

ARTICLE XII

ZONING COMMISSION AND BOARD OF ZONING APPEALS¹

SECTION A. ORGANIZATION AND PROCEDURES

There is hereby established a Township Zoning Commission and Board of Zoning Appeals pursuant to ORC 519.04 and 519.13.

1. MEMBERSHIP²

The Zoning Commission and Board of Zoning Appeals shall each consist of five (5) members who are residents of the unincorporated area of the Township included in the area zoned.

- a. **Terms.** Members shall be appointed and vacancies on the commission and/or board shall be filled by a majority vote of the Board of Trustees., the five (5) members first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively; thereafter, appointments shall be made for five (5) year terms such that the term of one member will expire each year. Two (2) alternates for each group may be appointed by the Board of Trustees for one- year terms. An alternate member must meet the same appointment criteria as a regular member.
- b. **Removal of Members.** Any member absent without excuse from three (3) consecutive meetings or four (4) meetings within any single calendar year may be referred, by majority vote of the members, to the Board of Trustees for its consideration to remove such member from the Commission or Board. An unexcused absence shall be defined as one in which a member is absent from an announced meeting and has not contacted the Zoning Inspector or an officer of the Commission or Board member to report the pending absence prior to that meeting.

2. OFFICERS³

The Commission and Board shall organize annually and elect a Chairman, Vice-Chairman, and Secretary.

- a. **Election of Officers.** Election of officers shall be held at the first meeting of the Commission or Board in January by a majority vote of the membership.
 - (1) In the event of a vacancy on the Commission or Board at the first meeting in February, the election of officers shall be postponed until the first regular business meeting after the Board of Trustees appointment to replace all vacant seats on the Commission or Board becomes official.
 - (2) In the event that any existing officer position becomes vacant during the course of the year, the Commission or Board shall elect a replacement officer to complete the term of office at the first regular business meeting after the Board of Trustees appointment to replace all vacant seats on the Commission becomes official.

¹ HISTORY: Amended Effective January 3, 2002

² HISTORY: Amended Effective February 18, 2002

³ HISTORY: Amended Effective February 18, 2002

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- b. **Officer Term of Office.** Officers shall serve a one (1) year term and may be re-elected to an unlimited number of terms during their membership on the Commission or Board.
- c. **Removal of Officers.** Any officer may be removed from office by a vote of four of the five members of the Commission or Board.
- d. **Duties of Office.**
 - (1) **Chairman.** The Chairman shall be the presiding officer over regular and special business meetings.
 - (a) The Chairman shall promptly open the meeting at the appointed time by taking the chair, determining that a quorum is present, and calling the meeting to order.
 - (b) The Chairman shall announce the sequence of the order of business to take place at the meeting based on the agenda previously set for the meeting.
 - (c) The Chairman shall recognize both members of the Commissioner Board and audience participants who are entitled to the floor.
 - (d) The Chairman shall state and put to a vote all actions and questions that legitimately come before the Commission or Board.
 - (e) The Chairman shall be responsible for maintaining order during the meeting and shall protect the meeting from obviously frivolous or irrelevant motions or discussions.
 - (f) The Chairman shall make every effort to expedite the progression of business to come before the Commission or Board, keeping in mind the rights of members and the audience participants.
 - (g) Whenever necessary, the Chairman shall authenticate by signature all acts, motions, orders or approvals of the Commission or Board.
 - (h) The Chairman shall declare the meeting adjourned or in recess when the Commission or Board so decides and shall declare the time and date of continuation when a matter of business is carried over.
 - (i) The Chairman may appoint special ad hoc committees from within the Commission or Board for the purpose of making special studies or reports which may be of benefit to the Commission or Board in its conduct of business.

