



BZA Summary Document

Printed Date: March 06, 2025

Permit Number:	SV25-000007	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	2888 FAIRFAX RD CLEVELAND HEIGHTS, OH 44118		
Application Date:	02/18/2025		
Applicant Name	Paul Herrgesell	Applicant Email	- - -
Applicant Address	2888 Fairfax Rd Cleveland Heights OH 44118-4014	Applicant Company Name	
Applicant Company Address		Applicant Home Phone	
Applicant Cell Phone		Applicant Work Phone	
Applicant Relationship to Property	Owner		
Name	Paul Herrgesell		
Home Address	2888 Fairfax Rd		
Home Address City/State/Zip	Cleveland Heights OH 44118		
Phone Number			
Email Address	- - - - -		
Property Type	Single Family Residential		
Brief Summary of Variance Request	Variance request to cover an in ground pool with a wood deck		
Number of Variances Requested	1		
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	Our lot is unique in that the house was built with essentially no backyard and in the 1920s an in ground swimming pool was built in the side yard. Reference the attached site plan for the location of the house and the pool.		

of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions.)

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.

An outdoor swimming pool in Ohio has a relatively short season for use and my wife and I are not avid swimmers. We would like to expand the season of use and the patio area by installing a wood deck over the pool area.

C. Explain whether the variance is insubstantial.

The variance is insubstantial because the deck would not change the appearance of our lot and the use of that part of our yard would remain the same. The pool area is currently enclosed with a screened fence and surrounded by shrubs so the addition of the deck would not change the view from the street.

D. Explain whether the variance is the minimum necessary to make possible the reasonable use of the land.

I believe the variance is the minimum necessary as the pool location was decided a long time ago and is no longer compliant with the current zoning ordinances, so I think any change regarding the pool would require a variance.

E. 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.

I believe the character of the neighborhood would be unaltered as the deck would not be visible and we would use the area in the same manner as we do currently.

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

The variance would have no effect on the delivery of governmental services.

G. Did the applicant purchase the property without knowledge of the zoning restriction.

Yes, we didn't consider this issue at the time.

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

None of the special conditions listed in Section A are as a result of our actions.

I. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a

I don't believe this can be resolved without a variance as obviously the pool location is fixed and with a backyard there is no conforming space on the lot.

variance (e.g., a zone-conforming but unworkable example.)

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

The swimming pool has been in existence for approximately 100 years and has been one of the defining characteristics of our neighborhood. Since the deck would not change the appearance or the use of our lot, I believe the variance fulfills the spirit and intent of the zoning requirements.

K. 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.

I don't believe any special privilege will be conferred as there are few other lots in our district that have this configuration.

Once you submit your application you will be taken to the payment page. Enter your payment information and submit. I understand review won't start until payment is made.

Yes