

**SHEFFIELD LAKE BUILDING DEPARTMENT**

609 HARRIS ROAD
SHEFFIELD LAKE, OH 44054
PHONE: (440) 949-5767
FAX: (440) 949-7179

PURPOSE OF APPLICATION (Check One)

☐	Variance Request	\$200.00 Fee
☐	Land Split	\$150.00 Fee
☐	Vacate Land	\$500.00 Fee
☐	Land Sale	\$300.00 Fee
☐	Zoning Change	\$600.00 Fee

PLEASE PRINT NEATLY!

Application Number: _____

Date of Request: _____

Applicant Name: _____

Applicant Contact Information:

Address: _____

Phone Number: _____ Email: _____

Relation of Applicant to Property Owner (for example: self, option holder, builder, contractor, etc.):

Property Owner Name: _____

Property Owner Contact Information:

Address: _____

Phone Number: _____ Email: _____

Property Address: _____

Property Permanent Parcel No.: _____

Lot Size (Approximate): _____ Sq. Ft. Property Zoning Designation (R1, B1, etc.): _____

ATTACHMENTS TO APPLICATION:

1. Signed Authorization for Property Access Form
2. Print-out of Lorain County Auditor's Parcel Report for property
3. If applicable, copy of Purchase Agreement or Option to Purchase
4. If applicable, detailed architectural or schematic plan for structure or lot layout including specific height, width, and depth of structure and its location in relation to lot

NOTE: ONLY COMPLETE APPLICATIONS, INCLUDING ALL REQUIRED DOCUMENTS AND INFORMATION REQUESTED BY SHEFFIELD LAKE BUILDING DEPARTMENT OR BZA MEMBERS, WILL BE SET FOR HEARING. BZA MEETINGS OCCURE THE THURSDAY AFTER THE 3RD WEDNESDAY OF THE MONTH.

THE STATEMENTS AND DOCUMENTS SUPPLIED IN THIS APPLICATION ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE

APPLICANT SIGNATURE

DATE

*All fees are non-refundable and are due at time of application. Special meetings of the BZA require a \$200.00 fee in addition to the regular application fee.

Board of Zoning Appeals
Area/Size Variance Worksheet

Application for property located at: _____

Applicant: _____

Applicant must entirely complete the following sections. Only complete applications will be accepted and set for hearing.

1. The property in question [will/will not] yield a reasonable return and there [can/cannot] be a beneficial use of the property without the variance because

_____.

2. The variance is [substantial/insubstantial] because

_____.

3. The essential character of the neighborhood [would/would not] be substantially altered or adjoining properties [would/would not] suffer a substantial detriment as a result of the variance because

_____.

4. The variance [would/would not] adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

5. The applicant purchased the property [with/without] knowledge of the zoning restriction.

6. The applicant's predicament feasibly [can/cannot] be resolved through some method other than a variance.

7. The spirit and intent behind the zoning requirement [would/would not] be observed and substantial justice [done/not done] by granting the variance because

_____.

For all of the above reasons, I propose that the variance be [granted/denied] (granted with the following conditions):

_____.

BUILDING DEPARTMENT APPLICATION CHECKLIST:

1. Print-out of County Auditor Parcel report including topographical overview of lot including parcel number and dimensions of parcel
2. Applicant's COMPLETED Application form--- ALL INFORMATION COMPLETED AND LEGIBLE
3. Schematic drawing of structure/fence to be built (if applicable)
4. Signed Purchase Agreement or Option to Purchase (if applicable)
5. Signed Power of Attorney if applicant is NOT owner or owner representative (i.e. contractor, builder, etc.) FAMILY MEMBER OF APPLICANT NOT ACCEPTABLE. APPLICANT OR AUTHORIZED AGENT DESIGNATED IN POA MUST APPEAR BEFORE THE BOARD.
6. Payment for Application--- DO NOT ACCEPT CHECK UNTIL APPLICATION IS COMPLETE!!!! Partial applications are NOT accepted and hearing is not set before Board until application is complete.

INSTRUCTIONS FOR AREA VARIANCE REQUEST

Based upon your building request, the City of Sheffield Lake requires an area variance be approved. In order for your variance request to be approved, you will need to show the variance is needed due to practical difficulty.

The Zoning Board will grant or deny your request based on several factors set forth by the Ohio Supreme Court. They may include:

- The property doesn't yield a reasonable return without the variance;
- The property's use will benefit from the variance;
- The size of the variance;
- Whether the character of the neighborhood is substantially changed;
- Whether surrounding properties (i.e. neighbors) are harmed;
- Whether the variance alters sewer, garbage, or safety services;
- Whether the owner knew of the zoning restrictions when the property was bought;
- Whether a variance is the only solution to the owner's problem—or are there other alternatives;
- Whether the intent behind the zoning ordinance is observed by allowing the variance;
- Whether the general welfare of the community is being preserved.

When considering the approval or denial of your variance request, the Zoning Board will look to YOUR actual facts and apply them to the Ohio Supreme Court factors.

The Board realizes you probably can't address each factor. But, we recommend that you submit anything that may be on point. For example, topographical maps of the area (available on-line from the Lorain County Auditor), design or architectural plans, or photos of the area. If possible, we encourage you to bring neighbors whose land somehow connects with yours (whether in front, back, or either side)—especially if they don't object to your variance request.

The Board MUST base its granting or denial of your variance request on the documents or statements admitted into its official record at the time of your variance hearing. Consequently, the better your documents and testimony, the better your chances for obtaining the variance. What the Board CANNOT do is grant variances based on subjective or "appearance" grounds.

