
- I. Applicant may request a preliminary meeting with the ZC to discuss initial concepts of the proposal.
- J. Upon motion duly made and approved at a meeting the ZC may conduct a site visit to where the property at issue is located with the owner of record's consent.
- K. Notice of the hearing shall be in accordance to the Ohio Revised Code (ORC), Chapter 519.12 as stated below:

#### **ORC 519.12 Zoning Amendments**

A.

*1. Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission*

2. Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the Board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

B. If the proposed amendment intends to rezone or redistrict **ten or fewer parcels of land**, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

C. If the proposed amendment intends to rezone or redistrict **ten or fewer parcels of land** as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

1. The name of the township zoning commission that will be conducting the hearing;
2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
7. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of township trustees for its action;
8. Any other information requested by the commission.

D. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts **more than ten parcels of land** as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

1. The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
4. The name of the person responsible for giving notice of the hearing by publication;
5. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of township trustees for its action;

6. Any other information requested by the commission.

#### **Section 104: Work Session Procedures**

- A. Prior to the start of the meeting the staff shall confirm that microphones (if applicable) and audio recording systems are active.
- B. The Chair or acting Chair shall call the meeting to order and ask the secretary to conduct roll call to determine a quorum. Unless for a tabled or continued case, a quorum shall consist of any combination of three regular or alternate Members of the BZA, present at the meeting or hearing. For a tabled or continued case, only the Members that were present at all of the previous meeting or meetings for that specific case or matter shall be qualified to vote, and a quorum will consist of at least three members that are qualified to vote.
- C. The ZC reviews prior month's work session minutes and approves or modifies by a motion and a second.
- D. The Planning Director/Zoning Inspector provides an overview of the previous month's zoning report.
- E. The ZC hears any unfinished business that is on the table.
- F. The ZC hears any new business.
- G. The ZC Members are given an opportunity to discuss any other issues.
- H. When necessary the Chair requests a motion, a second, and discussion on outstanding items.
- I. If a motion is made following the discussion the ZC Secretary will call the roll for the vote. A minimum of three votes in favor of or to deny the application is necessary for a decision.
- J. The meeting shall be adjourned.

#### **Section 105: Public Hearing Procedures**

- A. Prior to the start of the meeting the staff shall confirm that microphones and audio recording systems are active.
- B. The Chair or acting Chair shall call the meeting to order and ask the secretary to conduct roll call to determine a quorum. Unless for a tabled or continued case, a quorum shall consist of any combination of three regular or alternate Members of the ZC, present at the meeting or hearing. For a tabled or continued case, only the Members that were present at all of the previous meeting or meetings for that specific case or matter shall be qualified to vote, and a quorum will consist of at least three members that are qualified to vote.
- C. The Chair shall administer an oath or affirmation to any party who is participating in the hearing. Those that are participating in the public hearing are required to sign the appropriate "sign-in" sheet prior to presenting.  
*Sample oath language: the testimony that we take in our matters is under oath. So, any of you who are here to speak in favor of, or in opposition to any of the matters on the agenda this evening, could you please raise your right hand and I will administer the oath. Do you swear or affirm that the testimony you'll give in this matter be the truth and the whole truth under penalty of perjury?*
- D. The public hearing legal notice shall be read into the record by the Secretary of the ZC.

- E. The Planning Director/Zoning Inspector shall give an overview of the application, property, and other pertinent information.
- F. The Planning Director/Zoning Inspector shall present and give a summary of the correspondence log for the case to the ZC.
- G. The Planning Director/Zoning Inspector certifies that the recommendation from the Summit County Planning Commission (SCPC) has been received by the ZC.
- H. The Planning Director/Zoning Inspector shall provide and read into the record an overview of the proposal and the recommendation from the SCPC.
- I. The applicant or applicant's representative shall present evidence to the ZC regarding the proposal. The presentation shall cover all aspects of the proposal along with any supporting documentation.
- J. The ZC shall have the opportunity to ask questions pertaining to the case to the applicant or applicant's representative.
- K. The Chair shall give appropriate time for public comments to be heard. The Chair shall call for proponents of the case followed by opponents of the case.
- L. The Chair may give the applicant or applicant's representative time for rebuttal or time to answer pertinent questions brought forward from public comments. All comments shall be directed to the ZC and not to individuals in attendance.
- M. Prior to closing the public hearing, the applicant or applicant's representative shall have an opportunity to request that the case be tabled until a future date as determined by the ZC.
- N. The Chair shall then close the public hearing.
- O. The ZC may not adjourn to executive session to discuss matters of the case that were presented at the hearing, unless permitted by applicable law.
- P. The ZC shall complete a motion, a second, and discussion prior to voting on the case. Motions may be to approve, approve with modifications, deny, or table the hearing.
- Q. Following the discussion, the roll call for the vote shall be called by the secretary. A minimum of three votes in favor of or to deny the application is necessary for a decision.
- R. The secretary shall announce the decision of the vote to the ZC.
- S. The meeting shall be adjourned.

