



**Board of Zoning Appeals**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

216/664-2581 - Fax: 216/664-2631

Web site: [Http://planning.city.cleveland.oh.us](http://planning.city.cleveland.oh.us)

## A GUIDE FOR APPELLANTS

The Board of Zoning Appeals hears appeals from persons requesting variances from City Ordinances for land use and building requirements or from persons who are questioning the appropriateness of orders made by City officials. It is the Board's goal to treat all persons fairly and courteously. Each appeal is heard and decided on its own merit. Listed below are answers to commonly asked questions regarding the Board.

### **What are the Board of Zoning Appeals business hours?**

The Board's business hours are from 8:00am – 4:00pm, Monday through Friday.

### **Is there anything I should do before I file my appeal?**

Yes. **It is strongly urged** that you take the opportunity to review your plan with staff in the Building and Housing Department and with City Planning to determine whether there is a possibility for change that may eliminate the need to appeal for a variance from the Code. Contacting your Council person to discuss your plan is also recommended. **City Planners can be reached at 216- 664-2210. Building and Housing Plans Examiners can be reached at 216-664-2910. City Council's main number is 216-664-2840.**

Factors that the Board **may consider** for granting a variance include but are not limited to:

- a) whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- b) if the variance is substantial- a large extent of size, area, distance, etc.;
- c) 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;
- d) if the variance would adversely affect the delivery of governmental services- safety forces, water, sewer, garbage collection, etc.;
- e) was the property purchased with knowledge of the zoning restriction;
- f) whether the predicament feasibly may be resolved through some method other than a variance;
- g) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

### **When and Where will my Hearing be held?**

- The hearings are held Monday mornings at 9:30am in Room 514 on the 5<sup>th</sup> floor of Cleveland City Hall.
- If Monday is a holiday recognized by the city, the meeting is held on the following Tuesday.
- You will be sent a notice in the mail stating the date and time of your hearing. It is important that you list your correct mailing address on your application.
- NOTE: your hearing cannot be held until notices are mailed to nearby property owners and an announcement is published in the City Record. The notification process requires a minimum of 2 weeks.

### **What time should I arrive for my Hearing?**

All cases are scheduled for 9:30 a.m., and cases are heard in turn. Your case may be dismissed if you do not appear on time.

**Do I have to be present at the Hearing?**

The owner or their representative **must** appear at the hearing. The representative must submit a **NOTARIZED** letter to the Board stating their authority to bind the owner to the decision of the Board. **IF THE NOTARIZED AUTHORIZATION LETTER IS NOT RECEIVED BEFORE OR AT THE TIME OF THE HEARING YOUR CASE WILL BE POSTPONED A MINIMUM OF 4 WEEKS.**

Your representative must be familiar with the **property** and the current conditions and operations of any business associated with the appeal.

**What if I need to postpone my Hearing?**

**Please contact the Board office at 216-664-2580 to make a request for a postponement.**

**If the Board approves my appeal, when can I pick up my permit?**

The Board decision on your case will be finalized at the next meeting, unless you are required to submit additional information to the Board. When the Board has voted to ratify a voted decision, a resolution and letter will be mailed to you with instructions.

**If the Board denies my appeal, can I request from the Board a rehearing or reconsideration?**

**Contact the Board office at 216-664-2580 for the procedures regarding a request for rehearing or reconsideration.**

**Does my Variance expire?**

Any variance granted by the Board **expires 6 months after ratification** if no permit has been issued nor acted upon to exercise the variance rights. **Contact the Board Office regarding a possible extension of your variance rights.**

**If you have any questions, please contact the Board of Zoning Appeals.**

**Telephone: 216-664-2580**

**Fax: 216-664-2631**

**Visit us at: <http://planning.city.cleveland.oh.us/bza/cpc.html>**