

**RULES OF PROCEDURE  
WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS**

ADOPTED March 26, 2018

- I. GOVERNING RULES – The Westfield Township Board of Zoning Appeals is subject to the procedures set forth in the Ohio Revised Code, the Westfield Township Zoning Resolution and these Rules of Procedure.
- II. OFFICERS AND THEIR DUTIES – The officers of the Board of Zoning Appeals shall be a Chairperson, a Vice-Chairperson and a Secretary. Officers shall be elected each year at an annual organizational meeting. The Chairperson and Vice-Chairperson shall be chosen from the members of the Board. The Secretary may be chosen from within or without the membership of the Board and, as authorized by Section 519.16 of the Ohio Revised Code, the Township Fiscal Officer may be appointed Secretary of the Board. Individuals may serve in these positions for any number of successive terms.
- A. Chairperson – The Chairperson shall preside at all meetings of the Board, call special and emergency meetings, and schedule hearings on appeals, variance requests and conditional zoning applications when required or upon the request of three or more members. The Chairperson shall act as spokesperson for the Board, and shall have such other duties as are normally conferred on such officers by parliamentary procedure. The Chairperson shall see to the proper execution of all Board responsibilities.
- B. Vice-Chairperson – The Vice-Chairperson shall serve as Chairperson during the temporary absence or disability of the Chairperson, and shall during said absence or disability be vested with the full authority attendant to the position of the Chairperson.
- C. Secretary – The Secretary shall:
1. Conduct all correspondence of the Board;
  2. Supervise the clerical work of the Board;
  3. Record the minutes of the proceedings of each meeting and each hearing, including but not limited to:
    - a. The attendance of the members (the roll call).;
    - b. The name and addresses of all witnesses reflecting whether each was properly sworn;
    - c. A summary of the testimony presented by witnesses;
    - d. A summary of facts relied on by the Board other than direct testimony;
    - e. The votes of each member of the Board, and a summary of the facts on which their decision is based;
  4. Prepare an audio recording of each hearing and maintain the recording in accordance with the Westfield Township Record Retention and Destruction Policy.
  5. File all minutes and records of the Board’s examinations and other official actions with the office of the Westfield Township Board of Trustees to be maintained as public records.

### III. MEETINGS AND THE PROCESS OF DELIBERATION

#### A. Meetings:

1. Annual Organizational Meeting – The annual organizational meeting will be at the first meeting of each calendar year, which shall be called no later than the end of February.
2. Special Meetings – Any meeting other than a regular meeting called more than 24 hours before its scheduled commencement is a special meeting. The Chairperson shall call special meetings as the duties and needs of the Board dictate or at the request of three (3) or more voting members. Special meetings called to determine procedural or organizational matters may be called with at least 24 hours of advance notice to the members of the Board and to the news media and individuals who have asked to be informed of the scheduling of special meetings. Special meetings called to conduct hearings on appeals, variance requests and/or conditional zoning permits shall be called far enough in advance to satisfy the advance notice and advertising requirements of the Ohio Revised Code and the Westfield Township Zoning Resolution. (*See Hearings and Notice of Hearings, Section III, C below.*)
3. Emergency Meetings – Any meeting called less than 24 hours before its scheduled commencement is an emergency meeting. The Board may not call an emergency meeting to convene a hearing on an administrative or variance appeal or conditional zoning permit. An emergency meeting may be called by the Chairperson or upon the request of three (3) or more members of the Board. The Chairperson shall immediately notify the media who have requested notification of the date, location and purpose of the emergency meeting.

#### B. Agenda – The following agenda will normally be observed, but the Chairperson may rearrange this order for the expeditious conduct of business::

1. Meeting called to order by the Chairperson.
2. Roll call by Secretary and determination of a quorum. If the Chairperson determines a quorum is not present the meeting may not be called to order until further notice.
3. Approval of Minutes.
4. Hearing of appeals and applications
  - a. Chairperson reads a list of the appeal and application hearings scheduled for this meeting. (Scheduled hearings should be listed on the agenda.)
  - b. Hearings convened in the order in which they appear on the agenda. (See “Hearing Procedure” in these rules for the conduct of each hearing.)
5. Unfinished Business.
6. New Business
7. Report of special committees.
8. Comments from the public on any item relevant to the Board’s duties.
9. Adjournment.

