

Ohio – Fairfield County - Liberty Township Zoning Board of Appeals

2020 By Laws

These procedures are adopted to ensure compliance with the Ohio Revised Code 519.13 and the Liberty Township Zoning Resolution. The township Board of Zoning Appeals (BZA) meetings are quasi-judicial proceedings. The responsibilities of the BZA shall be as set forth in Ohio Revised Code 519.14. Should an entity decide to appeal a decision of the BZA, such appeal shall be to the Fairfield County Court of Common Pleas.

1. The BZA consists of five members appointed by the Liberty Township Trustees. The Liberty Township Trustees will also appoint alternate member(s).
2. An alternate member shall only serve on the board in the absence of a regular member or during the abstention of a regular member for reasons of conflict of interest. The alternate member shall serve in the case until a final decision has been made.
3. Alternate member(s) shall only have the right to vote upon those specific matters in which they have been called upon to serve in the absence of a regular member, or as a result of a conflict of interest.
4. The Board of Zoning Appeals (BZA) shall elect a Chairperson and vice Chairperson at its annual January organizational meeting. The Vice Chairperson shall fill the “Chair” position in the absence of the Chairperson.
5. Five (5) members of the BZA shall constitute a quorum of the Board for the conduct of business. It shall be necessary to have a minimum of four (4) members present and voting in the affirmative to approve a variance, approve a conditional use, or overrule the Zoning Inspector’s interpretation. When a quorum is not present, no official action of the Board, except for closing of the meeting and rescheduling, may take place.
6. The BZA shall not engage in discussion of any matter during any time in which a quorum of the Board is not present for the conduct of business.
7. All public hearings without a quorum present shall be rescheduled and no additional public notice shall be required, provided that the time, date, and place for the rescheduled meetings is announced at that meeting.
8. Public Hearings on variances, conditional uses, and interpretations are scheduled as necessary. The required scheduling window to conduct a Public Hearing shall commence after the receipt of a completed application by the Secretary of the BZA.
9. The applicant or representative of the applicant must be present at the scheduled public hearing for an appeal or the complaint, or the issue will be denied or tabled by the Board.
10. The decision of the Board of Zoning Appeals shall become effective and final upon certification by all member of the Board signing the Board of Zoning Appeals Public Hearing Decision form.
11. To ensure that the Public Hearing is conducted following the guidelines in the Liberty Township Resolution and the Ohio Revised Code, the following procedures shall be used.
 - A. All witnesses shall have “standing”; According to the Raisch court [John P. Raisch, Inc. v. Board of Zoning Appeals, 1999 Ohio App. LEXIS 2732, 14-15 (Ohio Ct. App., Montgomery County June 18, 1999)], a BZA is capable of making sophisticated decisions. The responsibility of a BZA to conduct quasi-judicial proceedings and establish a record which will withstand judicial review includes the responsibility to determine who is qualified to provide testimony.
 - B. All individuals desiring to speak during the public hearing shall be sworn in. (Officers of the Court are already sworn in)
 - C. All speakers shall direct their comments to the Board of Zoning Appeals.

Adopted by the Liberty Township BZA on February 11, 2020

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- D. Each speaker must identify him or her self prior to making a comment.
- E. For large hearings, a time limit of 3 to 5 minutes per speaker maybe established for the public comments.
- F. Roberts Rules of Order shall be used as a guideline for the conduct of the meeting, provided, however, that the failure to strictly adhere to such rules shall not negate, invalidate, or otherwise affect any action or vote taken at any such meeting.

12. Order of Business:

- A. Call to Order
- B. Pledge of Allegiance
- C. Approval of Minutes
- D. Notification of Public Hearing stating Application Number and subject
- E. Swearing in of each speaker is performed individually.
- F. Zoning Inspector provides staff report
- G. Applicant presents the application.
- H. Public Comments from proponents of the application.
- I. Public Comments from opponents of the application.
- J. Other Public Comments concerning application.
- K. Applicant provided the opportunity to refute any evidence or testimony.
- L. Closing of Public Hearing after all public comments have been received.
- M. Deliberation of Application by BZA. (The Ohio Attorney General’s Opinion 2000-035 states that ORC 121.22 does not require a township board of zoning appeals to conduct its deliberations on such matters in meetings that are open to the public.) The BZA may deliberate in Executive Session as necessary.
- N. The Board may take one of the following four actions (Reason for finding(s) must be provided):
 - 1. Approve the application as presented.
 - 2. Approve the application with conditions (not applicable for Appeals),
 - 3. Deny the application.
 - 4. Table the application to a future meeting provided the date, time, and place are provided for the future consideration.
- O. Final decision of the BZA shall be certified by signatures of all board members.
- P. Other business
- Q. Adjournment