

CITY OF NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS

Procedure for filing an Appeal, Conditional Use, Variances or Home Occupation Approvals

An appeal(s) from the decision of the Administrative Officer or Code may be made to the Board by any person affected by any decision of the Administrative Officer. The applicant shall file with the Administrative Officer and with the board a "Notice of Appeal" specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record of the action appealed from. This application must be filled out in full, and is to include a list of all current record title owners and the completed standards summary form. Any application submitted containing blanks, omissions, or not meeting code requirements may be delayed or rejected.

The Board shall fix a reasonable time for the hearing of an Appeal or Conditional Use taken within the time specified by its rules. The Board shall give public notice ten (10) days preceding a hearing, as well as due notice to the parties in interest, including record title owner(s) of adjacent property(s). The Board shall decide the same within a reasonable time. At the Hearing of such Application, any party may appear in person or by agent or by attorney.

Applications will be reviewed or heard at City Hall, in Council Chambers on the fourth Thursday of the month at 7:00P.M. and shall be conducted in accordance with Section 9.3 of the city Charter. All forms are to be submitted within (20) days prior to a meeting. At the time of the filing of an application with the Board, the applicant shall submit to the Board a correct list of names of the current record title owner (s), permanent parcel numbers and mailing address of adjacent properties. Adjacent properties shall include those properties bordering to the north, the south, the east, the west, across the street from the property involved and those properties meeting the corners of the property involved. In the event of property transfers the Applicant shall be responsible for providing an updated list of current adjacent record title owner(s) to the Office of the Clerk of Council with the Application. The Applicant or agent must be present at the Public Hearing. All materials submitted becomes the property of the Board.

ALL APPLICABLE FEES TO BE PAID TO THE BUILDING DEPARTMENT:

1. Applicants shall pay, in addition to the fees below, a cost for mailing public hearing notices if the required notices exceed eight (8). **Fee: \$ 1.00 per notice**
2. In addition, applicants shall be charged a cancellation fee should a cancellation be due to the actions or request of the applicant. **Fee: \$ 1.00 per notice**
3. Administrative Fee: **Fee: \$ 5.00**

APPEALS FROM THE DECISION

OF THE ADMINISTRATIVE OFFICER:

Fee: \$75.00

CONDITIONAL USE OR ALTERING A NON-CONFORMING USE:

Fee: \$75.00

1. Plot plan indicating building size and set back accurately placed; noting side and back yard clearance, also driveway and parking area.
2. Statement of intent as to the use of the building and lot covered in Appeal submitted on a form supplied by the Building Inspector and signed by the Applicant for the Appeal and notarized.

SET BACK AND OTHER VARIANCES:

Fee: \$75.00

1. Complete plot plan indicating accurately the street, lot lines, building setback. Also neighboring buildings on each side and their distance from the Applicants lot lines.
2. Statement of intent indicating the reasons a variance is needed and why they cannot be overcome by means other than a variance. This shall be submitted on the attached Addendum form.

PLEASE NOTE: If plot plans are larger than 8 ½ by 11 inches, seven (7) copies are to be submitted with the application form. The City of North Ridgeville strives for accuracy in the notification of adjacent record title owner (s). However, if the City has made an error in the notification process, this will not be cause for rejection of this application.

BZA Case No.: _____

Amount Paid : \$ _____

Date Received: _____

Date Paid \$: _____

Check Cash



**CITY OF NORTH RIDGEVILLE
BOARD OF ZONING AND BUILDING APPEALS
APPLICATION FORM**



APPLICANT: _____
COMPANY NAME: _____
ADDRESS: _____
CITY/STATE: _____ ZIP: _____
PHONE NO.: _____
SIGNATURE: _____

OWNER: _____
ADDRESS: _____
CITY/STATE _____ ZIP: _____
PHONE NO.: _____
SIGNATURE: _____

Location of Construction/Project: _____

Permanent Parcel No(s): _____ Zoning District: _____

Attachments required to this Application:

- a) On the attached, list the current record title owner (s) adjacent to the property of request. Include on this list the record title owner(s) name, permanent parcel number and mailing address. Adjacent properties shall include those properties bordering to the north, the south, the east, the west, across a street from the property involved and those properties meeting corners of the property involved. In the event of property transfers, the applicant shall be responsible for providing an updated list of current adjacent record title owner(s) to the Office of the Clerk of Council twenty (20) days prior to the date of any public hearing when the applicant will appear on the agenda.
- b) The attached Standard Summary shall be completed in full and submitted with this application.
- c) Note: If submitting a plot plan that is larger than 8 ½ by 11, please submit 7 copies.

