

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

## **NOTICE OF PUBLIC HEARING**

**BOARD OF ZONING AND BUILDING APPEALS  
ON  
NOVEMBER 10, 2022**

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, NOVEMBER 10, 2022 AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE WITH THE DRIVEWAY HAVING A 1' SIDE YARD SETBACK VS. 3' SIDE YARD SETBACK REQUIRED (SECTION: 1187.33 (C)) AND A VARIANCE TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE WITH 2 AIR CONDITIONER CONDENSERS IN THE SIDE YARD WITH 4' – 10" SIDE YARD SETBACKS VS. 10' SIDE YARD SETBACK REQUIRED (Section: 1153.15(K)(1)) FOR DANIEL GUEETHER, 19700 BEACHCLIFF BLVD.

BEFORE REACHING A DECISION, THE BOARD WILL GIVE THOSE IN ATTENDANCE AN OPPORTUNITY TO BE HEARD.

PLANS SHOWING THE PROPOSED LOCATION ARE ON FILE IN THE BUILDING DIVISION OFFICE AND ARE AVAILABLE FOR REVIEW VIA E-MAIL OR IN-PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT [kstraub@rrcity.com](mailto:kstraub@rrcity.com) OR BY CALLING 440-331-0600 EXT. 2037.

Notices sent to:

See attached list

19690 BEACH CLIFF BLVD LLC 19690 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	HANNA, ROBERT S. & NYKOLE 295 ARGYLE RD ROCKY RIVER, OH 44116	FERRO, FRANCIS A. & ELIZABETH S. CO-TRUSTEES 265 ARGYLE RD ROCKY RIVER, OH 44116
ELWOOD, COLLEEN TRUSTEE 19637 BEACHCLIFF BLVD ROCKY RIVER, OH 44116	FAIRCHILD, LAIRD A. & FAIRCHILD, KATHLEEN F. 273 ARGYLE RD ROCKY RIVER, OH 44116	GILL, THOMAS GILL & PERRY, EMILY ELIZABETH 19781 ROSLYN DR ROCKY RIVER, OH 44116
FITZSIMMONS, MATTHEW T. 19687 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	GEUTHER, DANIEL 20323 WESTHAVEN LN ROCKY RIVER, OH 44116	REED, JUSTIN D. & JESSICA- TRUSTEE 19680 BEACH CLIFF BLVD ROCKY RIVER, OH 44116
STAVOLE, DENISE 19790 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	MAY, DONALD, JR. 19640 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	ANDREW & LINDSAY HALEY 241 ARGYLE RD ROCKY RIVER, OH 44116-1607
PATTERSON, PATRICIA A - TRUSTEE 19731 ROSLYN DR ROCKY RIVER, OH 44116	HENDRYX, KEVIN S -TRUSTEE & HENDRYX, PAMELA C-TRUS 135 MIRROR RIDGE CIR SPRING, TX 77382	MCDougAL, KREG A. & AMY L. 19775 BEACH CLIFF BLVD ROCKY RIVER, OH 44116
STANCIU, DAVID C. & STANCIU, SHANNANE. 19673 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	TOMASULA, THOMAS G JR., TRS 19838 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	RICHMOND, HEATHER M. 285 ARGYLE RD ROCKY RIVER, OH 44116
MASSEY, MICHAEL F. & MEGHAN O'NEILL 257 ARGYLE RD ROCKY RIVER, OH 44116	JEZESKI, KENNETH M. TRUSTEE 19831 BEACHCLIFF ROCKY RIVER, OH 44116	BOWEN, CHRISTIAN M & CHRISTINE G 19697 ROSLYN DR ROCKY RIVER, OH 44116
BRADLEY J & SHELBY ROBERTS WELLS FARGO HOME MORTGAGE PO BOX 11758 NEWARK, NJ 07171	GRAZIANI, JOHN C. & JOHNNA M. 19757 ROSLYN DR ROCKY RIVER, OH 44116	GAGLIANO, CHARLES 229 ARGYLE RD ROCKY RIVER, OH 44116
FARAGHER, JASON & SUZANNE 19859 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	HREHOCIK, MAUREEN A. 19695 BEACH CLIFF BLVD ROCKY RIVER, OH 44116	

