

**CITY OF ROCKY RIVER**  
**21012 HILLIARD BOULEVARD**  
**ROCKY RIVER, OH 44116**  
**PHONE: (440) 331-0600**  
**FAX: (440) 895-2628**

## Fence Permit Application

Permit Fee: \$55.00

Date: February 22, 2023

COMMERCIAL: \_\_\_\_\_ RESIDENTIAL: R-1 \_\_\_\_\_

ADDRESS OF IMPROVEMENT: 20860 Avalon Drive

OWNERSHIP: Ruth M. Stafford Trust 20860 Avalon Dr., Rocky River 440-333-0942

Name Address Phone

CONTRACTOR: Thomas G. Stafford 20860 Avalon Dr., Rocky River 440-333-0942

Name Address Phone

CONTRACTOR EMAIL: tomgstafford@yahoo.com ESTIMATED COST \$12,600

TYPE OF FENCE: Ornamental ☐ Split Rail ☐ Board on Board ☐ Picket ☐ Privacy ☐ **DEER FENCE**

HEIGHT & LOCATION OF FENCE: Front \_\_\_\_\_ / Ht \_\_\_\_\_ Side \_\_\_\_\_ / Ht \_\_\_\_\_ Rear ☒ / Ht 8'

CORNER LOT: Yes \_\_\_\_\_ No ☒

VARIANCE NEEDED: Yes ☒ No \_\_\_\_\_

### PROHIBITED FENCES

BOARD OF APPEALS MEETING DATE: \_\_\_\_\_

Barbed Wire

VARIANCES NEEDED: \_\_\_\_\_

Electrified

\*\* Caution should be used when replacing or installing a new fence on the property line and although a survey is not required, it is strongly recommended. Plan review and approvals by an HOA or any easement locations or deed restrictions are the responsibility of the applicant. Any dispute over the location of a proposed or installed fence will be settled by the applicant providing a current survey. By initialing this box I understand my responsibilities as the applicant. I will call the Building Department for a Final Inspection of the fence installation.

SIGNATURE OF OWNER: Ruth M. Stafford

SIGNATURE OF APPLICANT: Thomas G. Stafford

TGS

- Attach site drawing showing location of proposed fence and its proximity to the house, garage and/or other existing fences. Label length of proposed fence.
- Submit application and drawings to the Building Department. The applicant will be required to display an "Intent to Build" sign for 10 days. After 10 days a permit can be obtained.
- A final inspection verifying materials and design is required at conclusion of the project. **PLEASE CALL TO SCHEDULE FINAL INSPECTION**

TGS

For office use only:

NOTICES SENT TO ABUTTING NEIGHBORS

Date Sent: \_\_\_\_\_

Permanent Parcel # \_\_\_\_\_

10 Day Posting Card Issued \_\_\_\_\_

Permit #: \_\_\_\_\_

# **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 **10 stapled sets** of the following along with app. fee:

- 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. Site plan should show lot coverage by building calculation (existing and proposed). **PLEASE STAKE THE PROPERTY TO SHOW FOOTPRINT OF ADDITIONS, SHEDS OR LOCATIONS OF A/C CONDENSERS, etc.**
- 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.**

Reich M. Stafford 2/23/23  
Property Owner                      Date

Thomas M. Stafford 2/23/23  
Applicant/Representative                      Date



BZA Application Fee: \_\_\_\_\_

Date Paid: \_\_\_\_\_

**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: 2/23/2023      Hearing Date: 3/9/2023  
Zoning of Property R-1      Permanent Parcel No. 301-01-014

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

Address of property seeking variance: 20860 Avalon Drive  
Ruth M. Stafford Trust, Ruth Stafford,  
Trustee  
Name of Property Owner      Thomas G. Stafford  
Name of Applicant / Representative

20860 Avalon Drive      20860 Avalon Drive  
Address      Address

440-333-0942      440-567-6076      440-333-0942      None  
Telephone No.      Cell Phone No.      Telephone No.      Cell Phone No.

E-MAIL: rmstafford@gmail.com      E-MAIL: tomgstafford@yahoo.com

Description of what is intended to be done:

Install an 8-foot-high black polypropylene mesh fence using black powder-coated fence posts on  
the property lines on the west, north and east side of the rear yard. Two 5-foot-wide gates are  
included. No top or bottom rails would be used except on each gate (also black powder-coated).

