

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2026 – 027

By: Mayor Perciak and All Members of Council

AN ORDINANCE REPEALING EXISTING CHAPTER 1248 BOARD OF ZONING APPEALS IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1248 BOARD OF ZONING APPEALS OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Zoning Appeals has requested certain changes and updates to Chapter 1248 based on its experience in recent years; and

WHEREAS, this Council agrees that this Chapter merits these updates and revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That existing Chapter 1248 Board of Zoning Appeals of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville, be and is hereby repealed in its entirety.

Section 2. That new Chapter 1248 Board of Zoning Appeals of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville, be and is hereby enacted in order that new Chapter 1248 shall read in its entirety as follows:

**CHAPTER 1248
Board of Zoning Appeals**

1248.01	Intent.
1248.02	Membership; terms of office.
1248.03	Officers; powers and duties.
1248.04	Procedure on appeals.
1248.05	Meetings and hearings.
1248.06	Quorum and vote.
1248.07	Record of decisions.
1248.08	No use variances permitted.
1248.09	Reasons for granting variances.
1248.10	Factors to consider in decisions on variance requests.
1248.11	Lapse of variances
1248.12	Notice to Council and Planning Commission.

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 where appropriate. Such a Board is herein established to achieve, among others, the following purposes:

- (a) To provide a method for alleviating unnecessary hardships and practical difficulties 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 Zoning Code.

1248.02 MEMBERSHIP; TERMS OF OFFICE.

The Board of Zoning Appeals shall consist of five (5) 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 (4) years.

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 6, 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 this Chapter; and
- (c) To hear and decide all matters specifically referred to it for decision in other sections of this Code.

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/herself aggrieved or by any officer of the City affected by any such decision.

To be considered, the appellant shall, within fifteen (15) days after the date of such decision, file in the office of the Secretary to this Board of Zoning Appeals, 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.

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 (90) 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 Codified Ordinance Section 202.03 or by request of the appellant. 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 200-foot radius of the subject property as they appear in the current records of 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 also 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.

1248.06 QUORUM AND VOTE.

The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of any duly authorized administrative officer and to grant any variance requested.

A member of the Board shall not be qualified to vote if the member has not attended the public hearing or if the member has a direct or indirect interest in the issue appealed.

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 the member's failure to vote. Immediately following the Board's decision, such record, including conditions prescribed by the Board, shall be filed in the office of the Building Commissioner. The report shall be open to public inspection and copies shall be mailed forthwith to the appellant.

1248.08 NO USE VARIANCES PERMITTED.

Under no circumstances shall the Board of Zoning Appeals have any jurisdiction or authority to grant a use variance that would permit a use of a property not otherwise permitted in that Zoning District as a main, accessory, conditional, or similar main use, unless that use is currently existing on that property as a legal non-conforming use.

1248.09 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 and the granting of the variance is in harmony with the purpose and intent of the ordinance 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 the literal application of the provisions of the Zoning Code result in practical difficulties 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 difficulties and not practical difficulties);
- (c) 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;
- (d) 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
- (e) Where the granting of a variance will not be contrary to the general purpose, intent and objectives of this Zoning Code.

When appealing for a variance or modification, the burden is upon the applicant to state and substantiate the applicant's claim that the conditions set out in this Chapter exist.

If, after due consideration and deliberation, members of the Board of Zoning Appeals shall determine that a variance request should be granted due to unique circumstances, although not all of the five (5) conditions for granting a variance may be met, the Board may consider granting such variance provided that the following three conditions are met:

- (1) Public health, safety, morals, and general welfare will be safeguarded and not damaged;
- (2) The variance will not be contrary to the purpose and intent of the Zoning Code; and
- (3) That substantial justice can only be done for the applicant by the granting of such variance.

