



Clay Township Offices
Zoning Department
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ZONING DEPARTMENT
POLICY & PROCEDURES MANUAL
EFFECTIVE: 04/15/2019

ZONING DEPARTMENT MISSION:

The mission of the Clay Township Zoning Department is to enhance the quality of life in Clay Township by working cooperatively with the public within the framework of the Zoning Resolution to enforce the regulations, preserve the character of the Township, encourage controlled growth, prevent blight and contribute to the overall advancement of the Township objectives.

PURPOSE OF ZONING:

Synopsis:

Zoning is locally enacted laws that regulates and controls the use of private property. A major purpose of zoning is to provide for the best use of land while preserving the character of a community. Another major purpose is to provide for the orderly growth of the Township, to protect and preserve property values and provide for the public health and safety. Zoning is also an important tool in attracting new business and industry to a community. The ability to attract new commerce to a community is vital for providing the tax base to support the services afforded the citizens of the Township.

The Purpose as stated Article 1 of the Clay Township Zoning Resolution:

A Resolution establishing comprehensive zoning regulations for the Township of Clay, Montgomery County, Ohio, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapter 519, Ohio Revised Code.

Whereas: Chapter 519, Ohio Revised Code, empowers the Township to enact a Zoning Resolution and to provide for its administration, enforcement, and amendment; and

Whereas: The Clay Township Trustees deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the Township to enact such a Resolution; and

Whereas: The Trustees, pursuant to the provisions of Chapter 519.04, Ohio Revised Code, have appointed a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

Whereas: The Zoning Commission has divided the Township into districts and has prepared regulations pertaining to such districts in order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air to prevent the overcrowding of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and

Whereas: The Zoning Commission has given reasonable consideration among other things to be the character of the districts and their peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Township; and

Whereas: The Zoning Commission and Township Trustees have given the public notice of hearings relating to zoning districts to zoning districts, regulations, and restrictions and have held such public hearings; and

Whereas: All requirements of Chapter 519, Ohio Revised Code, have been met;

NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE TOWNSHIP OF CLAY, COUNTY OF MONTGOMERY, STATE OF OHIO:

To establish comprehensive zoning regulations for the Township of Clay, Montgomery County, Ohio, and provide for administration and enforcement thereof.

ZONING ENFORCEMENT INTRODUCTION

It is the policy of Clay Township that properties shall be maintained free from nuisance or junk vehicles in conformance with the laws of the State of Ohio under O.R.C. §505.173, §505.86, §505.87 and §505.871, as well as Clay Township Board of Trustees Resolution #2008-03 . Properties shall also be in compliance with Clay Township Zoning Resolution by obtaining the appropriate permits necessary for new projects and completing those projects. Failure to do so is punishable in accordance with Section 3 of the Clay Township Zoning Resolution. The Township and its Officers will make reasonable efforts to obtain voluntary compliance from property owners prior to exercising its authority under the law.

COMPLAINT PROCEDURES

All zoning complaints will be investigated. Complaints may be prioritized by the Zoning Administrator by severity, type of complaint, relative danger present, and need for immediate intervention. Those issues requiring immediate attention shall take precedence over those that do not. All complaints or concerns regarding a property in the Township may be provided anonymously and may also be provided verbally by any accepted means of communication (email, letter, etc.) or can be submitted in writing by means of a Zoning Complaint Form. Based on the nature, and relative authority of the Clay Township Zoning Department, some complaints may be forwarded to other agencies for investigation (i.e. Montgomery County Health Department, Ohio EPA). Persons submitting anonymous complaints waive their opportunity to have the Zoning Department apprise them of the progress of the complaint, and shall assume all responsibility of contacting the Zoning Department for any actions taken, and status of their complaint.

VIOLATION PROCESS SUMMARY

Most violations are allotted a time frame (customarily 7 days, 14 days or 30 days) for compliance based on the severity of the situation. In unique situations, a compliance schedule may be coordinated with the property owner to achieve conformity. The position of the Township is to work with a property owner and provide reasonable time for compliance prior to filing court action. In most cases, a written Violation Letter will be sent to the property owner of record (not the tenant or occupant) outlining the infractions and the time period to comply. Upon re-inspection, if the owner has failed to comply, another letter "Final Notice to Comply" will be sent. If upon a second follow-up inspection the owner has not complied, then all photographs, letters and any other supporting documentation concerning the violation will be forwarded to the Trustees to declare a Nuisance and potentially abate, or to the County Prosecutor or the Municipal Court, whichever is the most appropriate action to take.

