

**CHAPTER 117**  
**BOARD OF ZONING APPEALS**

- 117.01 Members appointment or removal.
- 117.02 Officers.
- 117.03 Rules.
- 117.04 Meetings.
- 117.05 Quorum.
- 117.06 Powers.
- 117.07 Records.
- 117.08 Attendance of witnesses.
- 117.09 Appeal procedure.
- 117.10 Variance procedure.
- 117.11 Notice and conduct of public hearing.
- 117.12 Conditional use procedure.
- 117.13 General standards and specific criteria for conditional uses.
- 117.14 Supplementary conditions, limitations and safeguards.
- 117.15 Board final decision.

**117.01 MEMBERS APPOINTMENT OR REMOVAL.**

Board of Zoning Appeals members and/or alternates shall be appointed or removed and vacancies filled as provided in Ohio R. C. 519.13. [Adopted 6/12/2006 - Z-2006-3]

**117.02 OFFICERS.**

The Board of Zoning Appeals shall annually elect a Chairman and a Vice Chairman from its members, and a Secretary who may be a member. The annual election of officers shall take place at a regular meeting after the Board of Township Trustees have appointed an Appeals Board member to replace the member whose term has expired at the end of the preceding calendar year.

**117.03 RULES.**

The Board of Zoning Appeals shall adopt rules, not in conflict with State law and this Zoning Resolution, for the conduct of its regular and special meetings, and public hearings, the transaction of its business and the exercise of its powers.

**117.04 MEETINGS.**

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board determines. All Board meetings to transact official business shall be open to the public.

#### **117.05 QUORUM.**

A majority of members of the Board of Zoning Appeals shall constitute a quorum for the transaction of business at any meeting. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Resolution or to authorize any variance or conditional use as provided in this Zoning Resolution.

#### **117.06 POWERS.**

The Board of Zoning Appeals shall have such powers and duties as are conferred by general law and by this Zoning Resolution. For the purpose of this Zoning Resolution, the Board shall have the following specific powers and duties:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- (2) To authorize upon appeal such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship, and so that the spirit of this Zoning Resolution shall be observed and substantial justice done;
- (3) To grant upon initial direct application conditional zoning certificates for the use of land, buildings, or other structures as are authorized in this Zoning Resolution under the conditions specified in this Zoning Resolution, and under such additional conditions and safeguards as are imposed by the Board to uphold the purpose and spirit of this Zoning Resolution.

#### **117.07 RECORDS.**

The Board of Zoning Appeals shall keep minutes of its meetings, hearings and proceedings. Such minutes shall include a record of all actions, findings and determinations of the Board and shall show the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes and records of the Appeals board shall be filed in the office of the Board of Township Trustees and shall be public records open for public inspection. The Board shall provide for the safekeeping of its minutes and records until such filing.

#### **117.08 ATTENDANCE OF WITNESSES.**

- (a) The Board of Zoning Appeals shall have the power to issue subpoenas to require the attendance and testimony of witnesses and the production of books, papers, records and other documentary evidence deemed pertinent to any hearing or proceeding. It may cross-examine, or permit examination or cross-examination, of any witness in relation to any matter it may lawfully determine. A subpoena shall be issued and signed by the Board Chairman or Vice Chairman, upon its own initiative or upon filing of a written request therefor by any party to a proceeding, any person entitled to notice of such proceeding or an attorney or representative of such party or person.

Witness fees and travel allowance shall be paid by the Township Fiscal Officer on warrants issued by the Board Secretary, the same as are allowed by State Law in courts of record. Such fees and travel allowance shall be taxed as costs of the appeal or proceeding. The Board may require a deposit for the subpoena of any witness at the time of filing of the request but no deposit shall be required of a witness subpoenaed on behalf of the Board or any Township officer. The Township Police Department shall be responsible for the serving of subpoenas within township boundaries. **[Adopted 11/26/2018 – Z-2018-1]**

- (b) No person shall willfully fail to obey a subpoena issued by the Board, avoid being served a subpoena, refuse to produce documentary evidence under his possession or control, refuse to be sworn or to affirm, or refuse to testify except as to the right against self-incrimination.

