

CITY OF STRONGSVILLE

BOARD OF ZONING AND BUILDING CODE APPEALS

16099 Foltz Parkway, Strongsville, Ohio 44149

INSTRUCTIONS FOR APPLICATION TO BOARD OF BUILDING CODE AND ZONING APPEALS

This information is available at www.strongsville.org or call 440-580-3105

APPLICATION INSTRUCTIONS

Variance requests require a Public Hearing attended by the applicant or authorized agent. The process involves at least one evening meeting and if the variance is granted, there is a twenty (20) day waiting period before the variance takes effect, as mandated by the Charter. **The following must be submitted no less than twenty (20) days prior to a meeting:**

- Complete **one (1)** Application to the Board of Building Code and Zoning Appeals (attached).
- Complete **one (1)** Right of Entry form (attached).
- **Nine (9)** copies of the commercial site plan or residential topographic survey and **nine (9)** elevation renderings, combined together to make **nine (9)** separate sets.
- Check, cash or credit card payable to the "City of Strongsville" in the amount of \$50.00.
- If part of a Homeowner's Association, a letter from the Association Board on their letterhead and signed by an HOA Board member **must be submitted prior to the Public Hearing.**
- Stake out the corners of projects for viewing by the Board members during their visit to the property prior to the meeting.
- All property owners within 500' of the parcel requesting the variance will be notified via USPS prior to the Public Hearing.

Please Note: The Codified Ordinances of the City requires strict time periods for filing appeals to the Board of Appeals before the Board will hear your matter. Ordinance Sections that apply are Chapter 1248 of the Zoning Code and Chapter 1414 of the Building & Housing Code, attached.

The Board of Appeals meets the **2nd and 4th Wednesday** of the month at 7:00 p.m. at 18688 Royalton Road in the Council Chambers. Occasionally the Board will alter the meeting dates if conflicts arise and may meet on the 1st and/or 3rd Wednesday of the month. The list of meeting dates is attached. The Board generally meets to caucus at 6:30 p.m. prior to the meeting, and applicants are encouraged to listen to the comments of the Board members as they discuss the agenda for the evening.

CITY OF STRONGSVILLE
BOARD OF BUILDING CODE AND ZONING APPEALS

16099 Foltz Parkway, Strongsville, Ohio 44149

APPLICATION TO BOARD OF BUILDING CODE AND ZONING APPEALS

This form is available at www.strongsville.org or call 440-580-3105

**Today's date: _____

**Type of Project: _____

**Project Address: _____

**Property Owner's Name: _____

**Property Owner's Address: _____

**Property Owner's Phone: _____ Email Address _____

**Subdivision Name (If applicable): _____

**Part of a Homeowner's Association: Yes _____ No _____

**State your unique circumstance that is causing the hardship for which you are appealing the permit denial _____

(If applicable, please complete):

**Representative's Name: _____

**Representative's Address: _____

**Representative's City, State and Zip Code: _____

**Representative's Phone: Work _____ Cell: _____ Fax: _____

**Representative's Email address _____

** Applicant must complete these required fields above

-----DO NOT WRITE BELOW THIS LINE -----

PPN: _____ ZONING DISTRICT: _____ HOA Letter Received yes no n/a

Non-Compliance to Ordinance Number: _____

Type of Variance Needed: _____

Amount Required or Permitted: _____

Amount Being Proposed: _____

Amount Being Requested: _____

CITY OF STRONGSVILLE
BOARD OF ZONING AND BUILDING CODE APPEALS

16099 Foltz Parkway, Strongsville, Ohio 44149

**RIGHT OF ENTRY FORM TO BOARD OF BUILDING CODE AND ZONING
APPEALS**

This form is available at www.strongsville.org or call 440-580-3105

I hereby certify that I am the owner or the legally authorized agent of the owner of the subject property for which this variance application is made.

