

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
JULY 13, 2023

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JULY 13, 2023 AT 7:00 PM FOR A VARIANCE TO RETAIN A 6' BOARD-ON-BOARD FENCE IN THE REAR YARD ALONG THE REAR PROPERTY LINE VS. ANY PORTION OF THE FENCE OVER 5' IN HEIGHT MUST BE CONSTRUCTED OF MATERIALS THAT ARE 50% TRANSPARENT WHEN VIEWED PERPENDICULAR TO THE FENCE (Section 1153.15(j)(3)) FOR GRANT AND ALEXANDRA WEIRICH, 19333 RIVERWOOD 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 THE CALENDAR ON THE HOME PAGE OF THE CITY WEBSITE (www.rrcity.com) AND CLICKING ON "BOARD OF ZONING AND BUILDING APPEALS" FOR THE ABOVE DATE. 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

CTT - WOOSTER PROPERTIES,
LLC
14415 PIN OAK DR
STRONGSVILLE, OH 44136

RIVER MANAGEMENT LTD
2226 WOOSTER RD
ROCKY RIVER, OH 44116

Grace Robert E
19319 RIVERWOOD AVE
Rocky River, OH 44116

CHARLOTTE TRACY
14415 PIN OAK DR
STRONGSVILLE, OH 44136

Burns, Douglas P. Sr
19330 RIVERWOOD AVE
Rocky River, OH 44116

WILSON, BRIAN D. & KATIE M.
19343 RIVERWOOD AVE
ROCKY RIVER, OH 44116

CAMARDO, SAM A. AND
GILMORE, LINDSEY A.
19350 LAUREL AVE
ROCKY RIVER, OH 44116-2706

CUSTER, MATTHEW D.
19342 RIVERWOOD AVE
ROCKY RIVER, OH 44116

Ollie, Thomas M
19320 RIVERWOOD AVE
Rocky River, OH 44116

PAUL R. KONYNS
19700 PARKLAWN DR
ROCKY RIVER, OH 44116

DAVID M. & DEBORAH S.
LIKAVEC
19358 LAUREL AVE
ROCKY RIVER, OH 44116

Mark & Jennifer Sims
19379 RIVERWOOD AVE
Rocky River Oh, 44116

Rodney & Mary Rouse
19310 RIVERWOOD AVE
Rocky River, OH 44116-2735

WEIRICH, GRANT & ALEXANDRA
19333 RIVERWOOD AVE
Rocky River, OH 44116

PAPA, MARY C.
19350 RIVERWOOD AVE
ROCKY RIVER, OH 44116

Flynn, Patrick F.
19360 RIVERWOOD AVE
Rocky River, OH 44116

BAKIAJ, ELVIRA & BAKIAJ,
ALBERT
2300 WOOSTER RD
ROCKY RIVER, OH 44116

SLEDZ, BARBARA T. TRUSTEE
19336 LAUREL AVE
ROCKY RIVER, OH 44116

BRADY, CAMERON M. & ASHLEY
M.
19349 RIVERWOOD AVE
ROCKY RIVER, OH 44116

GERTRUDE KENNEDY
19342 LAUREL AVE
ROCKY RIVER, OH 44116

LEE, JULIAN T
19330 LAUREL AVE
ROCKY RIVER, OH 44116

- (4) A pool constructed of masonry type material shall be located and installed to conform to the natural grade as determined by the Building Division. No portion of the pool itself shall be higher than one (1) foot above such grade. All other pools, regardless of construction material, may not exceed five (5) feet above grade level.
- (5) Every pool shall have a drainage device so that it can and will be drained into the City storm sewer.
- (6) Whenever light is used to illuminate such pool, such lights shall be installed and shielded in such a manner as to direct light onto the pool only, and not to reflect light onto any abutting residential property. All wiring and electrical fixtures, accessories and appliances shall be installed under the National Electrical Code.
- (7) The swimming pool shall comply with the locational and coverage requirements set forth in this Chapter.