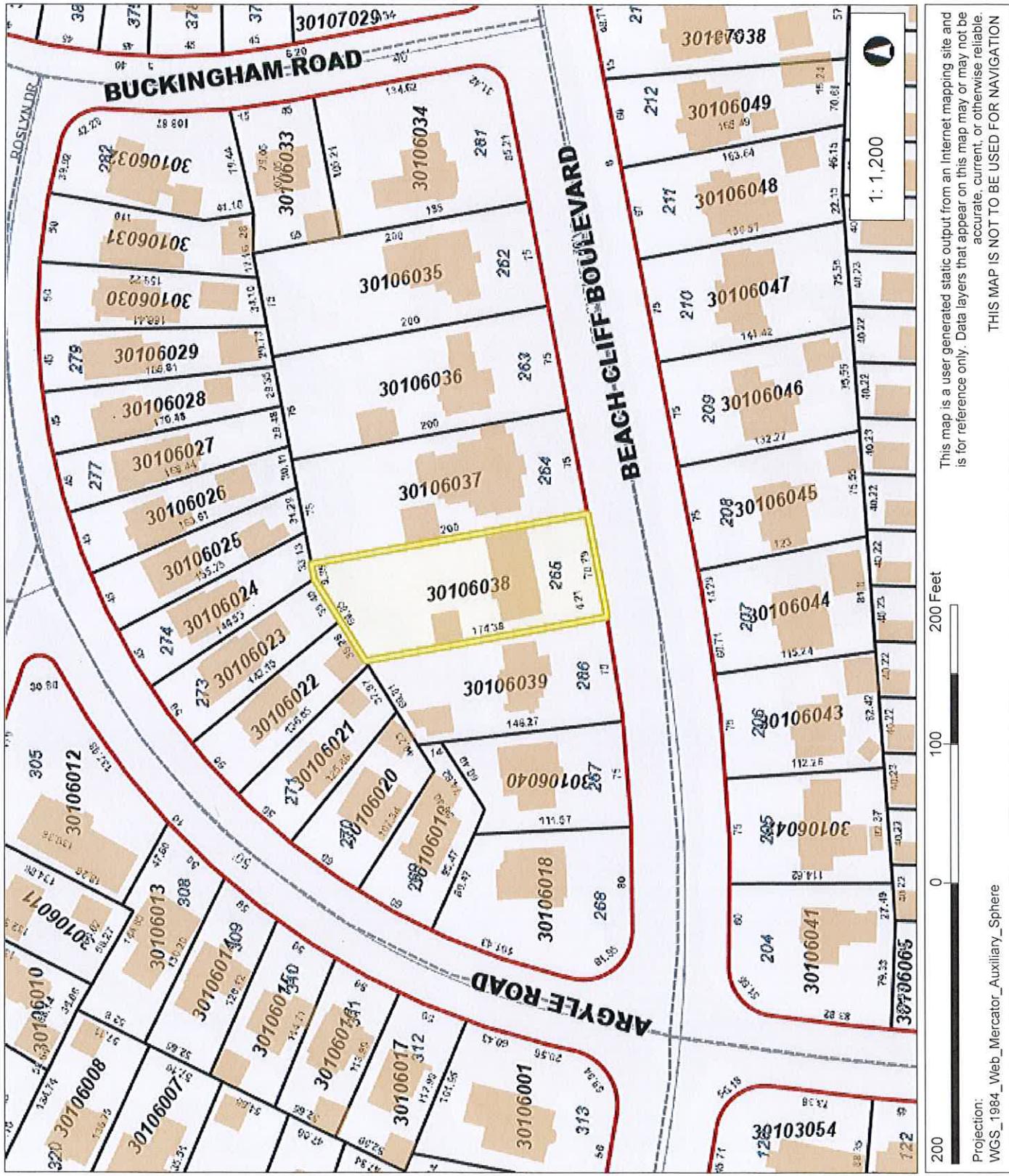
Cuyahoga County GIS Viewer



Date Created: 11/3/2022

### Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel
- Buildings - 2017



200

200 Feet  
100

This man is a user generated static output from an internet manning site and

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Projection: 1995-2001 World Mammal

PUTTING CUYAHOGA COUNTY ON THE MAP

PUTTING CUYAHOGA COUNTY ON THE MAP

(c) Parking Setbacks for One and Two-Family Uses. Parking areas, including driveways, for single family detached and two family dwellings shall be located not less than three (3) feet from adjoining property lines.

