

STANDARD VARIANCE APPLICATION

City of Cleveland Heights

There are some instances in which a Cleveland Heights property owner, due to unusual conditions on his or her property, may request a variance from strict adherence to the standards of the Zoning Code. Most requests for variances are reviewed and acted upon by the **Board of Zoning Appeals (BZA)**. To obtain a variance, an applicant must show, to the BZA's satisfaction, that strictly adhering to the standards would result in a "practical difficulty" for the applicant. The factors that must be considered in determining whether a practical difficulty exists are listed on page 3. It is **not** necessary for the Board to find that **all** the listed factors apply.

BZA meetings are held on the third Wednesday of each month, with some adjustments for holidays, at 7:30 p.m., in City Council Chambers, on the second floor of City Hall. **Applications are due on the second Wednesday of the preceding month** (see page 6 for this year's dates).

Contacting the Planning and Development Department

Prospective applicants are strongly advised to consult with Planning Department staff before submitting an application. Staff members will explain the approval process and make applicants aware of the regulations that apply to their projects.

The department's main phone number is 216-291-4878; our e-mail address is planning@clvhts.com. Most application forms can be downloaded from the City's website, www.clevelandheights.com.

Application process

The following materials should be included with all applications:

- (1) **the completed application form (17 copies);**
- (2) **a written statement of practical difficulty (17 copies, see page 3);**
- (3) **scale drawings in an 8-1/2-by-11 or 11-by-17 format, or, if necessary to maintain legibility, a larger format (17 copies);**
- (4) **proof of control of the property by ownership, option, or lease (1 copy); and**
- (5) **application fee: \$80.00 for single, two-and three-family residential; all others \$150.00 (checks should be made payable to the City of Cleveland Heights).**

The application may be dropped off at our office on the main floor of City Hall or mailed to City of Cleveland Heights, Dept. of Planning and Development, 40 Severance Circle, Cleveland Heights, OH 44118.

Public hearing and Board of Zoning Appeals review

At the Board of Zoning Appeals meeting, City staff and the applicant will make presentations regarding the requested variance. Neighbors, who will be notified in advance of the hearing by mail, and other interested parties will have the opportunity to comment during the public-hearing portion of the BZA meeting. The BZA may grant or deny the variance, or it may postpone making a decision to consider or seek additional information. It is the BZA's responsibility to make decisions based on the facts presented, within the framework set by the Zoning Code.

Variances do not become effective until they are reviewed and approved by City Council. After the BZA grants a variance, City Council has a maximum of thirty days in which to approve or reverse the BZA's granting of the variance.

Other approvals

The granting of a variance does not imply approval of specific plans by the Building Dept., Architectural Board of Review, or other City entities. Questions about building permits and regulations may be addressed to the Building Dept. at 216-291-4900.

STANDARD VARIANCE APPLICATION FORM

Please type or print clearly.

Calendar number _____

Date submitted _____

Contact information:

Applicant(s)	_____
Phone/fax/e-mail	_____
Address of subject property	_____
Mailing address of applicant	_____
Applicant's representative, if any	_____
Phone/fax/e-mail	_____
Address of representative	_____
Property owner, if different from applicant	_____
Phone/fax/e-mail	_____
Address of property owner	_____

Brief summary of variance request (please attach **detailed** statement of practical difficulty):

Supporting documentation (check all that apply):

- _____ Completed Application (17 copies)
- _____ Detailed statement of practical difficulty (17 copies)
- _____ Proof of ownership, option, or lease agreement (1 copy)
- _____ Floor plan (17 copies, drawn to scale)
- _____ Site plan (17 copies, drawn to scale)
- _____ Elevations (17 copies)
- _____ Application fee check no. _____



Applicant's signature _____	Date _____
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PREPARING YOUR **STATEMENT OF PRACTICAL DIFFICULTY**

To obtain a variance, an applicant must show, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's standards would result in a "practical difficulty" for the applicant. To this end, a written statement of practical difficulty must accompany an application for a standard variance. In a statement of practical difficulty, an applicant should address all of the factors in the list below that are relevant to his or her situation. Please be concise.

The factors the BZA will consider in determining whether a practical difficulty exists are:

- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- F. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- G. Whether special conditions or circumstances exist as a result of actions of the owner;
- H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- J. 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.