Sections of the Code from which variance is being requested:

1153.15(j)(3) Rear Yard Fences.

List variances requested:

1-Installation of an 8-foot fence in the rear yard 2 feet higher than the 6-foot fence per the Code.

Ruth M. Stafford  
Property Owner's Signature

Thomas G. Stafford  
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> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Coverage (&gt;28%)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>DRIVEWAYS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>Width</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Distance from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Circular if lot width is &lt;90'</li> </ul>	<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> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Front setback</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Lot width &lt;100'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Number of items of information</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>On side of building</li> </ul>	<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> </ul>	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Front Yard (in setback)</li> </ul>	<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>		
<i><u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
<ul style="list-style-type: none"> <li>Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Setback from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Square footage</li> </ul>	<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 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> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Setback from property line</li> </ul>	<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).

This property has two lots to the west, one lot to the north and two lots to the east. The total lot size of the property is just over 1 acre. The configuration of this lot together with adjacent lots on the north and west creates an oversized area across the northern section of this lot which creates an environment exceptionally attractive to the deer population. As a result, multiple deer migration tracks cross this property and it is used as a foraging ground. In the City, few lots have this large of a rear yard and five adjoining properties creating such a large, open area.

- 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 property could be used without the variance; however, to control the browsing deer population effectively a fence with at least an 8-foot height is recommended. A 6-foot fence if installed according to the Code, thus not requiring a variance, would need to have near zero visibility to reduce the chance of a deer jumping over it. (Deer will not jump if they cannot see where they will land.) Such a solid wood fence would be unsightly compared to the proposed 8-foot black polypropylene mesh which would be nearly invisible.

- 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).

This fence height variance is 2 feet in excess of the 6 feet proscribed by the Code. As described above, all fence installers and horticulturalists, among others have told us that 8 feet is the minimum height required and there is a significantly less chance of deer breaching the fence than than if it were shorter. Since the mesh is nearly invisible, the extra 2 feet are not substantial.

- 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 essential character of the neighborhood would not be substantially altered by a fence of this type being installed. It is in the rear yard, virtually invisible when viewed from the adjoining neighbors' property and from any surrounding streets. By eliminating or at least substantially reducing the deer crossing through this property it will likely reduce foraging in this property and adjoining properties which will significantly reduce the lost value of each homeowner's landscape. The aesthetic appeal for both this property and adjoining properties may be slightly lessened by this fence as it might for any fence; however, the fact that it is nearly invisible compared to the conforming solid-wood 6-foot fence that could be installed instead makes it more appealing.

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

The variance would have no effect on the delivery of governmental services.

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

We purchased the property in 1988. We cannot recall if we had knowledge of the restrictions 35 years ago. It is possible; but it is only recently that we needed to be aware of them.

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

We are not aware of any special conditions or circumstances that exist as a result of our actions.

- 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).

We have spent thousands of dollars trying professional spraying (This company told us that they did not want to continue as it was wasting our money.), personal spraying, stun sticks and a partial electric fence. The only other means of improvement would be a solid fence that would likely be less effective and still result in significant economic damage. We have discussed options with these professionals and horticultural experts and know no other solution.



- 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).

We do not know for sure what the spirit and intent behind the zoning requirement was when enacted but we assume it was to allow a reasonable amount of privacy to adjoining property owners and minimize the potential loss of aesthetic value a higher fence might cause them while preserving at least some privacy for the property owner wanting the fence. This zoning provision was enacted, I believe, before there was any issue with the deer population. This improvement will allow us to replace very expensive landscaping with less fear of it being quickly destroyed. By removing the deer, it would restore the privacy we once had that is now reduced by the deer crossing through and browsing. It could result in less browsing nearby but the biggest impact on the surrounding neighborhood is that an aesthetically superior fence is being used compared with installing a conforming, highly visible wooden fence.

- 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.

We are not aware of any special privilege that would be conferred. Granting this variance merely would result in less damage to our property, restore our privacy, and provide a more aesthetically pleasing alternative to the neighbors.

