

ORDINANCE NO. 2022-22
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE AMENDING MAYFIELD VILLAGE CODIFIED ORDINANCE
CHAPTER 1105 BOARD OF APPEALS**

WHEREAS, Mayfield Village adopted Chapter 1105 of the Codified Ordinances establishing the Board of Zoning Appeals; and

WHEREAS, it has become necessary to allow for alternate members of the Board of Zoning Appeals in addition to the Board's regular members; and

WHEREAS, the Mayfield Village Council deems it in the best interest and for the health, safety and welfare of Mayfield Village and its residents to amend Chapter 1105 of the Codified as set forth below in order to allow a procedure for alternate Board members to be appointed.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. Chapter 1105 of the Village's Codified Ordinances is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. Any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2022

Second Reading: _____, 2022

Third Reading: _____, 2022

PASSED: _____, 2022

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA, ESQ.
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

1105.01 ESTABLISHED.

There is hereby established a Board of Zoning Appeals having the powers and duties and consisting of such members as provided under the Charter.

1105.011 ALTERNATE MEMBERS.

In addition to the regular membership of the Board of Zoning Appeals, the Mayor may, with the approval of Council, appoint up to two (2) alternate members of the Board who will be designated as alternate members to each serve a term of four (4) years. When the Secretary of the Board of Zoning Appeals has notice that a standing board member will be absent from a scheduled meeting or vote, the Secretary shall contact an alternate to request their attendance at the Board's scheduled meeting. If that alternate is not available, the remaining alternate shall be contacted. The alternates shall be contacted by the Secretary in an ongoing alternating fashion. Alternate member(s) who attend the Board's scheduled meeting will receive the same compensation paid to other standing members of the Board. When an alternate is replacing an absent standing board member, the alternate shall participate in the discussion of any matter before the Board and shall vote. An absence may be caused for any reason, including sickness and/or a conflict of interest, however, the alternate member(s) shall not vote if five (5) standing members of the Board are present and able to do so.

1105.02 GRANTING VARIANCES.

(a) Any property owner, or person with a lawful interest in a subject property, may appeal the decision of the Building Commissioner or Planning Commission for the purpose of obtaining an exception to, or variance from, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building codes in the Municipality.

(b) No variance or exception to the codes of the Municipality shall be considered by the Board until reasonable advance notice of the request has been sent to all property owners within 300 feet and all adjoining and facing property owners. However, failure of service on any individual property will not nullify any variance granted by the Board.

(c) In Residential Districts only the Board of Appeals shall have no power or authority to grant any change of or variance in any land use or classification of the district from the existing zoning ordinances or the Zoning Map of the Municipality, or to permit any Residential land use to become nonconforming therewith.

(d) After the Board has rendered its decision on a particular case, any interested party may appeal the decision of the Board to Council within ten days of receiving notice of such decision, or approval of the minutes at which such action was determined, whichever is the earlier. Council may review the transcript and minutes of the Board hearing, or have a rehearing in front of Council, and may affirm the decision of the Board of Zoning Appeals, or, with a two-thirds majority vote, modify or reverse the decision. However, any granting of a "Use" variance in any non-residential district will automatically go to Village Council for review and approval per Article III,

Sections 10, 11 and 12 of the Charter, which includes a mandatory referral to the Planning Commission for report and recommendation.

(e) The Board may not grant a variance or exception to the zoning regulations or building codes, unless the applicant has shown that the literal application of the provisions of the zoning code or building code would result in practical difficulties as a result of some peculiar or unique condition or circumstance pertaining to the zoning lot in question.

(f) Any variance granted under this Chapter shall expire within six (6) months from the date of issuance thereof in the event the work necessitating the issuance of the variance has not commenced. The Village Building Commissioner, in her/his sole discretion, may grant one extension of up to six (6) months upon written application by the applicant of reasonable cause as to why construction has not been commenced. Any additional extension shall be subject to formal approval by Village Council who may extend the time for which to commence construction for a period not to exceed six (6) months.