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (2) **Vice-Chairman.** The Vice-Chairman shall act for the Chairman in the event the Chairman is absent from a meeting or the seat is vacant.
 - (3) **Secretary**
 - (a) The Secretary shall be responsible for ensuring that the Zoning Inspector properly prepares and circulates an agenda to all members as well as others having a specific interest in the meeting.
 - (b) The Secretary shall be responsible for ensuring that proper records are maintained by the Zoning Inspector pertinent to all official Commission or Board business.
 - (c) The Secretary shall act as the Chairman in the event that both the Chairman and Vice-Chairman are absent from a meeting or their seats are vacant.
3. MEETINGS AND ADOPTION OF RULES ⁴
- a. **Schedule of Meetings.** The Commission and Board shall hold meetings in keeping with the provisions of this Zoning Resolution and a meeting schedule determined by the bodies at the first meeting of the year following election of officers.
 - (1) **Cancellation.** In the event that no agenda has been established or that a quorum of members will not be available to attend a scheduled meeting, the meeting may be canceled in advance by the Zoning Inspector or the Chairman of the Commission or the Board.
 - (2) **Special Meetings.** The Commission or Board may schedule special meetings as it deems necessary. Such meetings shall be set by a majority vote of the Commission and shall be set at least 48 hours prior to the date and time of the meeting and subject to prescribed public notice provisions.
 - b. **Meeting Agenda.** The Zoning Inspector shall prepare an agenda and related materials for each meeting and be responsible for circulating these materials to all members as well as others having a specific interest in the meeting. Business will be taken in the order in which it has been placed on the agenda. The agenda order may be changed at the pleasure of the Zoning Commission or Board of Zoning Appeals by way of a majority vote,
 - (1) The agenda shall be closed seven (7) calendar days prior to the meeting but this does not preclude the addition of other items. No item may be added to the agenda less than twenty-four (24) hours prior to the date of the meeting.

⁴ HISTORY: Amended Effective February 18, 2005

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (2) An agenda of the upcoming meeting will be posted at the Township Hall and be distributed to Commission or Board members, the Board of Trustees, the media, and other persons having an interest in the meeting as soon as it becomes available. Late revisions will be distributed as soon as possible and practical.
 - (3) In the event that a special meeting is called less than seven (7) calendar days in advance of its date and time, the Chairman shall announce and thereby set the agenda for the special meeting at the time that the meeting is called. In all other cases, the agenda shall be prepared and distributed as specified above.
- c. **Open Meetings/Executive Session.** Meetings of the Zoning Commission and of the Board of Zoning Appeals shall be open to the public and meet the requirements of the Ohio Open Meetings Act, ORC 121.22 (F), (G), and (H).
- (1) The Commission and Board shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings.
 - (a) A special meeting shall not be held unless at least twenty-four hours' advance notice is provided to any news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.
 - (b) Any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.
 - (2) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the Commission or Board. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations of the Commission or Board were conducted at an executive session in accordance with applicable laws and regulations:
 - (a) Only at a regular or special meeting for the sole purpose of the consideration of the following matters:
 - (i) Conferences with an attorney concerning disputes involving the Commission or Board that are the subject of pending or imminent court action;

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (ii) In a quasi-judicial proceeding (appeals from enforcement of zoning matters, granting of conditional use certificates, and authorization of variances on appeal), after the close of testimony by the interested parties and adjacent property owners when adjudicating disputes, the Board of Zoning Appeals may withdraw and deliberate apart from the public hearing and then announce their decision after returning to the public forum [Note: the Board of Zoning Appeals may not meet prior to the hearing to discuss or decide how a variance, conditional use, or appeal will be heard or decided];
 - (iii) Matters required to be kept confidential by federal law or regulations or state statutes; and
 - (b) Only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and the motion and vote to hold that executive session shall state which one or more of the approved matters listed above are to be considered at the executive session.
- d. **Quorum.** The presence of three members shall constitute the minimum number necessary to transact business or render legitimate any actions voted on or taken by the Zoning Commission or Board of Zoning Appeals.
 - (1) **Prior to Call to Order.** A meeting shall not be called to order without a quorum. The Chairman may wait a reasonable amount of time before deciding that the meeting will have to be canceled due to lack of a quorum. Should this happen, agenda items shall be rescheduled to the next regular business meeting or a special meeting.
 - (2) **Loss of Quorum.** If during the course of a meeting the number of Commission members present is less than three, the meeting shall be adjourned by the Chairman for lack of a quorum. Should this happen, remaining agenda items shall be rescheduled to the next regular business meeting.
- e. **Voting.** All members and officers of the Zoning Commission or Board of Zoning Appeals may participate in any discussion and shall be a voting member of the Commission or Board.
 - (1) The Commission and Board shall act by Resolution in which for the:
 - (a) Zoning Commission, a simple majority of the quorum present shall concur;
 - (b) Board of Zoning Appeals, three (3) members must concur.
 - (2) Members shall abstain in the event that there is a personal conflict of interest and shall be responsible for explaining the validity of the nature of the conflict of interest.

