



BZA Summary Document

Printed Date: March 20, 2025

Permit Number:	SV25-000011	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	1224 OXFORD RD CLEVELAND HEIGHTS, OH 44121		
Application Date:	03/03/2025		
Applicant Name	Patrick Byrne	Applicant Email	
Applicant Address	1224 Oxford Rd Cleveland Heights OH 44121	Applicant Company Name	
Applicant Company Address		Applicant Home Phone	
Applicant Cell Phone		Applicant Work Phone	
Applicant Relationship to Property	Owner		
Name	Patrick Byrne		
Home Address	1224 Oxford Rd.		
Home Address City/State/Zip	Cleveland Heights, OH 44232		
Phone Number			
Email Address			
Property Type	Single Family Residential		
Brief Summary of Variance Request	Proposed new garage edging the side lot line to make a better working garage (more space to actually work and park). "For this project, you will need to apply for the variances below: Code Section 1121.08(b): side yard less than 5 feet (1.5 feet proposed) Code Section 1121.08(c): rear yard less than 30 feet (~18 feet proposed) Code Section 1121.12 (d): rear yard coverage greater than 60 percent (62 percent proposed, or 700/1128; I'm not sure I followed the math here – the permeable pavers count towards rear yard coverage; this could potentially be not needed if you have a landscaping plan that addresses stormwater) Code Section 1161.105(c): driveway less than 3 feet from the side lot line"...		
Number of Variances Requested	3		
A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not	The lot's relatively small size (depth especially) and unusually deep front setback		

STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. to Code Section 1121.08(b) to permit an attached garage with a second-floor living space to be less than 5 feet from the side lot line;
- B. to Code Section 1121.08(c) to permit an attached garage with a second-floor living space to be less than 30 feet from the rear lot line;
- C. to Code Section 1121.12(a)(8) to permit a driveway to be less than 3 feet from the side lot line; and
- D. to Code Section 1121.12(e)(2) to permit the garage floor area to be greater than 610 square feet.

Number of Variances Requested: 4

To obtain a variance, an applicant must show by a preponderance of the evidence, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's standards would result in a "practical difficulty" for the applicant. To this end, a written statement of practical difficulty must accompany an application for a standard variance. Please complete this Statement of Practical Difficulty, **by addressing all of the factors listed below that are relevant to your situation**. Additional documents may be submitted as further proof.

In deciding whether to grant a variance, BZA will consider the following factors in determining whether a practical difficulty exists:

- 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):

The lot's relatively small size (depth especially) and unusually deep front setback (reference: sample site plan#2 2022 BZA Standard Variance Application_i_202201270902286994.pdf) are what lead to my request. These coupled w/ aims to aid us aging in place (to a point) while timing with impending reinvestments, life changes: (a) current driveway is piecemeal and crumbling, and drive/garage both lack positive drainage (b) girls are taking more and longer showers (c) driving wet/icy/snowy small cars is getting harder as we get older and (d) I work fulltime as a handyman and really need ready access to all sorts of tools/ supplies to be profitable (& keep costs down); Hence the generous shop space.

- 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.

These things don't coexist with 2 cars inside a 19x19 space. I can't afford building an inadequate new garage, so I can't skimp on the size either. The possibility of added living space above is appealing. As for the prompt, I can't say there wouldn't be a reasonable return, there just wouldn't be a reinvestment. I'd just figure out how to manage w/ the same inadequacies until we decide (eventually and regrettably) to move along.

C. Explain whether the variance is insubstantial:

I do not understand the prompt. The variance(s) ARE substantial because they allow the design to continue to the next phase. Do I think they are small, for sure. Do I imagine an inspector or assessor or surveyor, maybe even a future neighbor (probably only if they have relation to any of the aforementioned professions) may notice, sure. Do I think the proposed design meshes well with the spirit of the code... well, I sure hope so. I don't imagine the creators wanted to asphyxiate improvements beneficial to their heirs. As for each requested Variance listed above, D... the proposed garage footprint of 661 is approx 10% over the prescriptive allowance of 610s.f. A & C deal w/ proximity to the side lot line, which I propose is less significant given the arrangement of existing built conditions... there is plenty of breathing room width-wise between these two sites. B: while I miss the 30' rear offset by a good margin, the proposed actually increases contiguous back yard spaces (~30% of back yard is now classified side yard)... there could almost be enough space to throw a baseball between adjoining back yards and NOT be in danger of hitting a parked car or a window.

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

I am erring on the side of caution when sizing things... but I also own 2 priuses... prii?... they are not large and reasonable use may include responsible and forward thinking design work. The margin of error is probably about a foot... (I'd be in a similar situation if I moved the offending wall inward 12") Therefore, yes, minimum necessary to effectively improve site utility.

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.

I think essential character would be improved given the formal homage paid the main building. This question is probably above my pay grade, but I've generated rough perspective views to illustrate formal massing.

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

No, question isn't currently applicable if anything though it would only improve things in the event that C.H. adopts the concierge "go cart" trash removal (as is you need to move the car or drag the bin on one wheel over a step to get to the drive to get to the curb... if you left it in that spot of the wet grass>>kids>>mud).

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

I was 22 and this is my first house. Did I know much (ha, about anything: no...has much changed)... yes I bought w/o knowledge. :) Love the house though. We've been here a while now (since 2008).

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

I think not, excepting the fact of my progeny and ...chosen profession.

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).

(Not sure I understand the prompt) Is this where I consider whether paying for and compensating the neighbor for a lot split would satisfy? Or are you asking if I've considered other designs (because I have, and none check all the same boxes w/o consequences). I've presented something I would pursue. Any/much less and I may lose interest (/ decide its not worth the investment & effort).

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

Yes, observed and justice done.

This design began as an attempt to do more on less square footage. I pursued it because it improves... well things mentioned before... but also because it let me flex my designer muscles... blending elements of site planning, building & systems layout, etc... and above all the formal and formative composition of the built environment

(& come now there really should be an additional 5 linear ft of garage space allowed provided it's allocated to housing/ hiding refuse bins.. But I can't speak to this bc I moved the overhead door and they're out (in an alcove) behind the bushes now... which I can feel good neighborly enough about).

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.

I suppose it will not, as I imagine anyone else can go through the same process. That said, I am curious to know if variances are a matter of record? It may be interesting to note the same neighbor's edge of drive on her 50' frontage lies 49' from the spot I found a metal pin in the ground (it's actually how I "fixed" the property lines from the aerial). It's easy to see and understandable why an owner couldn't use an 8' wide drive. This would indicate that the lot has been granted the same variance (or if it was not granted then it was taken anyway. It obviously wasn't her or entirely her doing--these houses have been around near 100 years and seen several driveways and even more owners). The precedent is of course not a perfect match...after all I am proposing apples to oranges...

If you have questions regarding the BZA or this application, please contact Planning & Development staff at 216.291.4878 or via email at bza@clevelandheights.gov.

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.