

**BOARD OF TRUSTEES
JEFFERSON TOWNSHIP, MONTGOMERY COUNTY, OHIO**

RESOLUTION NO. 24-137

**THE JEFFERSON TOWNSHIP BOARD OF TRUSTEES DO HEREBY AMEND THE BOARD
OF ZONING APPEALS CODE TO INCLUDE THE APPEALS TO THE BOARD OF
TRUSTEES**

The Board of Trustees of Jefferson Township, Montgomery County, Ohio met in a regular meeting on the 2nd day of July at 7:00 pm at the Township Offices located at 580 Calumet Lane, Dayton, Ohio with the following members present:

| | | |
|-----------------------------------|------------------------|------------------------|
| M. Michael McLaughlin () | Sheila Back () | Oscar Young () |
| Moved by: McLaughlin () ✓ | Back () | Young (✓) |
| Second by McLaughlin () ✓ | Back () | Young () |

the adoption of the following Resolution::

WITNESSETH

WHEREAS, the Jefferson Township Board of Trustees recognizes the importance of ensuring a fair and transparent process for reviewing decisions made by the Board of Zoning Appeals (BZA); and

WHEREAS, providing a clear and accessible avenue for appealing BZA decisions to the Board of Trustees or the Court of Common Pleas of Montgomery County serves the interests of justice and good governance; and

WHEREAS, the Board of Trustees has determined that it is in the best interests of the residents and property owners of Jefferson Township to establish such an appeal process within the Zoning Code; and

WHEREAS, the Board of Trustees desires to make this policy retroactive to January 1, 2024, to ensure that recent decisions are also subject to review;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Jefferson Township, Montgomery County, Ohio, that the Zoning Code be amended to include provisions for the appeal of BZA decisions to the Board of Trustees or the Court of Common Pleas of Montgomery County, as follows:

Section 1: Amendment to the Zoning Code

The Zoning Code is hereby amended to include the following provisions:

Article 35: Appeals to the Board of Trustees or the Court of Common Pleas of Montgomery County

Section 35.1: Right to Appeal

1. Eligibility to Appeal:

- Any applicant or interested party who is aggrieved by a decision of the Board of Zoning Appeals (BZA) shall have the right to appeal the decision to the Board of Trustees or the Court of Common Pleas of Montgomery County.

2. Filing an Appeal:

- Appeals must be filed in writing within 30 days of the BZA's decision.
- The appeal shall be submitted to the Township Administrator, who shall forward the appeal to the Board of Trustees.

Section 35.2: Appeal Procedure

1. Notice of Appeal:

- The Notice of Appeal must include:
 - The name and contact information of the appellant.
 - A copy of the BZA decision being appealed.
 - A statement detailing the grounds for the appeal.
 - Any supporting documents or evidence.

2. Review by the Board of Trustees:

- Upon receipt of a valid Notice of Appeal to the Board of Trustees, the Board of Trustees shall schedule a public hearing within 45 days.
- The appellant and any interested parties shall be notified of the hearing date, time, and location at least 15 days in advance.

3. Public Hearing:

- The Board of Trustees shall conduct a public hearing to review the appeal.
- The appellant, the BZA, and any other interested parties shall have the opportunity to present their case, submit evidence, and provide testimony.
- The hearing shall be conducted in accordance with the Board of Trustees' procedures for public hearings.

4. Decision by the Board of Trustees:

- Following the public hearing, the Board of Trustees shall deliberate and render a decision on the appeal.
- The Board of Trustees may affirm, reverse, or modify the decision of the BZA.
- The decision of the Board of Trustees shall be issued in writing and shall include findings of fact.
- The decision shall be final and binding unless further appealed to the Court of Common Pleas of Montgomery County.

5. Review by the Court of Common Pleas of Montgomery County:

- Upon receipt of a valid Notice of Appeal to the Court of Common Pleas of Montgomery County, the appeal shall be processed in accordance with the procedures and requirements of the Court.

- The decision of the Court of Common Pleas of Montgomery County shall be final and binding.

Section 35.3: Record of Appeal

1. Maintaining Records:

- The Fiscal Officer shall maintain a record of all appeals, including the Notice of Appeal, supporting documents, hearing transcripts, and the final decision of the Board of Trustees.

2. Public Access:

- Records of appeals shall be made available for public inspection in accordance with applicable laws and regulations.

Section 35.4: Effective Date and Retroactivity

1. Effective Date:

- This amendment shall take effect immediately upon adoption by the Board of Trustees.

2. Retroactive Application:

- This policy shall apply retroactively to all BZA decisions made on or after January 1, 2024.

Section 2: Severability

If any provision of this amendment is found to be invalid or unconstitutional, such finding shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

Section 3: Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this amendment are hereby repealed to the extent of such conflict.

BE IT FURTHER RESOLVED, that this Resolution shall take effect and be in force from and after the earliest period allowed by law.

The vote was as follows:

M. Michael McLaughlin
Yes No Abstain

Sheila Back
Yes No Abstain

Oscar Young
Yes No Abstain

Adopted: 2nd day of July 2024

Signed by:


M. Michael McLaughlin, President


Oscar Young, Trustee

Sheila Back, Vice President



Attest to Trustees Signatures:

Charlene Chattams, Fiscal Officer

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Article 35: Appeals to the Board of Trustees or the Court of Common Pleas of Montgomery County

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- The appeal shall be submitted to the Township Administrator who shall forward the appeal to the Board of Trustees or the Court of Common Pleas of Montgomery County for review.

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- Following the public hearing, the Board of Trustees shall deliberate and render a decision on the appeal.
- The Board of Trustees may affirm, reverse, or modify the decision of the BZA.

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- The decision of the Board of Trustees shall be issued in writing and shall include findings of fact and conclusions of law.
 - The decision shall be final and binding, unless further appealed to the Court of Common Pleas of Montgomery County.
5. **Review by the Court of Common Pleas of Montgomery County:**
- Upon receipt of a valid Notice of Appeal to the Court of Common Pleas of Montgomery County, the appeal shall be processed in accordance with the procedures and requirements of the Court.
 - The decision of the Court of Common Pleas of Montgomery County shall be final and binding.

Section 35.3: Record of Appeal

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 - The Fiscal Officer shall maintain a record of all appeals, including the Notice of Appeal, supporting documents, hearing transcripts, and the final decision of the Board of Trustees or the Court of Common Pleas of Montgomery County.
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