



City of North Royalton

Mayor Robert A. Stefanik
Community Development, Building Division
Dan Kulchytsky Building Commissioner
11545 Royalton Road, North Royalton, OH 44133

Phone: 440-582-3000

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BOARD OF ZONING APPEALS APPLICATION - INSTRUCTIONS AND CHECKLIST

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.

Use the following checklist to ensure accurate completion of the application:

- APPLICATION - Submit the completed application. Type or print all information in ink. Fill in the forms completely. Incomplete forms shall delay processing and placement on an agenda.
- SUBMISSION – Provide eight (8) copies of the entire submittal package. The submission shall include: a description of property or portion thereof, site plans that show setbacks and topography, floor plans, elevations and other drawings at a reasonable scale that convey the need for the variance and illustrate the conditions present at the subject property.
- HOMEOWNER'S ASSOCIATION REQUIREMENTS - If the subject property is located within a Homeowner's Association, then the applicant shall submit all applicable Association requirements related to the requested variance (covenants, deed restrictions, etc.). A letter from the Homeowner's Association shall be submitted expressing support or denial of the proposed variance.
- PROOF OF OWNERSHIP, LEGAL INTEREST OR WRITTEN AUTHORITY - Property owners and applicants must attend all meetings. 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 this application. The applicant or a designated representative must be present at all official meetings. If the individual present is an owner's representative, then a notarized letter granting permission for the representative to make decisions on the owner's behalf shall be submitted.
- PAYMENT - Attach a check or money order payable to the City of North Royalton for the appropriate amount noted on the Fee Schedule. Cash is accepted only in person. All fees are payable subject to section 214.07(b) of the codified ordinances and are nonrefundable.

| | |
|-----------------------------|----------|
| Residential Districts | \$75.00 |
| Public Facilities Districts | \$125.00 |
| Multi-Family Districts | \$125.00 |
| Business Districts | \$150.00 |
| Industrial Districts | \$175.00 |
- OTHER - Any other documents deemed necessary by the Building Commissioner.
- EXTRA COSTS - Any extra costs or additional work performed by the Law Department or the City 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.

BOARD OF ZONING APPEALS APPLICATION - INSTRUCTIONS AND CHECKLIST (CONTINUED)

BOARD OF ZONING APPEALS - 2017 SCHEDULE

The Board of Zoning Appeals meeting is held at the North Royalton City Hall Council Chambers (14600 State Road, North Royalton, Ohio). The Board of Zoning Appeals Caucus begins at **6:45 pm** followed by the Board of Zoning Appeals Meeting: **7:00 pm**.

| <u>DEADLINE DATE</u> (Noon) | <u>MEETING DATE</u> |
|-----------------------------|---------------------------|
| December 27, 2016 | January 26, 2017 |
| January 30, 2017 | February 23, 2017 |
| February 27, 2017 | March 30, 2017 |
| March 27, 2017 | April 27, 2017 |
| April 24, 2017 | May 25, 2017 |
| May 30, 2017 | June 29, 2017 |
| June 26, 2017 | July 27, 2017 |
| - August Recess - | - August Recess - |
| August 28, 2017 | September 28, 2017 |
| September 25, 2017 | October 26, 2017 |
| October 30, 2017 | November 30, 2017 |
| November 13, 2017 | December 14, 2017 |
| December 18, 2017 | January 25, 2018 |

OTHER INFORMATION

1. 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.
2. 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.
3. C.O. 1264.08(f) ACTION BY BOARD OF ZONING APPEALS - After the public hearing required in subsection (c) hereof, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified subsection (g) hereof, or disapprove the request for variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
4. C.O. 1264.08(g) CONDITIONS AND LIMITATIONS BY BOARD - The Board of Zoning Appeals may further prescribe any conditions, stipulations, safeguards and limitations on the duration of the variance so authorized as the Board determines and prescribes. Any variance when so issued by the Building Commissioner upon order of the Board shall set forth such conditions, stipulations, safeguards and duration limit. The Board may not extend the scope or extend the duration of a variance previously issued upon its order. Any additional action so desired may be effected only upon application to the Building Commissioner for approval of a new variance in accordance with the provisions of this Zoning Code.



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CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

1. This request is made for the following property:

Address

Occupant, Business or Tenant (if applicable)

Permanent Parcel Number

Zoning District and Ward

2. Property Owner:

Name

Name of Business (if applicable)

Address

Phone

City, State and Postal Code

Email (electronic mail)

3. This request is being made by the following responsible party (Owner / Authorized Representative):

Name

Name of Business (if applicable)

Address

Phone

City, State and Postal Code

Email (electronic mail)

For Office Use Only

Date Application Submitted

Meeting Date Assigned

Application Fee

Identification Number Assigned

Payment Information (date, check number, cash, etc.)

Application Fee Received By

Other Application Fee Information

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

4. Narrative statement establishing and substantiating the justification for the variance pursuant to Section 1264.08(e) – reason the variance is needed.

5. Description or the nature of the variance(s) requested and the corresponding Section(s) from the City of North Royalton Code of Ordinances.

The Board of Zoning Appeals or its agent(s) is hereby authorized 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, including weekends.

I further understand that any misrepresentation of data or facts or violations of the Ordinances of the City of North Royalton are cause for refusal, suspension or revocation of this license if issued.

_____/_____
Signature, Printed Name and Title

Date

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

**6. Written Authority Form (complete this form if you are unable to be present at meeting).
(submit original – do not fax or email)**

I, _____ (name) of _____
(company, if applicable), hereby certify that I/we are the _____
(owner(s), executor(s), etc.) of _____ (property address or
permanent parcel number) and further verify that _____ (name
of representative) is authorized to represent my/our interests and make decisions on my/our behalf
when appearing before the North Royalton Board of Zoning Appeals.

Signature

Date

Before me, a Notary Public in and for said county, personally appeared _____
who acknowledged that he or she did sign the foregoing instrument and the same is his or her free
act and deed.

In testimony whereof I have hereunto set my hand and official seal at _____,
Ohio on this _____ day of _____, 2017.

Notary Signature

State of Ohio
County of Cuyahoga

Seal:

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

QUESTIONS RELATIVE TO AREA VARIANCES

Address of subject property: _____

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.

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.

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

QUESTIONS RELATIVE TO USE VARIANCES ONLY

Address of subject property: _____

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.

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.

E. The variance sought is the minimum which will afford relief to the applicant.

