

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
JUNE 8, 2023

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JUNE 8, 2023 AT 7:00 PM FOR A VARIANCE TO INSTALL A MINI-SPLIT CONDENSER IN THE SIDE YARD WITH A 4' SIDE YARD SETBACK VS. 10' SIDE YARD SETBACK REQUIRED (Section 1153.15(k)(1) FOR ALAN ST. MARIE, 20374 WESTOVER AVE.

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 VIA E-MAIL OR TO VIEW IN PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. YOU MAY ALSO VIEW THE PLANS BY VISITING "CITY EVENTS" ON THE HOME PAGE OF THE CITY WEBSITE (www.rrcity.com) AND CLICKING ON "BOARD OF ZONING AND BUILDING APPEALS" OR ON THE HOME PAGE CALENDAR. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT kstraub@rrcity.com OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:

See attached list

Name	Address	City	State	Zip
SALUPO, SARA BIANCA	7007 BROADWAY AVE	CLEVELAND	OH	44105
LAMMEL, JOSEPH W.	20329 PARKLANE DR	Rocky River	OH	44116
CRAIG M OHALLA	20332 WESTOVER AVE	ROCKY RIVER	OH	44116
Peterson Robert	20357 WESTOVER AVE	Rocky River	OH	44116
ST. MARIE, ALAN M. & ST. MARIE, JENNIFER	20374 WESTOVER RD	ROCKY RIVER	OH	44116
Rocky River Library Omitted Tax for 2005	21012 HILLIARD BLVD	Rocky River	OH	44116-3312
Brian Ruic	20358 WESTOVER AVE	Rocky River	OH	44116-4069
POLIMEROS SHARON	20375 WESTOVER AVE	ROCKY RIVER	OH	44116
RAZUM, RENEE A.	20344 WESTOVER AVE	ROCKY RIVER	OH	44116
DEMOOY, MATTHEW J & MARY ELIZABETH CO-TRUSTEES	20397 PARKLANE DR	ROCKY RIVER	OH	44116
RITZLER, COURTNEY	20351 PARKLANE DR	ROCKY RIVER	OH	44116
Daniel L Ward	20343 WESTOVER AVE	Rocky River	OH	44116-4068
PAUL D CHRISTENSON	895 VAN SICKLEN RD	WILLISTON	VT	05495
EDWARD SHAVER	20375 PARKLANE DR	ROCKY RIVER	OH	44116
HUNTER, JILL A.	20392 WESTOVER AVE	ROCKY RIVER	OH	44116

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.

A. H. M.

5/25/2023

Property Owner

Date

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: 5/25/2023 Hearing Date: _____
Zoning of Property _____ Permanent Parcel No. _____

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

Address of property seeking variance: _____

Alan St. Marie

Name of Property Owner

Name of Applicant / Representative

20374 Westover Ave

Address

Address

N/A

Telephone No.

216-385-4963

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: alanstmarie@yahoo.com

E-MAIL:

Description of what is intended to be done:

Installation of a new Mitsubishi Electric MXZ-3C30NAHZ3 mini-split condenser on the east side of the house, which has 5' between the house and the neighbor's fence and driveway, and 19' between the house and the neighbor's house. The condenser is only 13" deep and 54 dBA.

Sections of the Code from which variance is being requested:

Air Conditioners and Generators

List variances requested:

For the front of the mini-split heat pump to be located approximately 4' from the property line vs. the required 10' setback.

A. St. Marie

Property Owner's Signature

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"> Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code 	<input type="checkbox"/>	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> Rear, side & front setbacks 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Coverage (>28%) 	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> Width 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Distance from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Circular if lot width is <90' 	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> Area allowed (maximum sq. ft.) 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Front setback 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Lot width <100' 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Number of items of information 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> On side of building 	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> Height or Openness 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Front Yard (in setback) 	<input type="checkbox"/>	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application)</i>); Detached Garages: <i>(Complete Building Permit Application)</i>		
<u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.		
<ul style="list-style-type: none"> Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Square footage 	<input type="checkbox"/>	(Area) Practical Difficulties
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> In side or rear yard <10' from property line or in front yard 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
Parking: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> < the number of spaces required 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Setback from property line 	<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 opposite side of the house has a cantilevered extension and chimney along the driveway, which prevents the multiple sets of refrigerant lines from extending vertically into the 2nd floor attic in an efficient and clean manner.

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).

Setting the condenser on the driveway side would prove to be an obstacle for vehicles, and would be unsightly from the street. Setting the condenser on the rear patio would eliminate or greatly reduce the functionality of the patio.

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).