(i) Boat House. Boat houses are permitted accessory structures, in compliance with the following:

- (1) No part of the structure shall be higher than the average grade of the front yard or have a maximum height of fifteen (15) feet, whichever is lower;
- (2) Such boat house shall not exceed 250 square feet of gross floor/water area, and shall be located adjacent to Lake Erie or the Rocky River.

(j) Fences, Walls, and Planting Screens. Fences shall comply with Schedule 1153.15 and shall be constructed, located, and maintained in conformance with the standards set forth below:

- (1) Front Yard Fences. In the front yard of interior and corner lots, fences shall have a maximum height of thirty-six (36) inches. Only ornamental fences shall be permitted in the front yard, and the maximum length of any fence segment shall be thirty feet or the width of the front elevation of the house, whichever is less. Such fence segments shall be located no more than twelve (12) feet in front of the dwelling, and this distance shall be measured from the furthest projecting element on the front plane of the dwelling. A Zoning Certificate shall be required for a fence in the front yard, and such Certificate shall be approved by the Zoning Administrator. The Zoning Administrator may refer the application to the Architectural Review Board when, in his/her opinion, the appropriateness of the proposed fence should be judged by the Architectural Review Board.
- (2) Side Yard Fences. In the side yard, the maximum fence height shall be five (5) feet, except for chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, and picket fences are the only types of fences permitted in the side yard, except synthetic covered chain link fences are permitted to abut existing chain link fences, and except as provided for in sub-section 1153.15(j)(7) below.
- (3) Rear Yard Fences. Fences in the rear yard shall not exceed six (6) feet in height, except chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, picket fences, synthetic covered chain link fences, or similar fences that are twenty-five percent (25%) transparent regardless of the angle at which the transparency is viewed are the only types of fences permitted in the rear yard, except as provided for in sub-section 1153.15(j)(7) below. However, any portion of the fence over five (5) feet in height shall be constructed of materials that are fifty percent (50%) transparent when viewed perpendicular to the fence. The openings of the fence that provide the transparency shall be evenly spaced throughout the vertical surface.

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: 06/28/2023

COMMERCIAL: _____

RESIDENTIAL: _____

ADDRESS OF IMPROVEMENT: 19333 Riverwood Avenue, Rocky River, OH

OWNERSHIP: Grant & Alexandra Weirich - 19333 Riverwood Ave. - (419) 559-7833

Name _____

Address _____

Phone _____

CONTRACTOR: Same as owner

Name _____

Address _____

Phone _____

CONTRACTOR EMAIL: grantweirich@yahoo.com

ESTIMATED COST \$2,000

TYPE OF FENCE: Ornamental Split Rail Board on Board Picket Privacy

HEIGHT & LOCATION OF FENCE: Front _____ / Ht _____ Side / Ht 4' Rear / Ht 6'

CORNER LOT:

Yes _____ No _____

PROHIBITED FENCES

Barbed Wire

BOARD OF APPEALS MEETING DATE: 07/13/2023

Electrified

VARIANCES NEEDED: Yes _____ No _____

1153.15(j)(3) - 6' High vs. 5' High allowed

** 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:



SIGNATURE OF APPLICANT:

- 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

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 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.

 6-29-23
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: _____
Zoning of Property R-1

Hearing Date: _____
Permanent Parcel No. 301-30-040

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

Address of property seeking variance: 19333 Riverwood Avenue, Rocky River, OH

Grant & Alexandra Weirich _____ (same as owner)
Name of Property Owner _____ Name of Applicant / Representative

19333 Riverwood Avenue, Rocky River, OH _____
Address _____ Address

419-559-7833 _____ Telephone No. _____ Cell Phone No. _____
Telephone No. _____ Cell Phone No. _____

E-MAIL: grantweirich@yahoo.com _____ E-MAIL: _____

Description of what is intended to be done:

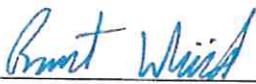
Install 6' tall board on board fence along rear property line.

