

# **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.**

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

*Jill L. Brandt*  
\_\_\_\_\_  
Applicant/Representative

4/26/21  
\_\_\_\_\_  
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: 4/26/21 7/25/23  
Zoning of Property \_\_\_\_\_

Hearing Date: \_\_\_\_\_  
Permanent Parcel No. \_\_\_\_\_

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

Address of property seeking variance: \_\_\_\_\_

Rick & Joni Mihelic  
Name of Property Owner

Jill Brandt  
Name of Applicant / Representative

313 Riverdale  
Address

19440 Riverwood Ave.  
Address

216-218-9300  
Telephone No. \_\_\_\_\_ Cell Phone No. \_\_\_\_\_

440-865-1824  
Telephone No. \_\_\_\_\_ Cell Phone No. \_\_\_\_\_

E-MAIL: rmihelic@ramscm.com

E-MAIL: jbrandt@brandtarchitecture.com

Description of what is intended to be done:

new 513 sf garage and multi story addition to include 1758 sf living space and roof top deck

Sections of the Code from which variance is being requested:

1153

List variances requested:

Sideyard setback of 1'-1" vs. the 5' permitted

Riverdale setback of 10'-0" vs the 25'-0" required

\_\_\_\_\_  
Property Owner's Signature

Jill L. Brandt  
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 <b>USE</b> 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:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>Rear, side &amp; front setbacks</li> </ul>	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Coverage (&gt;28%)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>DRIVEWAYS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>Width</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Distance from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Circular if lot width is &lt;90'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>SIGNS:</b> <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> <li>Area allowed (maximum sq. ft.)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Front setback</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Lot width &lt;100'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Number of items of information</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>On side of building</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>FENCES:</b> <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> <li>Height or Openness</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Front Yard (in setback)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>ACCESSORY BUILDINGS (Play Structures, Storage Sheds:</b> <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i> <u><b>Note:</b></u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)		
<ul style="list-style-type: none"> <li>Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Setback from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Square footage</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Air Conditioners and Generators:</b> <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> <li>In side yard &lt;10' from property line or in front yard</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Parking:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>&lt; the number of spaces required</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Setback from property line</li> </ul>	<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 house is 1'-1" from the side property line and 9'-10" from the front property line. We are maintaining those.

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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 existing garage is not useable as a garage so some type of improvement needs to happen. Given the constraints of the site, a variance is needed

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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 side yard setback is substantial but existing.

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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).

No, this neighborhood has a diverse character with many sloping sites and a variety of homes.

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

no

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

Yes, existing home is non-conforming as are many in this neighborhood.

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

No

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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).

Given the sloping site, this is the most practical location for the garage. Locating it at the lower level would involve an excessively long driveway.

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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).

This is an irregular site with a non conforming house. The project will be a good improvement to the property and allowing cars to park in a garage rather than on the street at that tight turn is safer for the 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.

No, many of the homes in this area are on irregular lots and similar conditions needing variances for any improvements.

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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.

See J

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## 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.)

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

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- 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.

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

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

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**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.

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

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