

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> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)		
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

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 uniquely constrained by the location of the existing residence, driveway, and electrical connections, which significantly limit the practical locations available for installation of an exterior air conditioning unit. Due to these site-specific conditions and the configuration of the lot, strict application of the side-yard setback requirement would unreasonably restrict placement of the equipment, while the proposed location will not adversely affect neighboring property and is supported by the adjacent landowner.

- 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).

Without the requested variance, the property would continue to be usable as a residence; however, the location constraints created by the existing home, driveway, landscaping, electrical utilities, and lot configuration significantly limit feasible locations for installation of the air conditioning unit. As a result, strict enforcement of the setback requirement would impose an unnecessary practical hardship by preventing installation of the equipment in the most suitable location, while the variance would permit reasonable residential use without adversely affecting neighboring properties.

- 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).

4.5 feet less than required by code.

- 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. See photographs. The easterly property line is heavily landscaped with privacy shrubbery and the adjacent landowner's closest structure to the property line is their garage (i.e., not an actively used space).

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. Only extremely cost prohibitive HVAC solutions would be available, which would also likely lead to same or similar request given age of home (built in 1929) and existing HVAC infrastructure.

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 would preserve the spirit and intent of the zoning code because the proposed air conditioning unit will be compatible with the surrounding neighborhood and will not adversely affect adjacent properties. The improvement will enhance the functionality and value of the property while maintaining the character, safety, and enjoyment of neighboring 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.

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.

A literal application of the setback requirement would deprive the applicant of the ability to locate a customary residential air conditioning unit in a practical location, a right commonly enjoyed by other residential properties within the zoning district. Due to the unique constraints of the property, the variance is necessary to allow the property to enjoy the same functional residential use as similarly situated properties.

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.

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