

ORDINANCE NO. 2026-09
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 1105.02(d)
RELATING TO THE PROCESS FOR GRANTING VARIANCES
TO REMOVE THE REFERENCE TO “USE” VARIANCES
WHICH ARE NOW PROHIBITED AS A RESULT OF THE
RECENTLY PASSED CHARTER AMENDMENT**

WHEREAS, it has become necessary to revise Codified Ordinance Section 1105.02(d) to be conform and be consistent with the recently adopted Charter Amendment that no longer permits the granting of “Use” variances; and

WHEREAS, Village Council deems it in the best interest of the Village and its residents to amend Codified Ordinance Section 1105.02(d) as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. Section 1105.02(d), Granting Variances, of the Village’s Codified Ordinances as enacted, be amended to read as fully set forth in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference.

SECTION 2. Any sections of the Codified Ordinances in conflict herewith, are hereby and herein repealed and amended accordingly. All other provisions of the Village’s Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. 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 of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2026

Second Reading: _____, 2026

Third Reading: _____, 2026

PASSED: _____, 2026

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA, ESQ.
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

1105.02 GRANTING VARIANCES.

(a) Any property owner, or person with a lawful interest in a subject property, may appeal the decision of the Building Commissioner or Planning Commission for the purpose of obtaining an exception to, or variance from, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building codes in the Municipality.

(b) No variance or exception to the codes of the Municipality shall be considered by the Board until reasonable advance notice of the request has been sent to all property owners within 300 feet and all adjoining and facing property owners. However, failure of service on any individual property will not nullify any variance granted by the Board.

(c) In Residential Districts only the Board of Appeals shall have no power or authority to grant any change of or variance in any land use or classification of the district from the existing zoning ordinances or the Zoning Map of the Municipality, or to permit any Residential land use to become nonconforming therewith.

(d) After the Board has rendered its decision on a particular case, any interested party may appeal the decision of the Board to Council within ten days of receiving notice of such decision, or approval of the minutes at which such action was determined, whichever is the earlier. Council may review the transcript and minutes of the Board hearing, or have a rehearing in front of Council, and may affirm the decision of the Board of Zoning Appeals, or, with a two-thirds majority vote, modify or reverse the decision. ~~However, any granting of a "Use" variance in any non-residential district will automatically go to Village Council for review and approval per Article III, Sections 10, 11 and 12 of the Charter, which includes a mandatory referral to the Planning Commission for report and recommendation.~~

(e) The Board may not grant a variance or exception to the zoning regulations or building codes, unless the applicant has shown that the literal application of the provisions of the zoning code or building code would result in practical difficulties as a result of some peculiar or unique condition or circumstance pertaining to the zoning lot in question.

(f) Any variance granted under this Chapter shall expire within six (6) months from the date of issuance thereof in the event the work necessitating the issuance of the variance has not commenced. The Village Building Commissioner, in her/his sole discretion, may grant one extension of up to six (6) months upon written application by the applicant of reasonable cause as to why construction has not been commenced. Any additional extension shall be subject to formal approval by Village Council who may extend the time for which to commence construction for a period not to exceed six (6) months.

(Ord. 2022-22. Passed 12-19-22.)