I further authorize the Strongsville Board of Zoning and Building Code Appeals or its agent(s) to enter upon the property for which this application is made, without further notice, to inspect said property.

Any such inspection shall be conducted between the hours of 9:00 a.m. and dusk on any day suitable to the Board or its agent(s), including weekends.

Property Owner's Name

Property Owner or Agent's signature

Date

City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3166
Fax: 440-238-3001
www.strongsville.org

Boards and Commissions



Thomas P. Perciak
Mayor

CITY OF STRONGSVILLE BOARD OF ZONING AND BUILDING CODE APPEALS MEETING SCHEDULE – YEAR 2024

| <u>Meeting Dates</u> | <u>Meeting Filing Deadlines</u> |
|----------------------|---------------------------------|
| January 10, 2024 | December 21, 2023 |
| January 24, 2024 | January 14, 2024 |
| February 7, 2024 | January 18, 2024 |
| February 21, 2024 | February 1, 2024 |
| March 6, 2024 | February 15, 2024 |
| March 20, 2024 | March 1, 2024 |
| April 10, 2024 | March 21, 2024 |
| April 24, 2024 | April 4, 2024 |
| May 8, 2024 | April 18, 2024 |
| May 22, 2024 | May 2, 2024 |
| June 12, 2024 | May 23, 2024 |
| June 26, 2024 | June 6, 2024 |
| July 10, 2024 | June 20, 2024 |
| July 31, 2024 | July 11, 2024 |
| August 14, 2024 | July 25, 2024 |
| August 28, 2024 | August 8, 2024 |
| September 11, 2024 | August 22, 2024 |
| September 25, 2024 | September 5, 2024 |
| October 9, 2024 | September 19, 2024 |
| October 23, 2024 | October 3, 2024 |
| November 6, 2024 | October 17, 2024 |
| November 20, 2024 | October 31, 2024 |
| December 4, 2024 | November 14, 2024 |
| December 18, 2024 | November 28, 2024 |

The meetings are held in the City of Strongsville's Council Chambers, located at 18688 Royalton Road, Strongsville, Ohio 44149. Regular Board of Zoning Building Code Appeal Meetings begin at 7:00 pm and caucus time changes but generally begin around 6:45 pm. You may submit your application and plans Monday through Friday from 8:30 am to 4:00pm to Boards and Commissions, all submittals must be received no later than 20 days prior to the meeting date. Please note all applications should be complete at the time of submittal. Prior to making a submittal, please contact the City of Strongsville Boards and Commissions at (440) 580-3166.

Please note the list of meeting dates and times are subject to change.

CHAPTER 1248

Board of Zoning Appeals

| | | | |
|----------|------------------------------|----------|--|
| 12.48.01 | Intent. | 12.48.07 | Record of decisions. |
| 12.48.02 | Membership; terms of office. | 12.48.08 | Reasons for granting variances. |
| 12.48.03 | Officers; powers and duties. | 12.48.09 | Lapse of variances. |
| 12.48.04 | Procedure on appeals. | 12.48.10 | Notice to Council and Planning Commission. |
| 12.48.05 | Meetings and hearings. | | |
| 12.48.06 | Quorum and vote. | | |

CROSS REFERENCES

Administrative board; powers and duties – see Ohio R.C. 713.11
Notice and hearing on Municipal zoning regulations – see Ohio R.C. 713.12
Appointment of personnel – see ADM. 230.04
Authority re advertising, bill posting and handbills – see GEN. OFF. 608.04
Board of Zoning Appeals is Board of Building Code Appeals – see B. & H. 1414.01

1248.01 INTENT.

A Board of Zoning Appeals is hereby established to assist in the administration of this Zoning Code, particularly to decide and interpret provisions which require impartial adjustments of conflicting interests and to grant variances from the strict letter of this Code in instances of unnecessary hardship. Such a Board is herein established to achieve, among others, the following purposes:

- (a) To provide a method for alleviating unnecessary hardship by allowing a reasonable use for individual parcels of property which, because of unusual or unique circumstances, may be denied a reasonable use by a literal application of the terms of this Code;
- (b) To review on appeal any order, requirement, decision or determination made by the Building Commissioner;
- (c) To provide an administrative board, independent from all other Municipal boards or commissions, to act only pursuant to and in accordance with the standards established by the legislative body to hear and decide appeals which are to be tried over again from the beginning (de novo); and
- (d) To provide that decisions and the granting of variances will sustain the constitutionality of the Code and be in compliance with the objectives of the Comprehensive Plan.

(Ord. 1978-165. Passed 10-16-78.)

1248.02 MEMBERSHIP; TERMS OF OFFICE.

The Board of Zoning Appeals shall consist of five members appointed by the Mayor with the approval of a majority of members elected to Council. Members of the Board shall serve for a term of four years. (Ord. 2006-11. Passed 4-3-06.)

1248.03 OFFICERS; POWERS AND DUTIES.

The Board of Zoning Appeals shall elect from among its members a Chairman and a Vice-Chairman. The Board shall adopt rules and regulations, not inconsistent with this Zoning Code, as may be necessary to carry into effect the duties, powers and responsibilities conferred herein, in addition to those powers set forth in Article IV, Section 7, of the Charter. The powers, duties and responsibilities of the Board shall be:

- (a) To hear appeals and decide any issues involving the application of impartial considerations and judgments in regard to decisions made by the Building Commissioner or any other administrative officer, board or commission on matters relating to this Zoning Code, for relief from any order, requirement, decision or determination, including the refusal, granting or revocation of permits;
- (b) To hear and decide upon applications for variations from the terms provided in this Code, subject to the standards set forth in Section 1248.08; and
- (c) To hear and decide all matters specifically referred to it for decision in other sections of this Code. (Ord. 1978-165. Passed 10-16-78.)

1248.04 PROCEDURE ON APPEALS.

An appeal from any decision of the Building Commissioner or other officers with regard to an application for a building permit, issuance of a stop order, specific referral or some similar action may be made to the Board of Zoning Appeals by any person believing himself aggrieved or by any officer of the City affected by any such decision.

To be considered, the appellant shall, within fifteen days after the date of such decision, file in the office of the Building Commissioner, a notice of appeal specifying the decision or section of this Zoning Code from which the appeal is sought, the error alleged and all necessary data in accordance with the form provided by the City. (Ord. 1978-165. Passed 10-16-78.)

1248.05 MEETINGS AND HEARINGS.

(a) The Board of Zoning Appeals shall schedule regular monthly or semimonthly meetings, which can be canceled by the Chairman or a majority of the members of the Board. Special meetings or hearings can be called by the Chairman.

(b) The Board shall act within ninety days after receipt of all required information, and failure to act within such period shall be considered approval of the appeal unless an extension of time is approved pursuant to Section 202.03(c)(5). Before making any decision on an appeal, the Board shall hold a public hearing at such times as shall be determined by the Board. Notices of the time and place of hearings shall be mailed to the appellant and to the

property owners within a 500-foot radius of the subject property as they appear in the current records of the City, or be published for two successive weeks prior thereto in a newspaper of general circulation in the City.

(c) The Board shall hear and decide appeals de novo and shall review on appeal any order, requirement, decision or determination made by the Building Commissioner in the enforcement or application of this Zoning Code. Within its powers, the Board may reverse or affirm, wholly or in part, or modify, any such order, requirement; decision or determination and may make such order, requirement, decision or determination as, in its opinion, ought to be made under the circumstances, and to that end shall have all the powers of the officer from whose decision the appeal is taken.

(d) All hearings conducted by the Board shall be open to the public. Any person may appear and testify regarding the issues at a hearing, either in person or by duly authorized agent or attorney. The Board shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue before it for decision.

