

**CITY OF NORTH ROYALTON
BOARD OF ZONING APPEALS
Plan Review Process**

- 1. Application for building permits; discussion on procedures, etc.
- 2. BOARD OF ZONING APPEALS (if required)
Meeting: 4th Monday of the month
9 Copies of plans required
- 3. PLANNING COMMISSION
Meeting: 1st and 3rd Wednesdays of the month.
- 4. Review of final plan for permit.

NOTE: The applicant or a representative must be present at all official meetings.

The following information MUST be completed before this application is accepted. Provide the accurate sizes of the following and check off the appropriate items that are on the property at the time of submitting this application:

Name of property owner at present time: _____

Lot size, width and depth: _____

Size of existing attached garage – square footage: _____

Size of existing detached garage – square footage: _____

Square footage of existing accessory building, shed: _____

Square footage of existing deck: _____

***HOMEOWNER ASSOCIATE LETTER IS REQUIRED FROM ASSOCIATION FOR APPROVAL OF ANY VARIANCE.**

APPLICATION TO BOARD OF ZONING APPEALS

DATE: _____ **MEETING DATE:** _____

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____
Street City & State Zip

PHONE NUMBER: _____ **WORK PHONE NUMBER:** _____

PROPERTY OWNER: _____ **PHONE NUMBER:** _____

ADDRESS OF OWNER: _____
Street City & State Zip

REQUEST IS FOR PPN: _____ **STREE ADDRESS:** _____

APPLICATION FEE:

Residential Districts	\$75.00
Public Facilities Districts	\$125.00
Multi-Family Districts	\$125.00
Business Districts	\$150.00
Industrial Districts	\$175.00

SUBMITTAL SHALL INCLUDE:

- 8 (eight) copies of buildings, setbacks, topography, etc.**
- Signature of property owner on attached permission slip.**
- Answers to Questions on fourth page of this packet (a) 1-9.**
- Submission Requirements to Section 1264.08(a) on fourth page of this packet.**

Any applicant requesting a second monthly meeting or special meeting by the Board of Zoning Appeals may request same and shall pay a fee of three hundred dollars (\$300.00) for the services rendered.

Any extra costs or additional work performed by the Law Department or the Municipal Engineer or any other department of the Municipality, including but not limited to engineering and architectural services, in connection with the matter contained in the application, shall be added to the application fee and the applicant shall bear all additional expenses.

ALL FEES ARE PAYABLE SUBJECT TO SECTION 214.07(B) OF THE CODIFIED ORDINANCES.

An application to the City shall be accompanied by **cash or check in the amount of the fee prescribed** above, made payable to the City of North Royalton. All fees shall be **NONREFUNDABLE**.

***If the property involved is not registered in the same name in the County records as the property owner on the application, an agent or representative must submit written notarized consent from the property owner and this must be presented with the application.**

PROPERTY OWNERS AND APPLICANTS MUST ATTEND ALL MEETINGS

Signature

All public meetings held by the City of North Royalton comply with the Americans with Disabilities Act Regulations (ADA).

**CITY OF NORTH ROYALTON
APPLICATION TO BOARD OF ZONING APPEALS**

SECTION 1264.08 VARIANCE PROCEDURES AND REVIEW CRITERIA

The Board of Zoning Appeals shall have the power, in specific cases, to vary the application of certain provisions of this Zoning Code in that the Public Hearing safety, morals and general welfare may be safeguarded and substantial justice done.

A request for a variance may be submitted to the Board of Zoning Appeals by the owner of the property involved or person having a legal interest in such property of acting under written authority of the owner. Requests shall be filed with the Building Commissioner upon the forms provided and shall be reviewed by the Board pursuant to Section 1264.03, and in accordance with the following procedures:

(a) **SUBMISSION REQUIREMENTS.** A request for a variance from a numerical stated in this Zoning Code shall be accompanied by the following requirements necessary to convey the reasons for the requested variance:

**ANSWERS TO QUESTIONS 1-9 MUST BE ANSWERED ON A
SEPARATE SHEET OF PAPER AND SUBMITTED**

1. Name, address and phone number of applicant(s);
2. Proof of ownership, legal interest or written authority;
3. Description of property or portion thereof;
4. Description or nature of variance requested – Section in Zoning Code
5. Narrative statements establishing and substantiating the justification for the variance pursuant to Section 1264.08(e) – reason the variance is needed;
6. Site plans/floor plans/elevations or other drawings at a reasonable scale and locations and setbacks of structures, to convey the need for the variance;
7. Payment of the application fee as established by Council (listed on second page);
8. Copies all any Homeowner's Association requirements related to the requested variance, such as covenants, deed restrictions and the like.
9. Any other documents deemed necessary by the Building Commissioner.

