

**VILLAGE OF CHAGRIN FALLS**  
**PROCEDURE FOR REQUESTING A VARIANCE TO**  
**THE ZONING CODE**

- 1) Submit a site plan that contains all of the following information pursuant to section 1109.04(b) at least **thirty days (30)** prior to the regularly scheduled Board of Zoning Appeals meeting.

1109.04(b)

**PLAN REQUIREMENTS**

Plans drawn at a scale of one-inch equals twenty or forty feet, or as otherwise required by the Administrator, indicating the following information in a clear and legible manner:

- \* (1) Existing and proposed property lines of the subject parcel(s), documented by a professional survey, with all dimensions indicated. \*
- \* (2) Locations of existing main buildings on adjacent parcels.
  - (3) Adjacent streets, with the distance to the nearest intersecting street indicated if not shown.
  - (4) Existing topography showing contours at intervals of not less than two feet.
  - (5) Proposed topography, showing contours at intervals of not less than two feet.
- \* (6) Existing buildings by type of use, parking spaces, loading spaces, roads, drives, and walkways, showing representative dimensions and locations based on a professional survey. \*
  - (7) Buildings and uses to be demolished or eliminated.
- \* (8) Proposed buildings and additions by type of use, parking spaces, loading spaces, roads, drives and walkways, showing representative dimensions.
  - (9) Location, type and height of proposed outdoor lighting.
  - (10) Common open space and landscaping to be provided in accordance with the requirements of Chapter 1142, including the location of trees or tree clusters to be retained and those to be removed.
  - (11) Proposed and existing signs, show in accordance with the application requirements of Section 1143.05(b).

The items marked by “ \* “ are required for all variance requests. The remaining items may be required by the Chief Administrative Officer depending on the type of variance requested.

- 2) A variance shall be considered by the Board of Zoning Appeals **only if formal action has been taken by the Administrator or other officers** with regard to an application for a building permit, zoning certificate, issuance of a stop order, specific referral or some similar action;(1111.03). Applications will be rejected if a formal rejection letter has not been issued by the Village.

- 3) The applicant must file the variance request with the Chief Administrative Officer on the forms provided **not less than twenty-two (22) days** prior to a regularly scheduled meeting of the Board of Zoning Appeals. **Eight (8) copies** of the application, plans and supporting documentation shall be submitted to the Chief Administrative Officer. The Board meets the 4<sup>th</sup> Tuesday of the Month, as necessary. All supporting documentation must be submitted not less than fourteen days prior to the meeting.
- 4) Remit application **fee of \$100.00** (Ordinance No. 2005-35) with the application.
- 5) Upon receipt of such application and fee, the Chief Administrative Officer will:
  - a) Advertise a Public Hearing of requested variance or appeal not less than fifteen (15) days prior to such hearing, the Public Hearing date to coincide with the next regularly scheduled Meeting of the Board of Zoning Appeals.
  - b) Notify adjacent property owners within a radius of 300 feet of the Public Hearing. Such notification to be by first class mail at least fifteen (15) days prior to the hearing date.
  - c) Transmit a copy of the requested variance or appeal to each member of the Board of Zoning Appeals and Council not less than seven (7) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals.
- 6) At its regularly scheduled meeting, the Board of Zoning Appeals will;
  - a) Hold a Public Hearing.
  - b) Hear testimony and consider the variance request.
  - c) Act by motion on the request by granting, granting with conditions or not granting the request and giving reasons for the action.
- 7) Following the decision of the Board of Zoning Appeals, the Chief Administrative Officer will:
  - a) Transmit the decision to Council.
  - b) Council, within 15 days of notice of the decision, may by petition of three members, set a public hearing to review the full case.
  - c) If a petition is filed the Council decision shall be final.
  - d) If no petition is filed then the Board of Zoning Appeals decision shall be final after the window for petition is closed.

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

**FEE \$100.00**

**VILLAGE OF CHAGRIN FALLS  
APPLICATION FOR VARIANCE TO  
THE ZONING CODE**

(1) Address of subject property: \_\_\_\_\_ P.P. # \_\_\_\_\_

(2) Name of Property Owner(s) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

(3) Name of Applicant or Owner's Representative(if applicable) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

(4) Zoning District: \_\_\_\_\_

Use of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of variances requested (including existing conditions):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OFFICE USE ONLY - Code sections:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1111.07 REASONS FOR GRANTING VARIANCES. The Board of Zoning Appeals shall have the power, in specific cases, to vary, modify or waive the application of certain provisions of this Zoning Code, after making findings of facts setting forth the reasons therefore, in order that the public health, safety, convenience, comfort and general welfare may be safeguarded and substantial justice done, and, provided that variances shall not be granted for uses not permitted in the zoning district applicable to the property. Area variances may be granted on the basis of a finding of a practical difficulty. While no single factor controls in the determination of a practical difficulty, the factors that will be considered and weighed include, but are not limited to the following:

**Answer in detail and attach additional pages as necessary.**

(1) Will the property yield a reasonable return or will there be any beneficial use of the property without the variance?

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(2) Is the variance substantial?

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(3) Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance?

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(4) Would the variance adversely affect the delivery of governmental services?

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(5) Did the property owner purchase the property with knowledge of the zoning restriction?

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(6) Can the property owner's predicament feasibly be obviated through some method other than a variance?

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(7) How would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance?

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(8) Is the variance based on circumstances that are self – created or exist as a result of actions of the property owner?

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I certify that the statements on this application and plans are accurate and true to the best of my knowledge.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Representative (if applicable)

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

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

\_\_\_\_\_  
Print Name – Owner

\_\_\_\_\_  
Print Name – Representative