

STANDARD VARIANCE APPLICATION FORM (Continued)

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Calendar number 3428

Contact information: Date submitted _____

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BRIEF SUMMARY OF VARIANCE REQUEST

Variances are requested from front, side and rear set-backs on property at 2757 Fairmount Boulevard (Parcels 68616014, 68616015, 60616016). The property is currently owned and occupied by Fairmount Presbyterian Church and is used for church activities. The Church desires to sell the adjacent 2765 Fairmount Boulevard property as a residential property, and consolidate Church activities onto the 2757 Fairmount Boulevard property. Over the years, the church has developed parking and common areas that encroach on property lines at the 2765 property. There are no encroachments on adjacent properties. Separate lot re-subdivision and conditional use permit applications are being filed concurrent with this BZA Variance Application requesting revisions to the property lines to accommodate the existing church parking lot and reduce encroachments between the two properties to the maximum extent practical. The Church is also proposing to make concurrent revisions to the existing parking lot to maximize on-site parking, improve storm water control, improve ingress and egress and associated traffic sight-lines, and improve traffic circulation patterns and safety within the parking lot. Further mitigation of set-back encroachments would result in practical difficulty to the Church by reducing parking lot area and number of spaces, and making improvements to traffic circulation and ingress/egress impossible. The Church expects to complete the proposed site development within two years of receiving approved variance and conditional use permits.

Variance requested:

- Scarborough Road Front Set-back: variance from 50' set-back requirement to accommodate extension of parking lot to add drive aisle at north end of parking lot and second driveway / curb cut to provide one-way ingress and egress access to/from the parking lot.
- Side set-back at south end of property abutting 2765 Fairmount Boulevard: variance from 10' side set-back for existing paved parking area.

STATEMENT OF PRACTICAL DIFFICULTY

A. Explain special conditions or circumstances peculiar to the land or structures that are different from other properties in zoning district:

The property at 2757 Fairmount Boulevard is a corner lot at Scarborough Road where the Fairmount Presbyterian Church building is located. The adjacent property at 2765 Fairmount Boulevard is a single family residence formerly used by the Church as a manse or pastor's residence. The Church desires to sell the 2765 property. Over the years, the Church has expanded its on-site parking area which now encroaches on the rear property line between the two properties. There is currently a paved driveway connecting adjacent parking areas on the two properties. The side property line between the two properties is currently located essentially coincident with the 2765 property driveway along the northwest side of the driveway. The Church is also filing a lot re-subdivision application with the Planning Commission requesting a revision to this property line that will move the rear portion of the property line to the north to provide more space at the rear of the 2765 property to accommodate snow plowing of the turn-around apron and garage access. This will minimize the variance needed and will also provide space for a vegetation buffer between the properties. At the northeast end of the 2757 property along Scarborough Road, the Church building currently is set back from the right-of-way line 30 feet, less than the 50' set-back required in the zoning district. The existing parking lot contains dead-end traffic aisles and poor circulation, and ingress/egress at Scarborough Road is via a narrow driveway.

B. Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.

Without the requested variance to set-back on Scarborough Road, it will not be possible to make beneficial changes to the parking lot to improve Scarborough Road ingress/egress and enhance traffic circulation and safety within the parking lot. In addition, it would not be possible to provide improved storm water control from the paved areas without reducing on-lot parking spaces.

Without the requested variance to rear set-back between the properties and rear set-back for the 2765 property, it would be necessary to remove significant pavement and eliminate several parking spaces to provide the minimum 30' rear building set-back on the 2765 property and the 10' side setback from pavement on the 2757 property. Reducing on-lot parking spaces would not be beneficial to the Church and would add to on-street parking congestion on Sunday mornings and during special events at the Church. On-lot parking currently accommodates most of the needs for regularly scheduled evening meetings and functions at the Church, which would not be the case if on-lot parking is reduced. Increased on-street parking would not be beneficial to the neighborhood. Without this variance which would allow preservation of all of the existing Church parking lot, the Church would be unable to sell the 2765 property. As the Church has no ongoing need or use for the property, alternatives that have been discussed are demolition or relocation of the building. However, the Church has come to the conclusion that neither of these alternatives would be in the best interests of the neighborhood or the City, and would prefer to avoid them. Granting this variance will facilitate the sale of the 2765 property,

eliminating the need for further consideration of any other alternatives and leading to the most beneficial use of both the 2757 and 2765 properties.