1248.10 FACTORS TO CONSIDER IN DECISIONS ON VARIANCE REQUESTS.

- (a) Factors to consider in determining if an unnecessary hardship exists:
 - (1) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - (2) The hardship condition is not created by actions of the applicant;
 - (3) The granting of the variance will not adversely affect the rights of adjacent owners and/or neighbors;
 - (4) The granting of the variance will not adversely affect the public health, safety or general welfare;
 - (5) The variance will be consistent with the general spirit and intent of this Zoning Code;
 - (6) The variance sought is the minimum which will afford relief to the applicant;
 - (7) There is no other economically viable use for the property without the granting of the variance; and
 - (8) Any other factors the Board finds relevant based on the property under consideration and the surrounding properties and neighborhood.
- (b) Factors to consider in determining if a practical difficulty exists:
 - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage, drainage);
- (5) Whether the property owner purchased the property with **actual or implied** knowledge of the zoning restrictions;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (8) Any other factors the Board finds relevant based on the property under consideration and the surrounding properties and neighborhood.

1248.11 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 thirty-six (36) months after the date of its decision unless the applicant can state and substantiate that the underlying conditions have substantially changed.

1248.12 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 (3) 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.

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the Codified Ordinances of the City concerning the Board of Zoning Appeals must be updated and revised. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO

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First reading: April 6, 2026

Second reading: April 20, 2026

Third reading: June 1, 2026

Public Hearing: June 1, 2026

Referred to Planning Commission

April 7, 2026
Favorable recommendation by the
Approved: Planning Commission
April 9, 2026

[Signature]
President of Council

Approved: [Signature]
Mayor

Date Passed: June 1, 2026

Date Approved: June 1, 2026

	Yea	Nay
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kaminski	<u>Absent</u>	<input type="checkbox"/>
Kosek	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zacharyasz	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: [Signature]
Clerk of Council

Ord. No. 2026-027 Amended: _____
1st Rdg. 04-06-26 Ref: PC/P25
2nd Rdg. 04-20-26 Ref: P25
3rd Rdg. 06-01-26 Ref: _____

Public Hrg 06-01-26 Ref: _____
Adopted: 06-01-26 Defeated: _____

**CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL**

MEMORANDUM

TO: Mitzi Anderson, Administrator to Boards & Commissions
FROM: Aimee Pientka, Clerk of Council
DATE: April 7, 2026
SUBJECT: Referral from Council: Ordinance Nos. 2026-027 and 2026-028

At its regular meeting of April 6, 2026, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2026-027 by Mayor Perciak and All Members of Council. AN ORDINANCE REPEALING EXISTING CHAPTER 1248 BOARD OF ZONING APPEALS IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1248 BOARD OF ZONING APPEALS OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 04-06-26.*

- Ordinance No. 2026-028 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 17963 MARKS ROAD, IN THE CITY OF STRONGSVILLE, FROM GI-A (GENERAL INDUSTRIAL-A) CLASSIFICATION TO RT-C (TOWNHOUSE-CLUSTER) CLASSIFICATION (PPN 394-07-002), AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 04-06-26.*

A copy of these ordinances are attached for Planning Commission review.

AKP
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Mitzi Anderson, Administrator Boards & Commissions

SUBJECT: Referral to Council

DATE: April 10, 2025

Please be advised that at its Meeting of April 9, 2026, the Strongsville Planning Commission gave a **FAVORABLE RECOMMENDATION** to the following:

1) **ORDINANCE 2026-027**

AN ORDINANCE REPEALING EXISTING CHAPTER 1248 BOARD OF ZONING APPEALS IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 1248 BOARD OF ZONING APPEALS OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

2) **ORDINANCE 2026-028**

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 17963 MARKS ROAD, IN THE CITY OF STRONGSVILLE, FROM GI-A (GENERAL INDUSTRIAL-A) CLASSIFICATION TO RT-C (TOWNHOUSE-CLUSTER) CLASSIFICATION (PPN 394-07-002), AND DECLARING AN EMERGENCY.