

ORDINANCE NO. 7, 2026

AN ORDINANCE AMENDING CHAPTER 1131, BOARD OF ZONING APPEALS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF ST. BERNARD, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, St. Bernard is updating and amending its Zoning Code, including Chapter 1131, Board of Zoning Appeals, to address a variety of issues impacting the health and safety of its residents, and

WHEREAS, the updates and amendments to Chapter 1131, Board of Zoning Appeals, are also designed to comport with state law, now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO:

Section 1. That the Village of St. Bernard hereby amends Chapter 1131, Board of Zoning Appeals, as set forth in the attached Exhibit A.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is to comport with state law as soon as possible. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.

Passed this 26th day of February, 2026.

Steve Aslach
President of Council

ATTEST: Caroline Stegman
Clerk of Council

Approved this 26th day of February, 2026.

[Signature]
Mayor

ORIGINAL

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 07, 2026, was made by posting true copies of the same in the most public places designated by Council: the Village website; and the Village social media account, for a period of fifteen (15) days or more commencing Feb. 26th, 2026

ATTEST:  DATE Feb. 26th 2026
Clerk of Council

Approved as to form  Date 26 Feb 2026
Director of Law

ORIGINAL

CHAPTER 1131
Board of Zoning Appeals

- 1131.01 Appointment.
- 1131.02 Procedure.
- 1131.03 Hearings, Appeals, and Notices
- 1131.04 Stay of Proceedings
- 1131.05 Powers and Duties
- 1131.06 Decisions
- 1131.07 Quorum
- 1131.08 Assistance from other departments.
- 1131.09 Applications.
- 1131.10 Conditional uses.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11

Definitions - see P. & Z. Ch. 1123

Enforcement - see P. & Z. Ch. 1125

1131.01 APPOINTMENT.

An Administrative board known as the Board of Zoning Appeals is hereby established. The Board shall consist of five members who shall be appointed by the mayor and vacancies shall be filled in the same manner for the unexpired term. One of these members shall be a member of the Planning Commission. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. The term of the member of the Planning Commission shall expire at the same time as his/her term on such Commission. Each member shall serve until his/her successor is appointed and qualified.

Two (2) Alternate members may be appointed by the mayor to serve in place of a member when such member notifies the Zoning Department that the member will be absent or unable to participate in a meeting. Alternate members shall be appointed to a five (5) year term.

Members of the Board shall serve without compensation and shall be citizens of St Bernard.

1131.02 PROCEDURE.

The Board of Zoning Appeals shall organize and adopt rules for its own governance in accordance with this Zoning Ordinance. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed with the Secretary of the Board and shall be a public record.

Meetings of the Board shall be held at the call of the Chair, and at such other times as the Board may determine. The Chair, or in his/her absence the Vice Chair, may administer oaths and the Board may compel the attendance of witnesses.

All meetings of the Board shall be open to the public.

1131.03 Hearings, Appeals, and Notices

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the Zoning Administrator's decision or interpretation, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Appeal shall be filed on forms as prescribed by the Board. The Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application or appeal, give at least ten (10) days' notice, in writing, to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village or by posting to the Village website at least ten (10) days before the date of such hearing and decide the same within a reasonable time after it is submitted. At the hearing any party may appear in person or by an attorney.

Each application or appeal shall be accompanied by a check payable to the Treasurer of the Village of St. Bernard, Ohio, or a cash payment determined as follows:

A. All residential applications and commercial applications with projected costs under one hundred thousand dollars (\$100,000) the application fee shall be \$200.

B. All commercial applications with projected costs of one hundred thousand (\$100,000) dollars or more, the application fee shall follow the Hamilton County Fee Schedule as provided for the current year

1131.04 STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals after notice of appeal shall have been filed with the Zoning Administrator, that by reasons of fact stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, in due cause shown, be granted by the Board on application after notice to the Zoning Administrator, or by judicial proceedings.

1131.05 POWERS AND DUTIES

1131.05.1 GENERAL: The powers of the Board of Zoning Appeals shall be:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Ordinance;
- (b) To authorize, on appeal, variances as defined in Section 1123.82;
- (c) To grant a zoning certificate for conditional uses as hereinbefore specified and as defined in Section 1123.17;
- (d) To interpret the provision of this Zoning Ordinance as provided in Chapter 1141;
- (e) To authorize or prohibit additional uses as provided in Chapter 1171;
- (f) To permit the extension and/or substitution of a nonconforming use as provided in Chapter 1189;
- (g) Such other duties as may be necessary for the administration of the provisions of this Zoning Ordinance.

1131.05.2 INTERPRETATION OF ZONING MAP.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board. In considering an interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures.

1131.05.3 VARIANCES AUTHORIZED.

A. In authorizing a variance the Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee of bond, as it may deem necessary, that the conditions attached are and will be complied with.

B. Variance Conditions Prevailing: by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of the property immediately adjoining the piece of property in question, the literal enforcement of the requirements would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have the power to authorize a variance from the terms of this ordinance, so as to relieve the hardship. In authorizing such variance, the Board may attach thereto such conditions necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to enforce the compliance with the conditions attached.

C. Variance Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board of Zoning Appeals unless the Board finds that practical difficulties exist sufficiently to warrant a variance. In making this determination, the Board will consider the following factors:

- i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?
- ii. Is the Variance substantial?
- iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause substantial detriment to the adjoining properties?
- iv. Would the Variance adversely affect the delivery of government services?
- v. Did the property owners purchase the property with the knowledge of the zoning restriction?
- vi. Could the problem be solved in some other manner than granting the Variance?
- vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the Variance?

No Use Variances shall be granted by the Board.

1131.05.4 ADMINISTRATIVE REVIEW.

In considering an appeal from an alleged error in the administration of this Zoning Ordinance, the Board of Zoning Appeals shall consider the intent and purpose of the provisions of this Zoning Ordinance that apply and the effect of the desired interpretation upon neighboring properties in the public interest. In exercising its power to review such an allegation, the Board may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirms wholly or partly, or may modify the order, decision or determination made and to that end shall have all powers of the officer from whom the appeal is taken.

1131.06 DECISIONS

The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Administrator, to decide in favor of an applicant in any matter on which the Board has original jurisdiction under this Zoning Ordinance, or to grant any variance from the requirements stipulated in this Zoning Ordinance.

A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.

B. A Notice of the Board's decision shall be transmitted to the applicant or appellant. Such decision shall be binding upon the Zoning Administrator and observed by the Zoning Administrator, and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a certificate is authorized by the Board.

C. A decision of the Board shall become final upon the date the findings of fact, conclusions of law, or the minutes are approved.

D. Any party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Hamilton County as provided based on Ohio Law.

E. In exercising its power, the Board of Zoning Appeals may, in conformity with the provisions of statute and of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained and the work has started within such period or, where no erection or alteration is necessary, the permitted use is established within such period.

1131.07 QUORUM

Three (3) members of the Board of Zoning Appeals shall constitute a quorum.

1131.08 ASSISTANCE FROM OTHER DEPARTMENTS.

The Board of Zoning Appeals may call upon the Village departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

1131.09 APPLICATIONS.

An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Zoning Ordinance, may be taken by any property owners including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit the same to the Board.

1131.10 CONDITIONAL USES.

In considering an application for a conditional use, the Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Zoning Ordinance for the particular conditional use - as the Board may deem necessary for the protection of the public health, safety, convenience, comfort, prosperity and general welfare and for the protection of adjacent properties.