***All violations shall be photographed. Photographs shall be taken from the roadway unless the property owner, or neighboring property owners provide permission to enter the property.

If the property owner complies with the Zoning Administrator request following the written Violation Letter or Final Notice to Comply, then the violation will be considered closed. Any repeat offenses that reoccur within 1 year of the last notice should in most cases result in the issuance of a Violation Letter and therefore bypassing the need to provide any verbal or written warning that such action is going to take place. A repeat offense after 1 year usually will result in the violation process starting over again with a written Violation Letter.

FINES

For properties that have been declared a nuisance and abated by the Township, the Township may assess the costs incurred for that abatement on the tax duplicate in accordance with the applicable laws of the State of Ohio under O.R.C. Any violations that are filed with the court are ultimately punishable and enforceable as deemed by the court. Municipal Court may issues fines and can result in a misdemeanor conviction. The court may order fines that are punishable up to \$500 for each day the violation continues to occur.

SPECIFIC & STANDARDIZED PROCEDURES FOR VEGETATION, JUNK OR DEBRIS ON PROPERTY

The Ohio Revised Code outlines the provisions for addressing property nuisances such as vegetation, garbage, refuse, or other debris, that may constitute a nuisance, as defined O.R.C. specifically §505.87. The Clay Township Trustees have adopted a nuisance abatement procedure, Resolution #06-2011.

Initial Steps:

1. Complaint is filed with, or discovered by the Township Zoning Department.
2. Zoning Administrator inspects the property to determine whether the vegetation is “uncontrolled” or meets the definition of “noxious” weeds (or if other junk or debris exists that qualifies as a nuisance). If, as the result of the inspection, a violation is observed, the Zoning Administrator shall photograph (with a camera capable of placing a date time stamp on the photo or digital imprint) the conditions of the property, and the suspected zoning violation. The Zoning Administrator will attempt contact the property owner to make them aware of violation before issuing a Violation Letter.

Violation Letter:

3. A Violation Letter, along the photographs taken during the inspection, are to be sent to the property owner of record by regular or certified U.S. Mail (a certified letter will help ensure the letter is being sent to the appropriate location and assist in establishing time line conformance). Violation Letters may also be placed on the property in a conspicuous place (taped to front door, between doors, etc.) The placing of a letter at the residence will be photographed.
4. Customarily 7-14 days from receipt of the letter is provided for gaining compliance. Extenuating circumstances such as whether the owner is local, the severity of the violation, size and scope of violation, current weather conditions and season, etc. may be cause to reduce or increase the time frame for compliance. All Violation Letters will contain verbiage outlining which sections of ORC and Zoning Code that are being violated, the course of action necessary to be taken to alleviate the violation, a time frame for compliance, and further courses of action to be taken should compliance not be met.

Follow-up:

5. Once notice is received by the owner; the owner may contact the Zoning Department to discuss the violation and make necessary time frame adjustments for compliance.
6. Zoning Administrator re-inspects the property following the allotted time frame to correct the violation from the Violation Letter (or extension if one was granted).
7. If upon re-inspection no action has been taken by the property owner to correct the violation, the Zoning Administrator shall photograph (with a camera capable of placing a date times stamp on the photo or digital imprint or digital imprint) the conditions of the property.

Final Notice to Comply:

8. A Final Notice to Comply Letter including the photographs taken at the last inspection shall be sent to the property owner of record by certified U.S. Mail. (a certified letter will help ensure the letter is being sent to the appropriate location and assist in establishing time line conformance). Final Notices to Comply may also be placed on the property in a conspicuous place (taped to front door, between doors, etc.) The placing of a letter at the residence will be photographed.
9. Customarily, only 7 days is given in the 2nd notice to alleviate the violation.

Follow-up:

10. Zoning Administrator re-inspects the subject property following the allotted time frame to correct the violation from the Final Notice to Comply (or extension if one was granted).

