

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:</i> <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 checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Square footage 	<input checked="" 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).

The property is undersized even compared to other properties on this street, so space is at a premium.

Allowing the residents to use the garage rooftop for additional living and planting space would help to alleviate this hardship.

- 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).

We feel the rooftop patio and vegetated areas would increase enjoyment for the homeowners, neighbors, and pollinator population, and would also increase property value.

- 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).

Though the height variance request is substantial compared to what is allowed, we feel that the use case is different from that to which the code is meant to apply. The setback variance request is relatively minimal. The occupiable square footage of the deck is actually below the allowed amount by code, but the vegetated area is what drives the higher number. While we could bring the railing in to surround only the occupiable space, it would make maintaining the vegetated area much more difficult.

- 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 main structure of the garage already exists, the stairs and railing will be mostly open space, so there will be very little perceptible difference in mass. The added green space will actually improve views and reduce runoff on neighboring properties.

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

No

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

No

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

No

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).

No

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 vegetated roof and paver patio would allow for reduced stormwater management and runoff and increase natural habitat for pollinators and create more outdoor living space for the homeowners.

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

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 property is undersized even compared to other properties on this street, so space is at a premium. Allowing the residents to use the garage rooftop for additional living and planting space would help to remediate this hardship.

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.)

The property in question is smaller even than the typical lot size in the neighborhood (and significantly smaller than the standard lot size) at only 45' wide at the front lot line and 47' at the rear. As a result, space is at a premium. Allowing the residents to use the garage rooftop for outdoor living space and planting would help to alleviate this situation.

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

The main structure of the garage already exists, the stairs and railing will be mostly open space, so there will be very little perceptible difference in mass. The added green space will actually improve views and reduce runoff on neighboring properties.

- 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.

The requested variances have no effect on public health and safety.

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

The property would be maintained as a single family residence with a detached garage, we would simply be adding additional outdoor living space.

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

The height, location, and square footage of the garage cannot be changed, so it is not possible to minimize the request. The applicant is, however, asking for a minimal area of useable patio area (130 SF vs the 250 SF that is allowed).

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.

It was stated when the house and garage were built that the garage was structured to accomodate a future green roof and patio. At that time, the BZA and ARB did not mention that this would trigger additional variances.

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.