



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 NEW FRONT PORCH WITH A SIDE YARD SETBACK OF 3.6' VS. 8' SIDE YARD SETBACK REQUIRED FOR CHRIS AND KATE HORNE, 22105 LAKE RD.

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

DAILY, GORDON R. & CARA M.
22158 LAKE RD
ROCKY RIVER, OH 44116

SCHLAGETER LINDA M
22126 LAKE RD
ROCKY RIVER, OH 44116

JOHN M SCHANZ JR
22100 LAKE RD
ROCKY RIVER, OH 44116-1009

NIEDERST, DAVID B.
22200 LAKE RD
ROCKY RIVER, OH 44116

NK
P.O. BOX 910
ROCKY RIVER, OH 44116

CHRISTOPHER & GAYLE
SPENCER
22207 ARBOR CLIFF LANE
ROCKY RIVER, OH 44116

MCNALLY, SHEILA KILBANE
22135 LAKE RD
ROCKY RIVER, OH 44116

HORNE, CHRIS AND HORNE,
KATE
22105 LAKE RD
ROCKY RIVER, OH 44116-1008

BALL, STEVEN S
2700 LIBERTY AVE
PITTSBURGH, PA 15222

ALBANESE, JUDITH E
22225 ARBOR CLIFF LN
ROCKY RIVER, OH 44116

UHLER, CHARLES & KRISTEN
22235 ARBOR CLIFF LN
ROCKY RIVER, OH 44116

KAY C MORRIS
22231 ARBOR CLIFF LN
ROCKY RIVER, OH 44116-1051

O'SHEA, CHAD C. & MELISSA A.
22025 LAKE RD
ROCKY RIVER, OH 44116

HOVER, AUSTIN F & AMANDA L.
21999 LAKE RD
ROCKY RIVER, OH 44116

COTTICCHIA, DAVID R &
NATALIE
22215 ARBOR CLIFF DR
ROCKY RIVER, OH 44116

BOEHM III, JOSEPH J. &
PATRICIA S.
22056 LAKE RD
ROCKY RIVER, OH 44116

MONARCH, LTD.
22024 AVALON DR
ROCKY RIVER, OH 44116-1138

DOMINIC V PERRY TRUSTEE
21998 AVALON DR
ROCKY RIVER, OH 44116-1136

CARLIN, JAMES T. & SHARON P.-
CO TRUSTEES
22011 AVALON DR
ROCKY RIVER, OH 44116

OATEY BLAKE P & CHRISTINE
22061 LAKE RD
ROCKY RIVER, OH 44116

GOLISH, MATTHEW D. &
ELIZABETH Z.
22045 LAKE RD
ROCKY RIVER, OH 44116

- B. The width of the side yard on the side street, as defined herein, shall be not less than one-half ($\frac{1}{2}$) of the depth of the front yard required for the adjoining lot which abuts on a side street, unless shown otherwise on the Setback Map.
- C. Accessory buildings in a rear yard shall be located not less than twenty-five (25) feet (.76 m) from the side street line, but in no case less than required for the main building, and not less than ten (10) feet (3.05 m) from the rear lot line.
- (2) Interior Side Setback. The width of a side setback along the interior side lot line shall not be less than the minimum side setback as set forth in Schedule 1153.07.
- (f) Schedule 1153.07 Minimum Setback Requirements:

| Schedule 1153.07 Minimum Setback Requirements | | |
|---|---|--|
| | R-1 Single-Family Residential District | R-2 Two-Family Residential District |
| (1) Side Setback ^(a) | | |
| A. Minimum of any one side | 8 feet | 8 feet |
| B. Total side setback | 16 feet | 16 feet |
| (2) Rear Setback ^(b) | 25 ft. | 25 ft. |
| ^(a) For lots of less than sixty (60) feet in width, each side setback shall be not less than one-eighth ($\frac{1}{8}$) of the width of the lot, but not less than five (5) feet, whichever is greater. ^(b) The required rear setback, when the parcel is adjacent to Lake Erie, shall be determined by averaging the rear setbacks of the nearest dwellings on either side of the lot, but shall not be less than 25 feet. For the purposes of this Section only, the "property line" along Lake Erie shall be the point where the natural shoreline intersects the ordinary high water elevation as determined by the Ohio Department of Natural Resources, Division of Geological Survey. | | |

ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS

INSTRUCTIONS TO APPLICANTS

MEETINGS: 2nd Thursday of each month at 7:00 P.M. – Council Chambers, First Floor of 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 sets** of the following:

- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.)
- 2) **This fully completed Variance Application**, which includes a written explanation of the project. 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**, showing all existing structures on the subject property, as well as structures on affected neighboring properties. Dimensions of all existing structures (length, width and height, where appropriate). All proposed structures/improvements must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled.
- 4) **Elevation drawings** (for pergola, garage, addition or exterior alteration).
- 5) **Photographs** of your property and affected adjacent properties. Also, submit a photo example of proposed fences and storage sheds.
- 6) **Support letters** from surrounding property owners, if available.
- 8) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. A SEPARATE BUILDING PERMIT MUST BE ISSUED PRIOR TO ALL CONSTRUCTION.**

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.

| | | | |
|--------------------------------|----------------|--------------------------|---------------|
| <u>STEPHANIE SCHILL-HAYDEN</u> | <u>(AGENT)</u> | <u>Stephanie Hayden</u> | <u>7-6-23</u> |
| Property Owner | Date 7-6-23 | 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: 7/6/23
Zoning of Property R-1

Hearing Date: 7/13/23
Permanent Parcel No. 302-06-008

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

Address of property seeking variance: 22105 LAKE ROAD, ROCKY RIVER, OH 44116

KATE & CHRIS HOLME
Name of Property Owner

STEPHANIE HAYDEN (SCHILL ARCHITECTURE)
Name of Applicant / Representative

22105 LAKE ROAD, ROCKY RIVER
Address

1650 CROSSINGS PKWY, WESTLAKE, OH 44145
Address

Telephone No.

Cell Phone No.

440-808-3483
Telephone No.

216-965-3485
Cell Phone No.

E-MAIL: -

E-MAIL: stephanie@schillarchitecture.com

Description of what is intended to be done:

ADDITION OF COVERED FRONT PORCH ALIGNED WITH EXISTING
RESIDENCE. THE EXISTING RESIDENCE DID NOT COMPLY WITH
REQUIRED SIDE YARD SETBACKS.

Sections of the Code from which variance is being requested:

1153.07 (C) SETBACK REQUIREMENTS

List variances requested:

- SIDE YARD SETBACK OF 3'-8" INSTEAD OF REQUIRED 8'-0"

STEPHANIE SCHILL HAYDEN (AGENT)
Property Owner's Signature

Stephanie Hayden
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 checked="" 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); Detached Garages:</i> <i>(Complete Building Permit Application)</i> <u>Note:</u> <i>Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i> | | |
| <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 yard <10' from property line or in front yard | <input 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 EXISTING RESIDENCE THAT WE ARE PROPOSING ADDING
A COVERED PORCH ONTO DOES NOT COMPLY WITH THE
REQUIRED SIDE YARD SETBACKS.

- 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 EXISTING COVERED FRONT PORCH IS ONLY 4' DEEP
(INCLUDING CIRCULATION PATH) AND CANNOT ACCOMMODATE OUTDOOR
FURNITURE. PROPOSED PORCH WILL BE 10x12 IN SITTING AREA SO
OWNERS CAN SIT OUTSIDE WHILE 3 CHILDREN PLAY ALONG BUSH LAKE RD.

- 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).

AN 8'-0" SETBACK IS REQUIRED AND THE OWNERS ARE
REQUESTING A 3'-8" SETBACK SO THE PORCH CAN ALIGN WITH
THE EXISTING RESIDENCE WHICH DOES NOT COMPLY WITH REQUIREMENTS.

- 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).

COVERED PORCH ADDITION IS CONSISTENT TO THE HISTORICAL
CHARACTER OF THE HOME AND NEIGHBORHOOD.

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

NO ADVERSE IMPACTS.

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

NO. PROPERTY WAS PURCHASED IN 2019 PRIOR TO PLANNING COVERED PORCH ADDITION

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

NONE

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).

IF COVERED PORCH COMPLIED WITH THE REQUIRED 8' SETBACK THERE WOULD STILL NOT BE ROOM FOR FURNITURE ON THE PORCH.

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).

THE COVERED PORCH ADDS AESTHETIC VALUE TO THE PROPERTY AND ALLOWS OWNERS TO SIT OUTSIDE IF THEIR 3 CHILDREN PLAY OUTSIDE IN FRONT YARD ALONG LAKE RD. WHICH HAS SIGNIFICANT TRAFFIC/SPEEDING

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.

THE OWNER WILL NOT HAVE ANY PRIVILEGE OVER ADJACENT PROPERTIES - BOTH ADJACENT RESIDENCES ALSO DO NOT COMPLY WITH SIDE SETBACKS.

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 PROPERTIES IN THE AREA HAVE COVERED FRONT PORCHES THAT CAN ACCOMMODATE A SMALL PATIO FURNITURE SET.

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.