

## TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

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

We wish to add the addition to continue the existing wall of the home. The first floor is a garage and will require the space on the driveway side to make the necessary 90° turn to enter the garage

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).

The continuity of the exterior wall makes the architectural structure most appealing. We also need the driveway space for the cars to make the turn

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).

It is the minimum necessary and continues on the same line as the existing structure

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).

This addition is in line with the neighborhood and will significantly increase the value of the home. This will make the home more efficient and add significant space. The aesthetics of the project will remain in the tudor style

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

It will not. Part of this project addresses the aging clay drain pipes, which will all be updated to current standards

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

We were unaware that our current structure was against current code or that this addition would require a variance

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

There are no special circumstances that we are aware of

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 project would not look right aesthetically and will affect the feasibility of the driveway/garage on the opposite side

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).

This project in its entirety would bring this 99 year old home up to current standards and would significantly increase its value in a sale!

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.

This variance would not convey any special privilege. It would simply extend the current exterior wall.

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.

Similar additions have been completed all over RR. Building codes have been updated and revised many times since the home was built in 1927. We simply hope to maintain the character but add useable space. Denying this

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variance would raise the question as to why some are granted and other similar projects are not.

## 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.)

*The variance requested is unique to the property but not unique to homes built in the same time frame. Codes and ordinances have changed many times since these homes were built. To maintain character and aesthetics, variance have been and should be approved under reasonable circumstances.*

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

*Granting this variance will have no adverse affect to the immediate neighbors. One could say it will have a positive impact as it will grant them increased privacy above and beyond the current trees and hedges in place.*

- 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.

*This is solely an addition onto the rear of the home and will have no bearing outside of the property owners. The opposite is true in that all sanitary and storm line are being upgraded to current code, which will increase the general welfare of the neighborhood. It will also increase security for the homeowners as the garage is now being attached.*

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

The variance maintains and extends the current exterior wall of the home

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

For aesthetic reasons we seek to maintain and extend the exterior wall while giving the maximum amount of driveway space on the opposite side for cars to make the 90° turn

**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.

There is no economic aspect to this project. This is a residential addition.

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

We purchased the home with the exterior wall in its current location and see the only viable way to complete this project by extending that wall to the rear of the property

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