

**GENOA TOWNSHIP
BOARD OF ZONING APPEALS
(the "Board")**

RULES OF PROCEDURE

Adopted June 28, 2005

ARTICLE I

Meetings of Board

Section 1. Organization of Meetings

At each meeting of the Board, the chairperson, or in the absence of the chairperson, the vice chairperson, shall act as chairperson. The person designated by the Board as its secretary shall act as, and perform the duties of, secretary of the meeting. If no such person is present at a meeting, any person who the chairperson of the meeting appoints shall act as secretary of the meeting.

Section 2. Place of Meetings

All regular and special meetings of the Board shall be held at the Genoa Township Hall, 5111 South Old 3C Highway, Westerville, Ohio 43082, commencing at 7:00 p.m. or at such other time and place, as may from time to time be fixed by the Board, or as shall be specified or fixed in the notice of the particular meeting.

Section 3. Regular Meetings

Unless otherwise postponed or cancelled, regular meetings of the Board shall be held on the fourth Tuesday of every month, if not a legal holiday under Ohio law, but if that day is a legal holiday under Ohio law, the regular meeting for that month shall be held on the preceding Tuesday, or on such other day as the Board may determine. Regular meetings may be postponed or cancelled in advance by or at the direction of the chairperson, vice chairperson or any two Board members for reasons of either an anticipated lack of a quorum or a lack of business.

Section 4. Special Meetings

Special meetings of the Board shall be held whenever called by the chairperson or vice chairperson. Every Board member shall furnish the secretary of the Board with a telephone number and an address (and, if available, a facsimile number and e-mail address) at which notice of meetings and all other Board notices may be served on or mailed to such member. Unless waived before, at, or after the meeting as hereinafter provided, notice of each such meeting shall be given by the chairperson, the vice chairperson, or the secretary to each member in any of the following ways:

- (a) By orally informing the member of the meeting in person or by telephone at least twenty-four (24) hours before the date of the meeting.
- (b) By personal delivery of written notice to the member at least twenty-four (24) hours before the date of the meeting.
- (c) By mailing written notice to the member, or by sending notice to the member by facsimile transmission, e-mail, telegram or cablegram, postage or other costs prepaid, addressed to the member at the address furnished by such member to the secretary of the Board, or to such other address as the person sending the notice shall know to be correct. Such notice shall be posted or dispatched a sufficient length of time before the meeting so that in the ordinary course of the mail or the transmission of facsimiles, e-mails, telegrams or cablegrams, delivery thereof would normally be made to a member not later than twenty-four (24) hours before the date of the meeting.

The notice to Board members for a special meeting shall specify the date, time, location and purpose(s) of the meeting. Unless otherwise specified in the notice, special meetings shall be held at the same location as regular meetings. Unless otherwise required by the laws of the State of Ohio, notice of any meeting of the Board may be waived by any member, either before, at, or after the meeting, in writing, or by facsimile, e-mail, telegram or cablegram.

Section 5. Quorum

Three (3) members of the Board shall constitute a quorum.

Section 6. Order of Business

The order of business at meetings of the Board shall be such as the chairperson may prescribe or follow; subject, however, to the chairperson being overruled with respect thereto by a majority of the members of the Board present.

Section 7. Voting

Each member present at a meeting shall be entitled to one vote. Votes shall be made orally. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or assistant; to approve any variance or conditional use permit; or to decide in favor of an applicant on any matter which the Board is required to hear under the Genoa Township Zoning resolution. The failure of an applicant to secure at least three (3) such concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation of an affirmance of the decision of the zoning officer.

