

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 CONSTRUCT A 2-STORY GARAGE ADDITION WITH 30.6% LOT COVERAGE VS. 28% MAXIMUM LOT COVERAGE PERMITTED (Section 1153.05(c)(3)); A VARIANCE TO CONSTRUCT A 2-STORY GARAGE ADDITION WITH A 2' SIDE YARD SETBACK VS. 5' SIDE YARD SETBACK REQUIRED (Section 1153.07(1)); AND A VARIANCE TO CONSTRUCT A 2-STORY GARAGE ADDITION WITH A 3'-5" SIDE YARD SETBACK VS. 5' SIDE YARD SETBACK REQUIRED FOR ADAM BURG, 19670 TELBIR 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

BRAFORD, DAVID WALTER &
NANCY LEONORA
19605 TELBIR AVE
ROCKY RIVER, OH 44116

HOWARD D FENCL
19740 TELBIR AVE
ROCKY RIVER, OH 44116

MORTENSEN, CYNTHIA A.
19639 TELBIR AVE
ROCKY RIVER, OH 44116

HINES, LESLIE J
19657 RIVERVIEW AVE
ROCKY RIVER, OH 44116

FADEL, BROOKE W.
19715 RIVERVIEW AVE
ROCKY RIVER, OH 44116

CAROL ANN JUNIEWICZ
19635 RIVERVIEW AVE
ROCKY RIVER, OH 44116-2639

CONSTANCE M KELLER
19640 TELBIR AVE
ROCKY RIVER, OH 44116

THOMAS GALLAGHER
19645 TELBIR AVE
ROCKY RIVER, OH 44116-2623

KAREN S. DIECKMAN
19615 RIVERVIEW AVE
ROCKY RIVER, OH 44116

BATTERSHELL, BETHANY
19737 RIVERVIEW AVE
ROCKY RIVER, OH 44116

BRUCKMAN, LAURA S &
BRUCKMAN, MICHAEL A
4 SUMMIT PARK DR
INDEPENDENCE, OH 44131

FURLONG, NANCY
19725 RIVERVIEW AVE
ROCKY RIVER, OH 44116

LARUE, CINDY L. -TRUSTEE
19622 TELBIR AVE
ROCKY RIVER, OH 44116

LALLY, JOSEPH R.
19715 TELBIR AVE
ROCKY RIVER, OH 44116

VOIGT, RICHARD D.
19737 TELBIR AVE
ROCKY RIVER, OH 44116

THOMAS & JANE MURPHY
19718 TELBIR AVE
ROCKY RIVER, OH 44116-2626

FRASER, TESSA & BURG, ADAM
19670 TELBIR AVE
ROCKY RIVER, OH 44116

JOYCE, ANDREW C. & KELLY R.
19610 TELBIR AVE
ROCKY RIVER, OH 44116

WILDROUDT, JOSEPH W. &
JENNIFER
19725 TELBIR AVE
ROCKY RIVER, OH 44116

FREELAN, NORMAN E.
19730 TELBIR AVE
ROCKY RIVER, OH 44116

SCULLY, SONJA
1633 CHARLTON HEIGHTS RD
CORAOPOLIS, PA 15108-3069

(b) Maximum Lot Coverage. The maximum lot coverage by building shall be as set forth in Schedule 1153.05 for the district in which the lot is located.

(c) Schedule 1153.05 Minimum Lot Requirements.

Schedule 1153.05 Minimum Lot Requirements		
	R-1 Single-Family Residential District	R-2 Two-Family Residential District
(1) Minimum lot area	10,000 square feet	6000 square feet ^(b)
(2) Minimum width at building setback line ^(a)	75 feet	60 feet
(3) Maximum lot coverage by building	28%	28%

^(a) On curved streets, the lot width shall be the arc length of the building setback line.
^(b) Per Dwelling Unit

1153.07 SETBACK REQUIREMENTS.

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side, and rear setbacks set forth in this Section for the district in which the lot is located, except as otherwise regulated in Chapter 1183, Conditional Use Regulations. The area within each required setback shall remain unobstructed by structures, except as otherwise permitted in this Code.