11. If upon re-inspection no action has been taken by the property owner to correct the violation, the Zoning Administrator shall photograph (with a camera capable of placing a date time stamp on the photo or digital imprint or digital imprint) the conditions of the property.

Trustee Action:

12. The Zoning Administrator prepares a Resolution to present to the Board of Trustees at their next regularly scheduled meeting.
13. The Zoning Administrator presents the photographic evidence of the nuisance, with copies of the Violation Letter and Final Notice to Comply letter sent to the property owner.
14. The Trustees determine whether a nuisance exists by the adoption or rejection of the Resolution.

Nuisance Abatement:

15. If the Trustee Resolution is deceased, the notification process outlined in O.R.C. §505.87 is followed.
16. A lienholder exam is requested from a local title agency. Once exam is received, full documentation of the violation including copies of all previous letters and photographs taken, and the corresponding resolution, shall be sent to the property owner of record and any lienholders by certified U.S. Mail notifying them the property has been declared a nuisance and they have 7 days to abate the nuisance.
17. The same notification is posted on the property in question. A photograph (with a camera capable of placing a date and time stamp on the photo or digital imprint) of the property posting must be taken as well.

**If the property owner's address is unknown or the property owner is unknown, the property must be posted and legal notice publication placed in the newspaper and on the Clay Township website. After the expiration of 7 days from the date of the publication & posting of the property, the remainder of this process may then be followed.*

18. Zoning Administrator re-inspects the subject property following the allotted time frame to correct the violation.
19. If the property owner or lienholder fails to abate, control, or remove the vegetation, garbage, refuse, or debris, or no agreement for its abatement, control, or removal is entered into, then the Township may contact an appropriate contractor to enter onto the property and abate the nuisance.
20. The Zoning Administrator prepares a written report to the Montgomery County Auditor which includes the proper description of the premises and statement of all expenses incurred in providing for the abatement including the Board's charges for its services, the costs incurred in providing notification, any fees or interest paid to borrow moneys, and the amount paid for the labor, materials, and equipment.
21. All expenses incurred for the cost of the abatement are then certified by the Township Fiscal Officer forwarded onto the Montgomery County Auditor to place upon the tax duplicate as a lien which is collected with the property taxes and returned to the Township.

Repeat Offences

If the same property owner is found to have another, reoccurring nuisance on the same property within 12 consecutive months of the Trustee Resolution being passed the following steps apply:

1. The property owner of record and any lienholders by first class mail must receive notification of the subsequent offence.
2. Only 7 days' notice is required.

3. The same notification is posted on the property in question. A photograph (with a camera capable of placing a date timestamp on the photo or digital imprint) of the property posting must be taken as well and left on the property for 4 consecutive days.
4. If the owner's address is unknown, it will be posted by the standard publication requirement, on the website with a detailed publication for 4 consecutive days.
5. Zoning Administrator re-inspects the subject property following the allotted timeframe to correct the violation.
6. If the property owner or lienholder fails to abate the nuisance, then steps #19-#21 are repeated.

This may be done multiple times in a calendar year of the date of the Trustee's Resolution declaring such property a nuisance, provided ownership remains the same.

SPECIFIC PROCEDURES FOR JUNK VEHICLES

The Ohio Revised Code, specifically §505.173 & §505.87 outlines the provisions for addressing junk motor vehicles and unlicensed collector vehicles. The Clay Township Board of Trustees has determined in Resolution #2008-03 that it is necessary to control junk motor vehicles on private land in the Township.

Initial Steps:

1. Complaint is filed with, or discovered by the Township Zoning Department.
2. Zoning Administrator inspects the property to determine whether a junk vehicle(s) is present. In order to be considered as a junk vehicle, all of the following shall apply:
 - (A) Three model years old or older; and
 - (B) Apparently inoperable; and
 - (C) Extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

If, as the result of the inspection, a violation is observed occurring, the Zoning Administrator shall photograph (with a camera capable of placing a date time stamp on the photo or digital imprint or digital imprint) the vehicle(s) on the property. The Zoning Administrator will attempt contact the property owner to make them aware of violation before issuing a Violation Letter

Additional things to consider and look for on the inspection are whether the vehicle(s) is visible from public view and whether the vehicle is currently tagged and licensed.

