

VILLAGE OF HARVEYSBURG

STATE OF OHIO

Ordinance No. 2023 – 02

**AN ORDINANCE CREATING A RESIDENTIAL BOARD OF BUILDING APPEALS
AND ADOPTING PROPOSED LANGUAGE OF ZONING ORDINANCE**

WHEREAS, the Village of Harveysburg, Ohio has a certified Building/Zoning department to enforce the Revised Code and Zoning Code and all applicable rules under the State of Ohio and the Village of Harveysburg for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings.

WHEREAS, the Village of Harveysburg, Ohio seeks to establish a Residential Board of Building Appeals to hear and decide appeals.

THEREFORE, be it ordained by the Village Council of the Village of Harveysburg, Ohio:

SECTION 1: That a Residential Board of Building Appeals is hereby created and shall have full authority to enforce all laws, statutes, and regulations as provided and authorized in the Revised Code and Zoning Code to hear and decide appeals from adjudication orders pertaining to the enforcement of Revised Code, Zoning Code, and rules of all applicable rules under the State of Ohio and the Village of Harveysburg.

SECTION 2: The proposed highlighted language attached as Exhibit 1, and incorporated herein, shall be adopted as an amendment to the existing Zoning Ordinance.

SECTION 3: The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

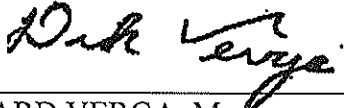
SECTION 4: That this Ordinance shall be in full force and effect from and after the earliest period permitted by law upon passage by a two-third majority of Council.

First Reading: May 22, 2023

Second Reading: June 12, 2023

Third Reading: June 26, 2023

PASSED:



RICHARD VERGA, Mayor

Approved as to Form:



CHASE T. KIRBY, Village Solicitor

ATTEST:

 6/26/23
Village Clerk of Council

Building/Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect the premises. If such permission is denied or cannot be obtained, the Building/Zoning Administrator shall issue a stop work order, and then request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

1113 Stop Work Order

Subsequent to his determination that work is being done contrary to this Ordinance, the Building/Zoning Administrator shall:

1. Write a stop work order and post it on the premises involved.
2. Clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's representative and the person doing the work.

Removal of a stop work order, except by the order of the Building/Zoning Administrator, shall constitute a punishable violation of this Ordinance.

Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

1114 Building/Zoning Permit Revocation

The Building/Zoning Administrator may revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1115 Notice of Violation

Whenever the Building/Zoning Administrator or his agent determines that there is a violation of any provision of the Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated;
4. State the time by which the violation shall be corrected.
5. Include notice of the procedure for appeal and right to bring if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner.

The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Building/Zoning Administrator.

Service of notice of violation shall be as follows:

ARTICLE 12

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

1200 General

Appeals and variances shall conform to the procedures and requirements of Sections 1201 to 1211 inclusive, of the Ordinance. As specified in Section 1009, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1201 Appeals

1. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Administrator.
2. Requests for hearing shall be within thirty days of the mailing date of a Notice of Violation issued by the Building/Zoning Administrator.
3. A notice of appeal specifying the grounds upon which the appeal is being taken shall be provided to the Board of Zoning Appeals. The Zoning Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

1202 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from which the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, upon notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

1203 Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

1204 Application and Standards for Variances

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this