#### **Section 106: Zoning Amendment Timeline**

1. Upon receipt of a completed application, as certified by the Planning Director/Zoning Inspector at the next regularly scheduled ZC work session, the ZC shall set a date for a public hearing regarding the application. The public hearing shall not be less than 20 or more than 40 days after the date that the application is certified as complete.
2. Within 5 days of the certified completed application the Township shall transmit a copy of the application to the SCPC. The SCPC shall hold a public hearing and submit recommendations to the ZC. The recommendation from the SCPC shall become public record and added to the amendment application file prior to the ZC public hearing.
3. Notices shall be given in compliance with the ORC as outlined in Section 103 of the Bylaws.
4. Within 30 days of the ZC public hearing the recommendations from the SCPC and ZC shall be presented to the Board of Trustees.

5. The Board of Trustees shall set a public hearing date not more than 30 days after receipt of the SCPC and ZC recommendations.
6. Notices shall be given in compliance with the ORC as outlined in Section 103 of the Bylaws.
7. Within 20 days after the Board of Trustees public hearing, the Board shall either adopt or deny the recommendation from the ZC by way of a majority vote of a resolution.
8. Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of adoption.
9. A referendum petition of any adopted amendment shall be presented to the Township within the 30 days following the Board of Trustees decision in accordance with the ORC.

### **Section 107: Application Requirements**

All requests to the ZC shall be made in writing through the application process for text and map amendments as provided by the Bath Township Zoning office. All completed applications shall include the following information:

#### **A. Text Amendment**

1. Nine copies along with a digital copy (i.e., pdf) of the proposed changes to the existing Zoning Resolution text.
2. Nine copies along with a digital copy (i.e., pdf) of any supporting documents or materials in relation to the application.

#### **B. Map Amendment**

1. Nine copies along with a digital copy (i.e., pdf) of the proposed zoning district map changes to the existing Zoning Map.
2. Nine copies along with a digital copy (i.e., pdf) of any supporting documents or materials in relation to the application.

### **Section 108: ZC Fee Schedule**

#### **A. Zoning Resolution Amendment/Map Amendment:**

Any application for an amendment to the Bath Township Zoning Resolution is required to include a fee of seven hundred and fifty dollars (\$750.00) plus applicable Summit County Recorder filing fees. This fee does not apply to any amendment initiated by the Board of Township Trustees or the ZC.



## ARTICLE 2: APPEARANCE REVIEW COMMISSION (ARC)

### Section 201: Board Members and Support Staff

- A. The ARC shall consist of five regular Members and two alternate Members. Regular Members serve a term of five years and they are appointed so that one Member's term expires each year. Alternate Members serve a term of two years and they are appointed so that one Member's term expires each year.
- B. Alternate Members shall take the place of an absent regular Member and remain in that place if the hearing is tabled or continued to a future meeting.
- C. At the first scheduled meeting of each year the ARC shall elect a Chair and Vice-Chair by a majority vote. In the event that the Chair or Vice-Chair's term is not renewed or they are removed from the ARC a new Chair or Vice-Chair shall be elected.
- D. The Planning Director/Zoning Inspector shall serve as the primary staff support for the ARC.
- E. The Zoning Administrative Assistant shall serve as the secretary of the ARC.
- F. The Trustees may appoint Legal Counsel to represent the ARC as they deem necessary.

