

AN ORDINANCE REPEALING SECTIONS 1135.01(72), 1155.01(68) AND 1169.01(66) AND AMENDING SECTION 1105.08 PROVIDING STANDARDS FOR THE GRANTING OF VARIANCES BY THE BOARD OF ZONING APPEALS

WHEREAS, this Council believes that there is an apparent conflict between the standards set forth in Sections 1135.01(72), 1155.01(68) and 1169.01(66) and Section 1105.08 pertaining to the granting of "variances" by the Board of Zoning Appeals; and

WHEREAS, this Council wishes to amend Section 1105.08 to clarify the standards for granting of variances by the Board of Zoning Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That Sections 1135.01(72), 1155.01(68) and 1169.01(66) be, and the same hereby are, repealed.

SECTION 2. That Section 1105.08 be amended to read as follows:

"1105.08 VARIANCES.

(a) 'Variance' means a modification of the literal provisions of this Zoning Code and may be granted when the strict enforcement of this Zoning Code would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property for which the variance is granted.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Zoning Code, the Board of Zoning Appeals shall have the power, in a specific case, to grant a variance from any such provision of the Zoning Code, if the Board finds all three of the following conditions to be present:

- (1) There are unusual and unique conditions about the property;
- (2) The unusual or unique conditions create a practical difficulty or unnecessary hardship preventing the normal use of the property; and
- (3) The granting of the variance will be in harmony with the general purpose and intent of the Zoning Code so that the

public health, safety and general welfare may be secured and substantial justice may be done."

SECTION 3. That Section 1105.08 as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 16, 1994

Daniel S. Stoerkel
President of Council

[Signature]
Mayor

Dated: 8/16/94

ATTEST:

Peggy Malone
Clerk of Council