

September 15, 2022

The Honorable Eric C. Stewart  
Logan County Prosecuting Attorney  
117 E. Columbus Avenue  
Bellefontaine, Ohio 43311

SYLLABUS:

2022-012

Pursuant to R.C. 519.13, a township is not required to have a separate board of zoning appeals for each zoned area.



**DAVE YOST**

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OPINION NO. 2022-012

The Honorable Eric C. Stewart  
Logan County Prosecuting Attorney  
117 E. Columbus Avenue  
Bellefontaine, Ohio 43311

Dear Prosecutor Stewart:

You have requested an opinion regarding township boards of zoning appeals.

Specifically, you ask:

If a township has multiple zoned areas, is the township required to have a separate board of zoning appeals for each zoned area?

The township in question has not adopted a limited home-rule form of government. *See* R.C. Chapter 504. Therefore, this opinion addresses only statutory townships.

I conclude, that “no,” a statutory township is not required to have a separate board of zoning appeals for each zoned area.

## I

The township zoning process consists of multiple steps. *See generally* 2000 Op. Att’y Gen. No. 2000-034, at 2-211 to 2-212. First, the township board of trustees adopts a comprehensive plan for the township. R.C. 519.02. The plan may divide the township into multiple districts or zones. *Id.* Next, the township zoning commission recommends and submits a plan to the township board of trustees. R.C. 519.05. Important for the purpose of your question, each separate zoned area can have its own separate plan. 2000 Op. Att’y Gen. No. 2000-034, syllabus, paragraph 3. There is only one township zoning commission in each township, however, regardless of how many zoned areas the township comprises. *Id.*; *see also* 2010 Op. Att’y Gen. No. 2010-006, at 2-38. The township board of trustees holds at least one public hearing, and then votes on whether to adopt the plan. R.C. 519.08-.10. If the board of trustees votes to adopt the plan, the plan is submitted to the electors “residing in the unincorporated area of the township included in the proposed plan of zoning for their approval or rejection[.]” R.C. 519.11.

Appeals from zoning enforcement decisions, requests for zoning variances, and requests for conditional zoning certificates are heard by a township board of zoning appeals. R.C. 519.14. If a township adopts zoning regulations, the board of township trustees “shall appoint a township board of zoning appeals composed of five members who shall be residents of the unincorporated territory in the township included in the area zoned.” R.C. 519.13(A). A board of zoning appeals is a standing

body with membership appointed for set, staggered terms. *Id.*

## II

You ask: If a township has multiple zoned areas, is the township required to have a separate board of zoning appeals for each zoned area? No. R.C. 519.13 is best read to require a single board of zoning appeals.

The statute states:

In any township which adopts zoning regulations the board of township trustees shall appoint a township board of zoning appeals composed of five members who shall be residents of the unincorporated territory in the township included in the area zoned. R.C. 519.13(A).

The statute applies to “any township that adopts zoning regulations,” and makes no distinction between townships with multiple zoning plans or areas. It does not state that a board of zoning appeals should be appointed *each* time the township adopts zoning regulations.

True, the statute contains the words “included in the area zoned.” But this clause does not require that every board’s members be drawn from a single zoned area. Rather, this phrase modifies the word “township”: it makes clear that the township from which the members are selected must have territory in the zoned

area, but it *does not* require that members be selected exclusively from a particular zoned area.

Moreover, the statutes related to township boards of zoning appeals contain no reference to multiple boards per township. *See, e.g.*, R.C. 519.13; R.C. 519.14; R.C. 519.141; R.C. 519.15; R.C. 519.16. Instead, they indicate that the General Assembly intended to require a single board per township. *E.g.*, R.C. 519.16 (“The township fiscal officer may be appointed secretary of the township zoning commission, secretary of *the* township board of zoning appeals, and zoning inspector”) (emphasis added). Had the legislature intended to require a separate board of zoning appeals for each separate zoning plan it could have easily stated so. But no portion of the Revised Code references multiple boards of zoning appeals per township, or indicates that multiple boards were intended.

Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

Pursuant to R.C. 519.13, a township is not required to have a separate board of zoning appeals for each zoned area.

Respectfully,

A handwritten signature in blue ink that reads "Dave Yost". The signature is written in a cursive style with a large, looping "D" and "Y".

DAVE YOST  
Ohio Attorney General