

BOARD OF ZONING APPEALS

Area Variance Application Supplemental Information

Application for property located at:

6475 Foxboro Drive, Mayfield Village, OH

"Area" Variances from the terms of the Code shall not be granted by the Board of Zoning Appeals unless the "evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty."

In determining "practical difficulty", the Board of Zoning Appeals will consider the following factors:

Please see attached supplemental documentation

1. Will the property in question yield a reasonable return or can there be any economical beneficial use of the property without the variance? Please include in your answer why the variance is required in order to be able to improve the property.

The property's usability would be significantly diminished without the variance as it not only enhances the property's aesthetic appeal but also increases its functionality, providing recreational space.

2. Is the variance substantial and is it the minimum necessary to make possible the economically reasonable use of the land or structures? Please include in your answer whether you are requesting the smallest variance for the particular project.

The main deck offers a narrow clearance around the pool, so the variance is associated with the sitting area extension at the rear. Without this area, there are safety concerns with users being required to sit/stand too close to the pool. So this request is made to achieve safe and practical use of the land.

3. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance? Please include in your answer how the character of the neighborhood will change if the variance is granted.

Granting the variance would not substantially alter the essential character of the neighborhood as there are many houses with similar configurations with structures <40' of the property line. Composite decking was selected to extend the life of the deck, reduce maintenance, and improve aesthetics so that adjoining properties do not suffer any detriment but rather benefit from maintained property values and aesthetic harmony.

4. Would the variance adversely affect the delivery of governmental services, such as emergency services, water, sewer, or trash pickup? Please include in your answer how the delivery of these services will continue or be changed if the variance is granted.

The variance would NOT affect the delivery of governmental services. The same access is maintained for emergency services, water, sewer, and trash pickup.

5. Did the property owner purchase the property with knowledge of the zoning restriction? Please include in your answer a statement as to whether or not the zoning restriction was in effect when the property was purchased.

At the time of purchase, the property owner was not aware of the specific setback restrictions.

6. Can the property owner's predicament feasibly be obviated through some method other than a variance? Please include in your answer whether or not the project can be changed in order to not require a variance.

No alternative method exists that would allow for the same level of improvement and utility without requiring a variance or significant financial loss.

7. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance? Please include in your answer why the purpose of the zoning code, to protect the health, safety and welfare of the residents, will continue if the variance is granted.

Granting the variance would result in substantial justice by maintaining similar standards already in use within the community. The existing structures comply with safety standards and enhance the property without negatively impacting the community. As a testament to this, letters of acceptance from neighbors confirm their support, indicating that the interests of other stakeholders in the neighborhood are protected, thus observing the intent and spirit of the requirement.

8. Do special conditions and circumstances 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? Please include in your answer any conditions such as if the property is shaped differently than surrounding properties or has different topography than surrounding properties.

The location of the deck was selected based on the property's unique layout and avoid significant additional investment to otherwise make the area useable if not covered over with a deck (since this area was heavily impacted by extensive tree roots). This necessitated the placement of the deck and pool within the setback limit and therefore justifies the need for a variance to accommodate these structures appropriately.

SIGNATURE



DATE 12/02/2024

