

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 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 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 NARROWNESS OF SIDE YARD FROM PROPERTY LINE TO THE ACTUAL HOUSE.

- 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).

CURRENT PLACEMENT OF THE A/C SYSTEM FOR THE 3RD FLOOR PROVIDES SIGNIFICANT CHALLENGES FOR SERVING AND COULD BECOME A PROBLEM DURING A SALES INSPECTION. THIS PROVIDES THE POTENTIAL FOR A NEGATIVE IMPACT TO THE VALUE OF THE HOME DURING SALE. MOVING THE UNIT SHOULD NOT HAVE A NEGATIVE IMPACT WHILE ALLEVIATING THE CURRENT ISSUE.

- 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 VARIANCE REQUESTED IS SUBSTANTIAL - THE CONDENSING UNIT WILL BE 2 FT FROM THE PROPERTY LINE, BUT THIS IS THE MINIMUM ADJUSTMENT NECESSARY FOR A REASONABLY SERVICABLE INSTALLATION. CONSIDERATIONS HAVE ALSO BEEN MADE REGARDING THE NOISE LEVEL OF THE EQUIPMENT TO FURTHER REDUCE THE IMPACT OF THIS VARIANCE REQUEST.

- 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 VARIANCE WOULD NOT SUBSTANTIALLY ALTER THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD.

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

GOVERNMENTAL SERVICE WOULD NOT BE IMPACTED.

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

PROPERTY OWNER WAS UNAWARE OF THE ZONING RESTRICTIONS AT TIME OF PROPERTY PURCHASE.

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

THE ~~OWNER~~ OWNER DID NOT TAKE ANY ACTIONS THAT CAUSED SPECIAL CIRCUMSTANCES.

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).

AFTER CAREFUL CONSIDERATION OF THE REQUIRED PLACEMENT OF EQUIPMENT AND ROUTING OF THE REFRIGERANT LINES AND POWER TO THE INDOOR UNIT, THIS VARIANCE PROVIDES THE MOST PRACTICAL SOLUTION. OTHER SOLUTIONS WOULD BE OVERLY RESTRICTIVE OR IMPOSSIBLE.

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 OF THE ZONING REQUIREMENT IS BEING OBSERVED BY OPTING FOR A CONDENSING UNIT THAT HAS A VERY QUIET OPERATION. 54 DECIBELS

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 WILL NOT CONFER ANY SPECIAL PRIVILEGES TO THE HOMEOWNER.

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.

A LITERAL INTERPRETATION OF THE CODE WOULD NOT DEPRIVE THE HOMEOWNER OF RIGHTS COMMONLY ENJOYED. THIS VARIANCE WILL HOWEVER GREATLY IMPROVE THE SAFETY OF THE TECHNICIANS WORKING ON THE EQUIPMENT IN THE CURRENT LOCATION, SO IN THIS CASE THE LITERAL INTERPRETATION DOES NEGATIVELY IMPACT THOSE MAINTAINING, 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. REPAIRING, AND INSTALLING THE EQUIPMENT.

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.)

ALTHOUGH NOT UNIQUE, THE LIMITED DISTANCE BETWEEN LOTS IN THE NEIGHBORHOOD DOES POSSE CHALLENGES WHEN LOCATING HVAC CONDENSING UNITS. THIS ISSUE IS AT THE HEART OF THE VARIANCE REQUEST.

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

CONSIDERATIONS ARE BEING MADE REGARDING THE PLACEMENT OF AND THE NOISE LEVELS OF THE EQUIPMENT TO ENSURE THAT NEIGHBORING PROPERTIES ARE NOT NEGATIVELY IMPACTED.

- 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 VARIANCE WILL NOT HAVE A NEGATIVE IMPACT ON CITY SERVICES, WHICH WOULD BE THE ONLY CONCERNS.

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

THE VARIANCE REQUEST IS TAKING BOTH AESTHETICS AND SOUND INTO CONSIDERATION AND STEPS ARE BEING TAKEN TO ENSURE THAT THE INSTALLATION FOLLOWS THE SPIRIT OF THE CODE.

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

RELOCATION OF THE UNIT WILL BE THE MINIMUM DISTANCE POSSIBLE TO RETAIN THE FUNCTIONING OF THE SYSTEM WHILE IMPACTING THE CODE AS LITTLE AS POSSIBLE CONSIDERING THE PROXIMITY OF THE PROPERTY LINES.

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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