

BY- LAWS

NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS

1. MEMBERSHIP

The Board of Zoning and Building Appeals of the City of North Ridgeville, Ohio, shall be composed of five (5) persons who shall be appointed and serve in the manner provided in Section 9.3 of the Charter of the City of North Ridgeville.

2. OFFICERS

The Board shall annually elect from among its Members a Chairman and a Vice-Chairman. It shall appoint a Secretary, who need not be a Member. The Board may adopt its' own rules, regulations, and By-Laws.

3. POWERS AND DUTIES

- 3.1 It shall be the duty of the Board to hear and decide appeals made for exception to or variation from the Zoning and Building Ordinances of the Municipality in conformity with the purpose and intent thereof
- 3.2 It shall also be the duty of the Board to hear and decide all appeals made for exceptions to and variations from the strict application of Zoning and Building Ordinances, or orders and regulations of administrative officials or agencies in regard thereto.
- 3.3 The Board shall permit an exception or variance from the Zoning or Building Ordinances only when there are practical difficulties or unnecessary hardships in the way of carrying out the strict interpretation of said Ordinances, and so long as the granting of such exception or variance will be in harmony with the general purpose or intent of such Ordinances and the public health, safety, or general welfare will continue to be secured and substantial justice done.
- 3.4 The Board shall perform such other duties and/or functions as may from time to time be imposed upon it by ordinance or resolution or general laws of Ohio.
- 3.5 In addition, the Board shall have those powers and duties imposed upon the Board by Chapter 1107 of the Codified Ordinances of the City of North Ridgeville, as follows:

1244.05 SPECIFIC FUNCTIONS; POWERS AND DUTIES

The function of the Board shall be:

- (a) To review and determine appeals de novo from decisions of the Administrative Officer in the enforcement of the provisions of this Zoning Code. Upon such appeal, the Board may reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination. (Ord. 335-66, Passed 7-5-66.)

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- (b) To make variances from the provisions of this Zoning Code in cases where the strict application of the provisions of the Zoning Code would result in practical difficulty or unnecessary hardship.

No variances granted which authorize a use of property in any manner different from that permitted in the Zoning district in question shall be for a period greater than twelve (12) months. The Board shall review all such variances every twelve months and may cancel, renew wholly or partly, or modify any such variances based on the findings of the yearly review. This annual review provision shall not apply to variances which authorize the permanent erection of any structure, including dwellings, garages and fences, or the installation of utility lines unless specifically set forth in the ruling of the Board.

No variance from the provisions or requirements of this Zoning Code shall be authorized by the Board unless the Board finds that all of the following facts and conditions exist:

- (A) That there are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district.
- (B) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (C) That the authorization of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this Zoning Code or the public interest.
- (D) That such variance shall in no manner or guise be construed to mean a change of use but shall mean only a variation or modification from the provisions of this Zoning Code.
(Ord. 687-71, Passed 4-19-71.)
- (c) To interpret the provisions of this Zoning Code where there is doubt as to meaning or application.
- (d) To grant Conditional Zoning Permits for the use of land, buildings or other structures if such permits for such uses are provided for in this Zoning Code.
- (1) When authorizing a Conditional Zoning Permit or permitting a Conditional Use as provided herein, the Board may prescribe such additional conditions as are in its opinion necessary for the protection of adjacent properties and the public interest.
- (2) In considering an application for a conditional use the Board shall establish:
- (A) That the proposed use at the particular location is necessary and desirable to

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provide a service or facility which will contribute to the general well-being of the neighborhood or the Community, and

- (B) That such use will not under the circumstances of the particular case, be detrimental or injurious to property or improvements in the vicinity, and
- (C) That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, if any are so specified.

- (e) To exercise such other powers as may be granted to the Board by this Zoning Code, any amendment thereto or by the general law of the State. (Ord. 335-66, Passed 7-5-66.)

4. REGULAR MEETINGS

Regular meetings shall be held on the Fourth (4th) Thursday of each month. Each meeting will convene at 7:00 p.m. and adjourn at the conclusion of all business, but in no case later than 10:00 p.m. unless extended by a majority vote of those Members present.

5. ATTENDANCE

In the event an appointed Member is absent for three (3) consecutive meetings, unless validly excused by the Chairman, the Secretary shall notify the Mayor.

6. SPECIAL MEETINGS

The Chairman may, on his/her own initiative, and shall, upon the request of any two Members of the Board, call a special meeting of the Board to be held not earlier than twenty-four hours for non-posted items and not later than twenty (20) days from the date of the notice of such meeting. It shall be the duty of the Secretary to give oral or written notice of such special meeting to each Member of the Board.

7. PUBLIC MEETINGS

All meetings of the Board, whether regular or special, shall be open to the public except as permitted by Ohio law and Charter and Ordinances of the City as to executive sessions.

8. QUORUM

Three (3) Members of the Board shall constitute a quorum at any meeting of the Board, and it shall require a

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majority vote of those Members present to adopt any action. An abstention vote shall be cast with the majority vote.

9. CONDUCTING MEETINGS

All meetings shall be conducted by the Chairman, in his absence the Vice Chairman, or in the absence of both a Temporary Chairman who shall be elected by a majority vote of the Members present.

10. ORDER OF BUSINESS

- (a) Call meeting to order and recite the Pledge of Allegiance.
- (b) Roll Call
- (c) Disposition of Approved Minutes
- (d) Planning Commission Report
- (e) Other Reports or Correspondence
- (f) Public Hearings
- (g) Other Business
- (h) Adjournment

II. ATTESTATION

The presiding officer shall attest to all actions of the Board.

12. NOTICE OF APPEAL

Written notice of the time and place for hearing an appeal shall be given to the Board by the administrative office whose decision is being appealed and to the appellant, as the parties in interest; and to the owners of adjoining properties.

13 PROCEDURE OF APPEAL

The procedure for appeals shall be as outlined on the North Ridgeville Board of Zoning and Building Appeals instruction sheet for appellants.

14. CLOTURE

Applications must be submitted to the Building Department no later than than 4:00 P.M., twenty (20) days prior

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to the meeting of the Board of Zoning and Building Appeals.

15. SUSPENSION OR AMENDMENT

These rules and By-laws shall not be suspended or amended except by a majority vote of all Members of the Board.

16. ROBERTS RULES OF ORDER

Unless otherwise provided by these By-laws, the order of business and the proceedings at all meetings of the Board shall be governed by ROBERTS RULES OF ORDER..

ADOPTED BY NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
ON MARCH 12, 1998.

REVISED BY NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
ON MAY 25, 2000 (No. 4, 6, 10(f) and 14)

YES _____ 5 _____

NO _____ 0 _____

ATTEST: _____
Secretary

SIGNED: _____
Chairman