

# CITY OF MIDDLEBURG HEIGHTS



## Building Division

15700 BAGLEY ROAD, MIDDLEBURG HEIGHTS, OHIO 44130

Phone (440) 234-2218 📠 Fax (440) 234-9092

## **INSTRUCTION SHEET FOR APPELLANTS - PLEASE READ CAREFULLY**

### PROCEDURES:

1. All applications for variances and necessary information shall be on the proper form and filed with the Boards and Commissions Office AT LEAST **30** DAYS prior to the meeting date.
2. All applications shall be accompanied by a filing fee of \$20 for **EACH** residential variance request and \$50 **EACH** for all other variance requests. Two variances may fit on one application, but separate applications are necessary if the *Reasons for Granting a Variance* are different for each request.
3. **All applications must be complete** and contain a concise description of **EACH** of the specific variances requested and the reasons why they should be granted.
4. **APPLICATION REQUIREMENTS:**
  - TWELVE (12) copies of a plot plan or survey of the property showing all structures, driveways, property lines, and setbacks of proposed projects
  - TWELVE (12) copies of drawings, photos, and applicable exhibits
  - A disc containing PDF files of all of the above must be submitted or emailed to kearley@middleburgheights.com.

## **INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED OR WILL BE RETURNED**

### HEARINGS:

1. All hearings on applications before the Board shall be public hearings. All contiguous property owners and interested parties will be notified of the place, date, and time as provided by Section 1129.05 of the Zoning Code. You will be given a sign to post notifying residents of your request. Please post the sign in the front window of your property until the Board takes action on your request. You may remove the sign after final action. Failure to post the sign may result in denial of your variance request.
2. It is the appellant's obligation to bring all necessary witnesses, exhibits, and evidence and present the same to the Board at the time of the scheduled hearing. The burden of proof is on the appellant.
3. Failure of the appellant/agent to appear at the scheduled hearing may result in dismissal of the application. **If the property owner is not the applicant/agent, a letter from the property owner stating that they are aware of and support the variance request is required before any variance will be granted.**
4. All members of the Board of Zoning and Building Appeals shall have the right to visit the site and the right to question the appellant and all parties testifying either for or against the requested variances.
5. The regularly scheduled Board of Zoning and Building Appeals meetings are in the Council Chambers at City Hall, 15700 Bagley Road, at 7:30 p.m. on the third Wednesday of each month.

**Request for Hearing by the Board of Zoning and Building Appeals**  
**Middleburg Heights, Ohio**

<b><u>FOR OFFICIAL USE ONLY:</u></b>		<b>DATE</b> _____
No. of Variances Requested _____	_____ \$20.00 Residential	_____ \$50.00 Others
Amount Received _____	Cash _____ Check _____	Receipt No. _____
Twelve (12) Sets: <input type="checkbox"/> Site Plan/Survey <input type="checkbox"/> Drawings <input type="checkbox"/> Exhibits <input type="checkbox"/> Photos <input type="checkbox"/> PDFs Received _____		
Code Noncompliance Noted by _____		Date _____
Building Commissioner		

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1. Name of Appellant \_\_\_\_\_ Date \_\_\_\_\_
  2. Complete Address, Phone, and Email \_\_\_\_\_  
\_\_\_\_\_
  3. Address of Property Involved \_\_\_\_\_
  4. Permanent Parcel Number \_\_\_\_\_
  5. Owner of Property (Name, Address, Phone) \_\_\_\_\_
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6. Name of Agent(s) Representing Appellant \_\_\_\_\_
  7. Firm's Name \_\_\_\_\_
  8. Business Address \_\_\_\_\_
  9. Phone Number and Email \_\_\_\_\_
  10. Present Zoning Classification \_\_\_\_\_
  11. List Specific Zoning Code(s) from which Variance is Requested  
Section \_\_\_\_\_ Description \_\_\_\_\_  
Section \_\_\_\_\_ Description \_\_\_\_\_
  12. State Specific Variance(s) Requested \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  13. List Variances Already Granted \_\_\_\_\_ Dates \_\_\_\_\_  
**SIGNATURE OF APPELLANT** \_\_\_\_\_ Date \_\_\_\_\_

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BZA Agenda Number \_\_\_\_\_

Date Received by BZA Secretary \_\_\_\_\_ Placed on Agenda Dated \_\_\_\_\_

Date Building Dept. Notified to Post Signs \_\_\_\_\_ Date Posted \_\_\_\_\_

Board of Zoning Appeals took the following action on \_\_\_\_\_

**DENIED** \_\_\_\_\_ **APPROVED** \_\_\_\_\_

Signature Signature

With the following conditions: \_\_\_\_\_

\_\_\_\_\_

**REASONS FOR GRANTING A VARIANCE**

The Board of Zoning and Building Appeals shall have the power, in specific cases, to vary the application of certain provisions of the Zoning Code in order that the public health, safety, morals, and general welfare may be safeguarded and substantial justice done. The Board can grant a variance **ONLY** if you can establish your right to a variance by meeting **ALL** of the following criteria. Please be prepared to discuss the following criteria at the meeting.

Applicants must address **EACH** of the four conditions listed below. The Board shall make a finding based on these four conditions as they apply in each individual case as a prerequisite for granting a variance. Applications will be returned if each question is not answered.

1. How would the literal application of the provisions of the Code result in an unnecessary hardship peculiar to the property involved? Hardships cannot be based on conditions created by the owner. (A theoretical loss or limiting possibilities of economic advantages are general hardships, not unnecessary hardships.)

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2. What other exceptional circumstances or conditions (such as topographical or geological conditions or types of adjoining developments) only applicable to the property involved or to the intended use of the property and not applicable to other properties within the same zone unless the same exceptional circumstances prevail exist?

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3. Explain why a variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located or to the abutting property owners.

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4. Explain why granting a variance would not be contrary to the general purpose, intent, and objectives of the Zoning Code and the planning program of the City.

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