Section 8. Public Notice of Regular and Special Meetings

The Board hereby establishes the following methods whereby any person may determine the date, time and place of regular meetings of the Board, and the date, time, place and purpose(s) of special and emergency meetings of the Board:

- (a) Regular Meetings – The secretary shall give notice of the Board’s regular meeting schedule by posting a copy of the legal notice on the bulletin boards located at the Genoa Township Hall and Administration Building which states, in effect, that unless otherwise changed or cancelled, all regular meetings of the Genoa Township Board of Zoning Appeals will be held on the fourth Tuesday of each month at 7:00 p.m. at the Genoa Township Hall located at 5111 South Old 3C Highway, Westerville, Ohio 43082, unless that day is a legal holiday under Ohio law, in which case, the regular meeting for that month shall be held on the preceding Tuesday, or on such other day as the Board may determine. If the date, time or location of a regular meeting is changed or cancelled, notice of the change or cancellation shall be posted on the Genoa Township bulletin boards at least twenty-four (24) hours prior to the meeting.
- (b) Special and Emergency Meetings – the secretary shall give notice of the date, time, location and purpose(s) of a special meeting (other than an emergency meeting) by posting a notice in the same location as provided for posting notice of the

Board's regular meeting schedule. The notice shall be posted at least twenty-four (24) hours prior to the meeting. In the case of an emergency meeting, the secretary shall, if sufficient time allows, give notice of an emergency meeting in the same manner as provided for non-emergency special meetings. Otherwise, notice of an emergency meeting is not required, except as provided below.

- (c) Notice to News Media of Special and Emergency Meetings – News media who have requested notice of special meetings shall be notified by the secretary of the date, time, location and purpose(s) of any such meeting at least twenty-four (24) hours in advance of the meeting. If the meeting is an emergency meeting, the secretary or the Board member or members calling it shall immediately notify the media who have requested such notification. News media wishing to receive such advance notification shall provide the secretary, in writing, with a mailing address, telephone number and facsimile number (and, if available, an e-mail address) for purposes of giving such notification.
- (d) Notice of Meetings to Discuss Particular Business – The secretary shall give reasonable advance notice of any regular or special meeting at which a particular type of public business is to be discussed to any person who has requested such notice. Persons wishing to receive such advance notification shall make such request in writing to the Board at 5111 South Old 3C Highway, Westerville, Ohio 43082, and shall list the requestor's name, mailing address, telephone number and facsimile number (and, if available, an e-mail address), and the specific type of public business in which the requestor has a particular interest and desires notice. In addition, the requestor shall furnish the secretary of the Board with a sufficient number of stamped, self-addressed envelopes for mailing such notice. If time permits, the requestor will be notified of such meetings by mail. Otherwise, notice shall be by telephone, facsimile or e-mail. Any such request shall remain in force for twelve (12) months.
- (e) Special Notice Required by Law – When a particular form or method of notice is required by statute for a public hearing or meeting of the Board, notice of the hearing or meeting shall be given in the form or manner prescribed by statute, in addition to notice otherwise required under this Section.

Section 9. Attendance of the Applicant

The applicant or an authorized representative shall attend the hearing scheduled by the Board on such application. The failure of the applicant or the authorized representative to attend the hearing may result in the Board proceeding to conduct the hearing in his or her absence. If extraordinary circumstances beyond such person's control would prevent the applicant from attending the scheduled hearing, the applicant may submit, in writing, a request to table the application and reschedule the hearing. This request shall be accompanied by any required tabling fee and shall be filed with the Zoning Inspector or secretary prior to the hearing, and such request shall constitute a waiver of the time period within which such hearing would otherwise be required to be held. The Board may, in its discretion, grant such request and reschedule the hearing for such time or times as determined by the Board. Once a hearing is commenced, nothing herein shall prevent the Board from conducting the hearing on multiple days until its conclusion.

ARTICLE II

Members of the Board

Section 1. Purpose and Composition of the Board

The purpose of the Board is to hear and decide appeals, variances, conditional uses and other matters, and to otherwise exercise those powers and duties conferred by law and the Genoa Township Zoning Resolution, all of which shall be performed in compliance with Ohio Revised Code, Chapter 519. The members of the Board shall consist of those five (5) individuals who are, from time to time, duly appointed and serving as the members of Genoa Township Board of Zoning Appeals. The Genoa Township Board of Trustees may appoint two (2) alternates to the Board who, if so appointed, may take the place of an absent member at a Board meeting in accordance with the procedures prescribed by the Trustees. Unless a member (or alternate, if so appointed) earlier resigns, dies, is removed from the Board by the Genoa Township Board of Trustees, or ceases to reside inside the unincorporated area of Genoa Township, then each member shall served on the Board until the member's successor is appointed and qualified. In the event a hearing is tabled, those Board members present for the first hearing must be available for the continuation of said hearing.

