



BZA Summary Document

Printed Date: December 04, 2025

Permit Number:	SV25-000026	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	2648 OVERLOOK RD CLEVELAND HEIGHTS, OH 44106		
Application Date:	11/03/2025		
Applicant Name	MICHAEL DELIO JULIA KLEINHENZ	Applicant Email	- -
Applicant Address	2648 E OVERLOOK RD CLEVELAND HTS OH 44106	Applicant Company Name	
Applicant Company Address		Applicant Home Phone	
Applicant Cell Phone		Applicant Work Phone	
Applicant Relationship to Property	Owner		
Name	Julia Kleinhenz		
Home Address	2648 E. Overlook Road		
Home Address City/State/Zip	Cleveland Heights, OH 44106		
Phone Number			
Email Address			
Property Type	Single Family Residential		
Brief Summary of Variance Request	I am requesting approval of a variance to allow the installation of a 6-foot-high fence located less than 6 feet from an existing structure on my property. This is filling in a section of fence to connect two existing fence panels. This section of fence is necessary due to the property's location along a lane, where the setback requirements create challenges for maintaining privacy and security. The purpose of the proposed fence is to improve aesthetic to the property, safety and privacy for my family, particularly as we have a young child living in the home. The fence will provide a secure enclosed area, reducing potential safety concerns from traffic or pedestrians along the lane, add a symmetric continuation of the existing fence, and create a defined and private yard space.		
Number of Variances Requested	1		
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.)

For the specified property there is an room (part of the existing structure) that extends closer to the lane, which prevents a fence from maintaining the required 6ft distance from any structure. Room in question impacts 20ft of the fence's width.

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.

The purpose of the proposed fence is to improve aesthetic to the property, improve safety and privacy. The fence will provide add a symmetric continuation of the existing fence, adding a significant visual appeal to our property and neighboring properties. The fence will also provide a secure enclosed area for the property, reducing potential safety concerns from traffic or pedestrians along the lane, and create a defined and private yard space.

C. Explain whether the variance is insubstantial.

We (owners) have explored, with multiple contractors, various other options to provide the same benefits that the fencing variance would provide and do not have a viable alternative solution. This variance approval would allow us to immediately engage with an identified contractor to appropriately and urgently construct the described fencing section.

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

We (owners) have explored, with multiple contractors, various other options to provide the same benefits that the fencing variance would provide and do not have a viable alternative solution. The variance would provide the most aesthetically pleasing option and provide immediate privacy and security for our family, particularly given the level of foot traffic near the property.

E. 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.

The essential character of the neighborhood would not be substantially altered, nor would adjoining properties suffer any substantial detriment as a result of the proposed variance to fill in the fence gap along the lane. The requested fence section will be consistent in height, materials, and appearance with the existing fence and other fencing commonly found in the neighborhood. It will maintain the same visual rhythm and scale that currently exists along the lane, preserving the overall aesthetic character of the area. The fence will also enhance privacy and security for the property without obstructing views, light, or access for neighboring properties. There will be no adverse impact on drainage, sightlines, or the use and enjoyment of adjoining lots.

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

The proposed variance to allow the fence along the lane will not adversely affect the delivery of governmental services, including water, sewer, garbage collection, or emergency access. The fence placement will remain within the property boundary and will not interfere with any public rights-of-way, utility easements, or access points needed for city service vehicles or personnel. Trash and recycling containers will continue to be placed in the designated pickup location along the lane, ensuring uninterrupted collection. All existing water and sewer connections will remain fully accessible, and the fence will not obstruct any utility meters, shutoff valves, or drainage features.

G. Did the applicant purchase the property without knowledge of the zoning restriction.

Yes

H. Explain whether the special conditions or circumstances (listed in

Current special conditions were NOT a result of actions of the owner.

response to question A above) were a result of actions of the owner.

I. 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.)

The applicant's predicament cannot be reasonably resolved through a method other than a variance. If the section in question were required to conform strictly to the current setback and height requirements, the result would be a noticeably shorter or uneven fence line, creating an inconsistent and haphazard appearance. Such a modification would undermine the overall aesthetic continuity of the property and diminish both its functionality and value. Additionally, lowering or offsetting the fence in this area would not provide the same level of privacy or security, particularly given the property's exposure along the lane.

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

Granting this variance would uphold the spirit and intent of the zoning requirements while also ensuring that substantial justice is done for the property owner. The purpose of the zoning requirement regulating fence height and distance from structures is generally to ensure safety, preserve neighborhood aesthetics, and prevent obstruction of access or sightlines. The proposed fence modification meets these underlying goals. The fence will be safely constructed, consistent in style and materials with the existing fencing, and visually harmonious with neighboring properties. Allowing this variance simply enables the property owner to complete a continuous 6-foot fence along the lane—improving privacy and security without negatively affecting adjacent lots or the public right-of-way. The request reflects a reasonable accommodation to the unique lot conditions rather than an attempt to circumvent the code.

K. 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.

The granting of this variance will not confer any special privilege upon the applicant that is denied to other properties, structures, or buildings within the same zoning district. The request is based on the specific physical characteristics and layout of the property, including its location along a lane and the proximity of an existing structure, which create unique conditions not generally shared by other lots in the area.

Once you submit your application you will be taken to the payment page. Enter your payment information and submit. I understand review won't start until payment is made.

Yes