

CHAPTER 1131 Variances

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CROSS REFERENCES

- Subdivision Ordinance variances - see P. & Z. 1103.03
- Zoning Certificate variances - see P. & Z. 1129.03
- Sign variances - see P. & Z. 1165.12
- Lot size variances - see P. & Z. 1167.04

1131.01 GRANTED UNDER CERTAIN CONDITIONS.

In accordance with Ohio Revised Code 713.11, the Planning Commission may in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the terms of this Zoning Ordinance in harmony with its general purpose and intent and in accordance with the specific rules contained herein.
(Ord. 104-97. Passed 5-20-97.)

1131.02 APPLICATION; FEE.

Written application for a variance shall be made to the Planning and Zoning Administrator. Each application for a variance shall be accompanied by a payment as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. (Ord. 0123-2007. Passed 6-18-07.)

1131.03 ADVERTISED PUBLIC HEARING ADVERTISEMENT.

Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall include place, time, date and nature of such applied for in a newspaper of general circulation in the Municipality during the calendar week prior to the public hearing. Notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

1131.04 PUBLIC HEARING

At such hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require and the Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- (a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

EXHIBIT A

- (c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.
(Ord. 104-97. Passed 5-20-97.)

1131.04 1131.05 REASONS FOR GRANTING TO BE SPECIFIED.

THE APPLICANT FOR Any such variation granted by the Planning Commission, after a duly advertised hearing, shall be **SENT A RECORD OF ACTION** ~~accompanied by a finding of fact, specifying the reasons for the granting of the variance.~~
(Ord. 104-97. Passed 5-20-97.)

1131.056 CONDITIONS PRECEDENT TO GRANTING.

In granting any variance, under the provisions of this chapter, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this Zoning Ordinance or provisions in the application of which the variance is granted, as to light, air, character of the neighborhood, and generally, the public health, safety, comfort, convenience and general welfare. **SAID CONDITIONS SHALL BECOME A CONDITION PRECEDENT TO THE VARIANCE GRANTED BY THE PLANNING COMMISSION.**

1131.067 GRANTING OF VARIANCE.

If it finds those conditions set forth in Section 1131.04 to be applicable to the property in question, the Planning Commission shall, after specifying such conditions as it deems necessary, direct the Planning and Zoning Administrator to issue **TO THE APPLICANT** a zoning certificate ~~for the requested use to the applicant~~ **WHICH CONTAINS THE CONDITIONS OF THE VARIANCE.**

1131.078 FREQUENCY OF APPLICATIONS.

Application for a variance for any property may be submitted only once in any twelve month period with the following exceptions:

- (a) If there is a zoning district change made on abutting property or property within 200 feet of subject property;
- (b) If through the action of a public body the use of abutting property or property within 200 feet of the subject property has been changed;
- (c) If through destruction, demolition or removal of structures the economic use of abutting property within 200 feet of the subject property has been changed; or
- (d) If a procedural error occurred in processing the application which was the fault of the City and not the applicant.
- (e) If the application and/or submitted material is not identical to the previous application. ~~and contains additional information which warrants further review by the Planning Commission.~~