- (a) Front Setback. Each lot shall have and maintain a front setback in compliance with the Setback Map, City of Rocky River, May 12, 1975.
- (b) Front Setback on Through Lots. On a through lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth on the Setback Map, City of Rocky River, May 12, 1975. There shall be no required rear setback on a through lot.
- (c) Side Setbacks. Each interior and through lot shall have and maintain two side setbacks. Schedule 1153.07 sets forth the minimum width of each side setback.
- (d) Rear Setbacks. Each lot shall have and maintain a rear setback as specified in Schedule 1153.07.
- (e) Corner Lot Setbacks. Corner lots shall have and maintain the setback requirements in this sub-section, if the Setback Map, City of Rocky River, May 12, 1975, is unclear. See Figure 1 below.
 - (1) Corner Side Setback. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:
 - A. The depth of the front yard on a corner lot shall be not less than the required setback as established on the Setback Map or by regulations in this Zoning Code.

- 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 (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) 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.
- 7) Any other information as may be requested by the Board, Law Director, or Building Commissioner.
- 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.



6/28/2023

Property Owner

Date



6/28/2023

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: 6/28/2023
Zoning of Property R-1 Family Platted Lot

Hearing Date: 7/13/2023
Permanent Parcel No. 301-26-061

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

Address of property seeking variance: 19670 Tebir Ave.

Adam Burg

Brian T. Hennies

Name of Property Owner

Name of Applicant / Representative

19670 Tebir Ave., Rocky River

19749 Tebir Ave., Rocky River

Address

Address

-

330-241-1063

-

440-339-9334

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: adamburg@gmail.com

E-MAIL: bthennies@yahoo.com

Description of what is intended to be done:

New addition to the front of the house, and reconstructing the second floor to update bedrooms and match the footprint. The existing foundations, basement layout and first floor layout will remain in place and only be modified as required to gain access to building systems.

Sections of the Code from which variance is being requested:

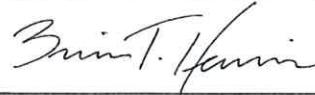
1. AC unit Setback - 2. Lot Coverage - 3. Side Setback

List variances requested:

1. AC unit to relocated to opposite side of house, 4'-0" from property line (10' required) - 2. Lot Coverage to allow 30.6% (28% max) - 3. Side Setback of 2'-0" and 3'-5" from property line (5' required)



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: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • Rear, side & front setbacks • Coverage (>28%) 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	(Area) Practical Difficulties 2'-0" and 3'-5" (Area) Practical Difficulties 30.6%
DRIVEWAYS: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • Width • Distance from property line • Circular if lot width is <90' 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties
SIGNS: (Complete Sign Permit Application)		
<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"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties
FENCES: (Complete Fence Permit Application)		
<ul style="list-style-type: none"> • Height or Openness • Front Yard (in setback) 	<input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)		
<p>Note: Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</p>		
<ul style="list-style-type: none"> • Height • Setback from property line • Square footage 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties
Air Conditioners and Generators: (Complete HVAC Permit for A/C or Electrical Permit for Generators)		
<ul style="list-style-type: none"> • In side yard <10' from property line or in front yard 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties New location will be 4'-0" from property line
Parking: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • < the number of spaces required • Setback from property line 	<input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties

Responses are numbered based on

1. AC unit Setback
2. Lot Coverage
3. Side Setback

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).

1. The property lot width of 40' is one of the smallest in the city, and currently built out to maximize the use on the land. It (as well as other properties in this neighborhood) is closer to the property line than today's codes permit for side yard setbacks. The location will now be in the backyard with easier access, but also not in the middle of the yard.

2. The lot is smaller compared to others in the neighborhood and city, < 28% coverage does not allow too many options to expand. The 30.6% requested does not seem unreasonable compared to the current code.

