

BOARD OF ZONING AND BUILDING APPEALS APPLICATION PROCESS



CITY OF MIDDLEBURG HEIGHTS BOARDS AND COMMISSIONS

15700 Bagley Road

Middleburg Heights, OH 44130

Phone (440) 239-6252

Website middleburgheights.com

Email: building@middleburgheights.com



The Board of Zoning and Building Appeals meets the third Wednesday of each month at 6 p.m. in the Council Chambers at City Hall. You can find the upcoming dates on the City Calendar middleburgheights.com. All completed applications, standards of review forms, plans, exhibits, pdf files, and application fees are accepted no less than 30 days prior to the scheduled meeting. Zoning Code Chapter [1127](#) applies to The Board of Zoning and Building Appeals.

Please Submit:

- Board of Zoning and Building Appeals Application for each request
- The Standards of Review Form for either an area variance or an administrative appeal for each request
- Twelve (12) complete and collated copies of all exhibits and supporting documentation including a site plan or survey of the property showing all structures, driveways, property lines, and setbacks of proposed projects at a reasonable scale to convey the need for the variance, plans/drawings, and photographs - the smallest legible size is preferred (11 x 17)
- PDF files of all documents (USB flash drive or email the files to building@middleburgheights.com)
- Proof of ownership, legal interest, or written authority
- Full payment of the application fees (\$20 per variance for residential requests or \$50 per variance for commercial requests) payable by check or cash. Please make checks payable to City of Middleburg Heights

The Board will hold a public hearing before taking action on an administrative appeal or an application for an area variance. Property owners contiguous to and directly across the street, as well as other interested parties, will be notified of the place, date, and time in accordance with Section 1127.03 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 or other visible location until the Board acts on your request. You may remove the sign after final action. Failure to post the sign may result in denial of your variance request. All members of the Board of Zoning and Building Appeals shall have the right to inspect the site which is the subject of the appeal before the public hearing.

You may bring all necessary witnesses, exhibits, and evidence and present the same to the Board at the time of the scheduled hearing. Failure of the applicant/agent to appear at the scheduled hearing may result in dismissal of the application.

All applications must be complete and contain clear descriptions of the specific requests, or they will not be processed. Please submit the variance application as well as the Standards of Review Form for either the proposed area variance or administrative appeal. A separate application must be submitted for each request.

Area variances are variances from a zoning regulation that establishes minimum or maximum areas, heights, distances, separation, volume, or any US customary unit of measurement. Development density shall not be eligible for area variance consideration.

Use variances are not granted by the Board of Zoning and Building Appeals. Use variances are not area variances.

Administrative Appeal is an appeal of an administrative decision made in the enforcement of the Zoning Code. Administrative appeals may be initiated by a person or entity alleging there is an error in any order, requirement, decision, or determination made by the Planning Commission, City Council acting in an administrative capacity, the Design Review Board, the Building Commissioner, or another authorized administrative official in the enforcement of the Zoning Code. An administrative appeal shall be filed within 30 days of the date of the order, decision, or determination.

Approved area variances that are not fully acted upon within 12 months shall be considered null and void.

BOARD OF ZONING AND BUILDING APPEALS APPLICATION



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Please see separate instructions for an area variance or an administrative appeal.

Area Variance or Administrative Appeal (Please attach either the Area Variance Standards of Review Form or the Administrative Appeal Standards of Review Form)

Name or Business _____

Subject Address _____ Permanent Parcel Number _____

PLEASE LIST THE SPECIFIC VARIANCE REQUEST _____

BUILDING/PROPERTY OWNER INFORMATION

Name and Firm _____

Address _____

Phone _____ Email _____

APPLICANT INFORMATION (OWNER OR OWNER'S AUTHORIZED AGENT – IF AGENT, PLEASE SUBMIT WRITTEN AUTHORIZATION)

Name and Firm _____

Address _____

Phone _____ Email _____

I certify that that I am the Owner Owner's Authorized Agent

I certify that that all information contained in this application is true, accurate, and complete to the best of my knowledge. My signature shall constitute an agreement on my part to abide by all Codes, Ordinances, and regulations of the State of Ohio and City of Middleburg Heights pertaining to this request. I further agree to pay all required fees and required review fees that may result from this application.

***Approved area variances not fully acted upon within 12 months from the date of approval shall be considered null and void.**

Signature _____ Printed Name _____ Date _____

----- **BELOW IS FOR CITY USE ONLY** -----

Variance Requested from Zoning Code Section _____

Code Noncompliance Noted by _____

Building Commissioner's Comments _____

Project No. _____ Rcvd By: _____ BZA Approval Date: _____

With the following conditions: _____

Board of Zoning and Building Appeals Denial Date: _____

BOARD OF ZONING AND BUILDING APPEALS AREA VARIANCE STANDARDS OF REVIEW FORM



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The Board of Zoning and Building Appeals will review each application for an area variance to determine if it complies with the purpose and intent of the Zoning Code and Comprehensive Master Plan based on sufficient evidence demonstrating that the literal enforcement of the Code will result in a practical difficulty. A practical difficulty exists whenever a zoning standard unreasonably deprives a landowner of a permitted use of their property. All the factors set forth do not need to be satisfied; rather, they shall be weighed together in the analysis as part of a balancing test. The standards below will be considered in determining whether property owners seeking an area variance have encountered practical difficulties in the use of their property. Please submit this form together with the Board of Zoning and Building Appeals Application. Please explain why the area variance should be granted. You may attach additional pages if necessary.

1. What 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 are exceptional irregularity, narrowness, shallowness, or steepness of the lot; or adjacency to nonconforming and inharmonious uses, structures, or conditions.

2. Explain if the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the area variance.

3. Explain if the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

Project No. _____ Rcvd By: _____

4. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the area variance.

5. Explain whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

6. Did the property owner purchase the property with the knowledge of the zoning restrictions? _____

7. What special conditions or circumstances exist as a result of actions of the owner?

8. Can the property owner's predicament feasibly be obviated through some method other than an area variance?

9. Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting an area variance.