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- (3) An alternate member votes in the place of an absent regular member on any matter on which the absent member is authorized to vote.
- f. **Adoption of Rules.** The Zoning Commission and Board of Zoning Appeals shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this Resolution and other duties authorized by the Ohio Revised Code.
- g. **Witnesses, Oaths, Subpoena Powers.** The Zoning Commission and Board of Zoning Appeals shall have power to subpoena and require the attendance of witnesses, administer oaths, punish for contempt, and may compel testimony and require the production of documents and other evidence pertinent to the matters before it under such regulations as either body may establish.
- h. **Minutes.** The Zoning Commission and Board of Zoning Appeals shall keep minutes of their respective proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of the examinations and other official actions, all of which shall be filed in the office of the Board of Trustees and shall be a public record open to the public during regular Township business hours. Such information shall include meeting agendas, applications, case files, meeting minutes, resolutions or actions by the Commission or Board, as well as correspondence.
- i. **Records, Files, and Transcripts.** The Zoning Inspector shall maintain all records and files of the Commission or Board examinations and other official actions in the office of the Zoning Inspector, all of which shall be a public record
4. PUBLIC HEARINGS ⁵
The following procedures shall be required for all public hearings unless specifically modified by other requirements specifically set out in this Zoning Resolution.
- a. **Notice.** The Zoning Commission or Board of Zoning Appeals shall fix a reasonable time for a public hearing of matters referred to it. At this hearing, any party may appear in person, by agent or by attorney.
- (1) **Parties in Interest/Newspaper.** The Commission or Board shall give at least ten (10) days notice thereof to the parties in interest by regular mail and by publishing the notice in one or more newspapers of general circulation in the Township. The published and mailed notices shall set forth all of the following:
- (a) The nature of the public hearing;
- (b) The time, date, and place of the public hearing;
- (c) The name of the administrative body that will be conducting the public hearing;
- (d) A list of the addresses of all properties which are the subject of the public hearing;

⁵ History: Amended Effective February 18, 2005

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (e) The time and place where the application and other relevant reports pertaining to the matter, will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - (f) A statement that after the conclusion of such public hearing, the matter will be submitted to the Commission or Board for its action.
 - (g) The name of the person responsible for giving notice of the public hearing;
 - (h) Any other information requested by the Zoning Commission.
- (2) **Sign.** Upon filing an application with the Zoning Inspector, the applicant shall post a sign or signs along the property notifying the public of the public hearing. The sign shall be provided by Perrysburg Township and installed by the Zoning Inspector.⁶
- (a) A sign shall be placed so as to be clearly visible from a public street. In the event that the effective property has frontage on more than one public street, one sign shall be provided for each public street.⁷
 - (b) The sign shall contain information regarding the present zoning classification and proposed zoning action.
 - (c) The sign shall state that further information is on file in the office of the Zoning Inspector and the date(s) of scheduled hearing(s).
- b. **Format for the Public Hearing.** In order to insure a fair and objective public hearing, the following procedure shall be followed:
- (1) A public hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify,
 - (2) In a legislative proceeding (zoning amendments, PUDs, etc.), the Zoning Commission shall hear all parties that wish to present evidence or opinion; however, the Chairperson may place reasonable and equitable limitation on the time of presentation.
 - (3) In a quasi-judicial proceeding (appeals from enforcement of zoning matters, granting of conditional use certificates, and authorization of variances on appeal), the Board of Zoning Appeals may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.

⁶ HISTORY: Amended Effective February 17, 2011

⁷ HISTORY: Amended Effective February 18, 2005

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (a) Public testimony presentation time shall be generally limited to three (3) to five (5) minutes for each individual.
 - (b) Direct testimony shall be taken in the form of reliable, probative, and substantial evidence from experts and non-experts.
 - (c) Hearsay evidence may not be considered or not admitted in an arbitrary manner. Factors bearing on arbitrariness include whether any party objected to the hearsay; whether both sides take advantage of liberalized evidentiary rules regarding hearsay; whether the hearsay carried an indicia of reliability; and whether the Board blindly accepted the accuracy of the hearsay evidence.
 - (d) All testimony shall be subject to cross examination.
- (4) All questions and responses shall be directed through the Chairman. Members of the Commission or Board should probe views of witnesses to separate fact from opinion and lay opinion from expert opinion.
- (5) The conduct of an Public Hearing shall be as follows:
- (a) The Chairman of the Commission or Board shall first state the application or appeal pending before the public body and the standard and the procedure set forth in this Zoning Resolution for the granting of the application or the appeal. If legal council is not present, the Chairman shall announce that if the Commission or Board is in doubt as to how to proceed on a legal issue, it shall recess for an opinion by its own council.
 - (b) The Chairman shall ask the applicant or appellant whether he or she desires to have a taped record made and preserved of the proceeding.
 - (c) The Chairman shall call for and recognize abstentions by any member of the Commission or Board in the event that there is a personal conflict of interest and the Member shall be responsible for explaining the validity of the nature of the conflict of interest.
 - (d) The Chairman shall call for acknowledgment of any prior ex parte (off-the-record) communications by members of the Commission or Board. Ex parte communications do not need to be acknowledged at the hearing when they have been made public by sending a copy or a summary of the nature of an oral communication to the Secretary of the Commission or Board so that the communication could be timely placed in the applicant's case file for public inspection and to parties required to receive notice by mail.
 - (i) The official receiving the ex parte (i) communication should summarize the nature of an oral communication on the record of the hearing so that its substance may be contested in public by other parties.