<b>117.09 APPEAL PROCEDURE.</b>
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- (a) It is the intent of this Zoning Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, then to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from written decisions of the Board shall be filed within thirty (30) days to the courts as provided by law. The duties of the Board of Township Trustees in connection with this Zoning Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall only have the powers and duties provided by general law to include considering and adopting or rejecting proposed amendments or the repeal of this Zoning Resolution as provided by law, and establishing forms and a schedule of fees. Nothing herein shall be interpreted to prevent any Township official from appealing a decision of the Board to the courts as provided in Ohio R. C. Chapters 2505 and 2506.
- (b) Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Resolution may be taken by any person aggrieved or by any Township officer affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board, a notice of appeal alleging error on forms provided by the Zoning Inspector, completing the required information and specifying the grounds upon which the appeals is being taken. The appeal notice shall be signed and dated by the applicant who by subscribing thereto assumes the legal responsibility for the truth, correctness and accuracy of all information supplied on the notice of appeal. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (c) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him/her, that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown. **[Adopted 11/26/2018 – Z-2018-1]**

- (d) In determining an appeal alleging error, the Board may, as long as such action is in conformity with the terms of this Zoning Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken.

<b>117.10 VARIANCE PROCEDURE.</b>
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- (a) Appeals to the Board of Zoning Appeals requesting a variance may be taken by any person aggrieved by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and the Board, a notice of appeal requesting variance on forms provided by the Zoning Inspector, completing the required information and specifying the exact nature of the variance along with reference to the specific provision of this Zoning Resolution from which variance is requested. Written justification for a variance shall be made by the appellant on a form provided by the Zoning Inspector and the Board of Zoning Appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.

The appeal notice for a variance shall be signed and dated by the appellant who by subscribing thereto assumes the legal responsibility for the truth, correctness and accuracy of all information supplied in such notice of appeal. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (1) Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
  - a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
  - b. Whether the variance is substantial.
  - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  - d. Whether the variance would adversely affect the delivery of governmental services.
  - e. Whether the property owner purchased the property with the knowledge of the zoning restriction.

- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
  - h. Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable.
  - i. Whether granting the variance requested will be contrary or derogate from the general purposes of this Zoning Resolution as provided in Section 101.02, Bainbridge Township Guide Plan for Land Development, 2000, and the district involved as provided in Section 131.04.
- (2) Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:
- a. Why the variance from the terms of the zoning resolution will not be contrary to the public interest.
  - b. Because of what special conditions will an unnecessary hardship result from a literal enforcement of the zoning regulations.
  - c. What the unnecessary hardship is which will result from a literal enforcement of the zoning resolution owing to the special conditions set forth in sub-paragraph "b" above.
  - d. How the spirit of the zoning resolution will be observed if the variance is granted.
  - e. Why substantial justice will be done if the variance is granted.
  - f. Whether granting the variance requested will be contrary or derogate from the general purposes of this Zoning Resolution as provided in Section 101.02, Bainbridge Township Guide Plan for Land Development, 2000, and the district involved as provided in Section 131.04.
- (b) An appeal for a variance stays all proceedings as provided in Section 117.09 (c).
- (c) In determining an appeal requesting a variance, the Board shall consider the following in its findings:
- (1) "Unnecessary hardship" and/or "practical difficulty" does not include hardship or practical difficulty that is self-imposed, solely financial or for convenience.

- (2) "Contrary to the public interest" means deviation from the purposes of the Zoning Resolution as provided in Section 101.02, the Bainbridge Township Guide Plan for Land Development, 2000, and the district involved as provided in Section 131.04.
- (3) "Special conditions" mean that extraordinary circumstances really exist that will not frequently recur, are peculiar and do not result from the actions of the applicant.
- (4) No variance shall permit a use which is specifically prohibited by Section 177.01 of this Zoning Resolution.
- (5) No variance shall be granted due to nonconformities in the same district or in the Township.
- (6) The variance if granted shall be the least possible to achieve just relief and the desired result.
- (7) No variance shall be granted if rezoning the property in question is proper and will achieve substantially like results.
- (8) No variance shall adversely affect the use or value of the neighborhood nor alter its essential character.

