

**CITY OF GRANDVIEW HEIGHTS
DEPARTMENT OF BUILDING AND ZONING
1525 GOODALE BOULEVARD
COLUMBUS, OH 43212
(614) 481-6204**

TO: Board of Zoning Appeals Applicants

It is important that you understand that the Board of Zoning Appeals is only authorized to grant an area variance "where there is an exceptional or unusual physical condition of a lot" as compared to other lots in the zoning district. (Section 1139.04(d) of the Grandview Heights Codified Ordinances). This physical condition might be based on the grade, size, shape, terrain or boundaries of the lot.

The unusual physical condition of the lot must also, when related to the yard or fence regulations, prevent a reasonable or sensible arrangement of buildings or fencing on the lot. In other words, strict application of the zoning ordinance must result in a "practical difficulty" that deprives you of the reasonable use of the land, building or structure. A "practical difficulty" must always be caused by an exceptional or unusual condition of a lot as compared to other lots in your area.

Before an area variance is granted by the Board of Zoning Appeals, you will have to convince the Board that a "practical difficulty" exists. This can be accomplished at the hearing with maps, photographs, blueprints or witnesses, including yourself.

2010 Board Members

| | |
|---------------------------------|--------|
| Robert (B.J.) Artrup – Chairman | (2010) |
| Brad Williams | (2012) |
| Dennis Imler | (2014) |
| Markus Bonn | (2013) |
| Dimitri Hatzifotinos | (2011) |

Secretary to the Board of Zoning Appeals

John A. Kuss
Director of Building and Zoning

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VARIANCE REQUEST APPLICATION

Variance Request No. _____ Meeting Date: _____

Applicant: _____

Address: _____

Telephone No. _____ Work/Cell No. _____

Property Owner: _____

Address of Variance: _____

Zoning District: Circle One RS-1 RS-2 RD RA RPU

Other: _____

Nature of Variance:

1. _____ Ordinance Section _____

2. _____ Ordinance Section _____

3. _____ Ordinance Section _____

The exceptional or unusual physical condition of my lot can be described as follows:

The above-described exceptional or physical condition of my lot creates a "practical difficulty" that deprives me of the reasonable use of my property as follows:

Applicant's Signature: _____ Date: _____

Received by: _____ Date: _____

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NOTICE

Date: _____

To: _____

Please be advised that

(Name)

has applied to the City of Grandview Heights Board of Zoning Appeals for a _____

(Type of Variance, i.e., side yard setback; rear yard setback, etc.)

for the property located at

in the City of Grandview Heights, Ohio to allow (state request sought) _____

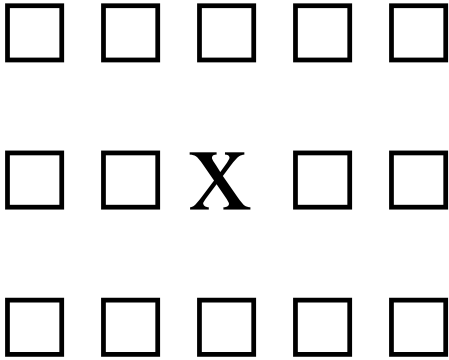
The Grandview Heights Board of Zoning Appeals will hear this application at 7:00 p.m. in City Council Chambers, 1016 Grandview Avenue on

_____(Month) _____(Day) _____(Year)

Your acceptance of this notice does not indicate in any way your acceptance or opposition to the request of the applicant. You are welcome to express your desires at the Board of Zoning Appeals meeting as scheduled above.

(Signature of party filing the application)

LOT OWNER NOTICE DIAGRAM
[As per Section 6(b)]



X IS THE LOT FOR WHICH THE APPEAL IS BEING MADE.