### Section 202: Ethics and Conflicts

- A. If a Member believes that they may have any conflict of interests regarding the matter before the ARC, that Member shall do the following prior to the presentation:
  - 1. Announce to the ARC that there is or may be a conflict of interest and ask to be excused from the ARC for that specific matter. At the option of the Member, he or she may state the reason of the possible conflict for purposes of determining if there is a conflict of interest. The ARC shall publicly discuss the conflict, if stated, and determine whether or not to excuse the Member.
  - 2. The ARC shall discuss the conflict and determine whether or not to excuse the Member.
  - 3. If a Member is excused due to a conflict of interest that Member shall leave the panel for the duration of the hearing on the subject application.
  - 4. If the Chair is excused due to a conflict of interest the Vice-Chair shall preside over the meeting while the Chair leaves the panel for the duration. If the Vice-Chair is not present the ARC will elect a temporary Chair for the hearing.
- B. An applicant can request that the matter be tabled only once. In the event that a case has been tabled and testimony has been heard at multiple public hearings only Members present at all of the meetings for that specific matter shall be permitted to vote on the motion. An applicant may withdraw its application at any time before a motion is made to decide the application.
- C. The ARC can continue any hearing for as long and for as many times as it determines without stating a reason.
- D. Members of the ARC can be removed for the following: non-performance of duties, misconduct, or any other cause as determined by the Board of Trustees. The Trustees shall hold a public hearing regarding the removal. The Member in question shall be given

at least 10 days prior notice of the hearing. The Member shall be given an opportunity to respond during the public hearing.

### **Section 203: General Meeting Information**

- A. The ARC meets regularly on the first Monday of each month at 5:00 p.m. in the Trustees Meeting Room at Bath Township Center, 3864 W. Bath Rd., Akron, OH 44333.
- B. Appearance Review Commission meetings will be streamed online via Zoom, or a similar application, for viewing purposes only. Public comments can be made to the Appearance Review Commission solely in person during the meeting or prior to by way of written correspondence (e.g., letter, memo, or email). All written correspondence to the Appearance Review Commission is due by the end of the day prior to the scheduled meeting date.
- C. A completed application including all documents relating to the case and application fees (if applicable) are necessary prior to the posted meeting deadlines in order to be placed on the following month's agenda.
- D. The Chair may call a special meeting when determined necessary without stating a reason.
- E. Meetings and hearings shall be open to the public.
- F. Notice of the hearing shall be mailed to the applicant and to all interested parties and property owners within 300' of the subject property regardless of being divided by a public street. The notice shall also be submitted to at least one publication in general circulation within the Township. All notices shall be given at least ten days prior to the hearing.
- G. Upon motion duly made and approved at a meeting the ARC may conduct a site visit to where the property at issue is located with the owner of record's consent.
- H. Minutes shall be kept by the secretary of the ARC. All minutes shall be included in the final record.
- I. All communications and correspondence, including electronic transmissions, received prior to the meeting shall be included in the case file.
- J. All public comment during the hearing shall be directed to the Chair and all speakers need to present from the microphone to ensure the comments are on the record.

### **Section 204: Meeting Procedure**

- A. Prior to the start of the meeting the staff shall confirm that microphones and audio recording systems are active.
- B. The Chair or acting Chair shall call the meeting to order and ask the secretary to conduct roll call to determine a quorum. Unless for a tabled or continued case, a quorum shall consist of any combination of three regular or alternate Members of the ARC, present at the meeting or hearing. For a tabled or continued case, only the Members that were present at all of the previous meeting or meetings for that specific case or matter shall be qualified to vote, and a quorum will consist of at least three members that are qualified to vote.
- C. The ARC hears any unfinished business that is on the table.
- D. The ARC hears any new business.
- E. The Planning Director/Zoning Inspector shall provide and read into the record a case overview and orientation for the ARC prior to each case on the agenda.

- F. The Planning Director/Zoning Inspector shall present and give a summary of the correspondence log for the case to the ARC.
- G. The ARC directs questions and comments to the applicant.
- H. The ARC shall complete a motion, a second, and discussion prior to voting on the case. Motions may be to approve, approve with modifications, deny, or table the case.
- I. Following the discussion, the roll call for the vote shall be called by the secretary. A minimum of three votes in favor of or to deny the application is necessary for a decision.
- J. The secretary shall announce the decision of the vote to the ARC.
- K. The meeting shall be adjourned.

### **Section 205: Application Requirements**

All requests to the ARC shall be made in writing through the application process for site plan review, building/elevation review, sign review, subdivision review, and any other applicable reviews provided by the Bath Township Zoning office. All completed applications shall include the following information:

- A. Three copies along with a digital copy (i.e., pdf file) of the site plan outlining the following:
  - 1. A North arrow and scale
  - 2. Existing structures and dimensions
  - 3. Driveway and road access locations (existing and/or proposed)
  - 4. Proposed structure(s) and dimensions
  - 5. All setbacks
  - 6. Roads
  - 7. Lot dimensions
  - 8. Easements and details
  - 9. Septic system and well location (if applicable)
  - 10. Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography. Riparian Corridor(s) must be clearly indicated on all lots containing applicable watercourses.
  - 11. All slopes greater than 12% must be indicated on a two (2) foot contour interval map with the contours extending at least 100 feet beyond the lot lines.
- B. Three copies along with a digital copy (i.e., pdf file) of the building/construction plans, sign plans or any other applicable plans showing major details including height, square footage, floor plans and other relative plans or materials.
- C. A letter addressed to the ARC outlining in detail the proposed project and or proposed use of the property.