If you have any questions regarding your variance request, please contact the Sheffield Lake Building Inspector.

INSTRUCTIONS FOR USE VARIANCE REQUEST

Based upon your building request, the City of Sheffield Lake requires USE variance be approved. In order for your variance request to be approved, you will need to show the variance is needed due to an unnecessary hardship.

The Zoning Board will grant or deny your request based on several factors set forth by the Ohio Supreme Court, including:

- The property owner cannot make any economically viable use of the property under current property zoning
- **Standards used in considering unnecessary hardship standard:**
 - Unique condition to property not found in same district
 - Hardship not created by owner
 - Granting of variance will not adversely affect adjacent owners.. or public health, safety and general welfare
 - Consistent with spirit and intent of code
 - Variance is minimum which will afford relief to owner
 - No other economic use of property
- Please be aware that the BZA, under direction from Sheffield Lake Planning Commission and City Government Officials, seek to avoid "spot zoning" which creates pockets of uses not consistent with District in which property is located
- "Use" of property is strictly applied as to USE OF PROPERTY—it does not include or pertain to zoning restrictions, setbacks, building height.etc.
- Please review the following Sheffield Lake Code Ordinances regarding permitted uses within various city districts:
 - SL Cod. Ord. 1149.02 – INDUSTRIAL DISTRICTS AND PERMITTED USES
 - SL Cod. Ord. 1119 – LIMITED USE RE-ZONING CODE
 - SL COD. ORD. 1139 THRU 1149 – VARIOUS DISTRICTS AND PERMITTED USES

When considering the approval or denial of your variance request, the Zoning Board will look to YOUR actual facts and apply them to the above factors.

The Board realizes you probably can't address each factor. But, we recommend that you submit anything that may be on point. For example, topographical maps of the area (available on-line from the Lorain County Auditor), design or architectural plans, or photos of the area. If possible, we encourage you to bring neighbors whose land somehow connects with yours (whether in front, back, or either side)—especially if they don't object to your variance request.

The Board MUST base its granting or denial of your variance request on the documents or statements admitted into its official record at the time of your variance hearing. Consequently, the better your documents and testimony, the better your chances for obtaining the variance. What the Board CANNOT do is grant variances based on subjective or "appearance" grounds.

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APPEARING BEFORE THE SHEFFIELD LAKE ZONING BOARD OF APPEALS

I. *What the Board does*

The Sheffield Lake Zoning Board of Appeals (the "Board") is the body that reviews and grants variances. A variance is a departure from the City's zoning code. There are two types of variances: use variances and area variances. A use variance permits the applicant to use property for a purpose other than that for which it is zoned. An area variance permits an applicant who wishes to build upon property to exceed the area requirements of the zoning code. The Board cannot grant variances unless certain conditions are met.

Section 1115.06 of the Codified Ordinances of Sheffield Lake specifies that a variance may only be granted to relieve cases of "exceptional practical difficulty or undue hardship upon the owner of any specific property."

You may reference current City Ordinances online at www.sheffieldlake.net.

II. *How the Board works*

The Board operates in a judicial manner. A person requesting, or opposing a variance is welcome to be represented by an attorney before the Board.

Prior to the Board hearing an application for a variance, all adjoining, adjacent and abutting property OWNERS must be notified. It is the responsibility of the applicant to provide the names and addresses of the OWNERS to the Clerk of Council who will attempt to notify them of the hearing by certified mail. If the notice requirements are not met, the matter will not be heard by the Board at that time.

Before making a decision, the Board must hear evidence regarding why a variance should or should not be granted. All evidence shall be presented under oath. Evidence can be in the form of testimony from the applicant and/or any witnesses the applicant may call, maps, plans, surveys, or anything that the applicant believes will assist the Board in making its decision. After the applicant is finished, anyone opposed to the variance will be sworn in and may present evidence in support of their position.

During the hearing, the Board will ask questions of those presenting evidence. Once the Board has heard all of the evidence, it will vote on whether to grant the variance.

At a hearing before the Zoning Board of Appeals the applicant will be required to present evidence in support of the granting of variance. Evidence consists of testimony but also includes other objective evidence which is not limited to documents, appraisal, estimates, and pictures. Objective evidence in most cases is independently verifiable however experts can submit reports and state their opinion.

This sheet is not designed to be a complete set of instructions for appearing before the Zoning Board of Appeals. Any further questions should be directed to your attorney, the Sheffield Lake Building Department, or the Sheffield Lake Legal Department.

PROPERTY ADDRESS:

BUILDING INSPECTOR USE:

Applicable Ordinance Sections: _____

VARIANCE FOOTAGE INFORMATION		
Front Yard:	Rear Yard:	Side Yard:
Percentage of Lot:	Setback from Structure:	Structure Size:
Other:		

COMMENTS:

Property Markings/Location _____

Building Inspector Signature: _____ Date: _____



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APPLICATION APPROVAL CHECKLIST

Application Number: _____

PLANNING COMMISSION

Request Disposition: Approved ☐ Denied ☐

Explanation of Decision:

Planning Chairperson Signature

Date

ZONING BOARD OF APPEALS

Request Disposition: Approved ☐ Denied ☐

Explanation of Decision:

Zoning Board Chairperson Signature

Date

ROADS, DRAINS, WATER AND SEWER

Request Disposition: Approved ☐ Denied ☐

Explanation of Decision:

Roads and Drains Chairperson Signature

Date