

### 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 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>		
<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"> <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 checked="" 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).

The property is currently undergoing a \$113,000 remodel which includes the addition of a patio door on the southwest rear wall of the home.

---

The existing AC condenser sits directly in front of where that door will be installed; so directly that someone stepping outside would walk straight into the unit. This makes the current location incompatible with the remodel.

---

These circumstances are specific to this property's layout and active construction and do not apply generally to other properties in the district.

---

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 variance does not affect the overall use of the property as a single-family residence.

---

However, without the variance, the homeowner must either abandon the patio door, a central element of a \$113,000 remodel designed to correct a longstanding functional deficiency in the home, or place the condenser in a mechanically inefficient location far from the air handler and furnace.

---

The current home layout requires rear yard access exclusively through the sunroom, which is an inadequate and impractical arrangement for everyday use. The patio door corrects this deficiency. The variance is necessary to allow this improvement to proceed in a structurally sound and mechanically efficient manner.

---

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 AC unit protrudes 42 inches from the house, and the house sits 97 inches from the property line. This places the outer edge of the unit approximately 55 inches from the property line — a deviation of 65 inches from the required 120-inch setback. While the deviation is meaningful, it must be evaluated in context

---

The neighbor's concrete walkway begins 136 inches from the applicant's home, meaning there is approximately 81 inches of open space between the outer edge of the unit and the nearest feature of the neighboring property. The proposed location is the closest viable point that accommodates the remodel while keeping the unit near the air handler and furnace.

---

An evergreen screen will also be installed providing a permanent natural buffer. This is the minimum variance necessary.

- 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 relocation is a net positive for the neighboring property. The current unit, though technically compliant at 165 inches from the property line, sits right next to the neighbor's patio, their primary outdoor living space. The new location moves it away from that patio and toward the neighbor's garage, resulting in less noise where they actually spend time outside.

---

The noise reduction is significant. The existing unit runs at **76 decibels**. The replacement Carrier 26SPA6 operates at **67 decibels** (9 dB drop). The new unit also falls comfortably under Rocky River's 70 dB maximum. Between greater distance from the neighbor's patio, a significantly quieter unit, and a permanent evergreen screen, the neighboring property ends up in a better position than it is today. The character of the neighborhood is unaffected.

---

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

None. This is a residential condenser relocation and will have no impact on water, sewer, trash, or any other municipal service.

---

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

The homeowner purchased the property in May 2024. The variance need wasn't apparent at purchase; it arose later when the remodel design revealed a direct conflict between the patio door location and the existing condenser. This wasn't foreseeable at the time of closing.

---

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

The circumstances requiring this variance are a direct result of a legitimate, substantial home improvement; the addition of a patio door to correct inadequate rear yard access. While the remodel created the need to relocate the condenser, this was not the result of negligence, oversight, or disregard for the zoning code.

---

The homeowner is proactively seeking proper approval through the correct legal channel rather than proceeding without permits. The intent throughout has been full compliance with city requirements.

---

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 condenser has to move; the patio door is going in where it currently sits. The only real alternative is somewhere along the rear wall of the home. That option has a significant problem.

---

The air handler and furnace are located in the basement, and on the same corner of the home as the current condenser. Moving the condenser further down the rear wall would require a minimum of 15 additional feet of refrigerant line compared to the proposed side yard location. That means more materials, more labor, reduced system efficiency, and additional points of potential failure, with no benefit to anyone. The proposed northwest side yard location keeps line runs short, and actually improves conditions for the neighboring property. There is no better alternative.

---

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).

Setback rules exist to protect space, light, air, and privacy between neighbors. This placement respects all of that. The new unit runs at 67 dB, which is well within city limits and nearly half the perceived loudness of the current unit, and it moves away from the neighbor's outdoor living space, not toward it. The evergreen screen further reinforces the intent behind the setback by providing a permanent physical buffer along the property line.

---

It's also worth noting what this homeowner has brought to this property and this street. When they purchased in May 2024, the home had neglected landscaping, deferred maintenance, and outdated systems throughout. They've already addressed those deficiencies, bringing a property that was underperforming relative to the neighborhood up to a standard consistent with the surrounding street. Now they're taking it further with a \$113,000 investment to improve the home's functionality and livability. That's exactly the kind of ownership zoning is designed to encourage. Granting a 15-inch variance to allow that investment to be completed properly is consistent with the spirit and intent of the code. Substantial justice is served.

---

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 does not create any special privilege.

---

The request is driven by specific physical circumstances, including the patio door conflict, the air handler location, and the refrigerant line constraints; all are unique to this property and this remodel.

---

This is a fact-specific request, not a general exemption.

---

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 reading of the setback requirement here would force the condenser to center of the rear wall of the home, requiring a minimum of 15 additional feet of refrigerant line to reach the air handler. This adds cost, reduces efficiency, and introduces unnecessary failure points into the system.

---

Other homeowners in this district with air handlers along the rear wall don't face this constraint.

---

Applying the code rigidly in this case would deprive this homeowner of the ability to complete a practical, efficient installation in a way that's readily available to neighbors whose homes aren't configured the same way.

---