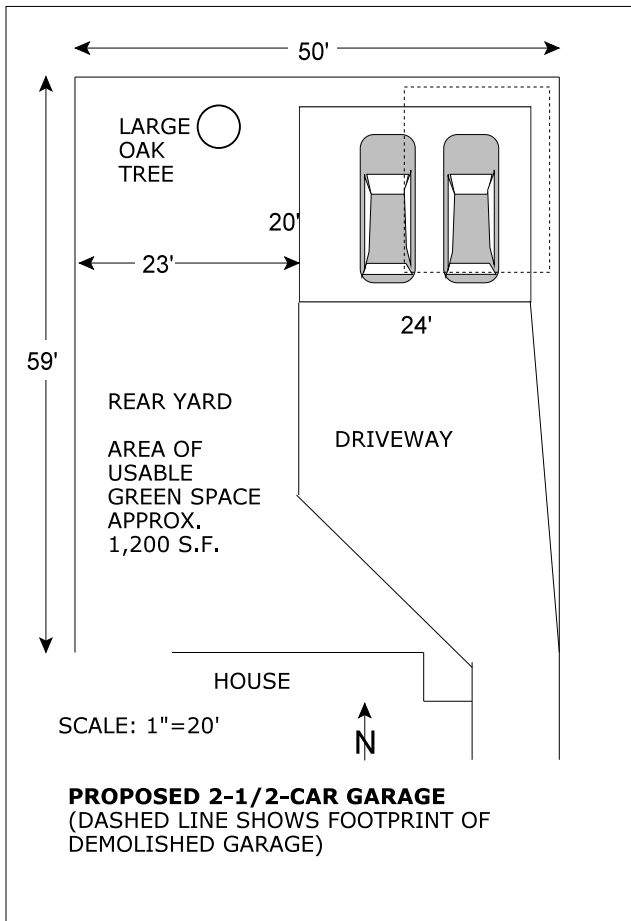
It is **not** necessary for the Board to determine that **all** of the above factors apply to an application for a standard variance. If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

The factors listed above can be found in Subsec. 1115.07(e)(1) of the Cleveland Heights Zoning Code.

SAMPLE SITE PLANS

The site plans shown on this page and the next are examples of the kinds that may be needed with your application for a variance from the standards of the Cleveland Heights Zoning Code. Before submitting your application, it is recommended that you discuss your situation with staff to determine exactly what kinds of drawings will be needed.

Drawings should be produced at appropriate scales in 8-1/2-by-11 or 11-by-17 formats (larger if necessary to maintain legibility). The samples below are drawn to scale, but the scale may be slightly off if you downloaded this application package from the Internet.



Sample Site Plan #1

The site plan example on this page depicts a proposal for a 2-1/2-car garage in the rear yard of a 2-family house. Since 2-family houses are generally required to have 4-car garages, a property owner would be required to seek a variance before replacing the property's original garage with something smaller than a 4-car garage.

This drawing shows what the property owner is proposing in a clear, concise manner. It also shows the two reasons why the property owner is seeking the variance: a four-car garage would require removal of a large oak tree and reduce the amount of usable green space in the rear yard to an unacceptably low level.

A problem with this drawing is the lack of information regarding the distance of the proposed garage from the rear and side property lines. If the drawing is true to its 1":20' scale, though, as it is required to be, the distances can be measured off the drawing.

The scale drawings of cars parked in the garage are helpful, but not necessary.

Sample Site Plan #2

On the imaginary property depicted at left, the property owner is seeking a variance from the required 30-foot rear-yard setback requirement. The variance is needed to build a proposed addition.