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (ii) Ex parte written materials received by members of the Commission or Board shall be included in the agenda of the hearing or announced by the Chairman at the hearing so that all parties can review them.
- (e) The Chairman may call upon the Zoning Inspector or any other member of the administration of the Township to deliver a report to the public body on the application. At this time, recognition of the required public notice publication should be made for the record. Visual aids, such as flip charts, maps, or projected images should be employed to make or clarify critical points.
 - (i) The Chairman shall have all written testimony, reports, and correspondence entered into the record of the meeting, including administrative comments.
 - (ii) Officials of the Commission or Board may ask any relevant questions of the case during this time.
- (f) All public testimony shall be taken under oath. The Chairman shall direct all persons wishing to present testimony to stand and be sworn at one time. Then, as each person is later recognized to present testimony, the Chairman shall only need ask witnesses to identify themselves, their residence or business address, and the fact they have been sworn in.
- (g) The Chairman shall next call upon the applicant or appellant to present its case.
 - (i) The applicant or appellant may be represented by counsel.
 - (ii) The applicant or appellant may make an opening statement and shall present evidence in support of the application or appeal. The applicant or appellant shall be permitted to present his or her case without interruption, except that the members of the Commission or Board may ask questions for clarification during such presentation.
- (h) The Chairman shall announce that any persons who wish to present testimony or evidence supporting the request of the applicant or appellant will now have the opportunity to address the Commission or Board. Such evidence or testimony must be confined to the question of whether the application or appeal meets the standards set forth in the Zoning Resolution for the granting of such application or appeal, or the placement of lawful conditions upon the granting of the same.

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (i) The Chairman shall next announce that any persons who wish to present evidence or testimony in opposition to the request of the applicant or appellant will now have the opportunity to address the Commission or Board. Such evidence or testimony must be confined to the question of whether the application or appeal meets the standards set forth in the Zoning Resolution for the granting of such application, appeal, or the placement of lawful conditions upon the granting of the same.
 - (j) Once all initial testimony has been presented to the Commission or Board, the Commission or Board may request or seek further testimony from those who have testified in the case.
 - (k) The Chairman may then call upon members of the administration of the Township for any additional testimony or evidence pertaining to the testimony and evidence which has been presented at the hearing. Any member of the administration presenting additional testimony or evidence shall be subject to questioning by the applicant or appellant.
 - (l) The Chairman shall next give the applicant or appellant the opportunity to present additional evidence and testimony pertaining to any new matters raised subsequent to the presentation of his or her case. The applicant or appellant shall also be permitted to give a closing statement in support of the application, petition, or appeal.
 - (m) When the Chairman has determined that no further discussion of the case on the floor is pending, testimony on the case shall be declared closed. At this time, the Commission or Board shall consider the case at hand and choose to move to a vote or to continue the hearing to a later date. If the Commission or Board chooses to move to a vote, the motion shall contain a determination of findings of fact and may impose any reasonable conditions provided for by the Zoning Resolution.
 - (n) Once all the scheduled cases have been processed, the Chairman shall proceed with other matters on the agenda or seek a motion to adjourn the meeting.
- c. **Record.** A record of the proceedings of a public hearing, approved by the Commission or Board and signed by the Secretary of the body, shall be maintained in case the decision is appealed. A typical hearing record shall include:
- (1) The applicant's request on a properly completed form;
 - (2) The records of any actions on this request by an administration official or body, including all past records regarding the property such as an earlier request for variance, conditional use approval, or a record of a nonconforming use status;

SECTION A. ORGANIZATION AND PROCEDURES (Contd.)

- (3) Records that verify proper notice has been given to the appropriate parties and to neighboring property owners, including any newspaper notice and the affidavit of publishing thereof;
- (4) Any relevant maps, exhibits, drawings, or photographs presented and marked as evidence or as a part of the application, and copies of any correspondence received or sent out with regard to the request;
- (5) A complete record of all public input made at the hearing submitted by sworn witnesses. The hearing may be tape-recorded for later transcription into minutes or a court stenographer shall be present to prepare a complete record;
- (6) A record of what the hearing body saw on any visits it made to the property in question, and a summary of any conversations between the hearing body and parties with an interest in the application;
- (7) Copy of a reference to the relevant resolution requirements;
- (8) The findings of fact, the conclusions reached, and the recommendation or decision made on the request by the Commission or Board. Where applicable, any memorandum or report forwarding that recommendation to the Board of Trustees on a zoning change or final subdivision, along with the basis or rationale for it, and any recommended changes or conditions to be imposed through legislation.
- (9) A copy of any other correspondence to or from the petitioner regarding the decision.

