

Present Charter	Proposed Charter	Reasoning
<p style="text-align: center;">ARTICLE XII BOARD OF ZONING AND BUILDING APPEALS</p> <p>SECTION 12.01 COMPOSITION AND TERM. The Board of Zoning and Building Appeals shall consist of five (5) members. On the first January 2 following the effective date of this Charter, one (1) of the five (5) electors shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by City Council to serve a term of one (1) year, one (1) shall be appointed by the Mayor to serve a term of three (3) years, and one (1) shall be appointed by the Mayor to serve a term of two (2) years. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position which the term is expiring. (Amended Nov. 5, 1991.) No person shall serve as a member of the commission at the same time the person is an employee or official of the City. (Amended Nov. 5, 1991.) A member of the Board of Zoning and Building Appeals may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Board of Zoning and Building Appeals for a period of five (5) years following removal. (Amended Nov. 5, 1991.) A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other</p>	<p style="text-align: center;">ARTICLE XII BOARD OF ZONING AND BUILDING APPEALS</p> <p>SECTION 12.01 COMPOSITION AND TERM. The Board of Zoning and Building Appeals shall consist of five (5) members. On the first January 2 following the effective date of this Charter, one (1) of the five (5) electors shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by City Council to serve a term of one (1) year, one (1) shall be appointed by the Mayor to serve a term of three (3) years, and one (1) shall be appointed by the Mayor to serve a term of two (2) years. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring. (Amended Nov. 5, 1991.) No person shall serve as a member of the commission at the same time the person is an employee or official of the City. (Amended Nov. 5, 1991.) A member of the Board of Zoning and Building Appeals may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Board of Zoning and Building Appeals for a period of five (5) years following removal. (Amended Nov. 5, 1991.) A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other appointing authority shall make appointment to the Board of Zoning and Building Appeals for the</p>	<p>The change to Section 12.01 removes the City Engineer as the ex officio member of the Board. With job functions realigned several years ago the responsibility of an ex officio member should rest with the Department of Development and is more suitably a part of the code instead of the Charter.</p> <p>Changes to Section 12.03 and 12.04 were requested by the Board of Zoning and Building Appeals to more clearly and accurately describe the scope and extent of their duties. These changes would also clarify ambiguities in the existing language.</p> <p>Section 12.05 as it currently exists is overly restrictive and cumbersome. Provisions of this nature are best placed in ordinance form under the control of Council to provide for necessary changes and amendments as state law changes. This change would make Council part of the process and would streamline the Charter.</p>

appointment to the Board of Zoning and Building Appeals for the unexpired term. (Amended Nov. 5, 1991.)

☉ City Engineer of the City of Gahanna shall serve as an ex officio member of this board. (Amended Nov. 5, 1991.)

SECTION 12.02 ORGANIZATION.

The Mayor shall establish the date, which shall be not later than thirty (30) days after January 2, for the first meeting each year, at which the Board of Zoning and Building appeals shall organize under a chairman elected from among its members for a term of one (1) year.

(Amended Nov. 8, 1966).

SECTION 12.03 JURISDICTION.

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, and landscaping in the municipality, as may be required to afford justice and avoid unreasonable hardship. The Board's authority shall be exercised subject to such reasonable standards as shall be prescribed by council, and such other powers as may be granted to it by council. The subject of appeal shall be suspended until action is taken or decision rendered by such Board of Zoning and Building Appeals. (Amended Nov. 7, 1995).

SECTION 12.04 MEETINGS AND PROCEDURE.

Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question.

Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinance of Council or rules or regulations established by the Board not inconsistent therewith. (Renumbered Nov. 8, 1966.)

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(A) FOR EXCEPTIONS TO ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY PERTAINING TO ZONING, BUILDING, AND LANDSCAPING IN THE CITY.

(B) FROM THE DECISIONS, MEASURES AND ORDERS OF CITY OFFICIALS, BOARDS, COMMISSIONS AND AGENCIES PERTAINING TO ZONING, BUILDING, AND LANDSCAPING IN THE CITY.

(C) THE BOARD SHALL DECIDE ITS CASES TO AFFORD JUSTICE AND AVOID UNREASONABLE HARDSHIP TO CITIZENS. FURTHER, THE BOARD'S AUTHORITY SHALL BE EXERCISED SUBJECT TO SUCH REASONABLE STANDARDS AS SHALL BE PRESCRIBED BY COUNCIL. FURTHER THE BOARD SHALL HAVE SUCH

SECTION 12.05 APPEALS TO THE BOARD.

All appeals authorized under Section 12.03 herein shall be filed in the office of the Clerk of Council in writing within twenty (20) days after the refusal or granting of any decision or order.

The Board of Zoning and Building Appeals shall hold a public hearing on each appeal, and shall give ten (10) days public notice of the time and place thereof in the manner established under Section 4.12 of this Charter.

Written notice of the hearing shall also be sent by the Board, by first class mail, at least ten (10) days before the date of the public hearing, to the owners of property within or contiguous to the area which is the subject of the appeal. Such written notices shall be mailed to the addresses of such owners appearing on the current tax duplicate of the county.

Each appeal received by the Board of Zoning and Building Appeals shall be acted upon by it within thirty (30) days. (Amended v. 7, 1995).

OTHER POWERS AS MAY BE GRANTED TO IT BY COUNCIL.

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