Sections of the Code from which variance is being requested:

1153.15 (j) (3)

List variances requested:

6' high fence vs. 5' high fence allowed.



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 Coverage (>28%) 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> Width Distance from property line Circular if lot width is <90' 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> Area allowed (maximum sq. ft.) Height Front setback Lot width <100' Number of items of information On side of building 	<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
FENCES: <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> Height or Openness Front Yard (in setback) 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
	<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: Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</u>		
<ul style="list-style-type: none"> Height Setback from property line Square footage 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<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 type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> < the number of spaces required Setback from property line 	<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).

Our backyard abuts a neighbor that has a duplex home in the R-1 zoning district. The

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).

Without the requested variance we feel we will struggle to peacefully enjoy our back yard as the rear neighbor has regularly caused disruptions by using obscene hand gestures and vulgar language at my family, and by dumping landscape clippings/scraps over the previous chain link fence that this new taller fence will hopefully help prevent.

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).

Variance we are requesting is the minimum necessary (1') from code to allow us reasonable use and enjoyment of our backyard by screening out as much of the neighbor as reasonably possibly while keeping the fence to a reasonable and aesthetically pleasing size.

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 character of all abutting properties will be increased in value, use, & aesthetics with the upgrade in visual impact from the previous, deteriorated chain link fence. As well as through the added screening for both parties that will provide additional privacy and peace of mind from any future disturbances.

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

N/A - no impacts.

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

We weren't aware of the zoning limitations when we bought the property, but when we bought the house we were not anticipating the need to install a higher privacy fence.

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

No special conditions exist to our knowledge.

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).

Alternate method via landscaping wouldn't provide a solid enough barrier to adequately screen out any obscene gesturing or dumping of landscape scraps/clippings.

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).

Granting the variance would allow me, my wife, and our young children peace of mind to use our backyard without the anxiety of any disturbances in an aesthetically pleasing way that benefits both us and the rear neighbor.

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 feel granting this variance will only bring the use of our property up to standards that the majority of the R-1 zoned homes enjoy, as we abut a duplex unit that is atypical in that zoning.

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.

Yes, limiting the fence height to 5' would allow the neighbor to remain visible from our backyard and wouldn't help to prevent any future disturbances and our peaceful enjoyment of the back yard.

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.

