

Property Owner's Signature Applicant/Representative's Signature ★ **Please note that the Board members visit the subject property prior to each BZA meeting. Please indicate whether or not you have a dog(s) that may be outside at the time of their visits.**

Yes ☐ No ☒

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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	X	(Area) Practical Difficulties
• Front Yard (in setback)	☐	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application); Detached Garages: (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>		
• 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 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

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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). *Easement granted to the apartment building behind us to build on the property line. The original structure was to have some type of masonry walls. However, the design changed to a wood frame covered by vinyl siding. Big difference in the sound deadening properties of masonry as compared to frame/vinyl siding. Prior to easement being granted and construction of new carports, the original carports were not visible over the pre-existing 6 foot fence. New construction car port's roof is >=12 inches taller than the typical 6 foot fence. In order to continue to maintain natural appearance on the property, an 8 foot fence will cover the extent of the car port across the entire property line. Additionally, given the width of the roof, the additional ~12 inches of excess height on the 8 foot fence will be barely visible from street level. The primary intent is to return my property to it's preexisting state prior to new car port construction and variance approval by this board.*

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). *Our property suffers financially from being adjacent to a noisier commercial property. Higher property value more in keeping with secluded residential property. The 8 foot fence will easily cover the entire car port structure and return my property back to it's natural and original state.*

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). *Variance is insignificant as it only adds 2 feet of added vertical fence 6ft < 8ft. Will pose minimal to no negative impact from a visual perspective from the Hilliard perspective.*

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). ***No essential character change to the neighborhood. The fence will not be seen from the commercial property or from our residential street. Both adjoining properties on each side are also pursuing a variance for the same purpose.***

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- E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup. ***Not applicable***
- F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions. ***Not applicable. The variance request will allow for the property to be returned to it's original state, where no visible site lines of prior existing garage ports was noticeable over the old 6 ft fence.***
- G.) Explain whether special conditions or circumstances exist as a result of actions of the owner. ***This request is special conditions from the new owner of the commercial property***
- 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 situation cannot be obviated in a reasonable period of time or within available space.***
- 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 essential spirit and intent of the original zoning is observed and substantial justice will be done to the three adjoining properties. Prior to the destruction of the existing fences, there were multiple fence styles and some 6 ft and some at 8 ft. This will provide a uniform appearance across all 3 adjoining residential 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. ***With the granting of this variance there is no special privilege granted to the applicant 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.

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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.

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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.

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