Follow-up:

3. After 72 hours have passed from the initial inspection, a re-inspection must take place to ensure the vehicle(s) is still there. If, as the result of the inspection, a violation is observed, the Zoning Administrator shall photograph (with a camera capable of placing a date timestamp on the photo or digital imprint) the vehicle(s) on the property again.
4. If possible, the VIN# should be obtained, make, model, year, color and license plate number all documented.

Violation Letter:

5. A Violation Letter including the photographs taken at the last inspection shall be sent to the property owner of record (*not the vehicle owner*) by regular or certified U.S. Mail (a certified letter will help ensure the letter is being sent to the appropriate location and assist in establishing time line conformance).
6. The Violation Letter shall include when the vehicle(s) was first observed, the VIN# (if possible), make, model, year, color and license plate number (if possible). The letter shall also state the action to be taken by the property owner which includes either removing the vehicle(s) from the premises, or completely concealing the vehicle(s) from public view.

7. Fourteen (14) days is given to correct the violation.

Follow-up:

8. Once notice is received by the owner; the owner may contact the Zoning Department to discuss the violation and the course of action to be taken.
9. Zoning Administrator re-inspects the subject property following the allotted time frame to correct the violation from the Violation Letter (or extension if one was granted).
10. If upon re-inspection no action has been taken by the property owner to remove or conceal the junk vehicle(s), then the Zoning Administrator shall photograph (with a camera capable of placing a date time stamp on the photo or digital imprint) to establish that the violation has not been corrected.

Trustee Action:

11. The Zoning Administrator prepares a Resolution to present to the Board of Trustees at their next regularly scheduled meeting.
12. The Zoning Administrator presents the photographic evidence of the junk vehicle(s), with copies of the Violation Letter sent to the property owner.
13. The Trustees determine whether a junk vehicle(s) exists by the adoption or rejection of the Resolution.

Junk Vehicle Abatement:

14. If the Trustee Resolution is passed, the notification process outlined in O.R.C. §505.871 is followed.
15. A lienholder exam is requested from a local title agency. Once this is received, a Notice to Comply/ Violation Order Letter, including the photographs taken at the last inspection as well as the resolution passed, shall be sent to the property owner of record and any lienholders by certified U.S. Mail notifying them they have 14 days to remove or conceal the junk motor vehicle(s) from property and failure to do so will result in the Township removing said vehicle(s).
16. The same notification is posted on the property in question. A photograph (with a camera capable of placing a date time stamp on the photo or digital imprint) of the property posting must be taken as well.

**If the property owner's address is unknown or the property owner is unknown, the property must be posted and legal notice publication placed in the newspaper and on the Clay Township website. After 14 days from the date of the publication & posting of the property, the remainder of this process may then be followed.*

17. Zoning Administrator re-inspects the subject property following the allotted time frame to correct the violation.
18. If the property owner or lienholder fails to remove the junk vehicle(s), then the Township may contact the appropriate motor vehicle salvage dealer or scrap metal processing facility to enter onto the property and remove the vehicle.

** Coordination may need to be made with Clay Township Police Department and the Salvage Dealer regarding the title of the vehicle especially if the owner of the vehicle does not claim the vehicle following the removal from the property.*

19. The Township Fiscal Officer prepares a written report to the Montgomery County Auditor which includes the proper description of the premises and statement of all expenses incurred in providing for the abatement including the Board's charges for its services, the costs incurred in providing notification, any fees or interest paid to borrow moneys, and the amount paid for the labor, materials, and equipment.

20. All expenses incurred for the cost of the abatement are then certified by the Township Fiscal Officer forwarded onto the Montgomery County Auditor to place upon the tax duplicate as a lien which is collected with the property taxes and returned to the Township.

Per §505.173 of the O.R.C., this is also punishable through the Municipal Court and can be found guilty of a minor misdemeanor. Each day that a violation of this section continues constitutes a separate offense. Fines levied and collected under this section shall be paid into the township general revenue fund.

Vehicles left on property without the property owner's permission or abandoned on public property will be handled by the Clay Township Police Department as per O.R.C.

APPEAL OF ZONING VIOLATION BY ZONING ADMINISTRATOR

After any of the violation notices, the property owner has the right to file an Appeal of the Zoning Administrator's decision with the Board of Zoning Appeals. Such application must be made 20 days after receiving such notification. Should such application not be filed with the Zoning Department, then the Zoning Administrator may proceed with a formal citation.