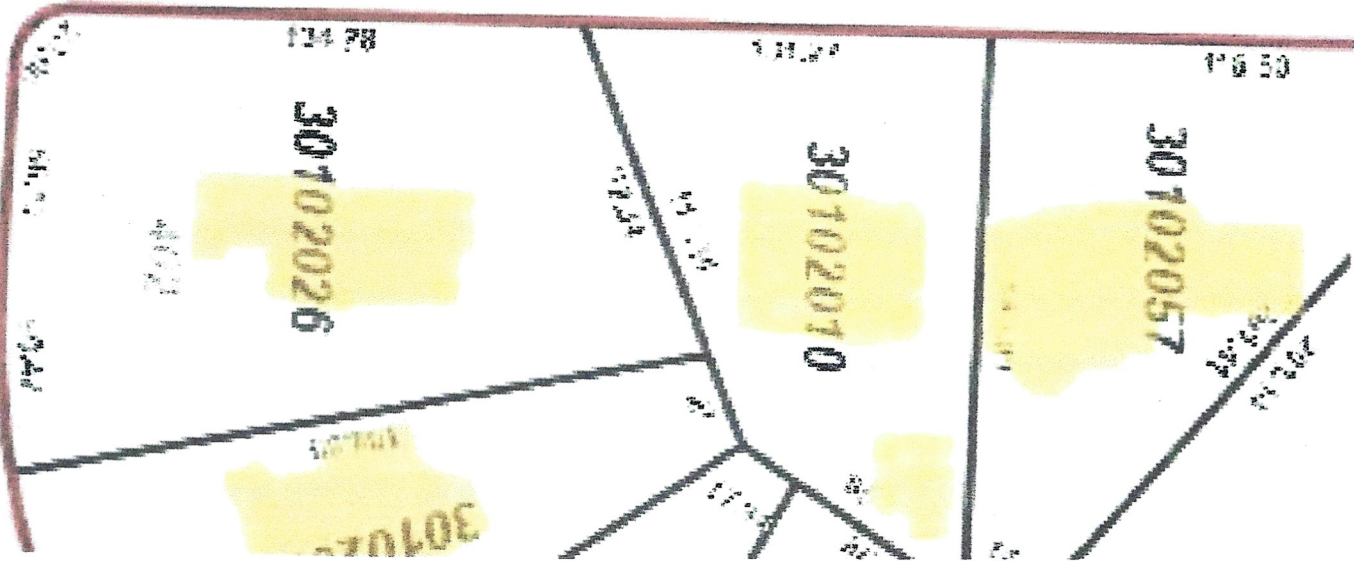
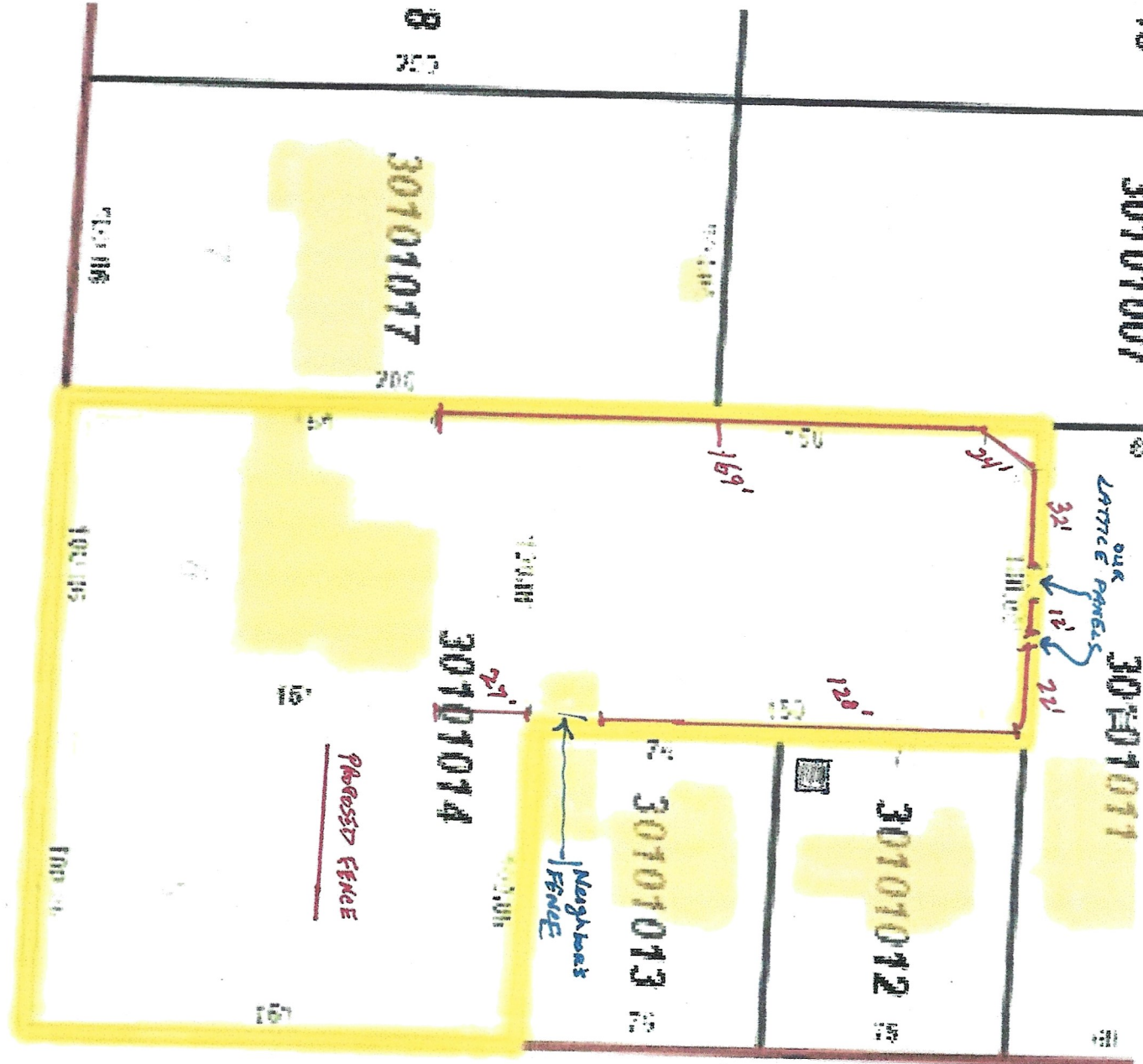
- K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