(d) Illumination in Parking Areas. Parking areas shall be illuminated whenever necessary to protect the public safety. All lighting shall comply with the regulations in Chapter 1181, General Use Regulations.

(e) Marking. Any off-street parking area for five (5) or more parking spaces and all waiting/queuing spaces shall indicate the location of each parking or waiting/queuing space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

(f) Signs. Signs may be provided only in accordance with Chapter 1193, Sign Regulations.

(g) Maintenance. All parking areas, waiting/queuing spaces, and loading spaces shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes. It shall be the responsibility of the property owner to maintain and repair parking lots and loading areas as may be necessary, in the opinion of the Municipality, so as to provide a continuous, hard, dustless surface in good condition, properly drained, and free of obstructions and nuisances in accordance with the requirements of this Chapter.

### **1187.35 PARKING LOT LANDSCAPING AND SCREENING.**

Parking areas shall be landscaped, screened and buffered in conformance with the regulations set forth in Chapter 1185, Landscaping and Screening Regulations.

### **1187.37 NON-CONFORMING PARKING FACILITIES.**

A building or use existing lawfully at the time of this Development Code, or an amendment thereto, became or becomes effective, but which does not comply with the off-street parking regulations for the use may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted, in accordance with the regulations in Chapter 1139, Non-conforming Uses, Lots, and Structures, then additional off-street parking spaces shall be provided in compliance with this Chapter 1187, if this Code requires such additional parking spaces as a result of the proposed changes.

### **1187.39 ZONING CERTIFICATE AND DEVELOPMENT PLAN REQUIRED.**

All facilities governed by the regulations in this Chapter, as set forth in Sections 1187.03 and 1187.05, shall comply with the zoning approval process.

(a) Facilities provided for single-family detached and two-family dwellings shall obtain a zoning certificate in compliance with Chapter 1129, Zoning Certificates and Certificates of Zoning Compliance.

D. Privacy Fence Adjacent to Other Districts. Privacy fences shall be permitted to a height of (6) feet along the side and rear lot lines of lots in the R-1 District which abut a zoning district other than R-1, provided that such privacy fences shall not extend closer to any public right-of-way than the front wall of the main building.

(k) Air Conditioning, Generators and Heat Pumps. Air conditioner condensers, generators and heat pumps shall comply with the following:

- (1) Outdoor condensers and heat pumps may be located in either the rear yard or the side yard, but shall not be located less than ten (10) feet from the side lot line. No more than two (2) such units may be located in the side yard. Such units shall be baffled so as not to exceed the noise level of seventy (70) decibels measured from the lot line, and screened with evergreen plant material so that within two (2) years the equipment is adequately screened from view.
- (2) Permanently installed generators may also be located in either the rear yard or the side yard, but not less than ten (10) feet from the side lot line and shall be baffled and screened according to the provisions in subsection (k)(1) above. Generators shall only be used as an emergency and temporary source of electrical power, and exclusively fueled by natural gas.

(l) Additional Regulations for Vehicles.

- (1) The repainting, rebuilding, overhauling, or dismantling of a vehicle or the storage of tires, motor, body or other parts in an open yard is prohibited on a residential lot.
- (2) The overnight parking or the outdoor storage of commercial motor vehicles is prohibited.
- (3) The parking or storing of vehicles shall not be permitted in the established lawn areas of residential lots.
- (4) Accessory off-street parking spaces located in the front yard shall adjoin the driveway between the driveway and the nearest side lot line, provided parking spaces shall not be located directly in front of the dwelling.

