

# 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

#### PROCEDURE:

1. ALL APPLICATIONS FOR VARIANCES AND NECESSARY INFORMATION SHALL BE ON THE PROPER FORM AND FILED WITH THE SECRETARY OF THE BOARD OF ZONING AND BUILDING APPEALS AT LEAST **30** DAYS PRIOR TO THE MEETING DATE.
2. ALL APPLICATIONS SHALL BE ACCOMPANIED BY A FILING FEE OF \$20.00 FOR **EACH** RESIDENTIAL VARIANCE REQUEST AND \$50.00 **EACH** FOR ALL OTHER VARIANCE REQUESTS. 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. PLOT PLAN (SHOWING STREET RIGHT-OF-WAYS AND SURROUNDING PROPERTIES WITHIN 500 FT.), BLUEPRINTS, DRAWINGS, AND EXHIBITS ARE NECESSARY. **TWELVE** COPIES OF THE SAME MUST BE FILED WITH THE APPLICATION. A DISC CONTAINING PDF FILES OF ALL DRAWINGS SHOULD BE SUBMITTED OR EMAILED, PLEASE CALL FOR EMAIL ADDRESS. THE SECRETARY OF THE BOARD OF ZONING AND BUILDING APPEALS SHALL HAVE THE RIGHT TO REFUSE ANY APPLICATION UNLESS ALL EXHIBITS AND/OR DRAWINGS ARE COMPLETE IN ALL DETAILS.
5. A LIST OF NAMES AND ADDRESSES OF ALL PROPERTY OWNERS CONTIGUOUS TO, ACROSS FROM, AND BEHIND THE PROPERTY SUBJECT TO THIS REQUEST MUST BE SUPPLIED.

#### HEARINGS:

1. ALL HEARINGS ON APPLICATIONS BEFORE THIS 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 BE POSTED 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.
2. IT SHALL BE THE OBLIGATION OF THE APPELLANT 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 UPON THE APPELLANT.
3. FAILURE OF THE APPELLANT/AGENT TO APPEAR AT THE SCHEDULED HEARING MAY RESULT IN DISMISSAL OF THE APPLICATION FOR VARIANCE. **IF THE PROPERTY OWNER IS NOT THE APPLICANT/AGENT, A LETTER FROM THE PROPERTY OWNER STATING THAT THEY KNOW ABOUT AND SUPPORT THE VARIANCE REQUEST IS REQUIRED BEFORE ANY APPLICATION WILL BE PLACED ON THE AGENDA.**
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 (440) 234-8811**

<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: Site Plans, Drawings, Exhibits, Photos, Maps, PDF Received _____	
Code Noncompliance Noted by _____	Date _____
<b>BUILDING DIRECTOR</b>	

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1. Name of Appellant \_\_\_\_\_ Date \_\_\_\_\_
  2. Complete Address, Phone, and Email \_\_\_\_\_  
\_\_\_\_\_
  3. Address of Property Involved \_\_\_\_\_
  4. Permanent Parcel Number \_\_\_\_\_ Sublot No. \_\_\_\_\_
  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 \_\_\_\_\_  
\_\_\_\_\_  
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  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 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** THE FOLLOWING CRITERIA. PLEASE BE PREPARED TO DISCUSS THE FOLLOWING CRITERIA AT THE MEETING.

We request applicants to 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.

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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