C. Explain whether the variance is insubstantial

The requested variance results in an encroachment on the adjacent 2765 residential property but does not encroach on any other abutting property. As such, the requested variance is insubstantial to the extent that it does not result in any hardship or negative impact to abutting properties. The variance to front set-back for 2757 at Scarborough Road will contain no structures, only pavement and the pavement portions within the set-back are almost entirely drive aisles that will improve traffic circulation and safety within the parking lot and Scarborough Road ingress/egress. These are insubstantial encroachments that have no negative impact to abutting properties.

Explain whether the variance is the minimum necessary to make possible the reasonable use of the land:

The proposed variance results in maximum beneficial use of both the 2757 and 2765 properties with minimum impact on the neighborhood. The 2757 variance at Scarborough Road provides vastly improved ingress/egress access and traffic circulation. The proposed variance between the 2757 and 2765 properties maximizes parking convenience and provides sufficient space for buffering between the properties. The Church has elected to revise the property line between the properties along the 2765 driveway to eliminate the need for a variance at this location. As such, the requested variance is the minimum necessary to result in maximum beneficial use of both the 2757 and 2765 properties.

D. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance.

For over 100 years, Fairmount Church has been an essential part of the character of the neighborhood. The Church continuously strives to maintain and contribute to that essential character. Fairmount Church feels that the proposed variance will allow the church to return the 2765 property to residential use and maximize beneficial use of the residence and its own church building and property to the benefit of the neighborhood and the Church's parishioners. No adjoining properties would suffer any detriment as a result of the requested variance, and the essential character of the neighborhood is maintained and would not be altered in any way. Granting the variance to side/rear set-back between the properties ensures that the 2765 property will be able to be offered for sale and that the church will need to consider no other alternative disposition of the property. There are no structures proposed to be built within the area of requested variances, and the minimum encroachment that maximizes beneficial use has been requested. Granting the variances will result in substantial overall enhancement of both properties which ultimately enhances the essential character of the entire neighborhood.

E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).

The variance will have no impact to the delivery of any governmental services.

F. Did the applicant purchase the property without knowledge of the zoning restriction?

The Church is knowledgeable of zoning restrictions and changes to zoning rules over the many years the Church has occupied the 2757 property.

G. Explain whether the special conditions or circumstances (listed in response to Question A above) were a result of actions of the owner.

The condition that exists with adjoining parking areas at the rear/side property line between the 2765 and 2757 properties is the result of the Church's construction and periodic reconfiguration of its on-lot parking lot.

H. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example).

In the case of the requested front/side set-back variance for the 2757 property at Scarborough Road, the alternative would be to not make changes to the parking lot or Scarborough Road ingress/egress. The result would be maintaining poor traffic circulation, poor access, no improvement to safety in the parking lot, no increase in number of parking spaces, and no opportunity for improved storm water control.

In the case of the requested side/rear set-back variance between the 2757 and 2765 properties, the alternative would be reducing the parking area so that sufficient rear building set-back can be provided and sufficient set-back from the pavement on both properties can be provided. This would significantly reduce parking and as discussed previously, would not be beneficial to the church or the neighborhood.

I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

Granting of the requested variance will allow the Church to make the best use of the 2757 property and will maintain maximum on-site parking capacity in the church parking lot. Maximizing efficiency and safety of the parking lot and Scarborough Road ingress/egress benefits not only the Church, but also the neighborhood – another primary intent of zoning requirements. The requested variance does not encroach on any adjoining properties other than the church property, and will maintain or improve all buffers between the Church property and adjoining buildings.

J. *Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.*

Granting of the requested variances will not confer any special privileges that are not available to any other lands, structures, or buildings in the same district.