- 1. To be placed on the agenda of the next scheduled meeting of the Board of Zoning Appeals, eight (8) copies of a provided application and a statement of the reason for filing such application shall be filed with the Director of Building and Zoning not less than fifteen (15) days prior to the date of said meeting.**

The application shall include the following statements:

- A. The nature of the variance, including the specific provisions of the Zoning Ordinance upon which the variance is requested.**
 - B. A legal description of the property, at the discretion of the Director of Building and Zoning.**
 - C. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.**
 - D. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.**
 - E. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights.**
 - F. Such other information regarding the application for the variance as may be pertinent or required for appropriate action by the Board of Zoning Appeals.**
- 2. The application shall be accompanied by eight (8) copies of a plot plan drawn to an appropriate scale showing the following:**
 - A. The boundaries and dimensions of the lot.**
 - B. The size and location of all existing and proposed structures, showing setback distances to all lot lines.**
 - C. All existing structures on adjacent properties that are located within ten (10) feet of all common property lines. Dimensions from existing structures to common property lines must be included.**
 - D. All existing and proposed fences, including the height and type of fence.**
 - E. All driveway and parking areas, including the number of legal off-street parking spaces and loading spaces if applicable.**
 - F. All access ways, sidewalks, site lighting and landscaping.**
 - 3. Eight (8) copies of two (2) elevations of the existing and proposed construction.**
 - 4. Eight (8) copies of the floor plans of all relevant structures that show the existing and proposed floor plans.**
 - 5. All drawings are to be properly dimensioned and drawn to an appropriate scale.**

An applicant requesting any action by the Board of Zoning Appeals shall submit to the Director of Building and Zoning eight (8) copies of the application, all

required documentation for the type of action requested, and the prescribed fee of twenty-five dollars (\$25.00). Any other information, as determined appropriate by the Board, shall also be filed with the Director of Building and Zoning not less than fifteen (15) days prior to the next regularly scheduled meeting. The application and required documentation shall be reviewed by the administrative staff and forwarded to the Board of Zoning Appeals no later than the Friday prior to the next scheduled meeting.

Failure of the applicant to provide complete information to the Director of Building and Zoning by the prescribed submittal deadline may, at the discretion of either the Board of Zoning Appeals or the Director of Building and Zoning, result in removal from the agenda or tabling of the application.

1139.04 POWERS AND DUTIES

The powers of the Board of Zoning Appeals are:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director of Building and Zoning in the enforcement of the Zoning Ordinance in residential districts.
- (b) To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of passage of the Zoning Ordinance.
- (c) To permit the reconstruction of a nonconforming building that would otherwise be prohibited by Section 1153.03, where such action would not constitute continuation of a monopoly.
- (d) To hear and decide in specific cases such variances from the terms of the Zoning Ordinance where there is an exceptional or unusual physical condition of a lot which would prevent a reasonable or sensible use of the land, buildings or structures in any residential district.
- (e) To vary the yard or fence regulations where there is an exceptional or unusual physical condition of a lot, which condition when related to the yard or fence regulations of the Zoning Ordinance would prevent a reasonable or sensible arrangement of buildings or fencing on the lot. No such variance shall be granted unless the Board does the following:
 - (1) Adopts a formal written finding that the application of the provisions of the Zoning Ordinance to the land, building or structure would result in a "practical difficulty" that would deprive the owner of the reasonable use of the land, building or structure, stating therein the facts upon which such finding is based. When deciding whether a "practical difficulty" exists the Board must consider the size of the deviation that is sought, and weigh its probable effect on the neighborhood against the harm which will be suffered by the applicant if the variance is refused. A "practical difficulty" does not exist when it is self-inflicted.
 - (2) Adopts a formal written finding that the granting of the variance will be in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (g) To vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by the Zoning Ordinance, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.

**RULES & PROCEDURES OF THE GRANDVIEW HEIGHTS
BOARD OF ZONING APPEALS**

REGULAR MEETING

Section 1. The regular meeting of the Grandview Heights Board of Zoning Appeals to be hereafter referred to as the "Board" shall be held on the second Wednesday of each calendar month. All meetings are open to the public.

ORGANIZATION

Section 2.

