

- Meeting Date:** Third Tuesday of each month
- Place / Time:** Sheffield Village Municipal Complex  
4340 Colorado Avenue  
7:00 p.m.
- Application Fee:** Residential - \$500.00  
Commercial - \$1000.00  
+ any access of the charge over the amount to be paid prior to the decision on the appeal becomes official (Ordinance 2542, passed 9.26.16)
- Filing Deadline:** Twenty-one days prior to the scheduled meeting

An application to appear before the Zoning Board shall be accompanied by the following:

- A working set of drawings for the Zoning Administrator to review consisting of the following:
  - Site plan drawn to scale showing the location by dimension of the existing and proposed building, the dimension of the lot, driveways, walks, parking areas, and adjoining lots.
  - Elevation drawings showing all elevations necessary to completely describe the exterior of the buildings including floor to floor dimensions. Plans should fully describe all materials, colors, and architectural ornaments.
  - Floor plans sufficiently dimensioned and to scale. All relevant spaces and size must be identified by code appellation and clearly define the situation in question.
- Nine sets of drawings with the completed application consisting of the above items.
- List of names and addresses of property owners within 200 feet of your property – front, side, rear.
- Proof the applicant is authorized to act on behalf of the property owner – if applicable.
- The Zoning Board and the Zoning Administrator may request any other information as needed.

**VARIANCE APPLICATION FORM**  
**Village of Sheffield, Ohio**

**Please Note:** The Applicant must be the owner of record of the subject property in this request or the applicant must submit written authorization from the legal property owner at the time that the application is submitted.

<p><b>Property Owner's Name:</b> _____</p> <p>Address: _____</p> <p>Telephone: _____</p> <p>Email address: _____</p>
<p><b>Applicant's Name:</b> _____</p> <p>Company: _____</p> <p>Address: _____</p> <p>Telephone: _____</p> <p>Email Address: _____</p>
<p><b>Location of Property:</b></p> <p>Property Address: _____</p> <p>Permanent Parcel Number: ____ - ____ - ____ - ____ - ____</p> <p>Zoning District: _____</p>
<p><b>Present Use:</b> _____</p> <p><b>Proposed Use:</b> _____</p>
<p><b>Applicant's Signature:</b> _____</p> <p style="text-align: right;"><b>Date:</b> _____</p>

## **AUTHORIZATION FOR PROPERTY ACCESS**

**By signing this form, I authorize members of the Village's Zoning Department and Zoning Board of Appeals access to the subject property for the limited purposes of photographing and/or viewing the area affected by the variance requested in this application and verification of project dimensions.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Any dog(s) on property?** \_\_\_\_\_ **YES**    \_\_\_\_\_ **NO**

**Please Print or Type:**

\_\_\_\_\_  
**Applicant / Agent Name:**

\_\_\_\_\_  
**Property Address:**

\_\_\_\_\_  
**Daytime Phone Number**

## **Factors Used to Determine Practical Difficulty of an Area Variance**

**Please respond to each question as it pertains to your variance request. It is important to be as thorough and detailed as possible. If you need additional space, you may use a separate sheet to answer the questions. The following factors will be weighed and considered by the Board of Zoning Appeals to determine, by a preponderance of evidence; whether practical difficulty exists which would warrant the granting of an area variance:**

A. 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 non-conforming and inharmonious uses, structures or conditions.

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B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

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C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

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D. 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.

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E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup.

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F. Whether the property owner purchased the property with knowledge of the zoning restrictions.

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G. Whether special conditions or circumstances exist as a result of actions of the owner.

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H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

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I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

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J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

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- (c) **Notification of Board's Decision.** The secretary of the Board shall notify the appellant in writing of the decision of the Board. The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep records of its official actions.

**1109.07 VARIANCES.**

The Board of Zoning Appeals may authorize upon appeal in specific cases such area variances from the terms of this Code as will not be contrary to the public interest and the Planning Commission may authorize upon appeal in specific cases such use variances from the terms of this Code as will not be contrary to the public interest according to the following procedures:

- (a) **Application Requirements.** An application for an area or use variance shall be filed with the Zoning Administrator for review by the Board of Zoning Appeals if the request is for an area variance, or the Planning Commission if the request is for a use variance, upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
  - (1) Name, address and phone number of applicant(s);
  - (2) Proof of ownership, legal interest or written authority;
  - (3) Description of property or portion thereof;
  - (4) Description or nature of variance requested;
  - (5) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (b) below;
  - (6) Development plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
  - (7) Payment of the application fee as established by Council; *Ord 2646*
  - (8) Any other documents deemed necessary by the Zoning Administrator. Upon receipt of a written request for variance, the Zoning Administrator shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.
- (b) **Public Hearing.** The Board of Zoning Appeals in the case of an area variance, or the Planning Commission in the case of a use variance shall hold a public hearing on all requests for variances. At least ten (10) days prior to the date of the scheduled hearing, notice of such hearing shall be in a newspaper in general circulation in the Village and mailed to addresses given in the application (or otherwise to the addresses given in the last assessment roll) and to any person, firm, or corporation owning premises located within 200 feet of the land to which such variance relates. The Board, or Commission may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney.
- (c) **Review by the Board, or Commission.** According to the procedures established for appeals in Section 1109.06(b), the Board, or Commission shall hold a public hearing and give notice of the same. The Board, or Commission shall review each application for a variance to determine if it complies with the purpose and intent of this Code and evidence demonstrates that the literal enforcement of this Code will result in practical difficulty, or unnecessary hardship.

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- G. The variance sought is the minimum which will afford relief to the applicant.
- (d) **Additional Conditions and Safeguards.** The Board, or Commission may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
- (e) **Action by the Board, or Commission.** The Board, or Commission shall either approve, approve with supplementary conditions or disapprove the request for variance. The Board, or Commission 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.
- (f) **Confirmation by Council.** Any variance granted by the Board, or Commission may only be overturned by a three-fourths vote of Village Council. If such vote does not occur within forty-five (45) days of the Board of Zoning Appeals, or Planning Commission action, the variance granted by the Board, or Commission shall stand.
- (g) **Term and Extension of Variance.** Variances shall be nonassignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals, or Planning Commission. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this section. (Ord. 2646. Passed 10-22-18.)

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- (1) The following factors shall be considered and weighed by the Board of Zoning Appeals in order to determine, by a preponderance of the evidence, whether practical difficulty exists which would warrant the granting of an area variance:
  - A. 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;
  - B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - D. 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;
  - E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - F. Whether the property owner purchased the property with knowledge of the zoning restrictions;
  - G. Whether special conditions or circumstances exist as a result of actions of the owner;
  - H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (2) A use variance would require the applicant to demonstrate 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 that all of the following criteria are satisfied The following factors shall be used by the Planning Commission to determine unnecessary hardship:
  - A. The property cannot be put to any economically viable use under any of the permitted uses in the Zoning District;
  - B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  - C. The hardship condition is not created by the actions of the applicant;
  - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - E. The granting of the variance will not adversely affect the public health, safety or general welfare;
  - F. The variance will be consistent with the general spirit and intent of the Code; and

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