Lot Width: _____ Blk. & Sublot No: _____ Sq. ft. House: _____ Other: _____ Lot Area Sq. ft. _____
Set Back from R.W.: _____ Sq. Ft. Garage: _____ Lot Clearance Rt. Side: _____ Left Side: _____ Rear: _____

Statement of Intent: (Reason for Appeal Request): _____

Building Inspector's Comments: _____

Approved Conditions _____
 Disapproved
 Other _____

Signature - Chairman: _____ Date: _____

Please return this completed form and it's attachments to the Building Department to be submitted to the Board of Zoning and Building Appeals. All forms are due twenty (20) days prior to a scheduled meeting.

This application and it's forms must be filled out in full. Any application submitted containing blanks, omissions, or not meeting code requirements, may be delayed or rejected.

The City of North Ridgeville strives for accuracy in the notification of adjacent record title owner(s). However, if the city has made an error in the notification process, this will not be cause for rejection of this application.

BOARD OF ZONING AND BUILDING APPEALS

I, _____ and/or _____, being first duly sworn, depose and say that:

1. The plans, drawings, or other documents which I have brought before the Board of Zoning & Building Appeals for approval depict the property lines accurately and in accordance with the plat map to the best of my knowledge and belief.
2. I understand that any approval which is granted to said plans is based upon the presumption of accuracy of the property lines and that the City has not obligation to independently survey or otherwise determine the accuracy of said plans, drawings, or documents.
3. In the event that a discrepancy is found to exist, I will hold the City harmless and take such action as may be needed to provide the correct information.
4. The Owner or Applicant or Agent, whether represented or not, hereby acknowledges and accepts that the representations made in this application and at the Public Hearings constitute the basis for the decision by the Board of Zoning and Building Appeals. Any misrepresentations, whether knowingly made or not, may result in disaffirmance or revocation of the Board's decision. Statements made by a representative shall be deemed the statement of the Owner or Applicant for purpose of the Board's decision.

Affiant sayeth nothing further:

Signature of Owner

Signature of Applicant/Agent for the Owner

Address

Address

Telephone Number

Telephone Number

STATE OF OHIO
COUNTY OF LORAIN

Before me, a Notary Public, personally appeared the Affiant/Owner, _____ who acknowledged the signing of the foregoing affidavit to be his/her voluntary act and deed. In testimony whereof, I have hereunto subscribed my name and affixed my official seal on this ___ day of _____, 20__.

Notary Public

STATE OF OHIO
COUNTY OF LORAIN

Before me, a Notary Public, personally appeared the Affiant/Applicant/Agent for the owner, _____ who acknowledged the signing of the foregoing affidavit to be his/her voluntary act and deed. In testimony whereof, I have hereunto subscribed my name and affixed my official seal on this ___ day of _____, 20__.

Notary Public

TO BE FILLED OUT BY APPLICANT

I, _____,
(Print Name) (Signature)

verify that the following are the names, mailing addresses and permanent parcel numbers of the current record title owners adjacent to the property of request for:

Applicant _____

Owner _____

Project Address _____ Permanent Parcel No. _____

THE FOLLOWING INFORMATION MAY BE OBTAINED AT THE LORAIN COUNTY RECORDER'S OFFICE,
ADMINISTRATION BUILDING., 226 MIDDLE AVENUE, ELYRIA, OHIO. PHONE: 329-5148 E-MAIL:
WWW.LORAINCOUNTY.COM/RECORDER

ADJACENT PROPERTY OWNER & ADDRESS

PERMANENT PARCEL NO.

- | | |
|---------------------------------------|-------|
| 1. _____
(Adjacent Property Owner) | _____ |
| _____ | _____ |
| (Mailing Address) | |
| 2. _____ | _____ |
| _____ | _____ |
| 3. _____ | _____ |
| _____ | _____ |
| 4. _____ | _____ |
| _____ | _____ |
| 5. _____ | _____ |
| _____ | _____ |
| 6. _____ | _____ |
| _____ | _____ |
| 7. _____ | _____ |
| _____ | _____ |
| 8. _____ | _____ |
| _____ | _____ |

SEE REVERSE SIDE FOR ADDITIONAL LISTINGS.