3. The property lot width of 40' is one of the smallest in the city, and currently built out to maximize the use on the land. It (as well as other properties in this neighborhood) is closer to the property line than today's codes permit for side yard setbacks. The east end is to allow a standard size attached garage width, and the west end would not go beyond the current extents of the house.

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).

1. Without the variance the AC unit has to be located within the middle of the backyard grass area.

2. Without the variance the addition would have to reduce the footprint, making the interior use less ideal, and closer to what some bedroom sizes and quantities are now.

3. Without the variance the addition would not be able to accommodate an attached garage, which is a driving factor to doing this project.

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).

1. The AC location we feel is very minor since we are moving the backyard, further away from the property line than it currently is, which we feel is an improvement.

2. The lot coverage is only 2.6% above the maximum which is very minor. The former detached garage footprint is being removed and turned back over to yard, providing more space and pervious ground area.

3. The side setback we feel is not too unreasonable given the narrow lots in this neighborhood, and it is within reason of other houses current setbacks and other various requests.

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).

1. The AC unit location would not affect the character of the neighborhood and adjoining properties would not suffer detriment because of the variance, moving it to the back of house as proposed would get out of sight, which is currently visible from the street.

2. The lot coverage difference we feel is negligible and adjoining properties would not suffer detriment because of the variance.

3. We don't feel the variance would substantially alter the adjoining properties. The neighbors to the east have no backyard gate / access or driveway on this side. And to the west we would not be building beyond where the house currently is, so will not encroach any further.

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

Either would not affect any government services. All services would be from same locations.

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

No, all conditions existed when purchased.

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

No, all conditions existed prior to purchase.

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).

1 & 3. Adhering to the current setbacks would locate the AC unit in the middle of the backyard grass area, and would also move the building in further than it exists today.

2. Without the variance the addition would have to reduce the footprint, making the interior use less ideal, and closer to what some bedroom sizes and quantities are now.

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 setback variances would allow the owner to have an attached garage, mudroom and more acceptable bedroom sizes for today's living, all of which cannot be achieved with the current arrangement. The size and quantity of bed and bathroom are appealing for current and future homeowners, and the attached garage look is consistent to other recent home constructions on the street.

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 don't see any of the requests to confer any special privileges to this property/owner, it appears to be in line with other nearby property requests or variances for similar reasons.

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.

This property (as well as others in this neighborhood) is at a disadvantage with the narrow property widths, adhering to the setback distances in the code would normally not allow for these type of improvements that other properties in the city can easily achieve. Same can be said for the lot coverage, as a percentage it allows less opportunity for total square feet.

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.

UNNECESSARY HARDSHIP STANDARD

ONLY ANSWER THESE QUESTIONS IF YOU ARE REQUESTING A VARIANCE FOR ANY FUNCTIONAL, LAND OR BUILDING USE NOT SPECIFICALLY PERMITTED IN EITHER A PARTICULAR ZONING DISTRICT, OR OTHERWISE NOT PERMITTED BY THE DEVELOPMENT CODE. (See Typical Variance Sheet for guidance.)

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

In order to grant a use variance, the Board of Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. **THE APPLICANT MUST DEMONSTRATE SUCH HARDSHIP BY CLEAR AND CONVINCING EVIDENCE** that the criteria in Rocky River Codified Ordinances, sub-section 1133.17(c)(2) is satisfied.

R.R.C.O. Chapter 1133.17(c)(2)A. Please demonstrate hardship with the following:

- i.) Explain how the variance requested stems from a condition that is **UNIQUE TO THE PROPERTY AT ISSUE** and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original building, etc.)

- ii.) Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents.

- iii.) Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.

iv.) Explain how the variance will be consistent with the general spirit and intent of the Code.

v.) Explain how the variance sought is the minimum that will afford relief to the applicant.

R.R.C.O. Chapter 1133.17(c)(2)B. If applicable, explain what further evidence you would like the Board of Appeals to consider, as follows:

i.) Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

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.