

City of Willoughby Hills

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1117 – APPEALS AND VARIANCES, SECTION 1117.09 – VARIANCES, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

WHEREAS, the purpose and intent of a zoning variance is to allow variation from the strict application of the provisions of the “Planning and Zoning Code” where special circumstances pertaining to the physical characteristics and location of the site are such that the literal enforcement of the requirements of this Code would involve practical difficulties or would cause hardship and would not carry out the spirit and purposes of this Code; and

WHEREAS, the purpose of **Section 1117.09 – Variances** is to authorize variances from the terms of the Planning and Zoning Code as will not be contrary to the public interest so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done; and

WHEREAS, without compromising the purpose and intent of the Zoning Code, as outlined above, it is necessary to simplify and streamline, for the benefit of the public, the zoning appeals process and eliminate unnecessary and burdensome requirements imposed upon applicants; and

WHEREAS, the Planning and Zoning Committee of Council met on January 12, 2009 and again on January 20, 2009 to review and discuss the current provisions of **Sub-Section (a) of Section 1117.09 – Variances**, and finds that the requirement for applicants to “submit a list of property owners lying within 500 feet of the any part of the property on which a zoning variance is proposed” to be overly burdensome upon applicants and recommends to Council that **Chapter 1117 – Appeals and Variances**, be therefore amended as set forth within this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, LAKE COUNTY, STATE OF OHIO, THAT:

SECTION 1. The existing **Section 1117.09 – Variances**, specifically **Sub-Section (a)** of the Codified Ordinances of the City of Willoughby Hills is hereby amended to read and provide in its entirety as follows:

“1117.09 VARIANCES.

The Board of Building and Zoning Appeals may authorize in specific cases such variances from the terms of this Planning and Zoning Code as will not be contrary to the public interest according to the following procedures:

- (a) **Application Requirements:** An application for a variance shall be filed with the Zoning Administrator for review by the Board of Building and Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
 - (1) Name, address and phone number of applicant(s);
 - (2) Proof of ownership, legal interest or written authority if the applicant is not the owner of record;

- (3) Description of property or portion thereof;
- (4) Description or nature of variance requested;
- (5) Written narrative statements establishing and substantiating the justification for the variance pursuant to subsection (c) below;
- (6) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
- (7) Payment of the application fee as established by Council;
- (8) Any other documents deemed necessary by the Zoning Administrator or the Board."

SECTION 2. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance shall be in full force and effect at the earliest time permitted by law.

Public Hearing Advertised: **March 16, 2009**

Public Hearing Held: **April 23, 2009**

First Reading: **March 26, 2009**

Second Reading: **April 9, 2009**

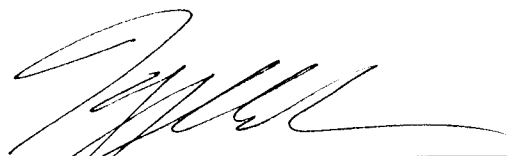
Third Reading: **April 23, 2009**

Passed: April 23, 2009

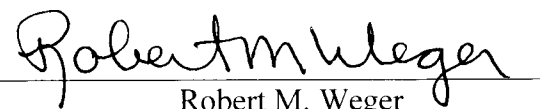
Submitted to the Mayor for his approval
on this 23rd day of April, 2009

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor
April 23, 2009


Robert M. Weger
Mayor