(e) The Board shall also have the power and authority to prescribe any conditions to its decisions or orders which it deems to be necessary based upon the circumstances of each individual case. (Ord. 1994-128. Passed 7-29-94.)

1248.06 QUORUM AND VOTE.

The concurring vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of any duly authorized administrative officer.

A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed. (Ord. 1978-165. Passed 10-16-78.)

1248.07 RECORD OF DECISIONS.

The Board of Zoning Appeals is authorized to engage the services of a secretary and shall provide a detailed report of all its proceedings, the vote of each member participating therein and the absence of a member or his failure to vote. Immediately following the Board's decision, such record, including conditions prescribed by the Board, shall be filed and posted for two weeks in the office of the Building Commissioner. The report shall be open to public inspection and copies shall be mailed forthwith to each interested party noted therein. (Ord. 1978-165. Passed 10-16-78.)

1248.08 REASONS FOR GRANTING VARIANCES.

The Board of Zoning Appeals shall have the power, in specific cases, to vary the application of certain provisions of this Zoning Code in order that the public health, safety, morals and general welfare may be safeguarded and substantial justice done for the following reasons:

- (a) Where the literal application of the provisions of this Zoning Code would result in unnecessary hardship peculiar to the property involved and not based on conditions created by the owner (a theoretical loss or limiting possibilities of economic advantage are general hardships, not unnecessary hardships);
- (b) Where other exceptional circumstances or conditions (such as topographical or geological conditions, or type of adjoining development) are only applicable to the property involved or to the intended use of the property or to a limited number of adjoining properties;
- (c) Where granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located; and
- (d) Where the granting of a variance will not be contrary to the general purpose, intent and objectives of this Zoning Code and the Comprehensive Plan. When appealing for a variance or modification, the appellant shall state and substantiate his claim that each of the four conditions listed above exists. (Ord. 1978-165. Passed 10-16-78.)

1248.09 LAPSE OF VARIANCES.

A variance once granted shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of one year, no substantial construction is done in accordance with the terms and conditions for which such variance was granted. In such case, the Building Commissioner shall give a notice in writing, and thirty days thereafter, the variance shall be deemed null and void, and all regulations governing such premises in question shall revert to those in effect before the variance was granted.

Once an appeal has been denied by the Board of Zoning Appeals, it need not reconsider the same appeal or a substantially similar appeal involving the same property if resubmitted within six months after the date of decision unless the underlying conditions have substantially changed. (Ord. 1978-165. Passed 10-16-78.)

1248.10 NOTICE TO COUNCIL AND PLANNING COMMISSION.

Upon issuance by the Board of Zoning Appeals of any ruling, determination or order, the Secretary of the Board shall send, within three days of the date of such ruling, determination or order, a copy thereof to the Clerk of Council and to the Secretary of the Planning Commission who shall present such report at the next regular meeting. (Ord. 1978-165. Passed 10-16-78.)

CHAPTER 1414

Board of Building Code Appeals

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|---------|--|---------|-------------------------------------|
| 1414.01 | Board of Zoning Appeals is Board of Building Code Appeals. | 1414.06 | Reports. |
| 1414.02 | Conflict of interest. | 1414.07 | Appeals; hearings; interpretations. |
| 1414.03 | Powers. | 1414.08 | Appellate procedure. |
| 1414.04 | Meetings and records. | 1414.09 | Decisions. |
| 1414.05 | Rules and regulations; fee schedule; chairman. | | |

CROSS REFERENCES

- Appeals from orders of administrative officers and agencies see Ohio R.C. Ch. 2506
- Board of Zoning Appeals - see P. & Z. Ch. 1248
- Building Department - see B. & H. Ch. 1410
- Board of Building Standards - see B. & H. Ch. 1412
- Authority re flood and mudslide hazards - see B. & H. 1444.06(d)

1414.01 BOARD OF ZONING APPEALS IS BOARD OF BUILDING CODE APPEALS.

The Board of Zoning Appeals of the City is the Board of Building Code Appeals for purposes of this Building and Housing Code. (Ord. 1976-197. Passed 10-4-76.)

