

# Ordinance No. 1122-2023

By Council Members McCormack and  
Hairston

## AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by amending Section 329.01 as amended by Ordinance No. 2145-82, passed November 5, 1984, related to the Board of Zoning Appeals.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of public peace, property, health, or safety, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by amending Section 329.01 as amended by Ordinance No. 2145-82, passed November 5, 1984 to read as follows:

### Section 329.01      Organization

(a) The Board of Zoning Appeals shall be composed of five (5) members appointed by the Mayor who shall exercise the powers given to the Board by the Charter.

(b) The members of the Board as fixed by Council shall receive a salary. Meeting attendance shall be in person. At the beginning of each calendar year the Mayor shall designate which member of the Board shall be Chairman of the Board for the ensuing year.

(c) Except as otherwise stated in this division, Meetings meetings of the Board shall be held in the City Hall at 9:30 a.m. on each Monday, except that when that morning is a holiday the meeting shall be held on the following Tuesday. The Board in its discretion and in accordance with this section, may hold meetings on days and times other than as set forth above, as may be necessary to carry out its duties.

(d) The Planning Director shall designate from the staff of the Planning Commission an employee who shall be the Secretary of the Board, and the staff of the Commission shall be available to the Board for the collection and presentation of facts and the serving of notices. The Secretary shall keep a permanent record of the attendance and the proceedings of the Board showing its action and vote on each case. A brief summary of such proceedings shall be published in the *City Record*. At the end of each calendar year the Secretary shall make an annual report of the work of the Board.

(e) Any decision or determination of the Commissioner of Building or the Commissioner of Housing or of any other administrative officer relating to the provisions of this Zoning Code may be appealed to the Board by any person deeming himself or herself aggrieved or adversely affected by such decision or determination.

(f) No appeal shall be entertained unless it is filed in the office of the Board on a form to be provided by the Board, with all data required in such form.

(g) The presence of three (3) members of the Board shall constitute a quorum and a concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Commissioner of Building or the Commissioner of Housing or any other administrative officer, or to decide in favor of the appellant any matter upon which the Board is required to pass, or to permit a variance or special exception from a requirement of this Zoning Code.

(h) No action of the Board shall be taken on any case until after proper notice has been given and public hearing has been held.

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(i) Except as provided in Section 329.01(k), proper notice of a hearing before the Board shall be, besides public notice, written notice mailed to the owner or his or her agent at the address given on the appeal and, so far as it is practicable, written notice to directly affected property owners or their agents given at least seven (7) days prior to the date of such proposed hearing in such manner as the Board may, by its rules, prescribe.

(j) A copy of all decisions or determinations of the Board shall be transmitted to the appropriate administrative officer. Any permit issued by the Commissioner of Building or the Commissioner of Housing in pursuance of any decision or determination of the Board shall have incorporated thereon any special conditions of such permit prescribed by the Board.

(k) In any urgent case requiring emergency action, the Board of Zoning Appeals may, by a waiver signed by a majority of the Board, reduce the time requirement of Sections 329.01(i) and 325.55 from seven (7) days to three (3) days

Section 2. That Section 329.01 as amended by Ordinance No. 2145-82, passed November 5, 1984, is hereby repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KM:rns  
9-25-2023

# Ord. No. 1122-2023

REPORT  
after Second Reading

By Council Members McCormack and Hairston

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To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by amending Section 329.01 as amended by Ordinance No. 2145-82, passed November 5, 1984, related to the Board of Zoning Appeals.

**READ FIRST TIME on SEPTEMBER 25, 2023**  
and referred to DIRECTORS of City Planning Commission, Law;  
COMMITTEES on Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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