

**CITY OF NORTH RIDGEVILLE
BOARD OF ZONING AND BUILDING APPEALS
BYLAWS**

1. MEMBERSHIP

The Board of Zoning and Building Appeals (“Board”) 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 Chairperson and a Vice Chairperson. It shall appoint a Secretary, who need not be a Member. All meetings shall be conducted by the Chairperson, in his absence the Vice Chairperson, or in the absence of both a temporary Chairperson who shall be elected by a majority vote of the Members present.

3. POWERS AND DUTIES

The Board shall have those powers and duties described in Section 9.4 of the Charter of the City of North Ridgeville and Chapter 1244 of the North Ridgeville Codified Ordinances.

4. REGULAR MEETINGS

Regular meetings shall be held on the fourth Thursday of each month unless the fourth Thursday falls on a holiday. In that case, the meeting will be held one week before the regular scheduled meeting date. 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.

Approval of minutes and acceptance of Planning Commission and other reports do not require immediate disposition. In the case where there are no applications or appeals requiring public hearing, the Chairperson may cancel the meeting and the Secretary shall post notice of cancellation on the website.

5. SPECIAL MEETINGS

The Chairperson may, at their own initiative, and shall, upon the request of any two (2) Members of the Board, call a special meeting of the Board to be held not sooner than 24 hours for non-posted items and not later than twenty (20) days from the date of any request for 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.

6. ATTENDANCE

Each Member who has knowledge of the fact that s/he will not be able to attend a scheduled

meeting of the Board shall notify the Secretary prior to 12:00 p.m. on the date of the meeting. The Secretary shall notify the Chairperson in the event that the projected absences will produce a lack of quorum. In the event an appointed Member is absent for three (3) consecutive meetings, unless validly excused by the Chairperson, the Secretary shall notify the appointing authority.

7. FILING DEADLINE

To appear on a Board agenda, complete applications must be received by the Building Department no later than 4:00 p.m. of the business day that is twenty (20) days prior to the meeting.

8. PUBLIC MEETINGS AND NOTICE

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

In addition to public notice required by the City Charter or Chapter 1244, the Secretary shall also send notification to other properties as directed by rule or regulation of the Board or by its special order.

9. QUORUM; VOTES AND ABSTENTIONS

Three (3) Members of the Board shall constitute a quorum at any meeting of the Board, and it shall require a vote of three (3) Members to adopt any action. When a motion receives a tie vote or the lack of a second, the motion is lost and the effect is the same as a denial of the motion. When there is a lost motion, the applicant may resubmit the same plan or motion to the Board at a later date.

10. ORDER OF BUSINESS

The normal order of business shall be:

- (a) Call to Order and Pledge of Allegiance
- (b) Roll Call
- (c) Approval of Minutes
- (d) Planning Commission Report
- (e) Other Reports or Correspondence
- (f) Public Hearings
- (g) Other Business
- (h) Adjournment

The Chairperson may adjust the Order of Business and may also rearrange the sequence of applications docketed before the Board, as deemed necessary or appropriate, in the sole discretion of the Chairperson, to enhance the Board's efficiency, time-management and in order to expedite the Board's review.

11. APPEARANCES

Every applicant and property owner shall appear before the Board to present their application, unless excused by the Board, in its discretion, for good cause shown. Any person may be represented by legal counsel before the Board. Representation by legal counsel is not a substitute for the required appearance by the applicant and the property owner. The failure to appear in general or an unexcused absence by the applicant and the property owner at the public hearing may result in the application being tabled.

Whenever the applicant is not the property owner (for example, a tenant or a developer), the property owner's prior consent to the development proposal and variance must be confirmed in writing and filed with the application. The failure to timely file such consent may result in the matter not being placed on the docket of the Board until such consent is on file. This requirement is in addition to the required appearance of the owner at the public hearing.

12. PROCEDURE FOR HEARING

The normal procedure for hearing applications, subject to modification by the Chairperson, shall be:

- (a) Calling the case and swearing in of the applicant
- (b) Introduction of the case by staff
- (c) Presentation by the applicant
- (d) Comments by staff and other interested parties
- (e) Rebuttal by applicant
- (f) Board members may question participants at any point in the hearing
- (g) Legal counsel
- (h) Board deliberation, findings and decision on the motion

13. STANDARDS FOR REVIEW

- (a) In exercising its powers to hear an appeal, the Board by its decision may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and on all appeals may attach appropriate conditions, and may issue or direct the issuance of a permit, in accordance with the City ordinances.
- (b) Area zoning variances shall be determined based upon the Board's consideration of the following factors:
 1. Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?
 2. Is the variance is substantial?
 3. Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?
 4. Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?
 5. Did the property owner purchase the property with knowledge of the zoning restriction?

6. Can the property owner's predicament be precluded through some method other than a variance?
 7. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?
- (c) Use zoning variances shall be determined pursuant to appropriate standards of law.

Final decisions of the Board shall be recorded in the meeting minutes. The minutes of the Board, when approved and signed, shall become a part of the record for the decision and should therefore include all findings of facts and reasoning for same.

14. RECONSIDERATION AND REHEARING

In cases of a lost motion as described in Section 9, an applicant may resubmit the same application for public hearing at a future date. In all other cases, any request by an applicant for reconsideration or rehearing shall be in writing and describe new evidence as grounds for reconsideration. The reconsideration shall be presented to the Board at its next regular meeting as Correspondence on the agenda. No request by an applicant to reconsider or to grant a rehearing will be approved by the Board unless new evidence is described or new reasons submitted that could not reasonably have been presented at the original hearing. Reconsideration shall not be granted in order to accommodate the applicant's demand to rehear and review the same application, proposal and arguments. Any request for reconsideration submitted more than thirty (30) days after a final decision shall be denied.

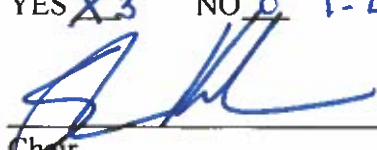
If an applicant's request for reconsideration is granted, the application shall be placed on the next docket for a rehearing and shall not proceed until all posting and notification requirements have been met at the applicant's expense.

15. SUSPENSION OR AMENDMENT

These bylaws shall not be suspended or amended except by a majority vote of all Members of the Board.


16. ROBERT'S RULES OF ORDER

Unless otherwise provided by these bylaws, the order of business and the proceedings at all meetings of the Board shall be governed by Robert's Rules of Order.

YES X3 NO 0 1- Abstained
(Smolik)


Chair

Date: 9.22.2022



Secretary

Revised on May 25, 2000
Revised on December 17, 2009
Revised on July 26, 2018
Revised on September 22, 2022