

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 an existing single-family residence on a prominent corner lot at Beach Cliff Boulevard and Falmouth Drive. The existing house, garage configuration, basement floor-to-floor height, and geometry of the lot create unique physical constraints that limit the ability to modernize the residence while retaining and working within the existing structure.

- 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 will continue to function as a single-family residence without the variances; however, strict compliance would significantly limit the ability to provide a functional two-car garage and appropriately sized kitchen within the existing structure. The requested relief allows the residence to be substantially modernized without requiring more extensive reconstruction or replacement.

- 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 requested variances are limited to the minimum necessary to address specific functional and architectural constraints. The garage setback is reduced to 20'-0" to allow the garage to be partially submerged and recessed approximately 2'-0" below the existing garage elevation, providing necessary vehicle clearance while minimizing its visual mass. The kitchen setback is reduced to 24'-0½" to maintain appropriate architectural proportion, avoid an awkward garage-level projection, and provide modest additional functional space.

- 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 proposal is intended to enhance rather than alter the essential character of the neighborhood. The addition is carefully scaled and detailed to complement the existing residence and surrounding homes through compatible materials, architectural language, proportions, and detailing, enhancing the appearance and functionality of this prominent corner property. The design seeks to make the addition read as a natural extension of the existing home rather than an oversized new structure.

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

The proposed improvements will not adversely affect the delivery of governmental services. The project maintains the existing single-family residential use and will not create additional demands that interfere with existing water, sewer, fire protection, refuse collection, or other municipal services.

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

The property was purchased as an existing single-family residence, and the requested variances relate to the physical characteristics and configuration of that existing structure. The proposed improvements were developed in response to those existing conditions, with the intent of preserving as much of the original home as reasonably possible.

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

The practical difficulties are primarily attributable to the existing structure and site, including the basement floor-to-floor height, established garage configuration, and corner-lot conditions, rather than actions of the current owners. The design intentionally works within these existing constraints rather than removing and replacing the home.

- 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).

Alternative solutions were considered, including more extensive alteration or removal of the existing structure. These approaches would compromise the goal of preserving portions of the home's character and some existing architectural fabric. Partially submerging and recessing the garage provides the most sensitive solution, allowing contemporary vehicle dimensions to be accommodated while minimizing the addition's apparent mass and preserving the existing home.

- 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 proposal respects the intent of the setback regulations by maintaining an appropriate relationship to the street and neighboring properties while using recesses, reduced massing, compatible scale, and architectural detailing to minimize visual impact. The improvements will enhance the property's appearance and functionality while reinforcing the established architectural character of the neighborhood.

- 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.

The requested variances do not seek a special privilege unrelated to the property's circumstances. The relief is specifically tied to the existing home's configuration, the constraints of preserving the structure, and the need to accommodate contemporary residential requirements within a sensitively designed addition.

- 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 substantially constrain the ability to modernize the existing residence while preserving portions of its original structure and architectural character. The requested relief allows the property to receive a reasonable level of improvement and functionality consistent with the manner in which other homes in the district have been developed and maintained.

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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