



Zoning Department

21 West Washington St. Chagrin Falls, OH 44022 | 440-247-5050

VARIANCE APPLICATION

PROPERTY OWNER: _____

PROJECT ADDRESS: _____

Attached is an **Application for a Notice of Appeal** (requesting a Variance) from the Village of Chagrin Falls.

An electronic version of the application is available for download on our website at:

<https://chagrinfalls.oh.gov/VarianceForm>

Upon receipt of the completed application, the Chief Administrator will present this application to the Board of Zoning Appeals at its next scheduled meeting.

Submit a site plan in digital form and also in paper form that contains all of the following information pursuant to Section 1109.04(b) Planning and Zoning Code.

PLAN REQUIREMENTS:

Plans drawn at a scale of one-inch equals twenty or forty feet, or as otherwise required by the Administrator, indicating the following information in a clear and legible manner:

- * (1) Existing and proposed property lines of the subject parcel(s), documented by a professional survey, with all dimensions indicated.
- * (2) Locations of existing main buildings on adjacent parcels.
 - (3) Adjacent streets, with the distance to the nearest intersecting street indicated if not shown.
- * (4) Existing topography showing contours at intervals of not less than two feet.
 - (5) Proposed topography, showing contours at intervals of not less than two feet.
- * (6) Existing buildings by type of use, parking spaces, loading spaces, roads, drives, and walkways, showing representative dimensions and locations, including but not limited to all front, side and rear yards based on a professional survey and the height of the buildings and structures.
- (7) Buildings and uses to be demolished or eliminated.
- * (8) Proposed buildings and additions by type of use, parking spaces, loading spaces, roads, drives and walkways, showing representative dimensions and locations, including but not limited to all front, side and rear yards based on a professional survey, and the total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures and the heights of the buildings and structures and structural alteration to existing buildings or structures.
- (9) Location, type and height of proposed outdoor lighting.
- (10) Common open space and landscaping to be provided in accordance with the requirements of Chapter 1142, including the location of trees or tree clusters to be retained and those to be removed.
- (11) Proposed and existing signs, show in accordance with the application requirements of Section 1143.05(b).
- (12) For commercial and industrial uses: the location, dimensions (in feet), and number loading/unloading spaces.
- (13) The number of dwelling units existing (if any) and proposed for the property, if applicable.
- (14) The location and dimensions (in feet), of any existing or proposed easements on the property.

The items marked by “ * “ are required for all variance requests. The remaining items may be required by the Chief Administrative Officer depending on the type of variance requested.

The variance shall be considered by the Board of Zoning Appeals **only if formal action has been taken by the Administrator or other officers** with regard to an application for a building permit, zoning certificate, issuance of a stop order, specific referral or some similar action;(1111.03) and an appeal is filed with the Administrator within ten (10) days after such action was taken.

Applications will be rejected if a formal rejection letter has not been issued by the Village, and/or the submitted application does not include all pertinent information and a complete list of property owners within and contiguous to, and directly across the street from, and within 300 feet of the location of the property involved in the application request (name, address, zip code and parcel number(s). See Item #2 on application.

The applicant must file the variance request with the Administrator on the forms provided **not less than twenty-two (22) days** prior to a scheduled meeting of the Board of Zoning Appeals in order to be placed on the agenda of such meeting.

Eight (8) copies of the application, plans* and supporting documentation and a verbatim copy in digital form shall be submitted to the Administrator. The Board meets the 4th Tuesday of the Month, as necessary.

**It is recommended that the paper copies of the plans are submitted in half-size.*

Incomplete applications WILL NOT be accepted. Applications must be signed by an owner of the property that is the subject of the appeal, or their authorized representative who is granted a power of attorney to file the application. Applicant or representative MUST be present at the hearing on the application.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT

A. Appellant

Name: _____

Address: _____

Email: _____

Phone: _____

B. Owner of Record

Name: _____

Address: _____

Email: _____

Phone: _____

C. Property Address (if different from Appellant's current address)

**D. Attach documentation as to authority to file notice of appeal
(i.e. deed, power of attorney, lease, or purchase agreement).**

E. Attach a legal description of the property, as recorded with Cuyahoga County Fiscal Officer's Office.

F. Provide the current Zoning District in which the property is located: _____

G. Provide a description of the existing use of the property:

H. Provide a description of the proposed use of the property: _____

Remit application **fee of \$100.00** (Ordinance No. 2005-35) with the application.