Citation Process:

13. A Misdemeanor Citation Ticket can be filled out or the Montgomery County Municipal Court Complaint Form (Rule 4) is filled out. A ticket needs to be signed by the defendant, a Rule 4 form does not.
14. Contact the Clay Township Police Department for a Personal Identifier Form in which they can provide the defendant's SSN# which is a requirement for either form filed with the Court.
15. Take the ticket or Complaint Form (Rule 4) to the Municipal Court. Process followed then will be handled thru the court.

SPECIFIC PROCEDURES FOR NOXIOUS WEEDS

"Noxious weeds" are plants that can injure agricultural crops and livestock. This is due to their invasiveness, toxicity and other harmful characteristics. Noxious weeds are as defined in the State of Ohio under O.A.C. §901:5-37-01

Noxious weeds in fence rows

Line fence law or partition fence law is defined in the State of Ohio under O.R.C. §971. Under O.R.C. §971.33 to §971.35 in Ohio requires landowners in unincorporated areas to cut all noxious weed, brush, briars and thistles within 4 feet and corners of a fence line. If the property owner fails to keep the fence row that is on the boundary of the 2 properties clear of noxious weeds and other vegetation the adjacent property owner may do the following:

1. *FOLLOW: Specific and Standardized Procedures for vegetation, junk or debris on property (Page 3)*

Noxious weeds on private land beyond fence rows

When a property owner fails to destroy noxious weeds on private land beyond the fence row the Trustees must become involved when made aware. As per O.R.C. §5579.05(A) to O.R.C. §5579.07.

1. *FOLLOW: Specific and Standardized Procedures for vegetation, junk or debris on property (Page 3)*

PROCEDURES FOR FILING AN APPLICATION FOR A CHANGE OF ZONING DISTRICT

Amendments can be from either Trustees or private landowners or lessees. Applications for zoning changes go to the Township Zoning Commission ("TZC"). Mailed notice must be given to all property owners within the area to rezoned, contiguous to that area, and directly across the street from the area to be rezoned. The TZC sends the application to the regional planning commission for recommendation. The TZC must consider the regional planning commission's recommendation. The TZC does not have to follow the recommendations. However, within 30 days of the recommendation, the TZC must vote to recommend approval or denial of the application. The TZC recommendation then goes to the Trustees for a vote. The Trustees must vote within 30 days of hearing the recommendation or elector petition (referendum) may require vote.

A unanimous vote is required if the vote results in a decision other than the one recommended by the TZC. Any zoning change must take effect 30 days after the vote. The laws of the State of Ohio under O.R.C. §519.13 creates a way to appeal the decision through the township board of zoning appeals. This board consists of five members appointed by the trustees. The board has the same authority as the county BZA and the same authority to revoke mineral extraction uses that are conditional.

TZC APPLICATION PROCESS

A general application form will be furnished to each applicant by the Administrative Assistant or Zoning Administrator. Eight (8) TYPEWRITTEN copies shall be filed with the Commission, and one (1) copy may be retained by the applicant. Each and every question shall be fully answered. If necessary, lengthy descriptions may be outlined on an attached sheet.

The application shall include the following statements:

1. A descriptive statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Zoning District Map.
2. A description (Deed) sufficient to identify the property including a reference of volume and page or microfiche number of last recorded deed or Parcel ID number and/or address.
3. The proposed use of the property.
4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
5. A statement of the relationship of the proposed use to adjacent property and land use.
6. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Montgomery County Planning Commission or County Commissioners.

The application shall be accompanied by eight (8) copies of a plot plan, prepared by a Registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:

1. The map, drawn to scale, the finished size of which shall be not less than 8 ½" x 11" and not more than 24" x 36" inches in size.
2. The map shall show the property lines of all land including within a distance of five hundred (500) feet of the lands, as well as the land sought to be reclassified.
3. The boundaries and dimensions of the lot shall be shown on the map. Street right-of-way, and other information pertinent to the property identifying the land sought to be appealed shall be shown on the map.