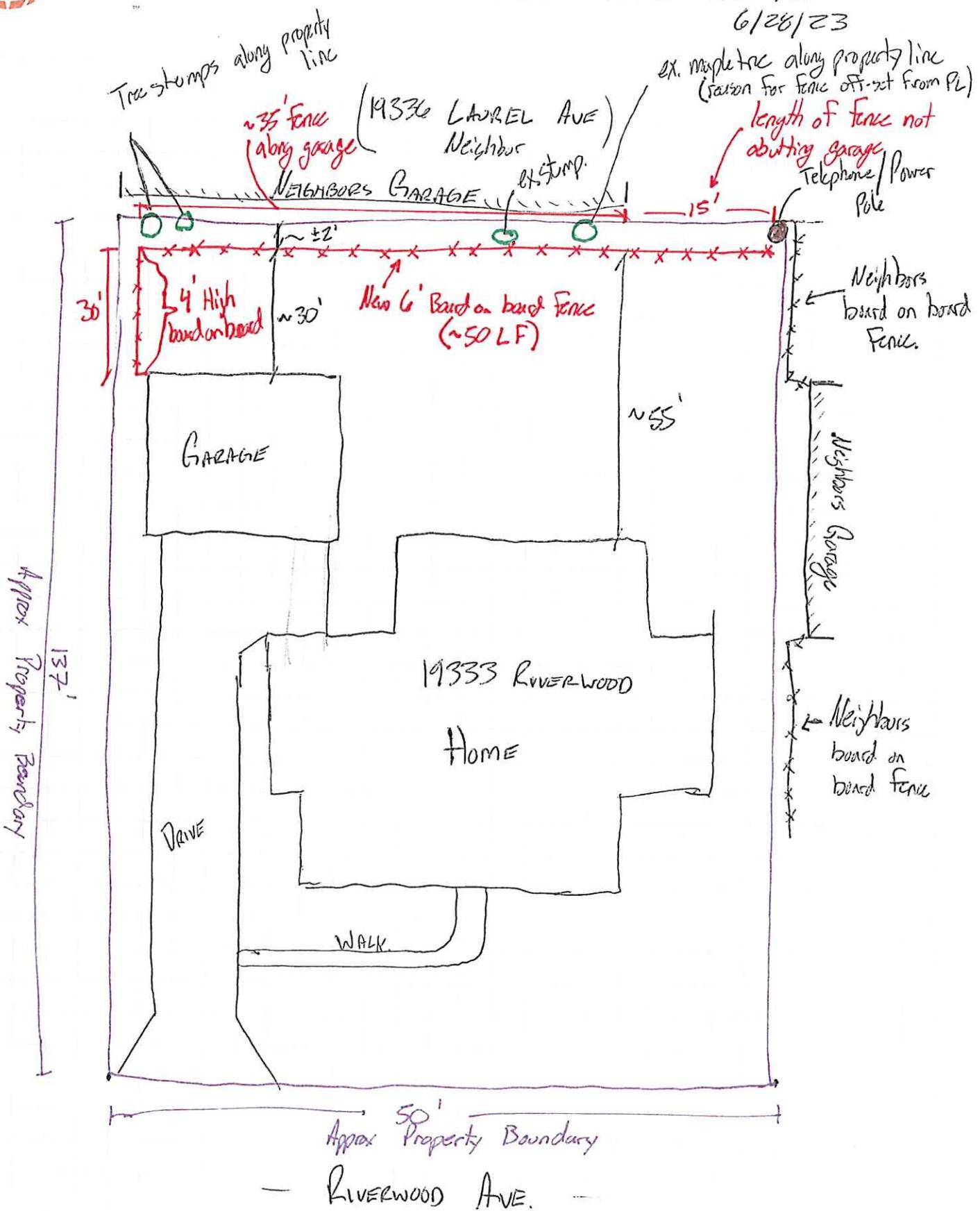


EJ

ejco.com
800 626 4653

19333 RIVERWOOD AVE, Rocky River
Warren Fence Site Plan

6/28/23







View of backyard with old chain link fence (summer).



View of backyard with old chain link fence (winter).



