

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>		
<i>Note: 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 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

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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).

* Please See Attached *
for responses

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).

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).

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).

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

Please see attached for responses

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

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

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).

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.

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.

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.

NOTICE OF REQUEST OF A HEARING BEFORE THE
BOARD OF ZONING AND BUILDING APPEALS

Address Of Property Seeking Variance: 1961 Hampton Road, Rocky River, Ohio 44116

Name of Property Owner: Mike and Carly Lovely

Address: 1961 Hampton Road, Rocky RIVER, Ohio 44116

Cell Phone No. : 440-552-9216

Email: Mikeandcarlylovely17@gmail.com

Name of Applicant/ Representative: Information Same as Above

Description of what is intended to be done:

Installation of a 42-inch-high, wood-framed fence with black wire mesh panels to enclose a small side-yard vegetable garden. The fence is designed to be open and visually unobtrusive, while protecting the garden from deer and rabbits and maintaining visibility from the street.

Sections of the Code from which variance is being requested:

Variance is requested from the corner side yard fence requirements that limit fencing to specific “ornamental” styles.

List variances requested:

Request for a variance to allow a wood-framed fence with wire mesh panels in the corner side yard, where only certain ornamental fence styles are typically permitted.

The proposed fence:

- Meets the maximum height requirement (42 inches)
- Meets setback requirements
- Is highly open and comparable in visibility to permitted ornamental fences

The variance request is limited to fence design/style only, not height, size, or placement.

PRACTICAL DIFFICULTIES Q & A

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.

This is a corner lot, which makes the side yard more visible and more restricted than a typical interior lot.

Because of that, fencing in this area is limited to what is considered “ornamental.” The challenge is that the ordinance gives a few examples (like metal fences), but doesn’t clearly account for other designs that are also low and highly open.

The fence we’re proposing is very open and functions similarly to approved ornamental fences, but uses a wood frame with wire panels, which doesn’t fit neatly into the listed styles.

The difficulty is about design limitations, not the location or size of the fence.

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 purpose of the fence is to protect a small vegetable garden from deer and rabbits. Without the variance, we would be limited to a narrow range of fence styles. While those are allowed, they don’t work as well with our property or the intended use. This design allows us to create a functional garden enclosure, keep the space open and visually unobtrusive, and match the existing wood fence creating a cohesive look.

While the property can still be used, this design allows for a more practical and appropriate use of the 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).

This request is very limited and only relates to the design of the fence. The fence meets code by being 42 inches high, behind the front wall of the primary building, more than 5 feet from the sidewalk, and is highly open comparable to approved ornamental fences.

The only difference is the material and design, not the height, placement, or impact. Because of that, the request is not substantial and represents the minimum needed.

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 fence will not change the character of the neighborhood or negatively impact nearby properties.

- It is low and see-through, so it does not block views
- It maintains clear sightlines for traffic and pedestrians
- It is similar in openness to approved fence styles
- The wood framing helps it blend with the existing fence, rather than introducing a completely different look

Overall, it is simple, clean, and unobtrusive, and should not have any negative impact.

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

The fence will not interfere with any government services. It does not impact water or sewer access, trash or recycling pickup, or utility access

It is set back from the sidewalk and does not block access to anything.

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

At the time we purchased the property, we understood that fencing is regulated, but we were not aware of the specific limitations on fence design within a corner side yard. We are now working through the proper process to make sure everything is reviewed and approved correctly.

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

These conditions were not created by us as the property owners. They are the result of the corner lot configuration and the way the ordinance defines and limits fence design options. We are simply trying to work within those constraints.

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).

We previously used a community garden plot, but it was difficult to maintain due to time constraints and was not successful.

We also considered using an approved fence style, such as a black metal fence. However, it would be more visually prominent and would not blend as well with the existing wood fence. It also does not provide the same balance between function and appearance.

A seasonal fence was also considered, but the need to install and remove it each year, along with storage, would not be a practical long-term solution.

The proposed fence provides the same openness while integrating more naturally with the property.

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).

Granting this variance would still follow the spirit and intent of the code. The goal of the ordinance is to ensure that fences in corner side yards are low in height, open and not visually obstructive, and safe for visibility.

This fence meets all of those:

- It is 42 inches high
- It is highly open and see-through
- It maintains clear sightlines

It also improves the property by creating a well-maintained, functional garden space.

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 request would not give us a special privilege that others don't have. Other homeowners are allowed to install open, ornamental-style fences in similar areas.

This request is simply to allow a similar type of open fence, using a different design and material, but with the same overall impact.

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 strict interpretation of the code limits us to a very narrow set of fence styles, even when other designs meet the same intent.

This puts the property at a disadvantage compared to others that can fully enclose yard areas and choose from more design options.

Granting the variance would allow us to have a reasonable and common use of our property, similar to other homeowners.