

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 checked="" 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

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).

This yard does not contain irregularities. It is 50' x 120' and the grade is relatively flat.

- 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).

This variance would yield a reasonable return as the homeowners are striving to achieve more storage on the property without compromising yard space. With a 50' wide lot and a 22' wide garage we are approaching 50% of the yard width. Utilizing height instead of more width will give the homeowner a beneficial return.

- 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).

This variance is the minimum necessary to allow for more storage in the garage. It is just 1' over the allowed 15' height max.

- 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 by this variance. The neighbor to the south has a garage well over 16' tall and they are not the only ones on the street with a garage exceeding 15'. This variance would not be setting a new precedent on

the street.

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

This variance will not adversely affect any governmental services. There are no telephone poles behind the garage and there is 5' between the southern neighbors garage and our client's existing garage. The new garage will not encroach on the rear or right property lines any further than the existing garage is now.

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

The homeowner was not aware of the 15' height max, especially because they see their southern neighbors garage and were actually under the impression they could build as tall as their neighbor.

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

No special conditions are a result of the homeowners doing.

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 only other way to increase storage without a variance would be to increase the footprint of the garage. The reason that is not feasible is the lot is only 50' wide and with a 22' wide garage we are approaching 50% of the rear yard width. With children, the yard space is critical and trading yard space for a larger garage isn't feasible.

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).

Substantial justice would be done by granting this variance as it helps the homeowner solve storage issues and maintaining a happy resident of Rocky River. Storage is king when it comes to having a family, so by allowing for more storage space this helps relieve them of searching for storage units or forcing them to upsize the home elsewhere.

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.

Granting this variance will not give our client any special privilege, mainly because this will

not be the tallest garage on the street. They are working within the code in all other aspects of the job and are looking for a small increase in height but will still not be as tall or taller than the southern neighbors garage.

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.

The literal interpretation of the code would deprive them of rights enjoyed by other properties as other properties have garages over 15'. Like mentioned previously, some garages are 18'-20' in height. They should have the same opportunity to gain height outside of code as some of the other houses with needs for taller garages.

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.)

This request is stemming from storage issues unique to their home. Typically houses have usable basements and/or attics. In their case, they have an unusable attic and a basement that has seen water a few times. Because of this, basement storage is limited to items that can get wet, don't have sentimental or financial value, and are ok to be in a high humidity environment. This limits a lot of storage to the first and second floor of the home. With closet space being used for their intended purposes on those floors, that limits items that

are meant for the basement or attic.

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

This will not adversely affect the neighbors as they have signed off on this proposed garage and/or their garages already exceed 15'. The homeowner has informed their neighbors of the potential project and they have given written sign off.

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 have no effect on the public health, safety or general welfare of the city because the additional 1' of height is not obstructing anything or creating any issues that did not previously exist.

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

This variance will be consistent with the spirit and intent of the code because code is intended to ensure consistent safe structures but as we know not all codes can apply to every property. We are staying within all other code to build a safe structure that will compliment the beauty of the house and the neighborhood while also providing the function needed for this particular property.

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

As the homeowner is only asking for 1', we believe this minimal variant from the code will provide relief to the homeowner as it will be impossible to get any useful storage out of a 15' tall garage at 22' wide. The extra 1' provides just enough to get useful storage in the gable.

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.

N/A

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

The storage in the house was the same before and after the homeowner bought the house. The water in the basement was unexpected and brought a new variable to the storage equation. This, combined with the limited attic prompted the need to increase the building height.

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