

## 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 CONSTRUCT A DETACHED GARAGE WITH A HEIGHT OF 17' – 10" VS. 15' MAXIMUM HEIGHT PERMITTED FOR DETACHED GARAGES FOR KRIS AND MELINDA SCHIBLEY, 19765 BATTERSEA 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 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](http://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](mailto:kstraub@rrcity.com) OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:

See attached list

HALLIS, EDWARD M. & NATALIE  
19786 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

BURKE, JAMES P  
19670 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

DEJOVINE JOHN R  
19710 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

STACKHOUSE, ZACHARY J. &  
DEMANELIS, CAROLYN A.  
19750 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

MELTON JR., THOMAS F.  
19760 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

EVANS, RYAN R  
19770 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

JAMES H NISENSON & BARBARA  
19802 BATTERSEA BLVD  
CLEVELAND, OH 44106

BACHER, DOUGLAS J &  
BACHER, DIANE  
19815 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

MARY J MCNALLY  
19795 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

MOSCA, LAWRENCE JAMES  
19775 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

SCHIBBLEY, KRIS B & MELINDA  
14806 DETROIT AVE  
LAKEWOOD, OH 44107

JON M FANCHER  
19737 BATTERSEA BLVD  
ROCKY RIVER, OH 44116-1653

HILLSTROM, MICHELLE C.  
19709 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

