

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
<ul style="list-style-type: none"> • Coverage (>28%) 	<input type="checkbox"/>	(Area) Practical Difficulties
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); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
Note: <i>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 or rear yard <10' from property line or in front yard 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
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

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).

The subject property is a very narrow legally non-conforming lot size (7,440 sf) that was divided prior to current zoning enactment. The existing 1929-era home legally encroaches on the west side yard setback because of this historic platting. Any alteration to the building envelope, which other Rocky River homeowners on legally conforming lots have performed on a regular basis, including enclosure of the existing covered porch and addition of a modest rear dormer, are not possible without a variance due to the size of the lot and placement of the existing home. The proposed addition to home home does not propose any further encroachment of the property setbacks than already exists. Also, due to the size of the lot, there are no other practical locations to place the air conditioning condensers than in the side yard within the required 10-foot buffer, as the east side of the home has a narrow shared driveway right up to the house, and the rear of the home has such obstacles as 2 sets of rear entry steps, a planned addition of an egress window well, and built-in planter landscaping.

- 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).

Without variance approval, the home cannot reasonably be modernized to current living standards. The 1st-floor porch enclosure creates essential office/flex space for today's work-from-home environment. The 2nd-floor dormer provides for the creation of a primary bath and laundry. These improvements have been designed to ensure no additional setback encroachment beyond existing conditions, and with a minimal addition size of 217 SF. These modest interior improvements are necessary for continued beneficial use and modern functionality for a growing family that wishes to remain in Rocky River long-term. Placement of HVAC equipment in the rear yard would massively impair enjoyment of the limited backyard space, and would be limited by other existing conditions such as rear entry door access and a planned basement egress window. Side placement (screened partially from the street by an existing chimney, by existing landscaping) allows full use of the rear yard while maintaining efficient HVAC operation. The home does not currently have any air conditioning, and this improvement is integral to the creation of a home conducive to raising children long-term in this space.

- 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).

The variances sought are not substantial because the plans propose zero change to existing setbacks, ensuring that all exterior walls of the porch enclosure and 2nd floor dormer align with existing exterior walls of the home. No alternative designs have been found to meet the goals for this project with any less impact on the property or those that surround it. The HVAC equipment on the western frontage is not substantial because the units will be screened by a large row of trees, and will be buffered by more than 10-feet from the west side neighbor's home due to placement of that neighbor's driveway.

- 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).

The essential character of the neighborhood will not be altered and adjoining properties will suffer no detriment. The proposed design (see Northeast/Northwest renderings) uses all exterior materials for the project that match the existing on the home. The modest additions enhance property value and aesthetic appeal while screened AC units create minimal noise or visual impact. Neighbors will benefit from an improved, updated home consistent with other recent renovations on Lake Road. (Please refer to the multiple letters submitted by neighbors in support of these improvements).

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

The proposed addition and placement of air conditioning units would have no impact on delivery of governmental services as they are at the rear of the existing home.

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

The property owner was not aware at the time of purchase that the property was legally non-conforming in both lot size and in current zoning requirement side yard setback encroachment. The owner was also not aware of the limitation of air conditioning unit placement as the home has never had central air conditioning.

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

Any special conditions or circumstances of this property pre-date ownership by the current property owner.

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).

The circumstances cannot be feasibly obviated by any other method. The existing roof line of the home limits the available space to create a primary suite by adding a bathroom as there is not enough square footage with adequate ceiling height to meet building code requirements at the plumbing fixtures. Placement of the air conditioning units cannot be achieved without a variance unless the homeowner incur large expenses to rework planters and landscaping in the rear yard, in which case only 1 alternate placement is possible which would be directly outside a large dining room picture window.

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).

The spirit and intent behind the zoning requirements would be observed if the variance for the addition were granted, as the home is already non-conforming to current setback requirements, and the design of the additions ensures existing conditions remain unaltered. The side yard placement of the air conditioning unit also works within the spirit and intent of the zoning requirements as the neighboring home is set back from the property line and separated from the intended placement by more than 10-feet. If this property were larger in accordance with today's zoning, the homeowners would likely not have to be seeking either of these variances.

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.

No special privileges will be conferred on the applicant as other homeowners are also able to build additions on their home, and the zoning code allows for side yard placement of up to 2 air conditioning units.

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.

Yes, a literal interpretation of the provisions of the code would deny the applicant the ability to add a modest addition to their home, and would deny them the ability for side yard placement of the air conditioning units, both of which are rights commonly enjoyed by other homeowners in Rocky River that do not face the unique conditions of such a small non-conforming lot.

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.