



City of North Royalton

Mayor Larry Antoskiewicz

Community Development, Building Division

David Smerek, Building Commissioner

11545 Royalton Road, North Royalton, OH 44133

Phone: 440-582-3000

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 or 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. A fillable version of the application is available on the City website. Fill in the forms completely. Incomplete forms shall delay processing and placement on an agenda.
- SUBMISSION – Provide nine (9) FOLDED sets of the entire submittal package not including instruction pages. 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 HOA shall be submitted acknowledging the variance request and 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 (Up to 2 variances) + \$25.00 for each additional variance
Public Facilities Districts	\$125.00 (Up to 2 variances) + \$25.00 for each additional variance
Multi-Family Districts	\$125.00 (Up to 2 variances) + \$25.00 for each additional variance
Business Districts	\$150.00 (Up to 2 variances) + \$25.00 for each additional variance
Industrial Districts	\$175.00 (Up to 2 variances) + \$25.00 for each additional variance

- 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 - 2024 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>MEETING DATE</u>	<u>MEETING DEADLINE (Noon)</u>
January 25, 2024	December 18, 2023
February 22, 2024	January 22, 2024
March 28, 2024	February 26, 2024
April 25, 2024	March 25, 2024
May 23, 2024	April 22, 2024
June 27, 2024	May 28, 2024
July 25, 2024	June 24, 2024
Recess	Recess
September 26, 2024	August 26, 2024
October 24, 2024	September 23, 2024
November 21, 2024	October 21, 2024
December 19, 2024	November 18, 2024
January 23, 2025	December 16, 2024

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 affected 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)

PPN:

Permanent Parcel Number

Zoning District

Ward No.

HOA Name:

Letter of Approval Rec'd: Yes or No

Letter of Denial Rec'd: Yes or No

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

BZA--

Identification Number Assigned

\$

Application Fee

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

Received by

Other Application Fee Information

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

4. Board of Zoning Appeals review: (please check all that apply)

Type of Variance:

_____ **Area Variance NRO 1264.08(e)(1)** – complete sections 5, 6, 7 and questions relative to area variances

_____ **Use Variance NRO 1264.08(e)(2)** – complete sections 5, 6, 7 and questions relative to use variance

_____ **Riparian and/or Wetland Setback Variance NRO 1492.11** – complete sections 5, 6, 7 and questions relative to riparian setback and complete waiver

_____ **Administrative Appeal NRO 1264.04** – complete Notice of Appeal (pg. 13)

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

6. 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.

_____/_____
Applicant Signature, Printed Name and Title

Date

_____/_____
Property Owner Signature, Printed Name and Title

Date

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

7. 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 _____, 20

Notary Signature

Seal:

State of Ohio
County of Cuyahoga

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:

(Please provide any relevant responsive information, including sketches, drawings, photographs or other exhibits.)

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:

(Please provide any relevant responsive information, including sketches, drawings, photographs or other exhibits.)

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.

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

QUESTIONS RELATIVE TO RIPARIAN OR WETLAND SETBACK VARIANCES

Address of subject property: _____

The Board of Zoning Appeals may consult with representatives from the Cuyahoga SWCD; the Ohio Department of Natural Resources, Division of Natural Area; the Ohio Environmental Protection Agency, Division of Surface Water; the Army Corps of Engineers; the County of Cuyahoga Engineer; the Cuyahoga County Health Department or other technical experts at the expense of the applicant as necessary to consider variance requests.

In reviewing whether to grant variances, the Board of Zoning Appeals shall consider the following: PLEASE PROVIDE ANY RELEVANT RESPONSIVE INFORMATION, INCLUDING SKETCHES, DRAWINGS, PHOTOGRAPHS OR OTHER EXHIBITS.

- (1) The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection or other functions of the riparian and/or wetland area.

- (2) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of the City's flood damage reduction regulations (Chapter 1466) may be used as guidance when granting variances in the 100-year floodplain.

- (3) Varying the front, rear and side yard setbacks before the riparian and wetland setbacks are varied.

- (4) Variances should not be granted for asphalt or concrete paving in the riparian and wetland setbacks in any situation where gravel or porous pavement (i.e., porous pavers and similar products) will do the job.

(5) Soil-disturbing activities permitted in a riparian and/or wetland setback through variances should be implemented in order to minimize clearing to the extent possible, and to include best management practices necessary to minimize soil erosion and maximize sediment control.

(6) The presence of significant impervious cover, or smooth vegetation such as maintained lawns in riparian setback areas compromises their benefits to the City.

(7) A reduction in storm water infiltration into the soil on wetland areas will occur.

(8) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

(9) A parcel existing at the time of passage of this section is made substantially unbuildable.

(10) A requested above-ground fence does not increase the existing area of mowed grass or lawn.

(11) Modifying parking requirements before varying the riparian setback.

(12) Modifying building shape, size or design to avoid or minimize intrusion into the riparian setback.

(13) In the case of a lot made substantially unbuildable by this regulation, consider the minimum variance needed to make it buildable for an appropriately sized and compatibly designed structure, while following the guidance provided in this section.

(14) Whether the variance will increase the likelihood for flood or erosion damage to either the applicant's property or to other properties.

(15) Culverting of watercourses should be avoided.

(16) Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the riparian zone.

RELATIVE TO RIPARIAN OR WETLAND SETBACK VARIANCES

**City of North Royalton
14600 State Road
North Royalton, OH 44133
440-237-5686**

**Codified Ordinance Chapter 1492
Release and Waiver**

This acknowledges that applicant(s), whose signature appears below, has applied for a permit to construct or expand a structure or create or expand a use that would be located within a riparian or wetland zone and/or their respective setback areas (the zones) on the applicant's property. Although the City Code does permit such structure or use to be placed in that location, it is understood and agreed that the City of North Royalton assumes no responsibility or liability for any damage whatsoever that may occur to this use or structure because of the location of said structure or use being place in either a riparian or wetland zone or their setback areas. Applicant(s) fully agree and understand completely the implications and possibilities connected with their decision to locate the structure or use within the riparian or wetland zone(s). Applicant(s) and their successors or assigns assume full responsibility and hereby release, discharge and/or otherwise indemnify and agree to save harmless the City of North Royalton, its elected officials, directors, employees and associated personnel, attorneys, against any claim by or on behalf of the applicant as a result of the applicant(s) construction of and location of said structure or use in the riparian or wetland zones.

Signature of Applicant

Date

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS

NOTICE OF APPEAL FORM*

Date: _____

Name (Appellant): _____

Address: _____

Telephone number: _____

Date of notice, order or decision appealed: _____, 20____.

Copy of notice, order or decision attached as Exhibit _____. If unable to attach, please state the decision or section of Zoning Code from which the appeal is sought:

State error or grounds supporting appeal: _____

To be completed by office of Building Commissioner:

Date appeal filed: _____

*Appellant may submit any timely notice of appeal which includes the decision appealed, the error alleged and all necessary data.