

ORDINANCE NO. 65-76

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Charles McQueeney ON THE
20th DAY OF December, 1976.

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 15-61,
THE ZONING ORDINANCE, BY CHANGING THE POWERS OF
THE PLANNING COMMISSION WITH RESPECT TO VARIANCES.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Section 23. D 3. of Ordinance 15-61, The Zoning Ordinance,
is hereby amended as follows:

3. The Board shall have the authority to grant the following variations:

- [a. Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.]
- [b. Authorize upon appeal, whenever a property owner can show that a strict application of the items of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.]

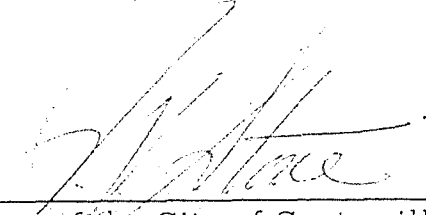
[In considering all appeals and all proposed exceptions or variations to this Ordinance, the Board shall, before making any exceptions or variations from the Ordinance in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village of Centerville.]

- a. A variance from the provisions of this Ordinance may be granted by the City Planning Commission, subject to the provisions of this Ordinance relating to publication and notification and upon the finding by the Planning Commission of all of the following that:

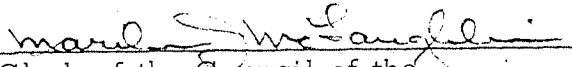
1. The strict enforcement of the provisions of this ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district;
 2. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district;
 3. The conditions and circumstances unique to the property were not created by the owner, within the time following the effective date of the provisions alleged to adversely affect such property;
 4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district;
 5. The requested variance will not be contrary to the spirit and intent of this zoning ordinance.
- b. A variance granted under this ordinance shall not permit a use otherwise permitted outside the zoned district, upon the property for which a variance is being requested.

Section 2. This ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency affecting public health, safety and welfare is hereby declared to exist by virtue of the fact that a recent change in the law of Ohio would permit a rezoning to be affected by the variance procedure as the Zoning Ordinance of Centerville presently is written and such is contrary to the intent of the City.

PASSED this 20th day of December, 1976.


Deputy - Mayor of the City of Centerville, Ohio

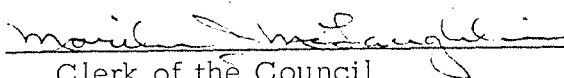
ATTEST:


Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 65-76, passed by the Council of the City of Centerville, Ohio, on the 20th day of December, 1976.

Approved _____
with _____
chairman _____


Clerk of the Council

Municipal Attorney