#### C. Hearings and Notice of Hearings – The Board is required to hold hearings for appellants, applicants and interested parties to present evidence and arguments

regarding administrative and variance appeals and conditional zoning applications submitted to the Board. These hearings are part of the Board's regular and special meetings. The time, place and object of the public hearings are required by statute to be published in a newspaper of general circulation in the township and sent to all parties involved in the appeal and all parties adjacent to or across the road from the subject property at least ten (10) days before the date of the public hearing. (*See Zoning Resolution Section 907 and ORC Section 519.15 on appeals and Zoning Resolution Section 603 on conditional zoning applications and revocations.*)

- D. Quorum – A quorum shall be necessary at any meeting in order for the Board to take official action or carry on its business. A quorum shall consist of three (3) voting members of the Board. The concurring vote of three (3) members shall be necessary to affect any order. The applicant shall be advised that if a full 5-member Board is not present, the applicant shall have the right to request a continuance of their request until a full 5-member Board is present.
- E. Open to the Public – All meetings and hearings of the Board shall be open to the public. Board hearings are quasi-judicial proceedings the Board may deliberate in private without the need to make a motion and take a vote go into executive session.
- F. Voting – All matter shall be decided by a roll call vote.
- G. Conflicts of Interest – No member of the Board shall sit in a hearing or vote on any matter in which he shall be personally or financially interested, nor shall he vote on the determination of any appeal unless he shall have attended the public hearing thereof.

IV. HEARING PROCEDURE – The governing principles in the conduct of hearings is to allow all interested parties to present arguments and evidence in support of their position regarding the issues before the Board. The Board will not strictly apply formal rules of evidence at the hearing. However, the Board will entertain objections to the admission of evidence, witnesses will be sworn-in, and interested parties will have the opportunity to cross-examine witnesses.

- A. Standard Presentation Order at Hearings – The following procedure will normally be observed, but the Chairperson may rearrange this order for the expeditious conduct of business:
  1. Chairperson announces case.
  2. Swearing-in of Witnesses.
  3. Staff presents report and makes recommendation.
  4. Applicant/appellant makes presentation.
  5. Any opponents make presentations.
  6. Public Testimony.
  7. Applicant makes rebuttal presentation of any points not previously covered.
  8. Board members may ask questions of all parties.
  9. Board deliberations (in private if the Board so chooses).
  10. Board makes a motion and takes a vote.

- B. Witnesses – The Chairperson or the Secretary shall swear-in individuals present to give testimony at a hearing before the Board. Witnesses may be sworn-in as a group or individually as the circumstances dictate.
- C. Applicant's/Appellant's Presentation:
1. Initial Presentation:
    - a. Provide testimony under oath;
    - b. Present their position, arguments and contentions;
    - c. Offer and examine witnesses and present evidence in support of their position;
    - d. Offer such evidence into the record if the Board does not admit evidence.
  2. Rebuttal:
    - a. Cross-examine witnesses purporting to refute his position, arguments, and contentions;
    - b. Offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions.
- D. Opponent Presentations – Any party present with a direct interest in the matter before the Board will also have an opportunity to present evidence and argument. Such an interested party shall follow the same process set forth in the Applicant's/Appellant's Presentation above, with the exception that opponents will not have an opportunity for rebuttal.
- E. Public Comment –
1. The Chairperson may put a time limit upon the speakers. The Board shall require all of those who desire to speak, to sign in and state their name and address for the record.
  2. Prior to testifying, each individual must be recognized by the Chairperson. Outbursts and unsworn testimony shall be stricken from the Board's records.
  3. All witnesses shall be individually sworn in. The Chairperson, acting Chairperson, presiding officer, or Secretary may administer the oath.
  4. The Board may cross-examine all witnesses.
- F. Continuance of Hearings – In the event a hearing cannot be completed on the date scheduled the Board may continue the hearing to another time and date. The Chairperson shall announce the time and date of the continuance if known. If a specific date and time of the continuance is not stated in the open session when the continuance is established, the notification process must be completed again.
- G. Board's Decision – The decision of the Board shall be made by motion and Roll Call. The decision shall be reduced to writing and signed by the Chairperson, and the Secretary shall serve a copy of the Official Notice of Board Action to the applicant.
- H. Reconsideration – Reconsideration of any decision of the Board may be had only when the interested party seeking such reconsideration makes a satisfactory showing that

without fault on the part of the party seeking reconsideration, essential facts were not brought to the attention of the Board.

- V. APPEALS – Decisions of the Westfield Township Board of Zoning Appeals may be appealed as provided for in Chapter 2506 of the Ohio Revised Code.
- VI. AMENDMENTS – The Board’s Rules of Procedure may be amended on an affirmative vote of not less than three (3) members of the Board.

_____ Keith Simmerer, Chairperson	_____ Date
_____ Greg McGlashan, Vice Chairperson	_____ Date
_____ Pat Fleming, Member	_____ Date
_____ Wayne Moore, Member	_____ Date
_____ Jim Stacy, Member	_____ Date
_____ Andrew Thur, Alternate	_____ Date
_____ Alternate	_____ Date