- (a) The Board shall appoint by resolution a person who shall act as the secretary of the Board, together with such assistants as the Board shall deem reasonable. The Secretary shall be present at all meetings of the Board and shall record the proceedings.
- (b) The Secretary shall certify the membership of the Board at least once a year or at any time when a new member(s) is appointed. The Board of Zoning Appeals shall consist of five members, who shall be appointed by City Council, and who shall have qualifications as specified by ordinance from time to time.
- (c) The Board shall elect one of its members Chairman, for a term of two years, ending on the second Wednesday of October of every odd year.
- (d) In the absence of the Chairman, the member present who has the longest remaining term on the Board, shall act as Chairman of the meeting until the appearance of the elected Chairman.

SPECIAL COMMITTEES

Section 3. The Chairman may appoint special committees as is deemed appropriate. All special committees so assigned and appointed by the Chairman shall serve only for the period appointed by the Chairman and shall make reports to the Board as to all assignments.

ORDER OF BUSINESS

Section 4.

- (a) The Chairman shall take the chair at the hour appointed for the meeting of the Board and shall call the members to order and direct the Secretary to call the roll. A quorum of three members of the Board shall constitute a quorum in order for any official business of the Board to be conducted.
- (b) The Chairman shall then cause the minutes of the previous meeting to be disposed of unless otherwise decided by a majority of the Board.
- (c) No member of the Board shall be permitted to leave the Board meeting while in official

session except upon the consent of the majority of the Board members present.

- (d) For all meetings of the Board, the Secretary of this Board shall prepare an agenda of transactions to be considered by the Board, and so far as practical the Board shall transact its business in the order called for on the agenda.
- (e) The Secretary of the Board shall distribute to the Board not later than Friday prior to the meeting the published agenda with any and all requests and reports attached hereto.
- (f) Applications for district extensions, exceptions, variances, conditional use permits and notices of appeal shall be submitted to the Board upon the forms in such times and accompanied by such data and information as prescribed by the Board and in accordance with the City's ordinances. All applications or requests for a hearing before the Board must be received by the Secretary of the Board by 5:00 p.m. on the next to last Monday of each calendar month for inclusion on the Board's agenda the following month.
- (g) Notices of any request for Board action shall be in accordance with Section 6 of the Rules and Procedures.
- (h) The Board shall hear the application at its first meeting occurring after publication and notice, as provided in Section 6 hereof, unless good cause for a continuance is shown. The Board further shall decide a request within thirty days from the date of such hearing unless the applicant consents to a further delay.
- (i) The applicant or appellant or an authorized representative shall attend the meeting pursuant to notice. The Board of Zoning Appeals may dismiss, without hearing, an application if the applicant or authorized representative is not in attendance. If circumstances prevent the applicant or appellant from attending the meeting designated in the notice, the applicant shall submit a letter requesting tabling no less than three days before the meeting. If the applicant or appellant or his representative is not in attendance at such meeting, the Board may move to consider the application in those circumstances where dismissal without hearing would constitute a hardship on the adjoining property owners or other interested persons.
- (j) In approving or denying an application, and in affirming or reversing on an appeal, the Board shall base its recommendation in accordance with the standards prescribed by ordinance and shall state its finding with respect thereto.
- (k) The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Secretary and shall be a public record. A copy of the minutes showing the disposition of each application or appeal shall be mailed to the applicant or the appellant.

FILING FEES

Section 5. Applications for exceptions, variances and conditional use permits shall be accompanied by a filing fee of twenty-five (\$25.00) dollars.

NOTICE

Section 6.