(m) Outdoor Storage of Recreation Equipment. In R-1 and R-2 Districts, the outside storage and parking of recreational equipment shall be permitted as an accessory use subject to the following conditions and limitations.

- (1) An application for a Zoning Certificate for such an accessory use shall be filed with the Zoning Administrator and notice thereof shall be posted as provided for in sub-section 1129.05 (d), Notification. Unless otherwise provided in this Code, a one-time fee, as established by the City's Fee Schedule/Ordinance which can be obtained from the Zoning Administrator, shall be charged for such Zoning Certificate. Any change in the recreational equipment involved shall terminate the Certificate and a new application must thereafter be filed and processed.
- (2) The recreational equipment must be owned or leased by the occupant of the premises.

# **ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS**

## **INSTRUCTIONS TO APPLICANTS**

**MEETINGS:** 2nd Thursday of each month at 7:00 P.M. in Council Chambers of Rocky River City Hall.

**DUE DATE FOR SUBMITTALS:** 2 weeks (14 days) prior to the scheduled BZA meeting. Late or incomplete submittals will not be forwarded to the Board for inclusion on the upcoming agenda.

**WHO MUST ATTEND:** A representative, including the property owner, must be present at the BZA meeting for all variance requests.

**APPLICATION FEE:** Residential Variance - \$100.00 first variance + \$35.00 each additional variance  
Commercial Variance - \$150.00 first variance + \$35.00 each additional variance request.

**SUBMISSION REQUIREMENTS:** Please provide **11 stapled sets** of the following:

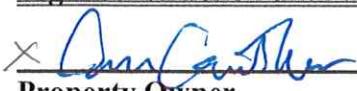
- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.); **Check representing Application Fee**.
- 2) **Fully completed Variance Application.** Begin with a written narrative describing exactly what project you would like to do and why it is necessary to do so. Please refer to the Typical Variance Sheet for guidance on which standard (Practical Difficulty **OR** Unnecessary Hardship) applies to your request – only complete questions under the appropriate heading.
- 3) **Detailed site drawing** – see attached example, showing all existing structures on the subject property, as well as structures on properties directly adjacent to the location of the subject of your variance request (i.e., line of neighbor's house, driveway and garage closest to the addition you are proposing). Proposed structures must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled. **PLEASE STAKE THE PROPERTY TO SHOW FOOTPRINT OF ADDITIONS, SHEDS OR LOCATIONS OF A/C CONDENSERS, etc.** Site plan should show lot coverage by building calculation (existing and proposed).
- 4) **Elevation drawings** (for pergola, garage, addition or any exterior alteration). Show what all sides of the finished project will look like. Submit a photo example of proposed fences and sheds. Show height of structure on the elevations. **Additions will require existing and proposed interior floor plans for the floors that are affected.**
- 5) **Photographs** of your property and adjacent properties. Label each photo for clarity.
- 6) **Support letters** from surrounding property owners, if available.
- 7) **Any other information as may be requested** by the Building Department or Board Members.

All documentation or other information shall be delivered to:

**Rocky River Board of Zoning & Building Appeals, City of Rocky River Building Department, 21012 Hilliard Blvd., Rocky River, Ohio 44116. Call 440-331-0600 ext. 2037 with questions.**

*(Applicants may not communicate with or present information relating to their variance request to any Board member directly. Communications must be submitted to the Building Department for delivery to the Board.)*

**I, (the owner/applicant) understand that upon the granting of my variance request from the BZA, a separate Permit Application fee will be due prior to the issuance of the Building Permit. I will not begin construction until the Building Permit has been issued.**

  
X *Don Gauthier*  
Property Owner

*1/12/22*  
Date

  
C. A. McGETTRICK, f: 1/12/22  
Applicant/Representative  
PRES.

ARCHITECTS, C. A. McGETTRICK LLC

**City Of Rocky River**  
 21012 Hilliard Boulevard Rocky River, Ohio 44116  
**APPLICATION FOR RESIDENTIAL PLAN APPROVAL**

Submit one application per building or structure. **ALL** sections must be completed.