<b>117.11 NOTICE AND CONDUCT OF PUBLIC HEARING.</b>
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- (a) The Board of Zoning Appeals shall conduct a public hearing within thirty (30) days or a reasonable time after receiving notice of an appeal alleging error or requesting a variance. Prior to holding the public hearing, the Board shall give ten (10) days written notice to the parties in interest by personal service or ordinary mail and publish notice of such public hearing once in a newspaper of general circulation in Geauga County. The notice shall set forth the time and place of the public hearing and the general nature of the appeal alleging error or requesting variance. **[Adopted 3-27-1993 – Z-1993-]** **[Adopted 11/26/2018 – Z-2018-1]**
- (b) In addition to notice as provided in subsection (a) hereof, the Board shall give notice of a request for variance on appeal or a request for a conditional use certificate by personal service or ordinary mail **[Adopted 6/8/2015 – Z-2015-1]** to all property owners, as shown on the latest tax duplicate of Geauga County, in the following manner:
  1. Residential area variances: All property owners immediately abutting subject property. **[Adopted 10/26/1998 – Z-1998-1]**

2. Residential use variances: All property owners within 100 feet of subject property. **[Adopted 10/26/1998 – Z-1998-1]**
3. Commercial area (including LIR, MUP and PO Zoning Districts) and use variances: All property owners within 300 feet of subject property. **[Adopted 10/26/1998 – Z-1998-1] and [Adopted 6/8/2015 – Z-2015-1]**
4. Conditional use certificates: All property owners within 300 feet of subject property. **[Adopted 10/26/1998 – Z-1998-1]**
5. All others: All property owners within 300 feet of subject property. **[Adopted 10/26/1998 – Z-1998-1]**

If all parcels within such radius are owned by the applicant, the owners of all properties abutting the applicant's land shall be notified. Failure of delivery of such notice shall not invalidate the Board's proceedings.

- (c) The public hearing shall be conducted by the Board as in the trial of a civil action and may be continued for good cause. The appellant or applicant shall have the burden of proof and any contiguous or neighboring property owner especially affected may become a party in interest. All testimony and evidence shall be given under oath or affirmation administered by the Board Chairman or Vice Chairman. Any party may call any other party as if on cross-examination. The appellant or applicant and any other party shall be afforded an opportunity to be heard in person or by attorney, to offer witnesses and evidence in support of their respective positions, to examine and cross-examine witnesses, to offer evidence to rebut or refute testimony opposed to their respective positions, and to present either oral or written argument on the merits of their respective contentions. The Zoning Inspector may be a party to Board proceedings to justify a decision on appeal, to oppose the granting of a variance or a conditional use, or to safeguard the public interest by presenting relevant evidence to any matter being considered by the Board.

**117.12 CONDITIONAL USE PROCEDURE. [Adopted 9/15/2003 - Z-2003-3]**

- (a) Contents of Application for Conditional Zoning Certificate

Written application for a conditional zoning certificate shall be made on forms provided by the township zoning inspector and shall be signed and dated by the owner, the applicant, or his/her authorized representative, attesting to the truth, correctness, and accuracy of all information supplied in the application.



All applications for conditional zoning certificates shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

All completed applications for a conditional zoning certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the following information:

1. The name, address, and telephone number of the applicant and the property owner of record. Documentation as to the authority to make application (e.g. deed of record, power of attorney, lease or purchase agreement).
2. Address of the property and legal description as recorded with Geauga County Recorder.
3. Current zoning district where the subject property is located and description of existing and proposed uses.
4. The names and addresses of all property owners within 300 feet of the subject property from the County Auditor's current tax list.
5. Three (3) paper copies for residential and four (4) paper copies for non-residential buildings, structures, and uses and for principal buildings and structures only, one (1) 3.5" floppy diskette, compact disc or other suitable media in a digital format (.dxf or .dwg) of a scaled site or plot plan prepared by a licensed Professional Surveyor, registered in the State of Ohio, with scaled elevations and floor plans where required, all dimensions in feet, with north arrow, dated, and shall show the following:
  - a. Property line dimensions and total acreage.
  - b. Proposed landscape development.
  - c. Dimensions, setback and height of existing buildings or structures, additional or structural alterations thereto.
  - d. Dimensions, setback and height of proposed buildings or structures.
  - e. The total square footage by floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
  - f. The name and location of the existing road(s), public and private, adjacent to the subject property.
  - g. The number of existing and proposed dwelling units, principal buildings or structures, and accessory buildings or structures.
  - h. Number, location, and dimensions (in feet) of existing (if any) and proposed parking spaces and loading/unloading spaces.
  - i. Location and dimensions of existing and proposed easements.



- j. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
  - k. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.
  - l. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.
  - m. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
6. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
7. The application fee.
- (b) The Board of Zoning Appeals shall issue conditional zoning certificates for those uses specifically designated conditional uses in this Zoning Resolution. A conditional use once authorized achieves a permitted or conforming use status in the district but only during full compliance with the limiting requirements or restrictions as provided in this Zoning Resolution or as imposed by the Board in the initial grant. Conditional uses shall be considered by the Board individually on direct application by an owner, lessee or occupant of the property involved and may be transferrable to another person upon application to the Board of Zoning Appeals.
- (c) Within thirty (30) days after receipt of an application for a conditional use, the Board shall give notice and conduct a public hearing as provided in Section 117.11.

<p><b>117.13 GENERAL STANDARDS AND SPECIFIC CRITERIA FOR CONDITIONAL USES.</b></p>
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- (a) The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following general standards and shall find adequate evidence showing that such use at the proposed location:
- (1) Is in fact a conditional use as specified in this Zoning Resolution for the zoning district involved;
  - (2) Will be harmonious with and in accordance with the purposes of the Zoning Resolution as provided in Section 101.02, the Bainbridge Township Guide Plan for Land Development, 2000, and the district involved as provided in Section 131.04;
  - (3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

- (4) Will not be hazardous or disturbing to existing or future neighboring uses;
  - (5) Will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools;
  - (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Township;
  - (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
  - (8) Will have vehicular approaches to the property so designed as not to interfere with traffic on neighboring public streets;
  - (9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance, or the natural rural quality of the landscape.
- (b) The following specific criteria and requirements for conditional uses are mandatory, if applicable to the proposed use and location:
- (1) All buildings shall be located at least one hundred (100) feet from all property lines and have primary access to a street;
  - (2) Loud speakers shall not be permitted;
  - (3) All points of entrance or exit drives shall be located not closer than two hundred (200) feet from the intersection of two streets;
  - (4) No more than one (1) sign oriented to each abutting street identifying the use or activity shall be permitted;
  - (5) No lighting shall constitute a nuisance, not impair safe movement of traffic on any street, nor shine directly on adjacent properties;
  - (6) Access roads shall be constructed, graded, treated and maintained to be dust free and usable by Township safety or emergency vehicles;
  - (7) Non-residential uses shall not be located adjacent to residential uses unless buffered or conducted so as not to interfere with residential property enjoyment;

