

Standard Variance Application Form

May 2, 2022
Brian and Jean Miller
1618 Rydalmount Rd
Cleveland Heights, OH 44118
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Brief Summary of Variance Request:

We respectfully request a zoning variance to Code Section 1121.12 to construct a larger replacement detached garage on our property. We would like to replace the old existing undersized, poorly-built garage with a new functional two-car garage that will also include a workshop space for a workbench, shop tools, fitness equipment, storage, and recreational needs. We are avid cyclists and need a space for maintaining our bikes and other household equipment.

Our 105-year-old house has a garage that is too narrow to have 2 cars/vans parked side by side inside which leaves one or both cars parked in the driveway. It also does not provide adequate space for bicycles, yard equipment, and tools nor the space to work on them.

We request a variance of the proposed garage area to exceed the 20% of the rear-yard requirement in order to park two cars or vans side-by-side and make the garage usable, functional, and include storage spaces that our existing small home does not provide.

We also request a variance of the requirement for a 5' setback from the property line on the north side of the garage allowing us to build the new garage with 1'-6" setback from the property line supported by a proper fire-rated wall. Without this variance, we would lose too much of our vegetable garden space and we would need to widen our driveway. In addition, it would be difficult to navigate around the house and deck into the left parking space because of the sharp turn. The 1'-6" setback from property line plus 2'-6" setback of adjacent neighbors garage allows 4' open space between the buildings on the ground and 2' horizontal distance between the outside edge of gutters to allow full access as needed between the buildings.

The new garage is designed to complement the architecture of the house and is a great improvement on the existing garage.

Thank you very much for your consideration.

Specific Variance Requested:

Variances to permit the construction of a replacement detached garage that is 976 square feet (27'-2" feet wide x 36 feet long) including:

- A setback variance to Code Section 1121.12(a) seeking to permit the construction of a detached garage on the north property line (side) in lieu of the 3' that is required for side yards.
- An area variance to Code Section 1121.12(d) seeking to permit the construction of a 976 sf detached garage which exceeds the maximum 20% permitted in the Rear Yard by 4%, and exceeds the maximum permitted by 1121.12(e) by 154 sf.

Statement of Practical Difficulty:

- A. *Explain special conditions or circumstances that 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 this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):*

As noted, our 105-year-old house has a narrow garage. The proposed replacement garage would be wide enough to allow for our 2 vans parked side by side with reasonable room to open the doors and also enough additional width to allow for passage of bicycles, yard equipment, lawn furniture, and any other items we store in the back half.

The 50-foot width of our lot is narrow and in order to maintain as much yard space for our garden on the south side as possible, we propose to build the garage on the north side property line supported by a proper fire-rated wall.

In addition, the space behind the garage is wasted yard space where water accumulates. The proposed replacement garage would make a majority of the space at the back of our property usable space that would add value to the property.

Moreover, the proposed replacement garage would not be any more visible from the street or front of the property than the existing garage. The new garage is designed to complement the architecture of the house.

- B. *Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.*

Without the requested variance, we would continue to be without a functioning garage and not have enough room to park two cars nor have adequate storage or workshop space. Additionally it would be too difficult to make the turn into the left parking spot without the overhead door being as close to the property line as possible.

- C. 1. *Explain whether the variance is insubstantial:*

The variance request is insubstantial.

With these variances, the garage would still be a relatively small percentage of our rear yard, and there would still be plenty of green space and garden remaining.

As noted, the proposed replacement garage would not be any more visible from the street or front of the property than the existing garage.

These variances are minor and there are examples on our street of old and new garages built on the property line.

2. *Explain whether the variance is the minimum necessary to make possible the reasonable use of the land:*

As noted, without the requested variance, we would continue to be without a functioning garage and would not have enough room for adequate storage and workshop space. In addition, our current rear yard would continue to consist of unusable and swamp-like space. Please see our previous responses in A and B, above.

D *Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance.*

No, the essential character of the neighborhood would not be altered, and adjoining properties would not suffer a detriment as a result of the requested variance. As noted, the proposed replacement garage would not be any more visible from the street or front of the property than the existing garage. And none of the neighbors' views would be materially impacted either. In addition, the setbacks would be similar to the existing garage.

The new garage is designed to complement the architecture of the house including cedar shake shingles above the door and a window similar to the front of our house.

E *Explain whether the variance would adversely affect the delivery of governmental service (e.g.} water, sewer, garbage).*

No, the requested variance would not affect the delivery of governmental services. The current garage has a floor drain, and it is our intent to build a new drain in the proposed replacement garage to connect to the existing sanitary sewer. The new garage will also have space for garbage bins.

F. *Did the applicant purchase the property without knowledge of the zoning restriction?*

Yes, at the time of purchase in 1993, the applicants were not aware of the specific zoning restrictions.

G. *Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.*

No, the special conditions or circumstances listed in response to question A above were not a result of the actions of the owner.

H. *Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example).*

No, the applicants' predicament cannot be resolved through a method other than a variance.

I. *Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.*

The spirit and intent behind the zoning requirement will be observed, and substantial justice will be done by granting the variance. As noted, the proposed replacement garage would not be any more visible from the street or front of the property than the existing garage. And none of the neighbors' views would be materially impacted either. In addition, the setbacks would be similar to the existing garage.