### **Section 206: ARC Fee Schedule**

- A. Site Plan Review:  
Any application for a Site Plan Review to the ARC is required to include a fee of one hundred dollars (\$100.00).

## **ARTICLE 3: BOARD OF ZONING APPEALS (BZA)**

### **Section 301: Board Members and Support Staff**

- A. The BZA shall consist of five regular Members and two alternate Members. Regular Members serve a term of five years and they are appointed so that one Member's term expires each year. Alternate Members serve a term of two years and they are appointed so that one Member's term expires each year.
- B. Alternate Members shall take the place of an absent regular Member and remain in that place if the hearing is tabled or continued to a future meeting.
- C. At the first scheduled meeting of each year the BZA shall elect a Chair and Vice-Chair by a majority vote. In the event that the Chair or Vice-Chair's term is not renewed or they are removed from the BZA a new Chair or Vice-Chair shall be elected.
- D. The Planning Director/Zoning Inspector shall serve as the primary staff support for the BZA.
- E. The Zoning Administrative Assistant shall serve as the secretary of the BZA.
- F. The Trustees may appoint Legal Counsel to represent the BZA as they deem necessary.

### **Section 302: Ethics and Conflicts**

- A. If a Member believes that they may have any conflict of interests regarding the matter before the BZA, that Member shall do the following prior to the presentation:
  - 1. Announce to the BZA that there is or may be a conflict of interest and ask to be excused from the BZA for that specific matter. At the option of the Member, he or she may state the reason of the possible conflict for purposes of determining if there is a conflict of interest. The BZA shall publicly discuss the conflict, if stated, and determine whether or not to excuse the Member.
  - 2. If a Member is excused due to a conflict of interest that Member shall leave the panel for the duration of the hearing on the subject application.
  - 3. If the Chair is excused due to a conflict of interest the Vice-Chair shall preside over the meeting while the Chair leaves the panel for the duration. If the Vice-Chair is not present the BZA will elect a temporary Chair for the hearing.
- B. An applicant can request that the matter be tabled only once. In the event that a case has been tabled and testimony has been heard at multiple public hearings only Members present at all of the meetings for that specific matter shall be permitted to vote on the motion. An applicant may withdraw its application at any time before a motion is made to decide the application.
- C. The BZA can continue any hearing for as long and for as many times as it determines without stating a reason.
- D. Members of the BZA can be removed for the following: non-performance of duties, misconduct, or any other cause as determined by the Board of Trustees. The Trustees shall hold a public hearing regarding the removal. The Member in question shall be given at least 10 days prior notice of the hearing. The Member shall be given an opportunity to respond during the public hearing.

### Section 303: General Meeting Information

- A. The BZA meets regularly on the third Tuesday of each month at 7:00 p.m. in the Trustees Meeting Room at Bath Township Center, 3864 W. Bath Rd., Akron, OH 44333.
- B. Board of Zoning Appeals meetings will be streamed online via Zoom, or a similar application, for viewing purposes only. Public comments can be made to the Appeals meetings will be streamed online via Zoom, or a similar application solely in person during the meeting or prior to byway of written correspondence (e.g., letter, memo, or email). All written correspondence to the Appeals meetings will be streamed online via Zoom, or a similar application is due by the end of the day prior to the scheduled meeting date.
- C. A completed application including all documents relating to the case and application fees are necessary prior to the posted meeting deadlines in order to be placed on the following month's agenda.
- D. The Chair may call a special meeting when determined necessary without stating a reason.
- E. Meetings and hearings shall be open to the public.
- F. Notice of the hearing shall be mailed to the applicant and to all interested parties and property owners within 300' of the subject property regardless of being divided by a public street. The notice shall also be submitted to at least one publication in general circulation within the Township. All notices shall be given at least ten days prior to the hearing.
- G. Upon motion duly made and approved at a meeting the BZA may conduct a site visit to where the property at issue is located with the owner of record's consent.
- H. Minutes shall be kept by the secretary of the BZA. All minutes shall be included in the final record.
- I. All communications and correspondence, including electronic transmissions, received prior to the meeting shall be included in the case file.
- J. All public comment during the hearing shall be directed to the Chair and all speakers need to present from the microphone to ensure the comments are on the record.