- (a) Upon the filing of the application or notice of appeal the Secretary shall give notice thereof by one publication in a newspaper of general circulation in the city at least seven (7) days before the date of the hearing and shall also give ten (10) days notice of the hearing to the parties in interest. Publication of the Board's agenda in the Tri-Village News, either as a paid advertisement or as a news item, shall constitute the required notice as to each item appearing on such agenda.
- (b) In addition to the publication required in Section 6 (a) above, notice of the filing of an application for a variance from the City's Zoning Ordinance or for authorization of a conditional use shall be given to the owners of all lots in front of and behind the applicant's lot; extending laterally a minimum of two lots in both directions, as generally indicated by the diagram, irrespective of streets or alleys.
- (c) The notice form required by this section 6 shall be sent by certified mail - return receipt requested by the applicant at his own expense and such receipt or receipts shall be filed with the Secretary as proof of notice.
- (d) A written acknowledgement of the receipt of notice form, or consent to the relief sought, signed by any of such owners shall take the place of the prescribed notice of such owners.
- (e) The Board may by affirmative vote of four (4) members dispense with the requirements of publications and notice in cases of minor variances, which, in the opinion of the concurring four members of the Board, will have no adverse effect upon neighboring properties.

APPEALS

Section 7.

- (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved who has legal standing in this matter. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting a record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, require ten (10) days' notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney. (Ord. 98-13. Passed 9-8-98.)
- (b) Appeals from the decision of the Board of Zoning Appeals may be taken to the Courts as provided by law.

VOTING

Section 8. Any member of the Board who votes present or abstains from voting on any motion for passage or adoption shall have this privilege; however, in the case of the majority of members voting on such a motion in the affirmative, the vote of the abstaining member shall be recognized as an affirmative vote.

RECONSIDERATION

Section 9. Any member who voted on the prevailing side of a motion may move a reconsideration of any action of the Board, provided that the motion be made not later than the

next regular meeting after such action was taken. A motion to reconsider may be laid upon the table and being laid upon the table, may be taken up for action at any time. No more than one motion to reconsider shall be made on any motion.

DIRECTOR OF BUILDING AND ZONING PRIVILEGES

Section 10. The Director of Building and Zoning, or his delegate, shall be entitled at all times to privileges of the floor for the purpose of speaking upon any question pertaining to the respective requests.

SUSPENSION OF RULES

Section 11. These Rules and Procedures may be suspended at any meeting of the Board by a vote of four (4) members and a vote of such suspension shall be taken by ayes and nays and shall be entered on the journal; provided, however, that the provisions of Section 6 of these Rules and Procedures shall not be suspended or modified except as specified therein, or by resolution adopted prior to the filing of any application or appeal to which such suspension or modification is to be made applicable.

SPECIAL MEETINGS

Section 12. The Chairman or any three (3) members may call special meetings of the Board, upon written notice served personally upon each member, or left at his usual place of residence at least twenty-four (24) hours before the time fixed for such meeting. The notice calling a special meeting shall state the subjects to be considered and such meeting shall be limited to a consideration of such subjects, except by unanimous consent of all members present. Public Notice of any Special Board meeting shall comply with all applicable ordinances and laws.

QUESTION OF PARLIAMENTARY PROCEDURE

Section 13. Questions of Parliamentary procedure not covered by these Rules and Procedures shall be governed by the latest published edition of Robert's Rules of Order available at the Grandview Heights Public Library.

ENFORCEMENT OF RULES

Section 14. The Chairman of the Board shall conduct the meetings in accordance with these Rules and Procedures and see to it that members, City employees and other persons comply with these Rules.

RESIGNATION OF A MEMBER

Section 15. Resignation of a member of the Board shall not take effect until his successor is appointed and qualified.

ADOPTION OF RULES

Section 16. These Rules and Procedures have been adopted by the Grandview Heights Board of Zoning Appeals in accordance with Ordinance 98-13 of the City of Grandview Heights, Ohio. Passed 9-8-98.

Application No. _____

Address: _____

Owner: _____

**CITY OF GRANDVIEW HEIGHTS
BOARD OF ZONING APPEALS**

FINDINGS

- The application of the Zoning Ordinance **does not** result in a "practical difficulty" that deprives the owner of the reasonable use of the land, building, or structure. Therefore, a variance will not be granted.

- The application of the Zoning Ordinance **does** result in a "practical difficulty" for the following reasons:

Therefore, the Board grants the following variance:

The granting of the above variance will be in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Chairman, Board of Zoning Appeals

Date