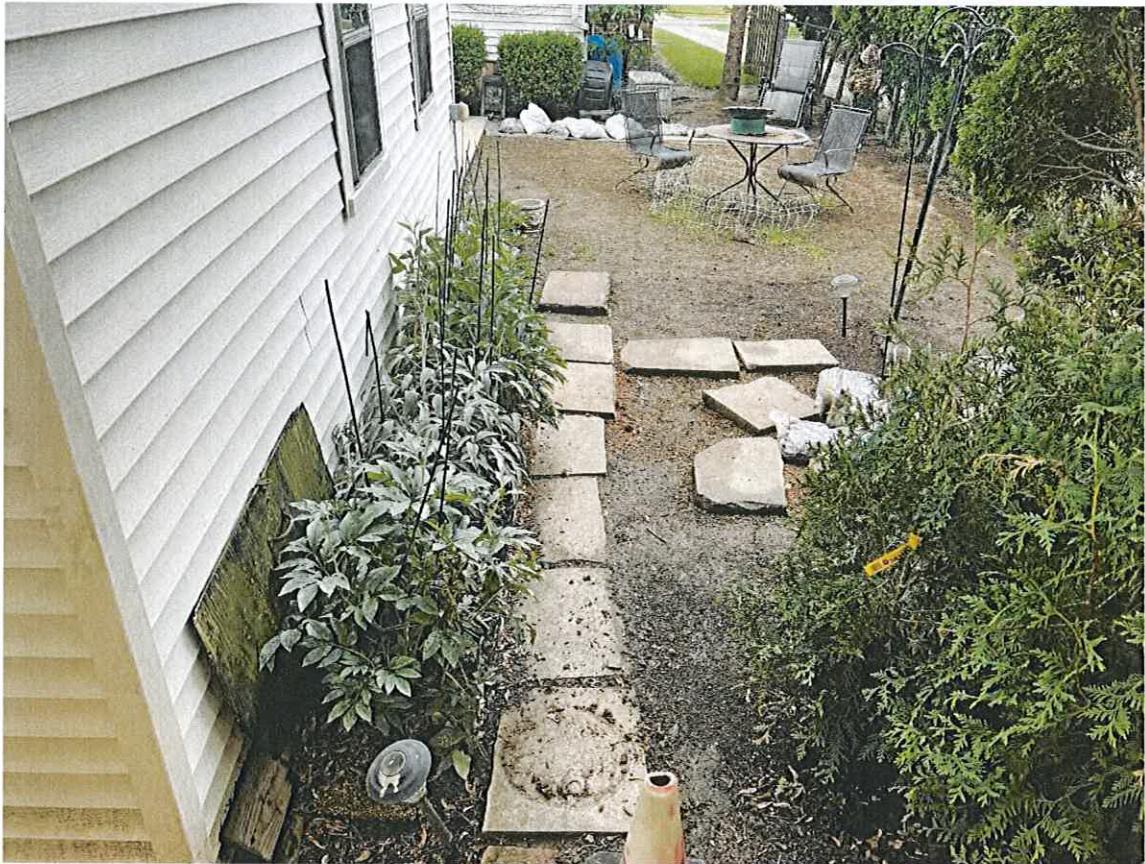
View of neighbor backyard with for duplex for rent sign & squirrel feed.



View of neighbor backyard with for squirrel feed.



View of neighbor backyard/back of house.



View of neighbor backyard.



View from our backyard w/ new fence.



View along property line w/ new fence.

Existing stumps along property line. Old chain link fence was through middle of stumps.



View of backyard from kitchen doorway.



View of backyard from 2nd story bedroom window.

CAD Call Report

06/28/2023

Page 1 of 1

Call ID: 2231700010 Date: 06/19/2023 Time: 10:22:23 Received: TELEPHONE
Code: 7297 Type: NEIGHBOR TROUBLE Dispo: Closed
Entry ID: rflowers

Address: 19333 RIVERWOOD AVE Apt:
Location: City: ROCKY RIVER

Comments:

(6/19/2023 10:22:54 By: rflowers) ALEXANDRA WEIRICH REPORTS SHE IS BEING HARASSED BY NEIGHBOR BEHIND HER.

(6/19/2023 10:57:38 By: bdimatteo) COMPLAINANT ALEXANDRIA WEIRICH ADVISING THE NEIGHBOR BEHIND HER AT 19336 LAUREL CONSTANTLY YELL OVERS THE FENCE AT HER AND HER FAMILY. WEIRICH SAID THE FEMALE YELLS PROFANITIES, THROWS THE "HELICOPTER" LEAVES BACK INTO WEIRICH'S YARD. WEIRICH ADVISED TO DOCUMENT ANY FURTHER INTERACTIONS AND NOTIFY THE POLICE FOR POTENTIAL HARASSMENT OR DC CHARGES.

PNum:	<u>Caller Info:</u>		
FNum:	Last Name:	First Name:	MI:
ENum:	Street#:	Street Name:	Apt:
MABAS:	City:	Phone:	

Units On Call Times

Unit #	Sub Id	Disp	Enroute	OnScene	Cleared	TO HOSPITAL	AT HOSPITAL	BELL OUT
45	6516	10:22:57	10:23:10	10:59:39	10:59:42			
9	6515	10:50:50			10:54:10			