

Article 2: Decision-Making Roles and Authorities

2.01 PURPOSE

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution.

2.02 BOARD OF TRUSTEES

For the purpose of this zoning resolution, the Boardman Township Board of Trustees, hereafter referred to as the Board of Trustees, shall have the following duties:

- (A) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (B) Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (C) Review and decide on all proposed Planned Unit Development (PUD) preliminary development plan and zoning map amendment applications; and
- (D) Perform all other duties as specified in the ORC and as specified in this zoning resolution.

2.03 REVIEW BOARDS

For the purposes of this resolution, there shall be review boards established for the administration and enforcement of this zoning resolution including the Boardman Township Zoning Commission, the Boardman Township Architectural Review Board, and the Boardman Township Board of Zoning Appeals (BZA).

(A) General Requirements for all Review Boards

(1) Appointment and Organization of Review Boards

- (a) Each review board shall be composed of five members who reside in the unincorporated area of Boardman Township, Mahoning County, Ohio, to be appointed by the Board of Trustees, except as provided for in paragraph (b), below.
- (b) At least one of the Architectural Review Board's members shall be a licensed architect or engineer. If a licensed architect or engineer from the unincorporated township cannot serve, the licensed architect or engineer may be drawn from residents of Mahoning County.
- (c) Members of each review board shall serve five-year terms with the term of one member expiring each year.
- (d) Each member shall serve until his or her successor is appointed and qualified.
- (e) Members of each review board shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving the same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer any charges.
- (f) All complaints alleging nonperformance of duty, misconduct in office, or other cause that may justify removal of the subject review board member shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board of Trustees shall proceed with a public hearing as set forth herein.
- (g) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

(2) Alternates

- (a) The Board of Trustees may appoint up to two alternate members for each of the review boards for a term of one year each.
- (b) An alternate member shall take the place of an absent regular member at any meeting of the applicable review board.
- (c) An alternate member shall meet the same appointment criteria as a regular member.

- (d) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (e) When a vacancy occurs, alternate members do not automatically become full members of the applicable review board. Alternate members have to be appointed to replace a full member upon a vacancy.

(3) Organization and Bylaws

- (a) Each review board shall elect a chairperson and vice-chairperson from its membership. The vice-chairperson shall serve as the chairperson in the absence of the elected chairperson.
- (b) Each review board may organize and adopt bylaws for its own governance provided they are consistent with state law and with any other resolution of the township.

(4) Meetings

- (a) Meetings shall be held at the call of the chairperson or at such other times as the applicable review board may determine.
- (b) All meetings shall be open to the public, except as exempted by law.
- (c) In addition to the above provisions, the chairperson of the BZA may administer oaths and the BZA may compel the attendance of witnesses per the ORC. Furthermore, the BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

(5) Quorum and Recommendations or Decision

- (a) Any combination of three or more regular or alternate members of each review board shall constitute a quorum.
- (b) Each review board shall act when three members, who are eligible to vote, concur on a recommendation or decision.

(B) Zoning Commission

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Boardman Township Zoning Commission, hereafter referred to as the Zoning Commission. The Zoning Commission shall have the authority to:

- (1) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (2) Review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees;
- (3) Review all PUD preliminary development plans and related zoning map amendment applications, and make recommendations to the Board of Trustees; and
- (4) Perform all other duties as specified for township zoning commissions in the ORC and as specified in this zoning resolution.

(C) Architectural Review Board

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Boardman Township Architectural Review Board, hereafter referred to as the Architectural Review Board. The Architectural Review Board shall have the authority to:

- (1) Act as the architectural review board for the township as authorized in Section 519.171 of the ORC;
- (2) Participate in the review of site plans as established in Section [3.05: Site Plan Review](#);
- (3) Review and make decisions on all PUD final development plan applications;
- (4) Make recommendations regarding site plans to the Board of Zoning Appeals for variance applications related to site plan review applications; and
- (5) Perform all other duties as specified in this zoning resolution.

(D) Board of Zoning Appeals (BZA)

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Boardman Township Board of Zoning Appeals, hereafter referred to as the BZA. The BZA shall have the authority to:

- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution;
- (2) Hear and make decisions on applications filed for conditional uses. In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest;
- (3) Authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest;
- (4) Review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied;
- (5) Permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with [Article 13: Nonconformities](#); and
- (6) Perform all other duties conferred upon township BZAs in the ORC, or as authorized by the Board of Trustees in compliance with state law.

2.04 ZONING INSPECTOR

The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC, charged with the general administration and enforcement of this resolution as outlined in the ORC and this resolution.

(A) Roles and Powers

The Zoning Inspector shall have the following roles and powers:

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning certificates and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, and/or BZA, when requested.
- (5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- (6) After receipt of comments on site plan review applications, the Zoning Inspector shall make decisions on such applications in accordance with [Section 3.05: Site Plan Review](#).
- (7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- (9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.
- (10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

(B) Decisions

- (1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to Section [3.07: Appeals](#).
- (2) The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.