

AN ORDINANCE AMENDING CHAPTER 1135, C.O.S., ENTITLED "ADMINISTRATIVE POWERS AND DUTIES", PARTICULARLY SECTION 1135.05 THEREOF, ENTITLED "BOARD OF ZONING AND BUILDING APPEALS".

WHEREAS, on \_\_\_\_\_, 2010, the Planning Commission did prudently consider and did recommend to this Council said amendment, as hereinafter set forth;

WHEREAS, City Council has set and conducted a Public Hearing hereupon according to law on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock p.m.;

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

SECTION 1. That Chapter 1135, C.O.S., entitled "Administrative Powers and Duties", particularly 1135.05 thereof, entitled "Board of Zoning and Building Appeals", which formerly read:

"1135.05 BOARD OF ZONING AND BUILDING APPEALS.

(a) Composition and Organization. The composition, terms of members, organization and meetings of the Board of Zoning and Building Appeals shall be in compliance with and as provided in Article XI of the City Charter.

(b) Proceedings of the Board. Subject to the provisions of Article XI of the City Charter, all meetings of the Board of Zoning and Building Appeals shall be open to the public. The presence of three or more members shall constitute a quorum for the transaction of all business and action by the Board shall be effected by the concurring votes of at least three members.

(c) Powers and Duties of the Board. For the purpose of this Zoning Code, the Board of Zoning and Building Appeals is given the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement decision, interpretation or determination made by an administrative official in the administration or enforcement of this Zoning Code, unless otherwise provided in this Code.
- (2) To authorize such variances from the terms of this Zoning Code pertaining to single-family residences in Residential Districts, except as otherwise specified in this Code, as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this code shall be observed and substantial justice done.
- (3) To permit the completion, restoration, reconstruction, expansion or extension of a non-conforming single-family residence in a Residential District where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship.
- (4) To provide a finding in writing that the reasons set forth in an application for a variance justify the granting of the variance.
- (5) To adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers."

be, and the same is, hereby established to read henceforth as follows:

“1135.05 BOARD OF ZONING AND BUILDING APPEALS.

(a) Composition and Organization. The composition, terms of members, organization and meetings of the Board of Zoning and Building Appeals shall be in compliance with and as provided in Article XI of the City Charter.

(b) Proceedings of the Board. Subject to the provisions of Article XI of the City Charter, all meetings of the Board of Zoning and Building Appeals shall be open to the public. The presence of three or more members shall constitute a quorum for the transaction of all business and action by the Board shall be effected by the concurring votes of at least three members.

(c) Powers and Duties of the Board. For the purpose of this Zoning Code, **Chapter 1361, entitled “Property Registration and Maintenance,” Chapter 1311, entitled “Dangerous Buildings,” and the Residential Code of Ohio as adopted by 1337.01, C.O.S.**, the Board of Zoning and Building Appeals is given the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement decision, interpretation or determination made by an administrative official in the administration or enforcement of this Zoning Code, **Chapter 1361, Chapter 1311, or the Residential Code of Ohio**, unless otherwise provided in **that** Code.
- (2) To authorize such variances from the terms of this Zoning Code pertaining to single-family residences in Residential Districts, except as otherwise specified in this Code, as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this code shall be observed and substantial justice done.
- (3) To permit the completion, restoration, reconstruction, expansion or extension of a non-conforming single-family residence in a Residential District where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship.
- (4) To provide a finding in writing that the reasons set forth in an application for a variance justify the granting of the variance.
- (5) To adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.”

SECTION 2. That all other terms and provisions of Chapter 1135 not amended herein, be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_

Bonnie J. Emahiser  
CLERK OF COUNCIL

\_\_\_\_\_  
Ron Alexander  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED \_\_\_\_\_

Karen Fritschel  
MAYOR

FILED WITH CLERK \_\_\_\_\_

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

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Brian A. Reali  
LAW DIRECTOR

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