

(Please Print or Type)

Application Filing Date \_\_\_\_\_  
Zoning of Property \_\_\_\_\_

Hearing Date \_\_\_\_\_

Permanent Parcel No \_\_\_\_\_

NOTICE OF REQUEST OF A HEARING BEFORE THE BOARD OF ZONING & BUILDING APPEALS

Address of property seeking variance

21416 LAKE ROAD

BREESE + MAGGIE WATSON

DONALD E BOROUSKE

BOROUSKE BUILDERS INC.

21416 LAKE ROAD

10488 RIVER RD. N. HAVEN, CT

440 915 2520

440 915 2520

440 5825830

440 476 0150

Phone No. E-mail: Breesewatson@yahoo.com

Phone No. E-mail: donaldborourke@gmail.com

Description of what is intended to be done:

TEAR DOWN GARAGE & BUILD NEW GARAGE WITH BEDROOM, BATHROOM & CLOSET. MOVE EXISTING GARAGE 7' IN.

Sections of the Code from which variance is being requested:

List variances requested:

7' FRONT YARD SETBACK, EXISTING IS 60' WE ARE ASKING FOR A 53' SETBACK. SIDE YARD SETBACK FOR A/C UNIT

Breese J Watson

Donald E Borourke

\* Please note that the Board members visit the subject property prior to each BZA meeting. Please indicate whether or not you have a dog(s) that may be outside at the time of their visit.

Yes \* No \*

TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
* Any functional, land or building USE not specifically permitted in either a particular zoning district or otherwise not permitted by the Development Code	*	(Use) Unnecessary hardship
<b>ADDITIONS &amp; BUILDINGS: (Complete Building Permit Application)</b>		
* Rear, side & front setbacks	*	(Area) Practical Difficulties
* Coverage (>28%)	*	(Area) Practical Difficulties
<b>DRIVEWAYS: (Complete Building Permit Application)</b>		
* Width	*	(Area) Practical Difficulties
* Distance from property line	*	(Area) Practical Difficulties
* Circular if lot width is < 30'	*	(Area) Practical Difficulties

SIGNS: (Complete Sign Permit Application)		
• Area allowed (maximum sq. ft.)	•	(Area) Practical Difficulties
• Height	•	(Area) Practical Difficulties
• Front setback	•	(Area) Practical Difficulties
• Lot width <100'	•	(Area) Practical Difficulties
• Number of items of information	•	(Area) Practical Difficulties
• On side of building	•	(Area) Practical Difficulties
FENCES: (Complete Fence Permit Application)		
• Height or Openness	•	(Area) Practical Difficulties
• Front Yard (in setback)	•	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds; (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application) <i>Note: Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.</i> )		
• Height	•	(Area) Practical Difficulties
• Setback from property line	•	(Area) Practical Difficulties
• Square footage	•	(Area) Practical Difficulties
Air Conditioners and Generators: (Complete HVAC Permit for A/C or Electrical Permit for Generators)		
• In side yard <10' from property line or in front yard	•	(Area) Practical Difficulties
Parking: (Complete Building Permit Application)		
• < the number of spaces required	•	(Area) Practical Difficulties
• Setback from property line	•	(Area) Practical Difficulties

**PRACTICAL DIFFICULTIES**

**ALL QUESTIONS REQUIRE A COMPLETE RESPONSE**

R.R.C.O. 1133.17(c)(1). In order to grant an area variance, the following factors shall be considered and weighted by the Board of Appeals to determine practical difficulty:

- A.) Describe what special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other land or structures in the same zoning district (i.e., exceptional irregularity, narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions).  
 - THE LOT IS TOO NARROW TO ADD ON EITHER  
 - SIDE OF THE HOME.
  
- B.) Explain whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance (discuss use limitations without the variance).  
 - THE GARAGE IS TOO SMALL RIGHT NOW - 2 CARS  
 - BARELY FIT. NO ROOM FOR ANY BIKES FOR KIDS  
 - ETC
  
- C.) Explain whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures (demonstrate how much the variance request deviates

Code requirement).  
Code, or setback is 1 or 2% above Code, or setback is 1 or 2 feet less than

- THE 7' IS THE MINIMUM NECESSARY TO GIVE
- REASONABLE USE OF THE AREA,

D.) Explain whether the essential character of the neighborhood would be substantially altered and whether adjoining properties would suffer substantial detriment as a result of the variance (discuss the increase of value, use, and aesthetic appeal for both your property and adjoining properties, together with any negative impact to adjoining properties).

- THE ADDITION WILL INCREASE PROPERTY VALUES.
- WILL HAVE NO NEGATIVE IMPACT ON THE NEIGHBORS

E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.

- \_\_\_ NO GOVERNMENTAL SERVICES WILL BE
- \_\_\_ ADVERSELY AFFECTED.

F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.

