

TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
<ul style="list-style-type: none"> • Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code 	<input type="checkbox"/>	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • Rear, side & front setbacks 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties 4-feet
<ul style="list-style-type: none"> • Coverage (>28%) 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties 28.3%
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • Width 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Distance from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Circular if lot width is <90' 	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> • Area allowed (maximum sq. ft.) 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Front setback 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Lot width <100' 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Number of items of information 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • On side of building 	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> • Height or Openness 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Front Yard (in setback) 	<input type="checkbox"/>	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application)</i> ; Detached Garages: <i>(Complete Building Permit Application)</i> <i><u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
<ul style="list-style-type: none"> • Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Square footage 	<input type="checkbox"/>	(Area) Practical Difficulties
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> • In side yard <10' from property line or in front yard 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties move in from the side, and straight back
Parking: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • < the number of spaces required 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties

Responses are numbered based on

1. Lot Coverage
2. House Side Setback
3. AC Unit Setback

PRACTICAL DIFFICULTIES

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

R.R.C.O. 1133.17(c)(1). In order to grant an area variance, the following factors shall be considered and weighted by the Board of Appeals to determine practical difficulty:

A.) Describe what special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other land or structures in the same zoning district (i.e., exceptional irregularity, narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions).

1. The lot is smaller compared to others in the neighborhood and city, < 28% coverage does not allow too many options to expand. The 28.3% requested does not seem unreasonable compared to the current code.

2 & 3. The property lot width of 40' is one of the smallest in the city, and currently built out to maximize the use on the land. It (as well as other properties in this neighborhood) is closer to the property line than today's codes permit for side yard setbacks. The house dimension would pull in even from this existing dimension, and the AC unit is moved straight back, will be behind the house, and within a fenced area.

B.) Explain whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance (discuss use limitations without the variance).

1 & 2. Without the variance the addition would have to reduce the footprint, making the interior use less ideal, and some first floor spaces would not be as practical.

3. Without the variance, the AC unit has to be located within the middle of the backyard grass area.

C.) Explain whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures (demonstrate how much the variance request deviates from Code requirements, i.e., coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).

1. Lot coverage is only 0.3% over the maximum allowed, which we feel is very minor.

2. The House side setback of 4-feet we feel is reasonable compared to other city requests, especially since we have already moved it further away from the property line and existing house setback.

3. AC unit location we feel is better, it has moved inward to the property and further back, away from neighbors windows.

D.) Explain whether the essential character of the neighborhood would be substantially altered and whether adjoining properties would suffer substantial detriment as a result of the variance (discuss the increase of value, use, and aesthetic appeal for both your property and adjoining properties, together with any negative impact to adjoining properties).

1, 2 & 3. We do not feel the character of the neighborhood would be substantially altered, nor would adjoining properties suffer substantial detriment. We feel the size, dimension and locations of all these items are a reasonable request, they are not above and beyond the nature of house sizes and proportions in the neighborhood.

E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.

Either would not affect any government services. All services would be from same locations.

F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.

No, all conditions existed when purchased.

G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.

No, all conditions existed prior to purchase.

H.) Explain whether the property owner's predicament feasibly can be obviated through some method other than a variance (why other means and methods of property improvements or enhancements would not suffice).

1 & 2. Without the variance the addition would have to reduce the footprint, making the interior use less ideal and closer to what some sizes currently are.

3. Adhering the current setbacks would locate the AC unit in the middle of the backyard grass area.

I.) Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

Our request for the AC unit is improving the distance while not affecting adjacent properties, and the lot coverage is minor enough to allow a comfortable master bedroom addition. This house addition would improve the quality of living now and also raise the property value for future prospective buyers.

J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

1, 2 & 3. We don't see this request confer any special privileges to this property/owner, it appears to be in line with other nearby property requests or variances for similar reasons.

K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

This property (as well as others in this neighborhood) are at a disadvantage with the narrow property widths, adhering to the setback distances in the code would normally not allow for these type of improvements that other properties in the city can achieve.

PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.

UNNECESSARY HARDSHIP STANDARD

ONLY ANSWER THESE QUESTIONS IF YOU ARE REQUESTING A VARIANCE FOR ANY FUNCTIONAL, LAND OR BUILDING USE NOT SPECIFICALLY PERMITTED IN EITHER A PARTICULAR ZONING DISTRICT, OR OTHERWISE NOT PERMITTED BY THE DEVELOPMENT CODE. (See Typical Variance Sheet for guidance.)

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

In order to grant a use variance, the Board of Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. **THE APPLICANT MUST DEMONSTRATE SUCH HARDSHIP BY CLEAR AND CONVINCING EVIDENCE** that the criteria in Rocky River Codified Ordinances, sub-section 1133.17(c)(2) is satisfied.

R.R.C.O. Chapter 1133.17(c)(2)A. Please demonstrate hardship with the following:

- i.) Explain how the variance requested stems from a condition that is **UNIQUE TO THE PROPERTY AT ISSUE** and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original building, etc.)

- ii.) Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents

- iii.) Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.

iv.) Explain how the variance will be consistent with the general spirit and intent of the Code.

v.) Explain how the variance sought is the minimum that will afford relief to the applicant.

R.R.C.O. Chapter 1133.17(c)(2)B. If applicable, explain what further evidence you would like the Board of Appeals to consider, as follows:

i.) Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

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