**APPROVALS DATES**

Planning Comm: \_\_\_\_\_  
 Board of Appeals: \_\_\_\_\_  
 Design & Review: \_\_\_\_\_

Application Date: 11-02-22

Intent Sign Date: \_\_\_\_\_

**1 PLAN SUBMISSION**

Plan review will commence once all below plan copies are submitted.

Have 2 paper and 1 digital plan been submitted for plan review? Yes    No   X  

If No.date to be submitted by: 11-02-22

**2 TYPE OF PROJECT:**

<input checked="" type="checkbox"/> New Building Construction	<input type="checkbox"/> Building Addition
<input type="checkbox"/> Alteration (no additional sq. ft.)	<input type="checkbox"/> Repair/Maintain/
<input type="checkbox"/> Accessory Building( > 200 sqft )	<input type="checkbox"/> Other (driveway retaining wall.)

**3 PHASED PLAN REVIEW:**

Foundation
Framing
Other
Other
Other
Other

**4a. DESCRIPTION OF THE EXTENT OF WORK INCLUDED FOR APPROVAL: (RCO 107.2.1)**

DEMOLITION OF AN EXISTING STRUCTURE, THE CONSTRUCTION OF A NEW FIVE (5) BEDROOM, FOUR (4) FULL BATH AND TWO (2) 1/2 BATH RESIDENCE

4b. Total Estimated Cost: \$ TBD

4c. List total square footage of **All** levels of construction. (Foundation = 3,638 sf.) (Main Floor = 3,472 sf.)  
 (Second Floor = 2,902 sf.) (Attic/Roof = 2,902 sf.) (Other =    sf.)

**5 PROJECT LOCATION: (RCO 107.2.2)**

Legal description: SEE SURVEY

Street Address: 19700 BEACH CLIFF BLV'D.

City/Township: ROCKY RIVER, OHIO

Zip Code: 44116

County: CUYAHOGA

Directions

<input type="checkbox"/> Is this project/building located in a flood plain?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Has flood plain administrator been contacted for requirements?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**6 Method Of Demonstrating Energy Code Compliance**

Demonstrating Compliance to the 2019 RCO Section 1101.14-1104 \_\_\_\_\_ or

Demonstrating Compliance to the 2019 RCO Section 1105 (Simulated Performance) \_\_\_\_\_ or

Demonstrating Compliance to the 2019 RCO Section 1106 (ERI) \_\_\_\_\_ or

Demonstrating Compliance to the 2019 RCO Section 1112 (OHBA option) \_\_\_\_\_ or

Demonstrating Compliance to the 2018 IECC   X  

**7 BUILDING OWNER INFORMATION: (RCO 107.2.4)**

Name of owner: DANIEL GEUTHER

Attention: DANIEL GEUTHER

X Street Address: 20323 WESTHAVEN LN.

City: ROCKY RIVER State: OH Zip: 44116

X Phone No. 440-773-7370 Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**8 APPLICANT INFORMATION: (Owner or Owner's authorized agent) (RCO 107.2.4)**

Applicant: ARCHITECTS, C.A. MCGETTRICK LLC

Attention: CHARLES MCGETTRICK

Street Address: 14551 MADISON AVENUE

City: LAKENWOOD

State: OH

Zip: 44107

Phone No. 216-227-0700

Fax 216-227-0712

E-mail: ARCHICAM@AMERITECH.NET

## 9 | REGISTERED DESIGN PROFESSIONAL -IF APPLICABLE: (RCO 106.1.1-3, 106.2)

Designer  Architect  Engineer  Certified Fire protection system installer  
 Street Address CHARLES MCGETTRICK Registration /Certificate No. 7705915  
4551 MADISON AVE. City LAKewood State OH Zip 44107  
 Phone No. 216-227-0700 Fax 216-227-0712 E-mail ARCHICAM@AMERITECH.NET

## 10 | EVIDENCE OF RESPONSIBILITY: (RCO 106.2)

(Required residential construction documents, when submitted for review as required under RCO section 107, shall bear the identification of the person primarily responsible for their preparation. Ohio Revised Code Section 3791.04 (A)(2)(b) permits construction documents for any residential building to be prepared by persons other than a registered architect or engineer, unless per Ohio Revised Code Section 3791.04 (A)(2)(c), the proposed work involves technical design analysis. The building official may rely on the placement of a 'seal' on the documents as evidence that the registered architect or engineer performed the technical analysis.

