

# USE VARIANCE APPLICATION

## City of Cleveland Heights

Properties in the City of Cleveland Heights are governed by the City's Zoning Code. A property may only be occupied by land uses that are explicitly permitted by the Code in the zoning district in which the property is located. Property owners wishing to use their land for a use not permitted must apply to the **Board of Zoning Appeals (BZA)** for a use variance. To obtain a use variance, a property owner must show, to the BZA's satisfaction, that he or she will suffer "unnecessary hardship" if forced to strictly comply with the Zoning Code's use limitations. In making its determination, the BZA must find that **all** eight of the criteria listed on page 3 are met by the proposed use of the property that is the subject of the use variance request.

BZA meetings are held on the third Wednesday of each month, with some adjustments for holidays, at 7:00 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 4 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](mailto:planning@clvhts.com). Most application forms can be downloaded from the City's website, [www.clevelandheights.com](http://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 hardship (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 meeting 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.

# USE 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 hardship):

_____
_____

Supporting documentation (check all that apply):

- \_\_\_\_\_ Completed Application (17 copies)
- \_\_\_\_\_ Detailed statement of hardship (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 HARDSHIP**

To obtain a use variance, an applicant must show, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's limitations on the use of his or her property, would result in an "unnecessary hardship." To this end, a written statement of hardship must accompany an application for a use variance. In a statement of hardship, an applicant must address **all** seven of the criteria listed below. Please be concise.

In deciding whether to grant a use variance, the BZA must determine that all eight of the following criteria are met by the proposed use of the property that is the subject of the use variance request:

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant;
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. The granting of the variance will not adversely affect the public health, safety or general welfare;
- F. The variance will be consistent with the general spirit and intent of the Zoning Code; and
- G. The variance sought is the minimum which will afford relief to the applicant.

If you have questions, please contact the Planning Department at 216-291-4878 or [planning@clvhts.com](mailto:planning@clvhts.com).

The criteria listed above can be found in Subsec. 1115.07(e)(2) of the Cleveland Heights Zoning Code.

City of Cleveland Heights  
 BOARD OF ZONING APPEALS  
**MEETING DATES FOR THE YEAR 2012**

Meetings are held on the third Wednesday of each month at 7:00 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>Application deadline</u>	<u>Meeting date</u>	<u>City Council review date</u>
December 14, 2012	<b>January 18</b>	February 6
January 11	<b>February 15</b>	February 21
February 8	<b>March 21</b>	April 2
March 14	<b>April 18</b>	May 7
April 11	<b>May 16</b>	May 21
May 9	<b>June 20</b>	July 2
June 13	<b>July 18</b>	July 23
July 11	<b>August 15</b>	August 20
August 8	<b>September 19</b>	October 1
September 19	<b>October 17</b>	November 5
October 10	<b>November 21</b>	December 3
November 14	<b>December 19</b>	January 7, 2013
December 12, 2012	<b>January 16, 2013</b>	January 21, 2013