SECTION B. POWERS AND DUTIES OF THE ZONING COMMISSION ⁸

- 1. The Zoning Commission's powers and duties shall comply with Sections 519.04 to 519.12 of the Ohio Revised Code.
- 2. For the purpose of this Resolution the Zoning Commission shall have the following duties:
 - a. Prepare and adopt land use plans for the unincorporated territory of Perrysburg Township;
 - b. Review and/or initiate and review all proposed amendments to this Resolution text and the Zoning Map and make recommendations to the Board of Township Trustees;
 - c. Review all disputes concerning boundary lines of Zoning Districts and make recommendations to the Board of Township Trustees;
 - d. Review Planned Use Districts and make recommendations to the Board of Township Trustees;
 - e. Review and authorize Site Plans.

⁸ HISTORY: Amended Effective February 18, 2005

SECTION C. POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

1. The Board of Zoning Appeals powers and duties shall comply with Sections 519.13 to 519.14 of the Ohio Revised Code.
2. The Board of Zoning Appeals shall have the following general powers and it shall be its duty:
 - a. **To hear and decide appeals** where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.
 - (1) Appeals may be taken to and before the Board of Zoning Appeals by any person aggrieved, or by an 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 appeals action was taken.
 - (2) An appeal shall stay 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 facts 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.
 - b. **To hear and authorize variance**, upon appeal, in specific cases, 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. The Board shall, before making any variance from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the portion of the Township to which this Resolution applies.
 - c. **To hear and grant Conditional Use Certificates** for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution.
 - (1) BZA may issue a Conditional Use Certificate for only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use is not initiated within one (1) year of granting the permit, or if the conditional use ceases to exist for more than two (2) years.

SECTION C. POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS (Contd.)

- (2) In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, convenience, comfort, prosperity, or general welfare of the inhabitants of the portion of the Township to which this Resolution applies.⁹
- (3) In authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation - in addition to those expressly stipulated in this Resolution for the particular conditional use - as the Board may deem necessary for the protection of adjacent properties and the public interest.
- (4) Removed Cluster PUD (See Article VI Section E.4)¹⁰
- d. **To Revoke an authorized variance or Conditional Zoning Certificate** granted for the extraction of minerals, if any condition of the variance or certificate is violated.
- e. **To allow the extension or completion of a building devoted to a nonconforming use** upon a lot occupied by such a building, or on a lot adjoining, provided that such lot is under the same ownership as the lot in question on the date such building became non conforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all one hundred (100%) percent of the floor area of the existing building or buildings devoted to a nonconforming use and that such extension(s) shall be undertaken within five(5) years of the date when such building became non conforming.
- f. **To revoke a variance or conditional use for noncompliance.** The Board shall notify the affected party of their intent to revoke by the mailing of a notification by certified mail. The affected party has the right to request a hearing within thirty (30) days of the mailing of the notification, in which case the Board shall notify the party of the time and place of the hearing. Revocation of a variance or a conditional use shall become effective thirty (30) days after notice has been given, unless a hearing has been requested.
- g. The Board of Zoning Appeals may request additional information or review of the appeal, variance, or conditional use permit by other Township officials, County agencies, or the Wood County Planning Commission. Said information or review shall be delivered to the Board of Zoning Appeals within 45 days after the receipt of the request. Failure to disapprove the same within such period shall constitute approval thereof.
- h. The BZA shall maintain a record of appeals, variances, and conditional uses which shall be kept on file in the Zoning Inspector's office.

⁹ HISTORY: Amended Effective February 18, 2005

¹⁰ HISTORY: Amended Effective February 17, 2011

SECTION C. POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS (Contd.)

- i. Decisions made by the Board may be appealed by the applicant through the Court of Common Pleas, and shall be made within ten (10) days of the Board's written decision.

SECTION D. FEE

A fee in an amount consistent with a separate resolution passed by the Perrysburg Township Trustees shall be paid to the Zoning Inspector at the time the application is filed, which the Zoning Inspector shall forthwith pay over the Township Fiscal Officer to the credit of the general revenue fund of the Township.¹¹

¹¹ HISTORY: Amended Effective February 17, 2011