Document Preparer Name: C.A. MCGETTRICK, JR. Title/Company PRESIDENT, ARCHITECTS, C.A. MCGETTRICK LLC  
 Address 4551 MADISON AVE City LAKewood State OH Zip 44107

## 11 | INDUSTRIALIZED UNITS INFORMATION: (The following information applies to the INDUSTRIALIZED UNITS and alternative materials, designs, methods of construction or equipment approved by the State of Ohio, Board of Building Standards Industrialized units (IU) program.) (RCO 106.1.4, Section 114)

## ▪ Authorized Manufacturer and project Information

Approval number \_\_\_\_\_ Approval Date \_\_\_\_\_

Board approved documents submitted to local Building Official? YES \_\_\_\_\_ NO \_\_\_\_\_

Details of on-site interconnection of modules or assemblies submitted to BO? YES \_\_\_\_\_ NO \_\_\_\_\_

## 12a | CONSTRUCTION DOCUMENTS REQUIREMENTS:

( Refer to RCO 106.1-3 (1-9) for specific construction document requirements )

## 12b | LOT LINE MARKERS REQUIRED: Before any work is started in the construction of a residential building or addition all boundary lines shall be marked at their intersections with permanent markers. ( Refer to RCO 108.2 &amp; 108.2.1 )

**Time limitation of Application:** (RCO 107.2.1) *The approval of construction documents under this section is a "license" and the failure to approve such construction documents as submitted within thirty days after filing or the disapproval of such construction documents is an "adjudication order denying the issuance of a license" requiring the opportunity for an "adjudication hearing" as provided by sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code. In accordance with section 109, an adjudication order denying the issuance of a license shall specify the reasons for such denial.*

## 13 | CERTIFICATION: (RCO 107.2.5)

I certify that I am the  Owner  Owner Authorized Agent. All information contained in this application is true, accurate, and complete to the best of my knowledge. All official correspondence in connection with this application should be sent to my attention at the address shown above and copied to the Owner.

Signature



Print Name DANIEL GEUTHER

Date 11/2/21

Notes:

## 14 | THE AREA BELOW IS FOR OFFICIAL USE ONLY:

Fee Description	Amount	Deposits
PLAN REVIEW		
Permit Fee		
Other Fees		
Sub-Total	\$	\$
B.B.S. +1%		
Curb Crossing		
Street Cleaning		
Curb Cut		
Sewer Tie In Fee		
Total Fees	\$	
Date Received		Estimated Cost
Check Number		Permit Number
Processed By		

BZA Application Fee: 135.00

Date Paid: 11-02-22

**CITY OF ROCKY RIVER**  
**21012 Hilliard Blvd., Rocky River, Ohio 44116**  
**Telephone (440) 331-0600 — Fax (440) 895-2628**

**APPLICATION FOR BOARD OF ZONING & BUILDING APPEALS**  
(Please Print or Type)

Application Filing Date: 11-02-22  
Zoning of Property R-1

Hearing Date: 11-10-22  
Permanent Parcel No. 301-06-038

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

Address of property seeking variance: 19700 BEACH CLIFF

DANIEL GEUTHER  
Name of Property Owner

ARCHITECTS, C.A. McGETTRICK LLC  
Name of Applicant / Representative

X \_\_\_\_\_  
Address

14551 MADISON AVE, LAKESIDE, OH 44107  
Address

X \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Cell Phone No. \_\_\_\_\_

216-227-0700  
Telephone No. \_\_\_\_\_ Cell Phone No. \_\_\_\_\_

E-MAIL: \_\_\_\_\_

E-MAIL: ARCHCAM@AMERITECH.NET

Description of what is intended to be done:

DEMOLITION OF AN EXISTING STRUCTURE. THE CONSTRUCTION OF A NEW FIVE  
(5) BEDROOM (4) FULL BATH (2) 1/2 BATH RESIDENCE

Sections of the Code from which variance is being requested:

1153.07 SETBACK REQUIREMENTS

List variances requested:

1153.15 (2) DRIVEWAYS / A 3'-0" SIDE YARD IS REQUIRED, WE ARE  
ARE REQUESTING A 1'-0" SETBACK

X Dan Geuther  
Property Owner's Signature

C. A. McGettrick, PRES.  
Applicant/Representative's Signature

★ 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 visits.