- (8) Site locations shall be preferred that offer natural or man-made barriers to lessen the effect of intrusion into a residential area;
  - (9) The use shall be adequately landscaped to act as a buffer or be harmonious with surrounding uses;
  - (10) Permitted outside installations or storage shall be kept in a sanitary and orderly conditions so as not to become a nuisance;
  - (11) Truck traffic shall be conducted and scheduled so as not to annoy neighboring properties by noise, dust or vibration;
  - (12) No work shall be conducted that causes pollution, sedimentation, and erosion or has a probable effect on the existing water table;
  - (13) All outside work conducted in connection with such use shall be done between the hours of 7:30 a.m. and 5:00 p.m.;
  - (14) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration.
  - (15) An interior traffic pattern design indicating all directional signage, pavement markings for vehicular flow and pedestrian crosswalks), and control thereof shall be submitted for review. **[Adopted 3/20/1999 – Z-1999-3]**
- (c) The following specific criteria and requirements for child day-care centers, when allowed in a zoning district as a conditional use are mandatory, in addition to the general criteria and specific criteria set forth in Section 117.13 (a) and (b): **[Adopted 12/23/2002 - Z-2002-7]**
- (1) In the event outdoor activities, on site, will be part of a child day-care center operation, such activities shall take place in one or more completely and securely fenced play lots which shall be no closer than one hundred (100) feet to any residentially zoned lot line, shall be screened by a masonry wall, fence, or compact evergreen hedge no less than five (5) feet in height, and maintained in good condition.
  - (2) Any outdoor activity conducted in conjunction with the child day-care center shall not occur after 6:00 P.M. and before 7:30 A.M.
  - (3) The applicant shall provide auditory and visual screening and buffering for any outdoor activities engaged in by the children in conjunction with the child day-care center for any portion of the lot that is adjacent to a Residential District which shall include ten foot (10') high landscaped earthen mound,

fencing or walls as determined by the Board of Zoning Appeals. A twenty (20) year growth landscaping plan shall be prepared by a registered landscape architect and submitted to the Board of Zoning Appeals for the required landscaping for any child day-care center proposal.

- (4) The applicant of the child day-care center shall provide for drop off and pick up of children in an area where it will not impede traffic on or off the site and where the least amount of unrelated traffic circulation is probable in light of the type of uses on the site and locations of buildings on the site are contained and where safest for children to leave and re-enter such motor vehicles. When the Board of Zoning Appeals deems is appropriate, the applicant shall submit a traffic impact analysis of the proposed addition of the child day-care center on the lot, and the Board of Zoning Appeals, when it deems appropriate, may have an independent evaluation of such traffic impact analysis prepared for the Board of Zoning Appeals, at the expense of the applicant.
- (5) The applicant shall provide for additional screening for auditory purposes when the Board of Zoning Appeals determines that it is required to reduce the impact on tenants of buildings located on the same lot being utilized for convenience business, service or office uses.
- (6) The applicant shall provide signage, based upon the size, number and location determined necessary for the lot by the Board of Zoning Appeals, noting pick up and drop off points for children to adequately warn occupants and users of the lot of the existence of the child day-care center and shall impose rules for the users of the child day-care center to follow for pick up and drop off of children at clearly marked points to promote the safety and security of the children utilizing the child day-care center.
- (7) Each child day-care center shall provide a location, as determined by the Board of Zoning Appeals, for school bus drop off and shall provide for the ability of the school bus to either turn around within the drop off area or alternatively provide a circular drive back to the road upon which such lot is located.
- (8) The applicant shall provide written certification from the applicable governmental agency having jurisdiction thereof that (i) adequate sanitary sewage disposal has been provided for by a public sanitary sewer system, or (ii) the proposed on site sewer system will be in compliance with the statutes, rules and regulations of the State of Ohio and the Ohio Department of Health. Each child day-care center shall comply with all applicable federal, state, county and township regulations.