4. The size and location of existing and proposed structures.
5. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping.
6. The use of land and location of structures on adjacent properties.
7. A list of all owners, along with their addresses, of land within five hundred (500) feet of the land sought to be appealed, shall be submitted either as a part of the map or as a supplement thereto. The address of the owners of land shall be that appearing on the current Montgomery County Auditor's tax list or County Treasurer's mailing list (a printout from their office).
8. A letter from Montgomery County Soil & Water Conservation District shall be obtained as to the drainage recommendations for the proposal, if needed.

PROCEDURES FOR FILING AN APPEAL WITH BOARD OF ZONING APPEALS

Appeals can be from either private landowners or lessees with permission from the landowner. Applications for zoning appeals, variances, conditional uses and/or non-conforming uses to the Board of Zoning Appeals ("BZA") shall be given upon request by the Administrative Assistant or Zoning Administrator. Mailed notice must be given to all property owners within the area to be appealed, contiguous to that area, and directly across the street from the area to be appealed. The BZA will hold a public hearing. During the hearing the applicant and the public will be given appropriate time to testify. The BZA may table the decision up to a maximum of 30 (thirty) days 1 (one) time. The BZA will make a determination with a majority vote. The BZA reserves the right to add conditions for approval.

The applicant may appeal the BZA's decision with the Montgomery Court of Common Pleas.

BZA APPLICATION PROCESS

A general application form will be furnished to each applicant by the Administrative Assistant or Zoning Administrator. Eight (8) TYPEWRITTEN copies shall be filed with the BZA, and one (1) copy may be retained by the applicant. Each and every question shall be fully answered. If necessary, lengthy descriptions may be outlined on an attached sheet.

The application shall include the following statements:

1. A descriptive statement of the zoning appeal, variance, conditional use and/or non-conforming uses.
2. A description (Deed) sufficient to identify the property including a reference of volume and page or microfiche number of last recorded deed or Parcel ID number and/or address.
3. The proposed use of the property.
4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
5. A statement of the relationship of the proposed use to adjacent property and land use.
6. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the BZA.

The application shall be accompanied by eight (8) copies of a plot plan, prepared by a Registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:

7. The map, drawn to scale, the finished size of which shall be not less than 8 ½" x 11" and not more than 24" x 36" inches in size.
8. The map shall show the property lines of all land including within a distance of five hundred (500) feet of the lands, as well as the land sought to be reclassified.
9. The boundaries and dimensions of the lot shall be shown on the map. Street right-of-way, and other information pertinent to the property identifying the land sought to be appealed shall be shown on the map.
10. The size and location of existing and proposed structures.
11. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping.
12. The use of land and location of structures on adjacent properties.
13. A list of all owners, along with their addresses, of land within five hundred (500) feet of the land sought to be appealed, shall be submitted either as a part of the map or as a supplement thereto. The address of the owners of land shall be that appearing on the current Montgomery County Auditor's tax list or County Treasurer's mailing list (a printout from their office).
14. A letter from Montgomery County Soil & Water Conservation District shall be obtained as to the drainage recommendations for the proposal, if needed.
15. A letter from the Montgomery County Health Department shall be obtained as to the waste disposal and well recommendations for the proposal, if needed.
16. The application must be notarized.

BZA HEARING PROCESS

NOTICE

1. A hearing date will be set by the Zoning Administrator.
2. Notices will be mailed to all owners of land within five hundred (500) feet of the land sought to be appealed. It shall be published in a local publication and on the Township website.

HEARING

3. The Chairman will open the meeting and announce the case.
 - a. The Administrative Assistant will be at the hearing to take minutes.
4. The appellant will be given allotted amount of time to present their case.
5. The public / opposing will be given allotted amount of time to present their side.
6. The Chairman will allow rebuttals from both sides.
7. The BZA members may ask questions for clarification.
8. The BZA will adjourn / close public portion to discuss the case.
9. The BZA will return and render a decision/
*Appellant may appeal the BZA decision with the Montgomery County Common Pleas Court.

POST HEARING

10. A Findings of Facts with Conclusion report will be produced by the Administrative Assistant or Zoning Administrator and will be mailed out to the appellant.
11. A Final Action report will be produced by the Administrative Assistant or Zoning Administrator and will be mailed out to the appellant.