N/A

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 condenser would be more aesthetically pleasing set on the east side of the house, opposite the driveway.

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

No, it would not have any affect.

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

No

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

No

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).

The east side of the house is the best location to efficiently route the refrigerant lines and would look much cleaner on the east side to maintain the integrity of our neighborhood, without sacrificing living space.

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).

Adding central air conditioning will increase the property value, and provide a more comfortable and efficient environment for the family, without sacrificing the backyard patio.

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.

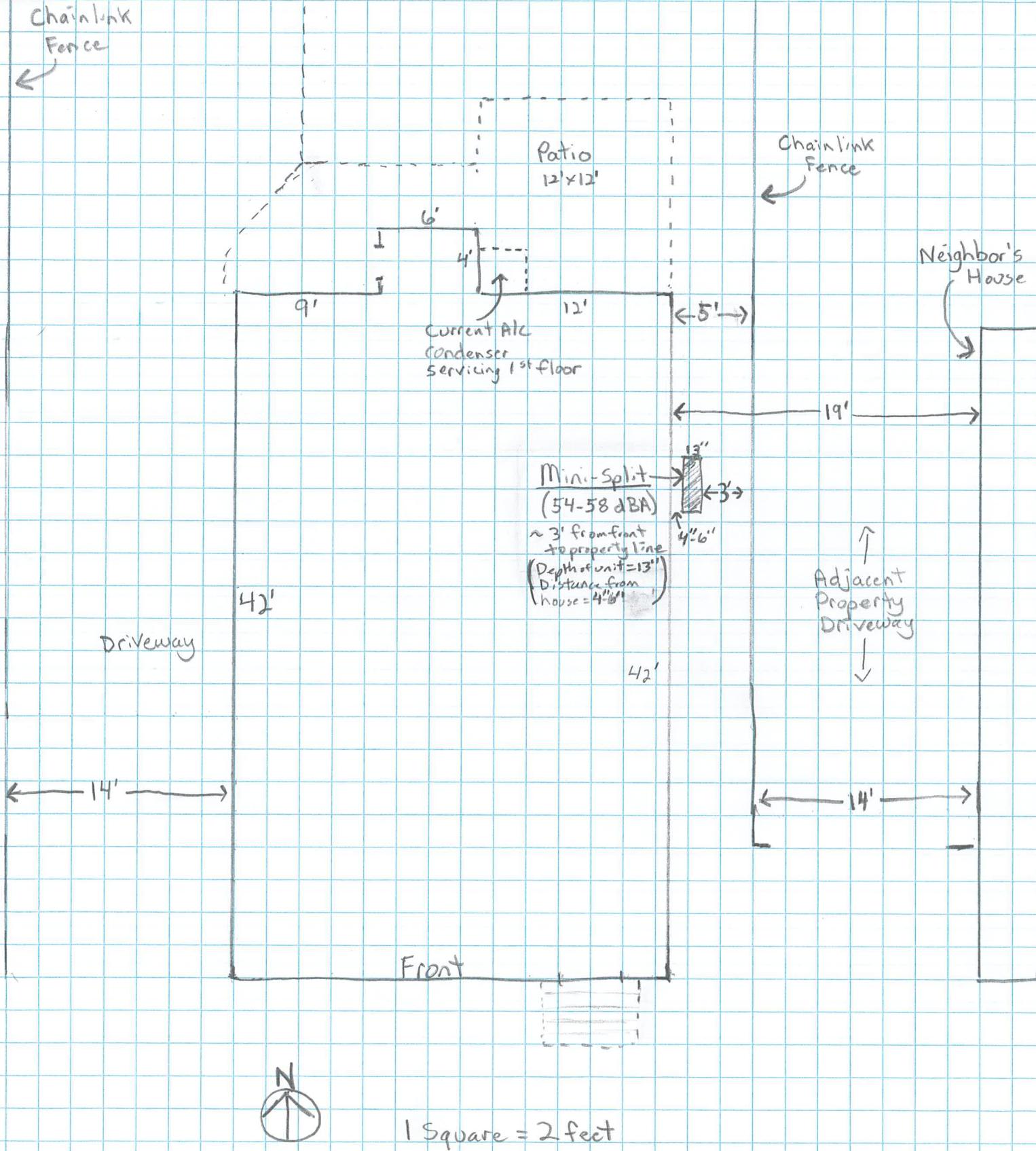
N/A

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.

Numerous houses in the area have existing or new condensers on the side of their houses where the standard 10' does not exist, and our unit has extremely low operating sound (54 dBA)

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.

