



# AGENDA

## Planning & Zoning Commission

| **in-person meeting** |

Monday

October 18, 2021

7:00 PM

| **Village Hall** | **21 W. Washington Street** |

This is a public meeting and all are welcome to attend.

In-person meetings are held in Council Chambers at Village Hall.

Commissioners: Patti Baker, Nancy Rogoff, Nicole Paolozzi, Wendy Davis, Matt Hicks

### Agenda Items

- 1 Amendment to Section 1111.10, Appeals and Variances, Actions by Council

## PROPOSED AMENDMENT to 1111.10

### 1111.10 ACTION BY COUNCIL.

- (a) When required to review a decision of the Board of Zoning Appeals, pursuant to Section [1111.06](#) of the Zoning Code, each case shall be considered by Council upon the record created by the Board of Zoning Appeals, and as supplemented by the evidence presented by the applicant, the Municipality or anyone else interested in the proceeding.
  - (b) Council shall apply the laws of the Municipality to the facts of the case as those facts are contained in the record which was created by the Board of Zoning Appeals or supplemented in the proceedings before Council, where testimony shall be taken under oath and subject to issuance of subpoenas upon request, and such testimony shall be subject to cross examination whether it be presented at the Board of Zoning Appeals or Council.
  - (c) In the event the Council does not follow the decision of the Board of Zoning Appeals, Council shall make its own decision and shall adopt Conclusions of Fact which support its decision, and which are found in the record.
  - (d) Quorum and Vote. A majority of the members of Council shall constitute a quorum for the transaction of business. In each case a motion or motions shall be made to grant the relief requested. Such motions may be made and seconded by members who are opposed to the motion. The affirmative vote of four members of ~~Council the Board~~ shall be necessary for any official decision. Failure to receive four (4) affirmative votes will constitute a denial of the motion pending before ~~Councilthe Board~~ and will result in an affirmance of the prior administrative action being reviewed, or the requested variance(s) will be considered denied. Prior to voting on a motion, ~~Council Board~~ members shall state facts which support their decision. Such facts shall become the basis for Conclusions of Fact by the ~~CouncilBoard~~. Members may state their agreement with a prior articulation of facts and need not restate all facts supporting their decision prior to voting on the motion.
  - (e) At any time prior to a final decision of the Board of Zoning Appeals, or Council, the applicant may withdraw the application. Receipt of notice of the withdrawal of an appeal or an application for a variance or exception, at any time prior to final action by the Board of Zoning Appeals, or Council, as the case may be, shall reinstate the prior decision of any administrative officer or body and the appeal or application for a variance or exception shall be treated as though it had not been submitted, except that the applicant will not be entitled to the return of any fees, deposits or costs required in this Planning and Zoning Code.
  - (f) After reviewing the Board of Zoning Appeals' decision, Council may affirm, affirm and modify or reverse the decision of the Board of Zoning Appeals by a majority vote of all of its members.
  - (g) Immediately following Council's decision, notice of such decision shall be mailed to the applicant and all interested parties who personally appeared before Council to support affirmance or reversal of the decision of the Board of Zoning Appeals.
  - (g) The applicant or any such interested party who was harmed by action of Council may appeal Council's decision pursuant to Ohio R.C. Chapter 2506.
- (Ord. 2019-39. Passed 8-13-19.)