DANIEL JAY SALBERG  
19689 BATTERSEA BLVD  
ROCKY RIVER, OH 44116

HALEY DELZANI  
19770 LAKE RD. #305  
ROCKY RIVER, OH 44116

AILEEN FITZGERALD  
19750 LAKE RD. #303C  
ROCKY RIVER, OH 44116

THERESA STITT  
19730 LAKE RD. #301C  
ROCKY RIVER, OH 44116

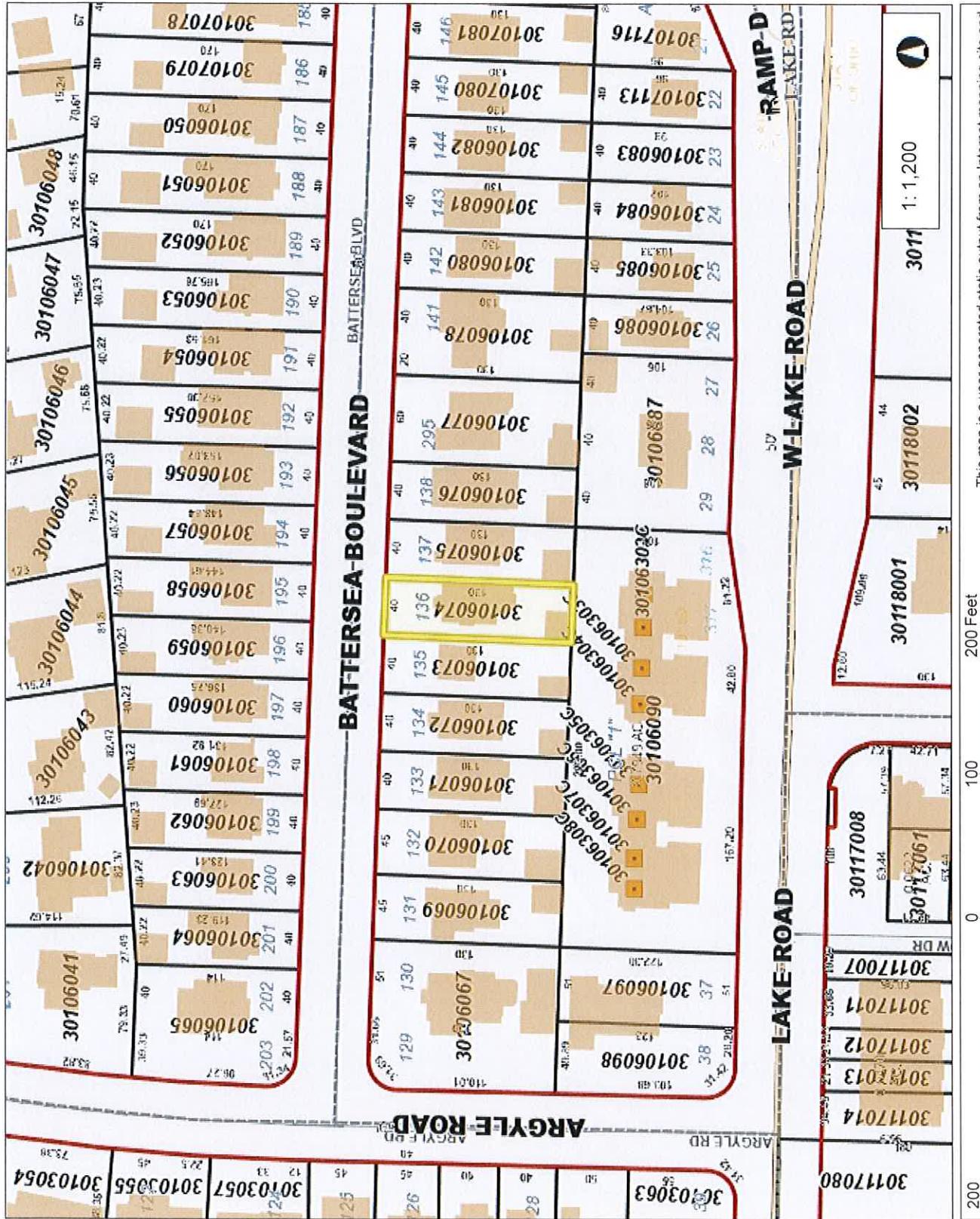
Cuyahoga County GIS Viewer



Date Created: 7/7/2023

### Legend

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



200 Feet

This map is a user generated static output from an Internet mapping site and

Projection: WGS 1984 Web Mercator Auxiliary Sphere

THIS MAP IS NOT TO BE USED FOR NAVIGATION  
Data layers that appear on this map may or may not be  
accurate, current, or otherwise reliable.

PUTTING CUYAHOGA COUNTY ON THE MAP

PUTTING CUYAHOGA COUNTY ON THE MAP

**1153.09 HEIGHT REQUIREMENTS.**

All buildings and structures in any residential district shall comply with the following height regulations:

- (a) The height of principal buildings and structures shall not exceed twenty-five (25) feet.
- (b) The height of accessory buildings and structures shall not exceed ten (10) feet, except the height of detached garages shall not exceed twelve (12) feet at the highest point of the structure for a flat roof, and shall not exceed fifteen (15) feet at the highest point of the structure for any other roof that is not a flat roof, notwithstanding the height definition defined in Section 1123.02(b)(19) of this Code.
- (c) Permitted height exceptions are set forth in Section 1181.01, Supplementary Height Regulations. (Ord. 87-17. Passed 12-17-18.)

**1153.11 DESIGN GUIDELINES FOR ONE AND TWO FAMILY DWELLINGS.**

The purpose of the following design guidelines is to further the goals of the City's Master Plan. These guidelines are meant to insure that development projects respect the existing built environment that was recognized and valued in the City's Master Plan.

The provisions of this Section shall apply to all residential development, except Cluster Development, within the R-1 and R-2 Districts. Any addition, remodeling, relocation, or construction requiring review by the Architectural Review Board shall adhere to the guidelines in this Section, where applicable. The Architectural Review Board may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

- (a) Character of Dwellings. Principal dwellings are to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination, the following shall be considered:

- (1) Building height, width, and general proportions;
- (2) Architectural features, including patterns of windows and doors, roof pitch, balconies, porches, shutters, dormers, eaves and other decorative detail;
- (3) Building materials.

- (4) Explanation Of Terms. Certain terms and words shall be interpreted with regard to the following explanations:

A. Appropriateness. A proposal is judged to be appropriate when it respects the existing architectural style of a building or buildings and fits comfortably within its setting, neighborhood and overall community. This condition applies to landscaping and accessory structures, as well.

B. Compatibility. A design or a material selection is compatible when it does not strongly deviate from its parent building, or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming relative to its neighbors.

C. Proportion. The relationship of parts of a building, landscape, structures, or buildings to each other and to the whole balance.



# 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.

10

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

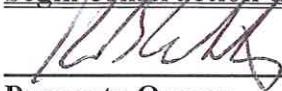
- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.); **Check representing Application Fee**.
- 2) **Fully completed Variance Application.** Begin with a written narrative describing exactly 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.