Yes  No

## TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
<ul style="list-style-type: none"> <li>• Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code</li> </ul>	<input type="checkbox"/>	(Use) Unnecessary Hardship
<b>ADDITIONS &amp; BUILDINGS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Rear, side &amp; front setbacks</li> <li>• Coverage (&gt;28%)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>DRIVEWAYS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Width</li> <li>• Distance from property line</li> <li>• Circular if lot width is &lt;90'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>SIGNS:</b> <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Area allowed (maximum sq. ft.)</li> <li>• Height</li> <li>• Front setback</li> <li>• Lot width &lt;100'</li> <li>• Number of items of information</li> <li>• On side of building</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>FENCES:</b> <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Height or Openness</li> <li>• Front Yard (in setback)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>ACCESSORY BUILDINGS (Play Structures, Storage Sheds):</b> <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
<p><u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</p>		
<ul style="list-style-type: none"> <li>• Height</li> <li>• Setback from property line</li> <li>• Square footage</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Air Conditioners and Generators:</b> <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> <li>• In side or rear yard &lt;10' from property line or in front yard</li> </ul>	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Parking:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>• &lt; the number of spaces required</li> <li>• Setback from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(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 SITUATED IN AN R-1 SINGLE FAMILY DISTRICT. THE PROPERTY NARROWS FROM NORTH TO SOUTH. THE EXISTING DRIVE IS SIX(6") FROM THE WEST PROPERTY LINE,

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).

AS STATED IN THE APPLICATION, THE FAMILY INTENDS TO DEMO, THE EXISTING STRUCTURE AND CONSTRUCT A NEW HOME. THEY ARE MAKING A SUBSTANTIAL INVESTMENT IN THE CITY AS WELL AS THE NEIGHBORHOOD

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 from Code requirements, i.e., coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).

THE VARIANCES ARE MINIMAL: DRIVE 2'-0" LESS THAN CODE AND COMPRESSORS ARE LOCATED 2'-0" INTO THE 8'-0" SETBACK, PLUS THERE IS A 12.8' BUFFER FROM OUR EAST PROPERTY LINE TO THE NEIGHBOR'S HOUSE

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 PROPERTIES THROUGHOUT THE NEIGHBORHOOD HAVE BEEN IMPROVED WITH BOTH SIZEABLE ADDITIONS AND IN MANY INSTANCES TEAR DOWNS AND NEW BUILDS, A TESTAMENT TO THE PROPERTY VALUES. THE PROPERTY TO THE WEST OF THE GEUTHER'S IS A DEMO. AND NEW BUILD

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

THERE WILL BE NO ADVERSE AFFECT TO THE DELIVERY OF GOVERNMENTAL SERVICES IF THE VARIANCE IS GRANTED

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

WE CANNOT OPINE AS TO THE OWNER'S KNOWLEDGE OF THE R.R. ZONING CODE

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

THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES AS A RESULT OF THE 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).

THERE IS NO OTHER METHOD TO OBLIVIATE THE SITUATION OTHER THAN THE GRANTING OF THE VARIANCE.

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).

AS STATED IN THE ANSWER TO QUESTION "D", THE NEIGHBORHOOD WILL BE SUBSTANTIALLY POSITIVELY IMPACTED BY THE OWNER'S INVESTMENT IN THEIR PROPERTY

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.

SEE ANSWER TO QUESTIONS "D" & "G"

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.

SEE ANSWER TO QUESTIONS "D" & "I"

**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.**