PARCEL COMBINATION INTRODUCTION

Non-Conforming Parcel / Lot Combinations are encouraged to have properties come within compliance of the Clay Township Zoning Plan, and in accordance to Section 38 of the Clay Township Zoning Manual and enacted by Resolution. It is NOT a requirement if the properties were created before zoning was established or as result of a Board of Zoning Appeals Case. Parcel / Lot Combinations must be initiated by the property owner(s) of record.

PARCEL COMBINATION PROCEDURE

1. Meet with the property owner(s) or representative about their request.
 - a. Confirm the property owners name through at least one of these means: deed, tax documents, court order, County Auditor or County Treasure.
 - b. Confirm the parcel identity numbers.
 - c. A letter from the property owner(s) declaring their intent.
 - d. Notify the owner that a "Stamped" survey of the properties is required. The survey must be prepared by a Registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale.
 - i. The map, drawn to scale, the finished size of which shall be not less than 8 ½" x 11" and not more than 24" x 36" inches in size.
 - ii. The map shall show the property lines of all land.
 - iii. The boundaries and dimensions of the lot shall be shown on the map. Street right-of-way, and other information pertinent to the property identifying the land sought to be appealed shall be shown on the map.
 - iv. The size and location of existing and proposed structures.
 - e. A letter from Montgomery County Soil & Water Conservation District shall be obtained as to the drainage recommendations for the proposal, if needed.
2. Upon receipt of the survey and letter of intent:
 - a. Review letter and survey.
 - b. If the survey provided fits within the Clay Township Zoning Plan, write a letter of approval and provide the original to the property owner(s).
 - i. Advise the property owner that they must provide a copy of the letter and survey to Montgomery County Planning Commission.
 - c. If the request does not fall within the Clay Township Zoning Plan provide a letter of denial and advise if they would like to continue, they must initiate a Board of Zoning Appeals Case.
3. If approved contact Montgomery County Planning Commission and advise of the approval.

PURPOSE OF APPOINTING OF BOARD MEMBERS

This is to establish a fair and impartial appointment of residents to the Zoning Commission and the Board of Zoning Appeals.

PROCEDURES FOR APPOINTMENT OF ZONING COMMISSION & BOARD OF ZONING APPEALS

Posting of openings shall be a minimum of 30 days and close upon filling the position(s).

1. Advertising openings:
 - a. Shall be posted on announcement board in lobby of township offices.
 - b. Shall be advertised via news media and township website. It may be advertised via job boards (i.e. Ohio Means Jobs, The Job Center, Monster.com).

Resume

2. Any and all person interested shall be given a position description.
3. Accepting of the resume.
 - a. Administrative Assistant receives resume & creates file folder with name of applicant on tab, places the resume into the mailbox of the Zoning Administrator.
 - b. Zoning Administrator generates the form (Appointment Worksheet) completing date received and name. Saves a copy in the Zoning Drive named "Appointment to BZA-ZC" and reviews resume.
 - c. The Zoning Administrator shall hold onto resumes and any additional paperwork until completion of the process. After completion of the process the appointed person(s) will have the file added to the Clay Township Personnel file cabinet (separated from employees).

Residency is a requirement of the position.

4. Residency shall be confirmed via by having a permanent address within Clay Township, Montgomery County, Ohio.

Oral Interview with Zoning Administrator

5. Zoning Administrator interviews interested person(s) for open position(s) and enters which position that person(s) is interested in onto to the worksheet.

Background Investigation

6. A background investigation must be completed by the Clay Township Police Department and is authorized to request a criminal history record background check of any person requesting appointment to Zoning Commission or Board of Zoning Appeals.
7. The background investigation findings sheet is to be forwarded to the Zoning Administrator and made part of the informational packet and resume.
8. If the interested person(s) fails the background investigation they are automatically disqualified and removed from the process.

Oral Interview with Zoning Commission or Board of Zoning Appeals

9. Zoning Administrator invites the interested person(s) to a meeting / interview with the board they are wishing to join. Receives recommendation from board & adds them to worksheet.

Appointment

10. If the person(s) is determined to be a good fit, a letter to the Clay Township Trustees is produced recommending appointment to the appropriate board.
11. The Clay Township Board of Trustees make a final decision on appointment and pass a motion.

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