Property Owner

6/22/23

Date

Applicant/Representative

Date

*Label height on drawings*

Rev. 8/21

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: \_\_\_\_\_ 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: 19765 Battersea Blvd., Rocky River, OH 44116

**Kris and Melinda Schibley**

same

Name of Property Owner

Name of Applicant / Representative

**19765 Battersea Blvd**

Address

Address

440-225-3350

440-225-3350

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

**E-MAIL: kschibley@gmail.com**

**E-MAIL:**

Description of what is intended to be done:

**Remove existing detached garage structure and build new detached garage structure.**

Sections of the Code from which variance is being requested:

**Section: 1153.09(b)**

List variances requested:

**Height variance - practical difficulties**

Melinda Schibley  
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"> <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: (Complete Building Permit Application)</b>		
<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: (Complete Building Permit Application)</b>		
<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 type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>SIGNS: (Complete Sign Permit Application)</b>		
<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: (Complete Fence Permit Application)</b>		
<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: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)</b>		
<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 checked="" type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Air Conditioners and Generators: (Complete HVAC Permit for A/C or Electrical Permit for Generators)</b>		
<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
	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Parking: (Complete Building Permit Application)</b>		
<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).

There are no special conditions or circumstances that exist to the land or structure.

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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 current housing market is reflecting a higher return on your home investment with a usable two car garage space.

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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 variance request deviates 2.10'feet above Code. We are requesting the new structure to stand 17.10' feet in height.

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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 current structure was built in 1927. When looking at comps in the area, in order to be competitive with the current market, we need to update the structure and add additional attic/loft space to maximize the storage space. We are limited in building out because of the lot size, so we are proposing to increase the height.

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

The variance does not affect the delivery of any utilities or city services.

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

We were not aware of the specific zoning restrictions when purchasing the property.

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

There are no special conditions or circumstances that exist.

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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).

Our goal is to create a usable two car garage space with additional storage in the loft area. We need to increase the height because the lot size does not allow us to increase the depth/width.

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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).

With the current structure built in 1927, it is outdated and does not bring additional value or curb appeal to the property or surrounding neighborhood.

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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.

To the best of my knowledge, the granting of the variance will not provide any special privileges.

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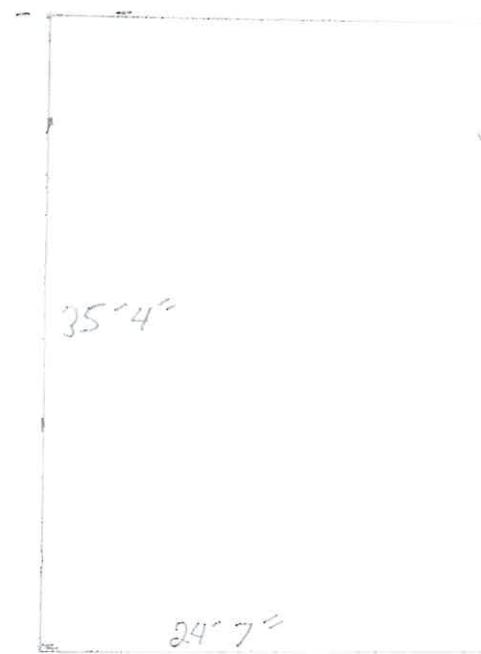
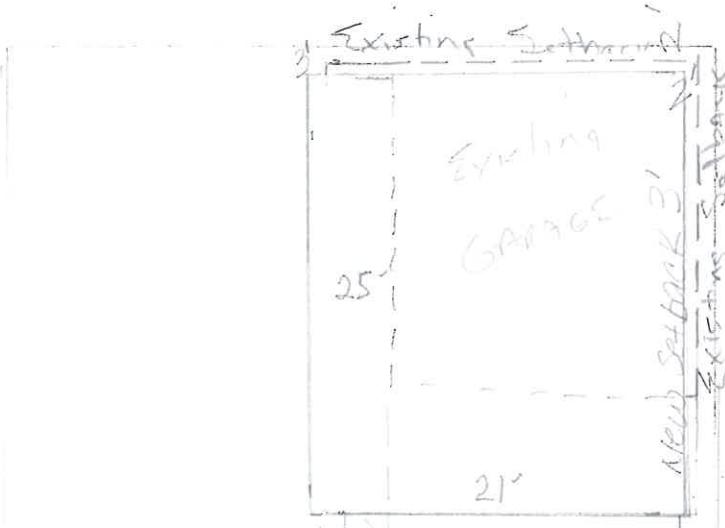
K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

We have had multiple detached garage builds in our neighborhood and have received variance letters on their behalf requesting variances that have been approved.

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**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.**

19765 Battersea Blvd.  
Rocky River OH 44116





Existing structure and driveway



Neighbors lot to the right of the property



Full backyard view



Full driveway showing neighbor's house  
on the right of us. (new addition/detached garage)



Backyard/property line/existing fence