- (9) The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the child day-care center or, in the event no such public water supply is available, provide a report of a hydrogeologist or hydrologist that there is adequate ground water in the aquifer serving the child day-care center to supply the employees and children at the child day-care center without unreasonably affecting the aquifer serving other portions of the same lot and surrounding property served by the same aquifer. The Board of Zoning Appeals may, when it deems appropriate, obtain an independent evaluation of such report prepared for the Board of Zoning appeals, at the expense of the applicant.
- (10) Minimum Lot Width. A lot shall have a minimum width of two hundred fifty feet (250').
- (11) Each child day-care center shall have at least one building entrance dedicated solely for its use.
- (d) The following specific criteria and requirements for daycare centers, when allowed in a zoning district as a conditional use are mandatory, in addition to the general criteria and specific criteria set forth in Section 117.13 (a) and (b), when used for adults: [**Adopted 10/9/2006 - Z-2006-6**]
1. In the event outdoor activities, on site, will be part of a day-care center operation, such activities shall take place in one or more completely and securely fenced lots which shall be no closer than one hundred (100) feet to any residentially zoned lot line, shall be screened by a masonry wall, fence, or compact evergreen hedge no less than five (5) feet in height, and maintained in good condition.
  2. Any outdoor activity conducted in conjunction with the day-care center shall not occur after 6:00 P.M. and before 7:30 A.M.
  3. The applicant of the day-care center shall provide for drop off and pick up of the attendees in an area where it will not impede traffic on or off the site and where the least amount of unrelated traffic circulation is probable in light of the type of uses on the site and locations of buildings on the site are contained and where safest for attendees to leave and re-enter such motor vehicles. When the Board of Zoning Appeals deems it appropriate, the applicant shall submit a traffic impact analysis of the proposed addition of the day-care center on the lot, and the Board of Zoning Appeals, when it deems appropriate, may have an independent evaluation of such traffic impact analysis prepared for the Board of Zoning Appeals, at the expense of the applicant.

4. The applicant shall provide for additional screening for auditory purposes when the Board of Zoning Appeals determines that it is required to reduce the impact on tenants of buildings located on the same lot being utilized for convenience business, service or office uses.
  5. The applicant shall provide signage, based upon the size, number and location determined necessary for the lot by the Board of Zoning Appeals, noting pick up and drop off points for attendees to adequately warn occupants and users of the lot of the existence of the day-care center and shall impose rules for the users of the day-care center to follow for pick up and drop off of attendees at clearly marked points to promote the safety and security of the attendees utilizing the day-care center.
  6. The applicant shall provide written certification from the applicable governmental agency having jurisdiction thereof that (i) adequate sanitary sewage disposal has been provided for by a public sanitary sewer system, or (ii) the proposed on site sewer system will be in compliance with the statutes, rules and regulations of the State of Ohio and the Ohio Department of Health. Each day-care center shall comply with all applicable federal, state, county and township regulations.
  7. The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the day-care center or, in the event no such public water supply is available, provide a report of a hydrogeologist or hydrologist that there is adequate ground water in the aquifer serving the day-care center to supply the employees and attendees at the day-care center without unreasonably affecting the aquifer serving other portions of the same lot and surrounding property served by the same aquifer. The Board of Zoning Appeals may, when it deems appropriate, obtain an independent evaluation of such report prepared for the Board of Zoning Appeals, at the expense of the applicant.
  8. Minimum Lot Width. A lot shall have a minimum width of two hundred fifty feet (250').
  9. Each day-care center shall have at least one building entrance dedicated solely for its use.
- (e) The following specific criteria and requirements for schools, both public and private, when allowed in the zoning district as a conditional use are mandatory, in addition to the general criteria and specific criteria set forth in Section 117.13(a) and (b): **[Adopted 10/9/2006 - Z-2006-6]**

1. In the event outdoor activities, on site, will be part of a school operation, such activities shall take place in one or more completely and securely fenced play lots which shall be no closer than one hundred (100) feet to any residentially zoned lot line, shall be screened by a masonry wall, fence, or compact evergreen hedge no less than five (5) feet in height, and maintained in good condition.
2. Any outdoor activity conducted in conjunction with the school shall not occur after 6:00 P.M. and before 7:30 A.M.
3. The applicant shall provide auditory and visual screening and buffering for any outdoor activities engaged in by the students in conjunction with the school for any portion of the lot that is adjacent to a Residential District which shall include ten foot (10') high landscaped earthen mound, fencing or walls as determined by the Board of Zoning Appeals. A twenty (20) year growth landscaping plan shall be prepared by a registered landscape architect and submitted to the Board of Zoning Appeals for the required landscaping for any school proposal.
4. The applicant of the school shall provide for drop off and pick up of students in an area where it will not impede traffic on or off the site and where the least amount of unrelated traffic circulation is probable in light of the type of uses on the site and locations of buildings on the site are contained and where safest for students to leave and re-enter such motor vehicles. When the Board of Zoning Appeals deems it appropriate, the applicant shall submit a traffic impact analysis of the proposed addition of the school on the lot, and the Board of Zoning Appeals, when it deems appropriate, may have an independent evaluation of such traffic impact analysis prepared for the Board of Zoning Appeals, at the expense of the applicant.
5. The applicant shall provide for additional screening for auditory purposes when the Board of Zoning Appeals determines that it is required to reduce the impact on tenants of buildings located on the same lot being utilized for convenience business, service or office uses.
6. The applicant shall provide signage, based upon the size, number and location determined necessary for the lot by the Board of Zoning Appeals, noting pick up and drop off points for students to adequately warn occupants and users of the lot of the existence of the school and shall impose rules for the users of the school to follow for pick up and drop off of students at clearly marked points to promote the safety and security of the attendees utilizing the school.