Site Plan
20374 Westover Ave



East side of house

- Requested location of mini-split



West side of house

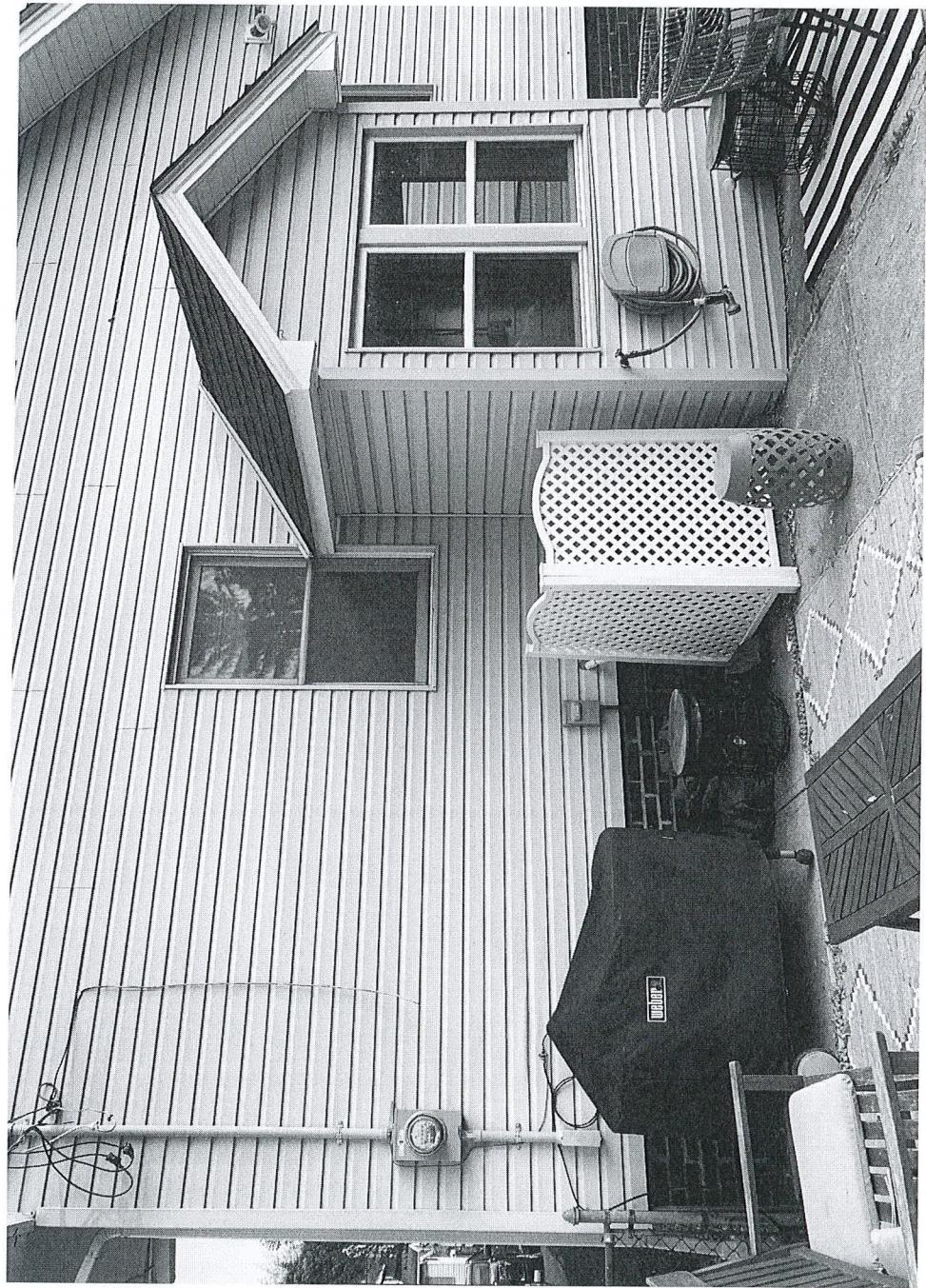
- driveway



Front of house
- View of East side from sidewalk



Back patio



May 24, 2023

Dear Rocky River Board of Zoning & Building Appeals,

Alan and Jennifer St. Marie have approached us about getting an air conditioning condenser installed on the northeast side of their house. As their neighbor (20358 Westover Ave), we are providing consent that they can install the air conditioning condenser unit approximately 3' from the property line, rather than the required minimum distance of 10' from the property line.

Sincerely,

A handwritten signature in blue ink that reads "Clare & Brian Ruic". The signature is fluid and cursive, with "Clare" and "Brian" stacked vertically and "Ruic" written to the right.

Brian and Clare Ruic