Upon timely receipt of such application and fee, the Chief Administrative Officer will:

- (a) Advertise a Public Hearing of requested variance or appeal not less than **fifteen** (15) days prior to such hearing, the Public Hearing date to coincide with the next regularly scheduled Meeting of the Board of Zoning Appeals.
- (b) Notify property owners within and contiguous to, and directly across the street from, the location of the property involved in the application request and within a radius of 300 feet of the Public Hearing. Such notification to be by first class mail at least **fifteen (15)** days prior to the hearing date.

At its meeting, the Board of Zoning Appeals will;

- a) Hold a Public Hearing.
- b) Receive documents and testimony and consider the variance request.
- c) Act by motion on the request by granting, granting with conditions or not granting the request and giving reasons for the action.

Following the decision of the Board of Zoning Appeals, the Chief Administrative Officer will:

- (a) Transmit the decision to Council.
- (b) Council, within fifteen (15) days of notice of the decision, may by petition of three members, set a public hearing to review the full case.
- (c) If a petition is filed the Council decision shall be final.
- (d) If no petition is filed then the Board of Zoning Appeals decision shall be final after the 15 day window for petition is closed.

Provide the following additional information:

- 1) The location, configuration and dimensions of all contiguous lots or parcels in which any of the following persons or entities has any interest:
 - (a) The applicant.
 - (b) The spouse or former spouse of the applicant.
 - (c) Any lineal ancestor or descendant of the applicant.
 - (d) Any corporation, limited liability company, partnership, trust or other entity in which the applicant, his spouse or former spouse, or any lineal ancestor or descendant of the applicant, has any interest.
 - (e) Any trustee or nominee of any of the foregoing, regardless of the nature of the beneficial interest, and without regard to whether the same is vested or contingent.

For the purposes of this subparagraph, "interest" shall include:

- (f) any lease-hold interest;
 - (g) any right or option to purchase, on any terms or conditions;
 - (h) a right to purchase under a conditional purchase agreement;
 - (i) any interest in reversion or remainder, and any incorporeal hereditament, whether vested or contingent.
- 2) Please attach a list of names and addresses of all parties in interest.
- 3) A list of all owners and their address and parcel number(s) of property within and contiguous to, and directly across the street from the location of the property involved in the application request and within a radius of 300 feet of the property.
- 4) For an appeal requesting a variance to **sign regulations**, provide the following information:
 - a) Attach eight (8) copies of a drawing, and a verbatim digital copy drawn to scale and dated, showing:
 - i) The dimensions (in feet) of the sign.
 - ii) The area of the sign in square feet.
 - iii) The location of the sign on the building, structure, or property including *dimensions (in feet) from the front lot lines*.
 - iv) The height (in feet) of the sign.
 - v) The method of illumination, if any.
 - vi) The content of the sign.

Provide the following additional information:

- 5) State the exact nature of the variance requested:

6) Provide the specific zoning regulations from which a variance is requested:

7) Written justification for the requested variance shall be made. If the request is for an “area” variance, responses to the following shall be provided:

(a) Whether the property in question will yield a reasonable return or whether there can any beneficial use of the property without the variance:

(b) Whether the variance is substantial:

(c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance:

(d) Whether the variance would adversely affect the delivery of governmental services:

(e) Whether the property owner purchased the property with the knowledge of the zoning restriction:

(f) Whether the property owner’s predicament feasibly can be obviated through some method other than a variance:

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance:

(h) Whether the variance is based on circumstances that are self-created or exist as a result of actions of the property owner:

8) Written justification for the requested variance shall be made. **If the request is for a “use” variance, responses to the following questions to explain why literal application of the zoning code will result in an unnecessary hardship shall be provided:**

a. Why the need for the variance is not self-created

b. What unique conditions exist on the property that will cause an unnecessary hardship to result?

c. Why the property cannot be used for the purposes for which it is zoned?

d. How will the spirit of the zoning resolution be observed if the variance is granted?

e. What special conditions that are unique to the property exist that result in an unnecessary hardship?

I hereby certify that all of the information supplied in this application and attachments hereto, including any plans accompanying this application are true and correct to the best of my knowledge, information, and belief.

If all the information requested in the application is not provided, the application will be returned with no action.

Appellant Signature*: _____

Printed Name*: _____

Date*: _____

Representative Signature: _____ (if applicable)

Printed Name: _____

Date: _____

FOR OFFICIAL USE ONLY

I hereby acknowledge receipt of this notice of appeal requesting a variance
this _____ day of _____, 20____.

Signature of Chief Administrative Officer