

### **VARIANCE APPLICATION PROCEDURE**

These pages are provided to give you an understanding of the variance application procedure used by the Village of Marble Cliff. Chapter 154: Zoning Code of the Marble Cliff Ohio Code of Ordinances gives Village Council the authority to grant certain variances to the Zoning Code of the Village. The regularly scheduled meeting of the council is generally held on the third Monday of each month at 7:00 p.m. in the Council chambers of Village Hall, 1600 Fernwood Avenue.

To initiate the variance process, the applicant must file the following completed documents with the Fiscal Officer of the Village **no later than 30 days before the meeting at which Council will consider the application**. Electronic submission is preferred ([admin@marblecliff.org](mailto:admin@marblecliff.org))

1. Application for variance(s), including the reasons for the request(s) (Exhibit A).
2. Answers to the 6 questions used to determine granting a variance (Exhibit B).
3. Certification of names of persons and addresses to be notified (Exhibit C).
4. Drawings (Exhibit D).
5. A check payable to "Village of Marble Cliff" for \$25 (residential) or \$100 (commercial).
  - Plus, direct engineering review costs as determined by the Village.
6. Completed sign, fence, and/or demolition permit application (if applicable).

**YOU OR YOUR REPRESENTATIVE SHOULD BE PRESENT AT THE MEETING WHEN THE COUNCIL CONSIDERS YOUR REQUEST.** At this meeting, Council may ask you to explain your request. Your neighbors, if present, will then be given the opportunity to voice their support for or opposition to your request. After all interested parties have been heard, Council will rule on your request for a variance (or delay a decision for more information).

All variances **must be implemented within one year** from the date of approval. If implementation is not achieved within this one-year period, a new variance must be sought.

The Village Fiscal Officer will mail a copy of the approved Variance ordinance to the applicant within 30 days after approval by Council. This copy should be kept with other important property documentation for future reference.

**APPLICATION FOR VARIANCE**

Applicable sections of the Marble Cliff Code of Ordinances can be reviewed at Village Hall or on the website ([www.marblecliff.org](http://www.marblecliff.org)) by clicking on Ordinances and Zoning. The undersigned requests that the Council of the Village of Marble Cliff approve the following variance(s) from the provisions of the Zoning Code (check all that apply):

For residential or commercial property:

- Rear yard setback variance – Code 154.056
- Front/side yard setback variance – Code 154.056
- Front/side yard structure variance – Code 154.057
- Building height variance – Code 154.051
- Lot coverage variance – Code 154.052
- Fence variance – Code 154.079
- Other \_\_\_\_\_

For commercial property:

- Sign code 154.125
- Conditional Use Code 154.157
- Lighting Code 154.06

Has your variance request been discussed with your neighbors?  Yes  No

State briefly the present requirement of the Zoning Code and explain the variance(s) that you are requesting. List any special condition or practical difficulty you face which causes you to seek a variance from the uniform application of the Zoning Code.

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Village Council “shall have the power to hear and decide appeals and authorizes such variances from the provisions or requirements of this chapter as will not be contrary to the public interest. In authorizing a variance, the Village Council may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this chapter.” Section 154.156 of the Code also states, “where there is unnecessary hardship, the Village Council may grant a variance in the application of the provisions of the zoning chapter.”

In order to help Council determine whether or not to approve the variance request(s), please respond to each of the following 6 factors.

1. Why is this variance important to you?

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1. Would the essential character of the neighborhood be substantially altered, or adjoining properties suffer a “substantial detriment”?

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2. Would the variance adversely affect the delivery of governmental services?

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3. Did the property owner purchase the property with knowledge of zoning restrictions?

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4. Can the problem be solved by some manner other than the granting of a variance?

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5. Does the variance preserve the “spirit and intent” of the zoning requirement, and would FAIRNESS OF ALL NEIGHBORS be done by granting the variance? FAIRNESS, IMPARTIALITY, REASONABLENESS

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**DRAWING**

The applicant must submit a scaled drawing that accurately portrays the proposed variance. Depending upon the nature of the variance, which is being requested, it may be appropriate to submit a site plan, building elevations, a landscape plan, or other drawings/architectural renderings. The type of building material must also be set forth. The drawing should be submitted electronically with the application to [admin@marblecliff.org](mailto:admin@marblecliff.org) or if necessary, may be submitted on this sheet of paper or on an 8.5x11" paper separately with the application.