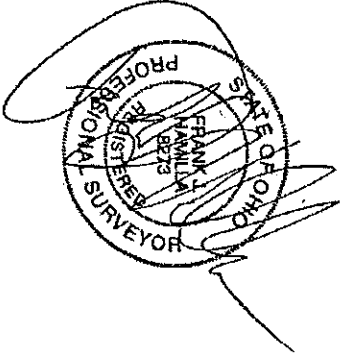
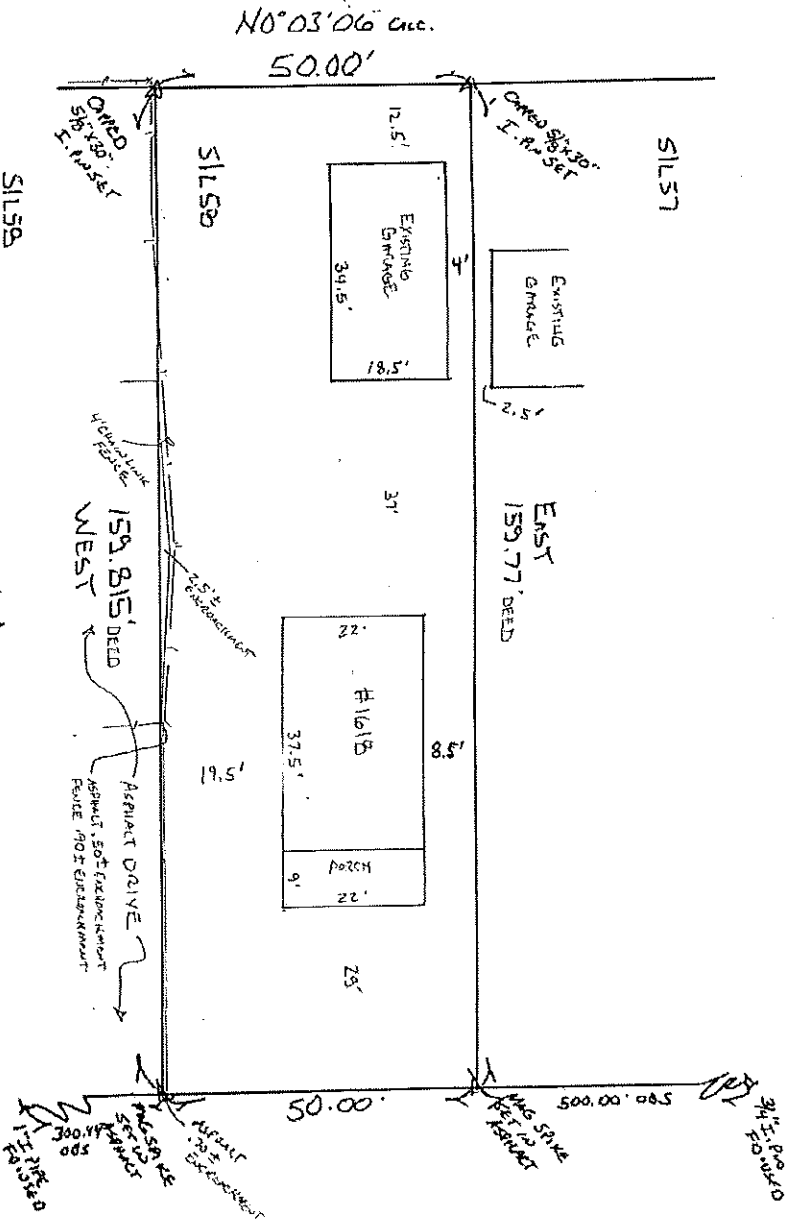
- J. *Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.*

Granting the requested variance will not confer any special privileges. Our neighbors' properties are densely built and that density is a common and accepted element of the neighborhood and similar neighborhoods in the City. The requested variance will allow a new garage to be built with the least change and disturbance of the adjacent properties and neighborhood.

Representative Examples of Similar Previous Variances Granted:

- Calendar No. 3425: Stephen R. Hanley, 1490 and 1494 Rydalmount Rd., "A" Single Family District requests a variance to Code Section 1165.04(g)(1) to permit one garage building to be on 2 parcels (not permitted).
Action: Granted 4-0
<https://www.clevelandheights.gov/DocumentCenter/View/2956/Board-of-Zoning-Appeals-Actions-May-17-2017>
- Cal. No. 3524 2791 Scarborough Road/ Cleveland Heights, OH 44118 (variance granted to replace existing 101-year-old, undersized garage with a new functional two-car garage large enough to support the needs of the household)
<https://www.clevelandheights.com/DocumentCenter/View/9343/BZA-3524-Statement>
- Cal. No. 3518 3041 Essex Road (variance granted to replace existing 101-year-old, undersized garage with a new functional two-car garage taller than 15 feet that will also include space for a home gym and storage, among other uses, with plans showing a height extending to a maximum ridge or peak ceiling height of 24 feet tall and a height of 17 feet, 10 inches to the center of the roof slope)
<https://www.clevelandheights.com/DocumentCenter/View/9146/BZA-3518-Statement>

F.J.H. LAND SURVEYING
440.251-9231



SURVEY FOR: BRIAN MILLER
BEING THE NORTHERLY 50 FEET FRONT TO
REAR IN THE CITTIZUS REAL ESTATE COMPANY'S
LAKE OVERLOOK SUBDIVISION RECORDED IN PLAT
VOL. 33 PG. 10 C.C.R.P. AND FURTHER DESCRIBED
IN DOC. # 201005100410 C.C.R.D.
CITY OF CLEVELAND HEIGHTS - CUYAHOGA COUNTY - OHIO
APRIL 2022
SCALE: 1" = 20'

DWG# 22-089