

ARTICLE 10

APPEALS AND VARIANCES

SECTION 1001 AUTHORITY AND JURISDICTION (Amended 1/5/98, Ord. No. 1997-007)

The Village Council is hereby authorized to act as the Administrative Board empowered to hear and determine all applications for variances from the specific requirements of this Ordinance, pursuant to Section 713.11 of the Ohio Revised Code.

The Village Council shall act as the Board of Zoning Appeals to hear and determine appeals from the decisions of the Zoning Inspector in regard to the issuance of Zoning Permits within his or her jurisdiction.

SECTION 1002 STANDARDS FOR VARIANCES (Amended 1/5/98, Ord. No. 1977-007)

The Village Council may authorize, upon application, and in specific cases, variances from the specific requirements of this Ordinance where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, or for such other reasons as are allowed under Ohio law.

SECTION 1003 APPLICATION FOR VARIANCE AND PROCEDURE (Amended 1/5/98, Ord. No. 1997-007)

Written application for a variance must be submitted to the Village Council with a copy of the application provided to the Zoning Inspector by the applicant. Every application shall contain the following:

- A. Name, address and phone number of the applicant.
- B. Legal description of the property for which the variance is sought.
- C. Description of the specific nature of the variance requested.
- D. A narrative statement stating the reasons why the requested variance meets the standards for variances set forth in Section 1002 of this Ordinance.
- E. The proper fee for application as established pursuant to Section 904 of this Ordinance.

Within thirty (30) days after the receipt of an application for a variance the Village Council shall hold a public hearing and determine whether or not the variance shall be granted or denied. Written notice of the date, time and location of the hearing will be sent by certified U.S. mail to the applicant at the address

stated in the application and by regular mail to all adjoining property owners (including those directly across a street or right-of-way, from the applicant's property at their addresses shown on the tax duplicate, at least ten (10) days before the date of the hearing.

In granting any variance the Village Council may prescribe reasonable conditions for the variance that are in conformity with the spirit of this Ordinance. Violation of any such conditions that are made a part of the variance shall be deemed a violation of this Ordinance and shall be enforceable and punishable as provided in Article 10 of this Ordinance.

SECTION 1004 PROCEDURE FOR APPEALS (Amended 1/5/98, Ord. No. 1997-007)

A. Filing of Appeal

An appeal from a decision of the Zoning Inspector will be taken by any person aggrieved by the decision or by any officer of the Village. Such appeal shall be taken by filing a Notice of Appeal specifying the decision appealed from and the specific grounds upon which the appeal is being taken with the Village Council within twenty (20) days after the decision. The proper fee of this Ordinance must accompany the Notice of Appeal filed with Village Council or the appeal will be subject to dismissal by Council. Upon the filing of an appeal, the Zoning Inspector shall transmit all appropriate documents and records relating to the decision to the Village Council.

B. Hearing

Village Council shall hold a public hearing upon the appeal within thirty (30) days after receipt of the Notice of Appeal. Written notice of the date, time and location of the hearing will be sent by certified U.S. mail to the applicant at the address stated in the application and by regular mail to all adjoining property owners (including those directly across a street or right-of-way from the applicant's property at their addresses shown on the tax duplicate at least ten (10) days before the date of the hearing.

C. Action by Village Council

Within ten (10) days after the hearing required above, the Village Council shall either affirm or reverse the decision from which the appeal is taken. In any decision granting an appeal, zoning permit or variance, the Village Council may prescribe reasonable conditions and safeguards that are in conformity with the spirit of this Ordinance which shall become a part of the decision. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance and shall be enforceable and punishable as provided in Article 10 of this Ordinance.

Appeal from the decision of the Village Council where it is sitting as a Board of Zoning Appeals as provided in this Article may be made to the appropriate court as provided by law.

SECTION 1005 STAY OF PROCEEDINGS (Amended 1/5/98, Ord. No. 1997-007)

The filing of an appeal shall stay all action and proceedings in furtherance of the action appealed from, unless the Village Council determines that stay would cause imminent peril to life or property or unnecessary hardship. In such case, the Village Council may order that the stay imposed by this Section shall not apply, in whole or in part.