### Section 304: Public Hearing Procedure

- A. Prior to the start of the meeting the staff shall confirm that microphones and audio recording systems are active.
- B. The Chair or acting Chair shall call the meeting to order and ask the secretary to conduct roll call to determine a quorum. Unless for a tabled or continued case, a quorum shall consist of any combination of three regular or alternate Members of the BZA, present at the meeting or hearing. For a tabled or continued case, only the Members that were present at all of the previous meeting or meetings for that specific case or matter shall be qualified to vote, and a quorum will consist of at least three members that are qualified to vote.
- C. The Chair shall administer an oath or affirmation to any party who is participating in the hearing. Those that are participating in the public hearing are required to sign the appropriate "sign-in" sheet prior to presenting.

*Sample oath language: the testimony that we take in our matters is under oath. So, any of you who are here to speak in favor of, or in opposition to any of the matters on the agenda this evening, could you please raise your right hand and I will administer the oath. Do you*

*swear or affirm that the testimony you'll give in this matter be the truth and the whole truth under penalty of perjury?*

- D. Prior to hearing the case the public hearing notice for each case shall be read into the record by the Secretary of the BZA.
- E. The BZA hears any unfinished business that is on the table.
- F. The BZA hears any new business.
- G. The Planning Director/Zoning Inspector shall provide and read into the record a case overview and orientation for the BZA prior to each case on the agenda.
- H. The Planning Director/Zoning Inspector shall present and give a summary of the correspondence log for the case to the BZA.
- I. The applicant or applicant's representative shall present evidence to the BZA regarding the proposal. The presentation shall cover all aspects of the proposal along with any supporting documentation.
- J. The BZA shall have the opportunity to ask questions pertaining to the case to the applicant or applicant's representative.
- K. The Chair shall give appropriate time for public comments to be heard. The Chair shall call for proponents of the case followed by opponents of the case.
- L. The Chair may give the applicant or applicant's representative time for rebuttal or time to answer pertinent questions brought forward from public comments. All comments shall be directed to the BZA and not to individuals in attendance.
- M. Prior to closing the public hearing, the applicant or applicant's representative shall have an opportunity to request that the case be tabled until a future date as determined by the BZA.
- N. The Chair shall then close the public hearing.
- O. The BZA may not adjourn to executive session to discuss matters of the case that were presented at the hearing, unless permitted by applicable law.
- P. The BZA shall complete a motion, a second, and discussion prior to voting on the case. Motions may be to approve, approve with modifications, deny, or table the hearing.
- Q. Following the discussion, the roll call for the vote shall be called by the secretary. A minimum of three votes in favor of or to deny the application is necessary for a decision.
- R. The secretary shall announce the decision of the vote to the BZA.
- S. The meeting shall be adjourned.

### **Section 305: Application Requirements**

All requests to the BZA shall be made in writing through the application process for appeals, variances or conditional use provided by the Bath Township Zoning office. All completed applications shall include the following information:

- A. Nine copies along with a digital copy (i.e., pdf file) of the site plan outlining the following:
  - 1. A North arrow and scale
  - 2. Existing structures and dimensions
  - 3. Driveway and road access locations (existing and/or proposed)
  - 4. Proposed structure(s) and dimensions
  - 5. All setbacks
  - 6. Roads

7. Lot dimensions
  8. Easements and details
  9. Septic system and well location (if applicable)
  10. Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography. Riparian Corridor(s) must be clearly indicated on all lots containing applicable watercourses.
  11. All slopes greater than 12% must be indicated on a two (2) foot contour interval map with the contours extending at least 100 feet beyond the lot lines.
- B. If applicable, nine copies along with a digital copy (i.e., pdf file) of the building/construction plans showing major details including height, floor plans and other relative plans or materials.
- C. A letter addressed to the BZA outlining in detail the proposed project and or proposed use of the property.

### **Section 306: BZA Fee Schedule**

- A. Any request or application for an interpretation, exception, variance, conditional use or appeal to the BZA is required to be accompanied by the following fee:
1. Residential applications – two hundred fifty dollars (\$250.00)
  2. Commercial/business applications – three hundred fifty dollars (\$350.00)
  3. Major subdivisions or use variances – five hundred dollars (\$500.00)

#### ***Disclaimer:***

*The Bath Township Zoning Bylaws are an informational guide for the operation of each Board and Commission, and is not to supersede the Bath Township Zoning Resolution and the laws of the State of Ohio.*