7. Each school shall provide a location, as determined by the Board of Zoning Appeals, for school bus drop off and shall provide for the ability of the school bus to either turn around within the drop off area or alternatively provide a circular drive back to the road upon which such lot is located.
8. The applicant shall provide written certification from the applicable governmental agency having jurisdiction thereof that (i) adequate sanitary sewage disposal has been provided for by a public sanitary sewer system, or (ii) the proposed on site sewer system will be in compliance with the statutes, rules and regulations of the State of Ohio and the Ohio Department of Health. Each school center shall comply with all applicable federal, state, county and township regulations.
9. The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the day-care center or, in the event no such public water supply is available, provide a report of a hydrogeologist or hydrologist that there is adequate ground water in the aquifer serving the school to supply the employees and students at the school without unreasonably affecting the aquifer serving other portions of the same lot and surrounding property served by the same aquifer. The Board of Zoning Appeals may, when it deems appropriate, obtain an independent evaluation of such report prepared for the Board of Zoning Appeals, at the expense of the applicant.
10. Minimum Lot Width. A lot shall have a minimum width of two hundred fifty feet (250’).
11. Each school shall have at least one building entrance dedicated solely for its use.

<b>117.14 SUPPLEMENTARY CONDITIONS, LIMITATIONS AND SAFEGUARDS.</b>
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The Board of Zoning Appeals, in deciding any appeal alleging error or granting any conditional zoning certificate, may prescribe such supplementary conditions, limitations and safeguards which are not in conflict with this Zoning Resolution and which the Board deems necessary to protect the public interest and neighboring properties. The Board in deciding any appeal requesting a variance may prescribe such supplementary limitations and safeguards which are not in conflict with this Zoning Resolution and which the Board deems necessary to protect the public interest and neighboring properties. Such supplementary conditions, limitations and safeguards shall be made a part of the Board proceedings and shall be incorporated in the final Board decision or grant. Violation of such supplementary conditions and safeguards which are made a part of the written decision or grant by the Board shall be deemed a violation of this Zoning Resolution and punished as provided in Section 109.99.

**117.15 BOARD FINAL DECISION.**

- (a) The Board of Zoning Appeals shall render a final written decision within thirty (30) days after conclusion of the public hearing for an appeal alleging error, an appeal requesting a variance, or an application for a conditional zoning certificate. To support its decision or grant and resolution of the questions and issues raised in the proceedings, the Board shall adopt findings of fact and may include mixed questions of law and fact. The Board decision or grant and related findings shall be made at a public meeting of the Board, dated and signed by concurring members and attested by the Board Secretary.

Copies of the written decisions or grant and related findings shall be furnished the Board of Township Trustees, Zoning Commission and Zoning Inspector and copies shall be mailed to all parties in interest.

- (b) All Board records of the proceedings including the decision and findings shall be considered public records and filed with the Board of Township Trustees subject to retention for court appeal. The date Board members sign the written decision shall be the date of entry as provided in Ohio R. C. 2505.07 for appeal to common pleas court pursuant to Ohio R. C. 2506. Within thirty (30) days after receipt of notice of appeal, the Board Secretary shall prepare and file in common pleas court a complete transcript of all the proceedings which are the subject of the appeal, as required by Ohio R.C. 2506.02.