OFFICE USE ONLY

CBO Verification By _____

Date/Time Stamp:
(BZA/PC)

PLEASE COPY THIS PAGE FOR ADDITIONAL LISTINGS OF ADJACENT PROPERTY OWNERS.
NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
ADDENDUM TO VARIANCE APPROVAL

Applicant must comply with the following conditions to finalize variance approvals:

NEW STRUCTURES:

_____ Pin Survey must be performed by a Registered Surveyor on lot or parcel with survey drawing; so the Building Inspector can verify the following:

- A. _____ Side line clearance @ 90 to property line
- B. _____ Setback clearance @ 90 to center line or right-of-way
- C. _____ Rear line clearance @ 90 to property line

PROPERTY SPLITS:

_____ Pin Survey must be performed by a Registered Surveyor on lot or parcel with survey drawing showing the following:

- A. _____ Existing and/or proposed buildings with existing and/or proposed setbacks.
- B. _____ Lot width @ Building line
- C. _____ Depth of parcel to right-of-way or center line
- D. _____ Square footage or Acreage of lot
- E. _____ Entrance width of remainder and/or parcel size showing items A. through D. of Property Splits

In regards to all conditional approvals: The Building Inspector may at his discretion request additional information if in his judgement, the submitted information is incomplete or vague.

Chairman

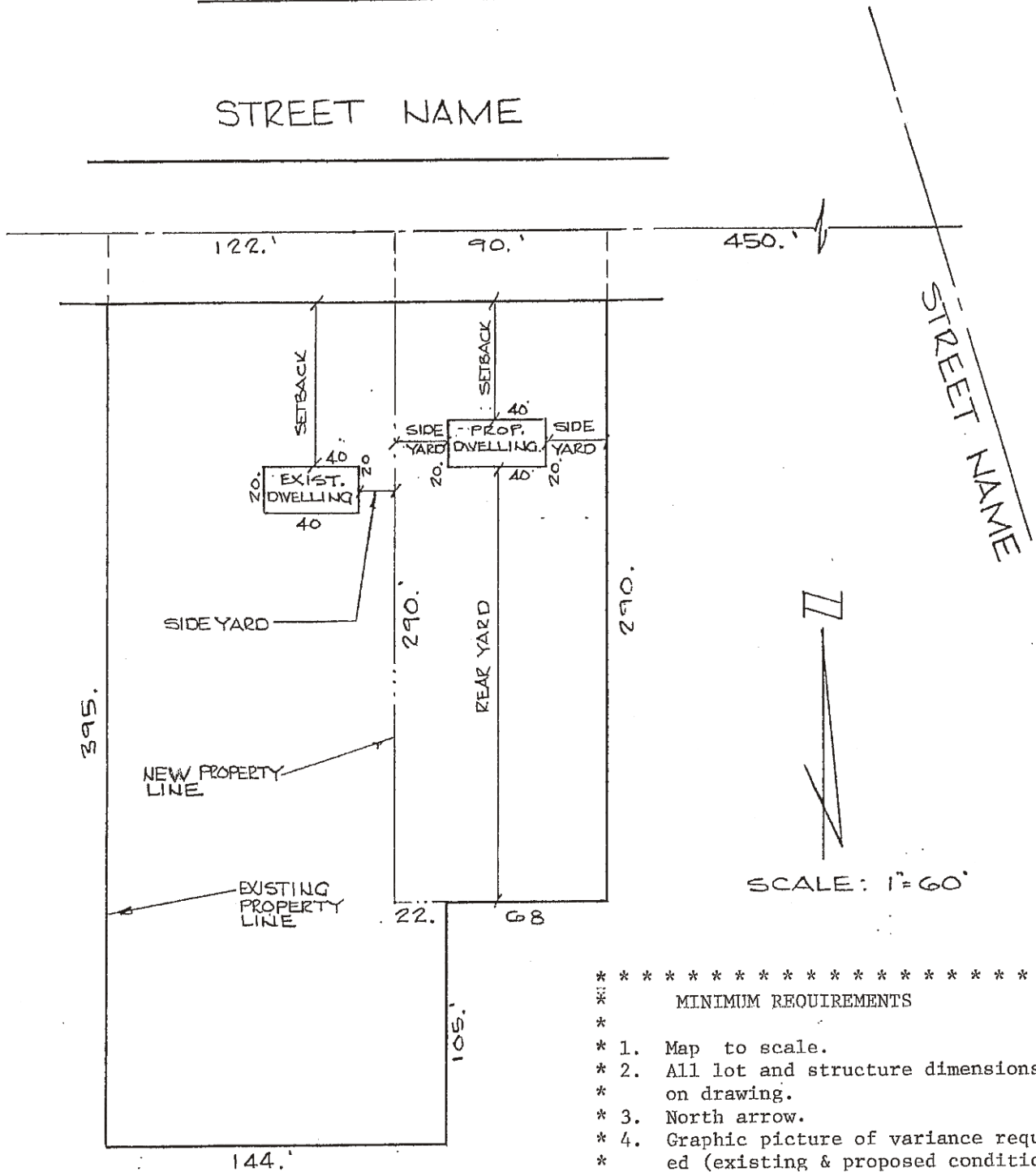
Applicant

Date Approved

sample

PLOT PLAN

STREET NAME



SCALE: 1"=60'

