

TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code	☐	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
Rear, side & front setbacks	☒	(Area) Practical Difficulties
Coverage (>28%)	☐	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
Width	☐	(Area) Practical Difficulties
Distance from property line	☐	(Area) Practical Difficulties
Circular if lot width is <90'	☐	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
Area allowed (maximum sq. ft.)	☐	(Area) Practical Difficulties
Height	☐	(Area) Practical Difficulties
Front setback	☐	(Area) Practical Difficulties
Lot width <100'	☐	(Area) Practical Difficulties
Number of items of information	☐	(Area) Practical Difficulties
On side of building	☐	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
Height or Openness	☐	(Area) Practical Difficulties
Front Yard (in setback)	☐	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i> <u>Note:</u> <i>Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
Height	☐	(Area) Practical Difficulties
Setback from property line	☐	(Area) Practical Difficulties
Square footage	☐	(Area) Practical Difficulties
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
In side or rear yard <10' from property line or in front yard	☐	(Area) Practical Difficulties
Parking: <i>(Complete Building Permit Application)</i>		
< the number of spaces required	☐	(Area) Practical Difficulties
Setback from property line	☐	(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 proposed project includes an addition, an open pavilion attached to the house, and associated site improvements including a patio and plantings to better meet the needs of the homeowners. A practical difficulty exists because the existing house is situated 7" from the rear property line, significantly limiting the available buildable area and making it difficult to reasonably expand the home while complying with the required setback requirements.~~

- 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 property can continue to function as a single-family residence without the variance. However, because the existing home is located near the rear property line, strict application of the setback requirements unreasonably limits the ability to make customary residential improvements and additions to the property.~~

- 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).

~~Required rear yard setback is 25', however the existing house is only 7" off the property line. The proposed pavilion would maintain the existing 7" setback.
Required side yard setback is 8', the proposed pavilion would be 4'-9 1/2" (2'-2 1/2" less) to the overhang of the roof and 6'-6" to the center line of column (2'-6" less).~~

- 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 requested variance will not substantially alter the essential character of the neighborhood, as the proposed improvements are consistent with the scale and residential character of surrounding properties. The project will enhance the aesthetic appeal and overall value of the property while having no substantial adverse impact on adjoining properties due to the limited nature and location of the improvements.~~

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

No - this is located in the side yard of property

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

The homeowners purchased the property with knowledge of the existing zoning regulations. However, the practical difficulty arises from the existing location of the house near the rear property line, which limits reasonable improvements to the property.

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).

Due to the existing location of the house near the rear property line, there are no feasible alternatives to accommodate the proposed improvements without a substantial and costly remodel of the existing home. The requested variance represents the minimum relief necessary.

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 the variance will allow reasonable improvements while maintaining the character of the neighborhood. The proposed improvements will enhance the property without negatively impacting surrounding properties.

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 the variance will allow reasonable improvements to the existing residence while maintaining the character of the neighborhood. The proposed improvements will enhance the appearance and value of the property without adversely affecting surrounding properties.

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 zoning code would limit the homeowners' ability to make customary residential improvements commonly enjoyed by other properties in the district. Due to the existing location of the house, strict enforcement of the setback requirements would place this property at a disadvantage.

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.)

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

- 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.

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

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

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.

The existing home was originally constructed just 7 inches from the rear property line, creating a unique lot condition that limits opportunities for reasonable improvements

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