1414.02 CONFLICT OF INTEREST.

No member of the Board of Building Code Appeals shall pass upon any question in which he has a financial or personal interest. (Ord. 1976-197. Passed 10-4-76.)

1414.03 POWERS.

The Board of Building Code Appeals shall have the power, subject to the limitations and procedures set forth in this Building and Housing Code, to:

- (a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building and Housing Code;
- (b) Vary the application of any provision of this Building and Housing Code to any particular case, when, in its opinion, enforcement thereof would do manifest injustice or would be contrary to the spirit and the purpose of this Building and Housing Code or the public interest; and
- (c) Determine whether or not any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building and Housing Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule. (Ord. 1976-197. Passed 10-4-76.)

1414.04 MEETINGS AND RECORDS.

Meetings of the Board of Building Code Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Such minutes and such records shall be a public record. (Ord. 1976-197. Passed 10-4-76.)

1414.05 RULES AND REGULATIONS; FEE SCHEDULE; CHAIRMAN.

The Board of Building Code Appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Building and Housing Code. It shall also establish a schedule of fees that may be required for filing designated types of appeals. The Board members shall annually, by majority vote, select one of the members to serve as Chairman, who shall hold office for a term of one year or until his successor is elected and qualified. (Ord. 1976-197. Passed 10-4-76.)

1414.06 REPORTS.

The Board of Building Code Appeals shall submit a report of its meetings to the Mayor and Council not less than once a year. Included in such report shall be a summary of the decisions of the Board during the preceding period, with recommendations as to desirable amendments to this Building and Housing Code or to the Building Commissioner's rules and regulations. A copy of such report shall be sent to the Board of Building Standards for recommendations. (Ord. 1976-197. Passed 10-4-76.)

1414.07 APPEALS; HEARINGS ; INTERPRETATIONS.

Any Municipal officer or official, any other person or any public body aggrieved by an act of the Building Commissioner may appeal to the Board of Building Code Appeals. The Building Commissioner, any other Municipal officer or official, any public body or any member of the Board may request a hearing by the Board on any subject over which the Board has jurisdiction or power, as set forth in this Building and Housing Code, or may request the Board to review or interpret any provision of this Building and Housing Code. (Ord. 1976-197. Passed 10-4-76.)

1414.08 APPELLATE PROCEDURE.

- (a) Fee; Notice from Appellant. An appeal from a decision of the Building Commissioner may be made within thirty days from the date of the decision appealed by paying the required fee and filing with the Building Commissioner and with the Board of Building Code Appeals a notice of appeal, specifying the grounds therefor. The Building Commissioner shall forthwith transmit to the Board papers upon which the action appealed was taken.
- (b) Hearings; Notice from Board. The Board shall hold a public hearing on each appeal and shall give such notice to the Building Commissioner and other interested persons as the Board directs and shall give such notice to the public, by

posting publication or otherwise, as the Board deems appropriate. At the hearing, any party may appear in person or by his agent or attorney.

- (c) Evidence and inspections. In passing upon appeals, the Board may require submission of evidence or proof to substantiate claims and may require such additional data and tests that, in the opinion of the Board, are needed for adequate consideration of the appeal. Any member of the Board or any person authorized by the Board may at any time enter, inspect and examine any plans, building or structure for the purpose of carrying out the duties of the Board.

(Ord. 1976-197. Passed 10-4-76.)

1414.09 DECISIONS.

The Board of Building Code Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate the vote upon it. Every decision shall be promptly filed in the office of the Building Commissioner and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant or other interested party and a copy shall be kept publicly posted in the office of the Building Commissioner for two weeks after filing.

(Ord. 1976-197. Passed 10-4-76.)