We are unaware of what variances all other properties in this district have obtained. We know that an adjacent property owner was recently granted a height variance for an outbuilding and do not see how a literal interpretation of the Code would have deprived that owner of rights commonly enjoyed by others in this district. Our situation should be analogous to that one.

**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.**

**AVALON DRIVE**

**BEACH CLIFF BOULEVARD**









## Stafford Rear Yard Photos—Variance Application



Full Rear Yard Looking North



West Property Line



## Stafford Rear Yard Photos—Variance Application



North Property Line



East Property Line



February 21, 2023

Rocky River Board of Zoning & Building Appeals  
Rocky River Building Department  
21012 Hilliard Boulevard  
Rocky River, Ohio 44116

Re: Variance Application of Ruth and Thomas Stafford for a Proposed 8' Fence

I/We have received information about the variance being requested by Ruth and Thomas Stafford for an 8' black polyethylene fence to be installed in the rear yard of their property at 20860 Avalon Drive. I/We understand that the Building Code requires that a rear yard fence generally must not exceed 6' which necessitates this variance request.

I/We believe the proposed variance for the fence proposed is reasonable in the circumstances and should be approved.

Donald Mc Gueen Burnett  
Signature

\_\_\_\_\_  
Additional Signature

20860 Avalon Dr. Rocky River Ohio  
Street Address

44116-1302



February 20, 2023

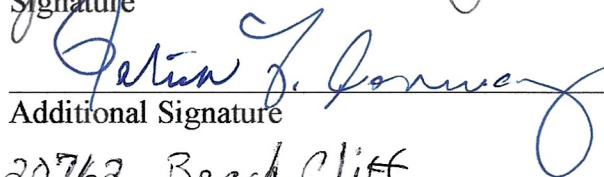
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Rocky River, Ohio 44116

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\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Additional Signature

20762 Beach Cliff  
\_\_\_\_\_  
Street Address

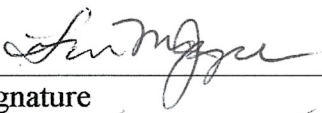
February 19, 2023

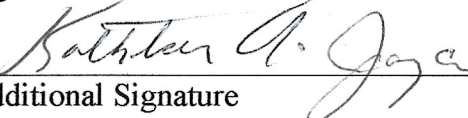
Rocky River Board of Zoning & Building Appeals  
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I/We believe the proposed variance for the fence proposed is reasonable in the circumstances and should be approved.

 FRANCIS MICHAEL JOYCE  
Signature

 KATHLEEN A. JOYCE  
Additional Signature

20874 AVALON  
Street Address