Section 2. Board Officers

The officers of the Board to be elected from among its members shall be a chairperson and one vice-chairperson.

Section 3. Election of Officers

At the regular meeting held during the month of April in each calendar year at which a quorum is present, officers shall be nominated for election, with the person(s) receiving the greatest number of votes being deemed so elected. Each shall hold the status of such an officer at the pleasure of the Board.

Section 4. Term of Office

Unless a member earlier resigns, is removed as hereinafter provided, or ceases to be a member of the Board, each officer shall hold office until March 31 of the next succeeding calendar year following such officer's election, or if the election is not held at the next succeeding April meeting following such officer's election or any adjournment thereof, until such time as an election of officers is held, and until a successor is duly elected and qualified.

Section 5. Removal

Any officer may be removed, without cause and at any time, by the Board at any regular meeting or special meeting; provided, however, that in the case of a special meeting, the notices (or waivers of notices) of the special meeting shall specify that such removal action was to be considered. In any case in which an officer is removed, such officer shall still remain and be a member of the Board unless removed as a member of the Board pursuant to Ohio Revised Code Chapter 519.

Section 6. Resignations

Any officer may resign such office at any time by giving written notice to the chairperson, vice-chairperson, or secretary of the Board. Any such resignation shall take effect at the time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Notwithstanding the previous, no such resignation shall be construed as resigning one's status as a member of the Board unless such resignation so specifies therein and is delivered to the Genoa Township Board of Trustees by or on behalf of such member.

Section 7. Powers, Authority, and Duties of the Board

The Board shall have the powers and authority conferred and the duties prescribed by law, in addition to those specified or provided in the Genoa Township Zoning Resolution and these Rules, unless otherwise conflicting with applicable law, in which case, applicable law shall prevail.

Section 8. The Chairperson of the Board

The chairperson of the Board, if and while there be an incumbent of the office, shall preside at all meetings of the board at which the chairperson is present. The chairperson shall have and exercise general supervision over the conduct of the Board's affairs, its order of business and over its other officers and appointees; subject, however, to any contrary law. The chairperson shall see that all orders and directives of the Board are carried into effect. The chairperson or the chairpersons' designee may administer oaths. Upon authorization of the Board and subject to applicable law, the chairperson or designee may compel the attendance of witnesses.

Section 9. The Vice-Chairperson

If and while there is no incumbent of the office of the chairperson of the Board, and during the absence of the chairperson of the Board the vice-chairperson shall have the duties and authority specified for the office of chairperson, and shall perform such other duties as may be assigned by the Board or by the chairperson. In the absence of the chairperson and vice-chairperson, the board may designate an interim chairperson to carry out all or any portion of such duties.

ARTICLE III

The Secretary

The board shall designate an individual to serve as secretary of the Board. The person designated as secretary is not required to be a board member; provided, however, that only those individuals duly appointed and serving as members of the Board shall be entitled to vote on matters coming before the Board. The person designated as secretary shall serve in this position at the pleasure of the Board. The duties of the secretary shall include the following:

- (a) Keep the minutes of all meetings of the Board in a written or taped form, and be custodian of the Board's records;
- (b) See that all notices are duly given in accordance with these Rules or as required by law;
- (c) Exhibit at all reasonable times the aforesaid records of the Board;
- (d) See that all documents, reports, and records required by law are properly kept and filed; and

- (e) In general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the board or the chairperson.

In the absence of the secretary, the chairperson may designate an interim secretary to carry out all or any portion of such duties.

ARTICLE IV

Amendment of Rules of Procedure

At any meeting of the Board, these Rules may be amended or repealed in whole or in part, or new Rules added thereto and adopted, by the affirmative vote of a majority of all of the members of the Board.

ARTICLE V

Repeal of Previous Rules

All Rules of Procedure previously adopted by the Board are hereby repealed and declared to be void and of no further force or effect from and after the date these rules are adopted by the Board.

(End of Rules of Procedure)