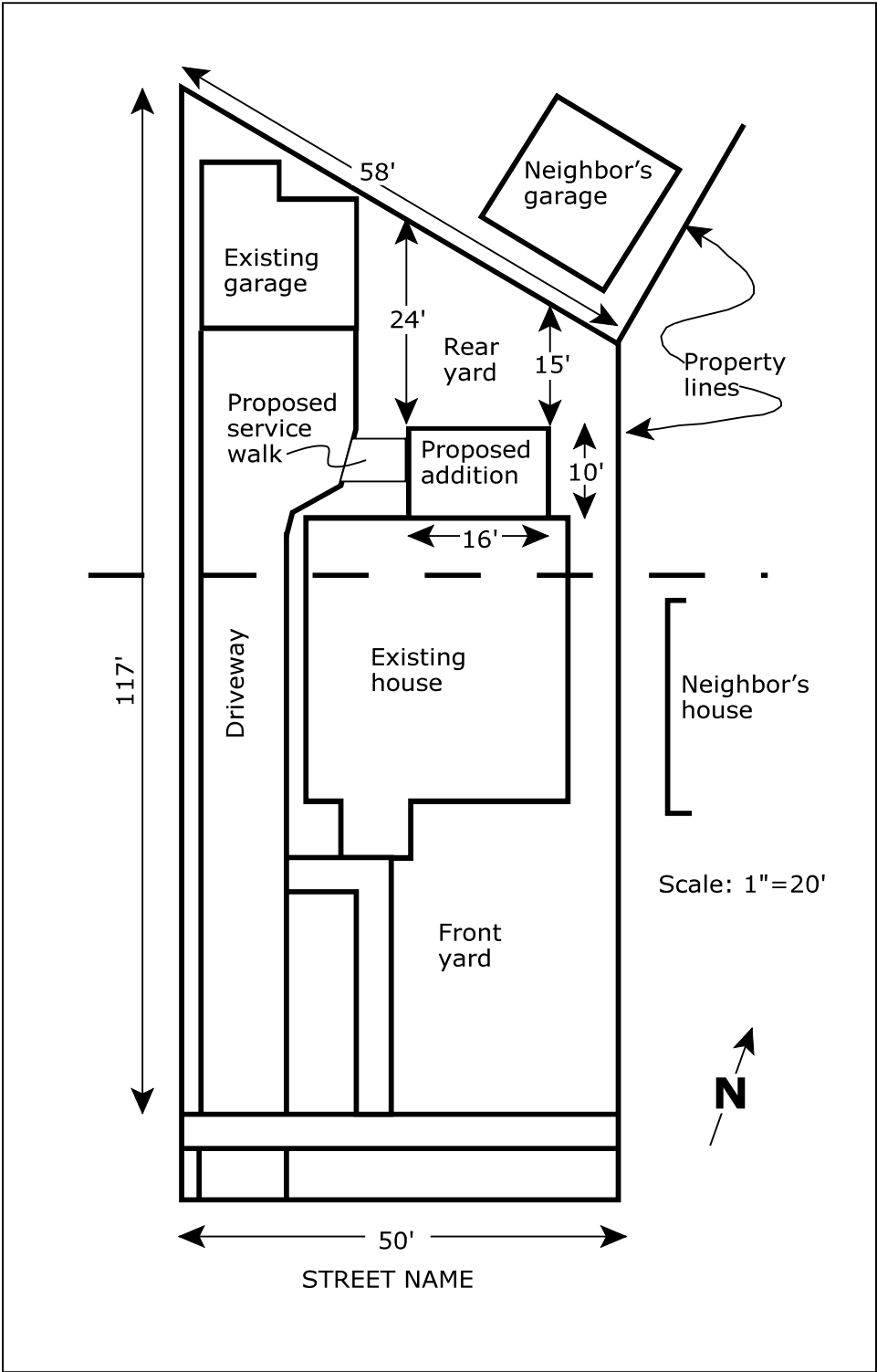
Since the variance request involves the rear yard, the information shown above the dotted line is essential. The information below the line, while not essential, is helpful and should be provided if possible.

It is also beneficial to show the location of nearby buildings on other properties. This helps to show whether granting the variance would have a negative impact on those properties.

Drawings should be clear, concise, and drawn to scale. They should also illustrate the property owner's reasons for seeking a variance.

In this case, the odd shape of the lot, the lot's relatively small size, and the unusually deep front setback are all conditions that could lead a property owner to request a variance, and these conditions are all illustrated in the drawing.

Proposed landscaping improvements should also be shown.



City of Cleveland Heights
 BOARD OF ZONING APPEALS
MEETING DATES FOR THE YEAR 2010

Meetings are held on the third Wednesday of each month at 7:30 p.m., unless otherwise indicated, and are held in City Council Chambers on the 2nd floor of Cleveland Heights City Hall. Applications are due by 5:00 p.m. on the second Wednesday of the previous month.

The applicant or the applicant's representative must be present at the meeting.
 Variances granted by the BZA are not effective until approved by City Council.

<u>Meeting date</u>	<u>Application deadline</u>	<u>City Council review date</u>
January 20	December 9, 2009	February 1
February 17	January 13	March 1
March 17	February 10	April 5
April 21	March 10	May 3
May 18*	April 14	June 7
June 16	May 12	June 21
July 21	June 9	August 2
August 18	July 14	September 7
September 15	August 11	September 20
October 20	September 8	November 1
November 17	October 13	December 6
December 15	November 10	December 20
January 19, 2011	December 8, 2009	February 7, 2011

*3rd Tuesday (holiday observance)