(b) **Review for Completeness by the Building Commissioner.** Upon receipt of a written request for a variance the Building Commissioner shall make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation and if it is determined that such application does not provide the information necessary for such review and evaluation, the Building Commissioner shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(c) **Public Hearing by the Board of Zoning Appeals.** The Board of Zoning Appeals shall hold a Public Hearing within sixty (60) days from the date the application is accepted as complete by the Building Commissioner.

QUESTIONS ARE RELATIVE TO AREA VARIANCES

Section 1264.08 (a) Review by the Board. The Board of Zoning Appeals shall review each request for a variance to determine if such request complies with the purpose and intent of this Zoning Code and the Master Plan, and the applicant can demonstrate that the literal enforcement of this Code will result in practical difficulty or, in the case of a use variance, unnecessary hardship.

- (1) The following factors shall be considered and weighed by the Board in determining practical difficulty:
 - A. Whether there can be any beneficial use of the property without the variance;
 - B. Whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structure;
 - C. 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;
 - D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage collection);
 - E. Whether the variance sought is for relief from a zoning provision which was enacted after the creation of an existing condition or circumstance to the property in question;
 - F. 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;
 - G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 - H. Whether the granting of the variance will create a nonconforming lot pursuant to Section 1270.16 of the Zoning Code;
 - I. Whether special conditions or circumstances exist as a result of actions of the owner;
 - J. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

QUESTIONS ARE RELATIVE TO USE VARIANCES ONLY

- (2) No variance shall be granted to allow a use not permissible under the terms of this Zoning Code in the zoning district in which the property is located unless the Board finds that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required and such hardship must be demonstrated by clear and convincing evidence as to all of the following criteria;
- A. Where the literal application of the provisions of this Zoning Code would result in no economically viable use of the property for any purpose for which the property and not based on conditions created by the owner. (A theoretical loss or limiting possibilities of economic advantage are general hardships, not unnecessary hardships.)
 - B. Where other exceptional circumstances or conditions (such as topographic or geological conditions or type of adjoining development) are unique to the property involved and do not apply to other property within the same zone unless the same exceptional circumstances or conditions exists.
 - C. Where the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located; and
 - D. Where the granting of a variance will not be contrary to the general purpose, intent and objectives of this Zoning Code and the Master Plan of the City of North Royalton; and
 - E. The variance sought is the minimum which will afford relief to the applicant.

Applicant hereby authorizes the Board of Zoning Appeals, or its agent(s) to enter upon the property for which this variance is sought, without further notification, to inspect said property.

Any such inspection shall be conducted between the hours of 9 a.m. and 5 p.m. on any day of the week suitable to the inspector(s), including weekends.

Applicant's Signature

Date

THE BOARD OF ZONING APPEALS SCHEDULE
2009

The Board of Zoning Appeal Meetings are held at the North Royalton City Hall at 13834 Ridge Road at 8:00 P.M. The Meetings are usually held on the fourth Monday of the month unless otherwise noted. Caucus is at 7:30 P.M. and is open to the public.

<u>DEADLINE DATE</u>	<u>MEETING DATE</u>
Tuesday, December 16, 2008	Monday, January 26, 2009
Tuesday, January 27, 2009	Monday, February 23, 2009
Tuesday, February 24, 2009	Monday, March 23, 2009
Tuesday, March 24, 2009	Monday, April 27, 2009
Tuesday, April 28, 2009	Monday, May 18, 2009
Tuesday, May 19, 2009	Monday, June 22, 2009
Tuesday, June 23, 2009	Monday, July 27, 2009
---August Recess---	---August Recess---
Tuesday, August 18, 2009	Monday, September 28, 2009
Tuesday, September 29, 2009	Monday, October 26, 2009
Tuesday, October 27, 2009	Monday, November 23, 2009
Tuesday, November 24, 2009	Monday, December 14, 2009