- *****
 * MINIMUM REQUIREMENTS *
 * 1. Map to scale. *
 * 2. All lot and structure dimensions *
 * on drawing. *
 * 3. North arrow. *
 * 4. Graphic picture of variance request *
 * ed (existing & proposed conditions) *
 * 5. Location map and/or intersecting *
 * street *
 * *
 * *
 * *

BOARD OF ZONING AND BUILDING APPEALS STANDARDS SUMMARY FORM

The Board of Zoning and Building Appeals is a quasi-judicial board and the decisions of this Board may be appealed to the Local Common Pleas Court.

An area variance deals with departures from yard, height requirements and similar requirements. The standard for granting an "area" variance is whether the applicant demonstrates a practical difficulty. The following factors are weighed by the Board of Zoning and Building Appeals in determining whether the applicant has encountered practical difficulties and should therefore be granted a variance. Not every factor will apply to each application. No one factor is determinative of whether or not a variance will or will not be granted. The burden to prove a practical difficulty exists such that a variance should be granted rests with the Applicant. Please also refer to North Ridgeville Codified Ordinance, Section 1244.05, which is stated on the back of this form.

- 1). A. Will you still be able to use this property in question without the variance? Please explain: _____
B. Will the property yield a reasonable return or have any beneficial use without the variance? Please explain: _____

- 2). A. What is the percent of increase or other measure of increase that you are asking for above what is allowed by code? Please explain: _____

- B. Can you achieve your purpose with a smaller variance? Why or Why not? If so, how much smaller of a variance could be used? Please explain: _____

- 3). Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance? Please explain: _____

- 4). Will your variance, if approved, adversely affect the delivery of governmental services, such as water, sewer, garbage, police and fire? Please explain: _____

- 5). Did you purchase the property with knowledge of the zoning restriction? _____

- 6). Have you considered other options so as not to require this variance? _____

The members of the Board of Zoning and Building Appeals will consider whether or not the spirit or intent behind the zoning laws is observed.

Please provide any other comments you would like the Board of Zoning and Building Appeals to consider prior to the hearing of your request:

1244.05 SPECIFIC FUNCTIONS; POWERS AND DUTIES; VARIANCES.

The function of the Board of Zoning and Building Appeals shall be to:

(a) Review and determine appeals de novo from decisions of the Administrative Officer in the enforcement of the provisions of this Zoning Code. Upon such appeal, the Board may reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination.

(Ord. 335-66. Passed 7-5-66.)

(b) Make variances from the provisions of this Zoning Code in cases where the strict application of the provisions of the Zoning Code would result in practical difficulty or unnecessary hardship. No variances granted which authorize a use of property in any manner different from that permitted in the zoning district in question shall be for a period greater than twelve months. The Board shall review all such variances every twelve months and may cancel, renew, wholly or partly, or modify any such variances based on the findings of the yearly review. This annual review provision shall not apply to variances which authorize the permanent erection of any structure, including dwellings, garages and fences, or the installation of utility lines, unless specifically set forth in the ruling of the Board. Further, no variance from the provisions or requirements of this Zoning Code shall be authorized by the Board unless the Board finds that all of the following facts and conditions exist:

(1) That there are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district.

(2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this Zoning Code or the public interest.

(4) That such variance shall in no manner or guise be construed to mean a change of use but shall mean only a variation or modification from the provisions of this Zoning Code.

(Ord. 687-71. Passed 4-19-71.)

(c) Interpret the provisions of this Zoning Code where there is doubt as to its meaning or application.

(d) Grant conditional zoning permits for the use of land, buildings or other structures if such permits for such uses are provided for in this Zoning Code.

(1) When authorizing a conditional zoning permit or permitting a conditional use as provided herein, the Board may prescribe such additional conditions as are, in its opinion, necessary for the protection of adjacent properties and the public interest. In all conditional uses granted, the conditions imposed by the Board of Zoning Appeals, in addition to subsection (d)(2)A., B., and C. below, shall be met upon commencement of the conditional use. Any conditional use not used for the purpose granted for a period of one year shall expire.

(2) In considering an application for a conditional use, the Board shall establish that:

A. The proposed use at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

B. Such use will not, under the circumstances of the particular case, be detrimental or injurious to property or improvements in the vicinity; and

C. The proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, if any are so specified.

(e) Exercise such other powers as may be granted to the Board by this Zoning Code, by any amendment thereto or by the general laws of the State. (Ord. 335-66. Passed 7-5-66; Ord. 3869-02. Passed 12-16-02.)