

Cleveland Board of Zoning Appeals A GUIDE FOR APPLICANTS

The Board of Zoning Appeals is a 5-member body responsible for hearing appeals from individuals who are requesting exceptions or variations for City Ordinances in regard to land use and building requirements or from individuals who are questioning the appropriateness of orders made by City officials. It is the Board's goal to treat all individuals fairly and courteously. **Each appeal is heard and decided on its own merit. Be advised that the Board of Zoning Appeals may be limited in their authority, if any, to grant a variance from the Zoning Code.** Listed below are answers to commonly asked questions regarding the Board of Zoning Appeals.

What are the Board of Zoning Appeals business hours?

The Board of Zoning Appeals business hours are from 8:30am – 4:30pm, Monday through Friday.

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

Yes. Take the opportunity to talk about the plan with City staff in the Building and Housing Department or 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.

If an appeal is filed, factors that may be taken into consideration by the Board of Zoning Appeals for granting a variance include but are not limited to:

- a) whether the property in question 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 Board of Zoning Appeals meets on Monday mornings at 9:30am in Room 514 on the 5th floor of Cleveland City Hall. If Monday is a holiday, 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 proper mailing address on your application. Please understand that a hearing appealing for a variance 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?

It is important that you arrive promptly for your hearing at the time listed on the notice you receive in the mail. However, please understand that more than one case is scheduled for the same day, so you may have to wait while other cases are heard.

Do I have to be present at the Hearing?

The person filing the appeal (“the applicant”) is expected to appear at the hearing, in person. The applicant is typically the owner of record of the property. If you cannot appear, you may submit a letter to the Board authorizing an appropriate authority to act on your behalf. Your representative must be authorized to bind you or your organization to the decision of the Board. Your representative must also be familiar with the subject of the appeal and the current conditions and operations of any business associated with the appeal.

What if I need to postpone my Hearing?

Once your case has been scheduled, you may request a postponement if necessary. Please submit your request as early as possible. Generally, the Board will not grant more than *three* postponements.

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

Any action taken by the Board on your case at the hearing will be finalized at its next meeting, unless there is additional information you are required to submit to the Board prior to the finalizing of their vote. When the Board has voted to adopt resolutions of the previous week’s meeting, resolutions are mailed or may be picked up one week after the decision on your appeal has been finalized by the Board. You may then take the resolution to the Department of Building and Housing to continue with the permit process.

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

Yes. The Board can consider a request for a rehearing or reconsideration of a denial of an appeal if the request is filed within 7 days from the date of the Board’s decision at the hearing. The request must be supported by an affidavit setting forth new evidence or law that was not available at the hearing or whatever other circumstance the applicant may believe justifies a rehearing or reconsideration.

Does my Variance expire?

Any variance granted by the Board expires 6 months after it is granted if permits for the project have not been issued. Prior to expiration, you may submit a request for an affirmation to the Board for a 6-month extension. A brief explanation and a fee of \$50 are required with the request. When you receive a variance, please note the 6-month expiration date on your calendar, so that in the event of a delay your request for an affirmation, an additional six months, is filed timely with the date of expiration.

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

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