- \_\_\_ THE PROPERTY OWNER HAD NO KNOWLEDGE OF
- \_\_\_ THE ZONING RESTRICTION WHEN THE PROPERTY WAS PURCHASED.

G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.

- \_\_\_
- \_\_\_

H.) Explain whether the property owner's predicament feasibly can be obviated through some method other than a variance (why other means and methods of property improvements or enhancements would not suffice).

- \_\_\_ NO OTHER METHOD WILL WORK.
- \_\_\_ THERE NO ROOM TO ADD ON THE SIDE OF THE GARAGE.

I.) Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

- \_\_\_ THE LOOKS + VALUE OF THE PROPERTY WILL BE INCREASED.
- \_\_\_

J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

- \_\_\_ NO SPECIAL PRIVILEGE WILL BE GRANTED. MOST
- \_\_\_ HOMES HAVE LARGER GARAGES THAN THE EXISTING ONE.

K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

- \_\_\_ OTHER HOMES HAVE LARGER GARAGES ON MOST
- \_\_\_ HOMES IN THE AREA.

PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.

UNNECESSARY HARDSHIP STANDARD

ONLY ANSWER THESE QUESTIONS IF YOU ARE REQUESTING A VARIANCE FOR ANY FUNCTIONAL, LAND OR BUILDING USE NOT SPECIFICALLY PERMITTED IN EITHER A PARTICULAR ZONING DISTRICT, OR OTHERWISE NOT PERMITTED BY THE DEVELOPMENT CODE. (See Typical Variance Sheet for guidance.)

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

In order to grant a use variance, the Board of Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. THE APPLICANT MUST DEMONSTRATE SUCH HARDSHIP BY CLEAR AND CONVINCING EVIDENCE that the criteria in Rocky River Codified Ordinances, sub-section 1133.17(c)(2) is satisfied.

R.R.C.O. Chapter 1133.17(c)(2)A. Please demonstrate hardship with the following:

i.) Explain how the variance requested stems from a condition that is UNIQUE TO THE PROPERTY AT ISSUE and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original building, etc.)

- THE NARROW LOT MAKES IT UNIQUE AND
- NOT POSSIBLE TO MAKE A UNDER GARAGE.

ii.) Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents.

- THE ADDITION WILL NOT BE ANY CLOSER TO
- OTHER PROPERTIES THAN IT IS NOW. IT WILL
- NOT BLOCK ANY VIEWS. IT WILL INCREASE THE
- CURB APPEAL

iii.) Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.

- THE VARIANCE WILL INCREASE THE PROPERTY
- VALUE WITH NO MATERIAL ADVERSE EFFECT ON
- THE CITY OF ROCKY RIVER

iv.) Explain how the variance will be consistent with the general spirit and intent of the Code.

- THE VARIANCE WILL BE CONSISTENT WITH THE GENERAL
- SPIRIT + INTENT OF THE CODE IN THAT THE
- ADDITION WILL INCREASE PROPERTY VALUES.

v.) Explain how the variance sought is the minimum that will afford relief to the applicant.

- 7' X 20' FOR STORAGE IS THE MINIMUM THAT WILL GIVE
- US OPEN STORAGE AREA

R.R.C.O. Chapter 1133.17(c)(2)B. If applicable, explain what further evidence you would like the Board of Appeals to consider, as follows:

i.) Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

THE HOME OWNER DID NOT BUILD THE HOME.  
THE HARDSHIP WAS NOT CREATED BY THEM

**PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.**

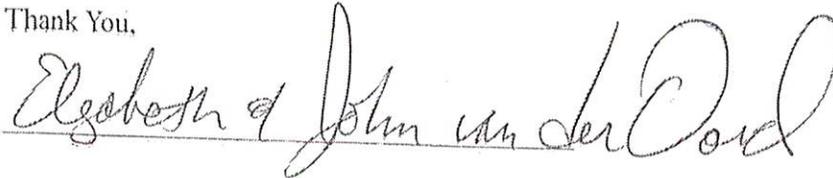
**Date:** January 12, 2021

**To:** Rocky River Board of Zoning and Building Appeals

**From:** John and Elizabeth van der Oord 345 Elmwood Road

The Watson's at 21416 Lake Road have shared with me the renovation plans including a variance for reduced setback to Lake Road and variance for location of an AC unit on the side of the house. I do not have objections to the proposed structure and variances.

Thank You,

A handwritten signature in cursive script that reads "Elizabeth & John van der Oord". The signature is written in dark ink and is positioned below the "Thank You," text.

**Date:** January 12, 2021

**To:** Rocky River Board of Zoning and Building Appeals

**From:** Karen Drebo 21360 Lake Road

The Watson's at 21416 Lake Road have shared with me the renovation plans including a variance for reduced setback to Lake Road and variance for location of an AC unit on the side of the house. I do not have objections to the proposed structure and variances.

Thank You,

  
\_\_\_\_\_







