

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

## NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS  
ON  
AUGUST 10, 2023

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, AUGUST 10, 2023 AT 7:00 PM FOR A **RENEWAL** VARIANCE TO CONSTRUCT A 2-STORY GARAGE ADDITION WITH A 10' FRONT SEBACK (On Riverdale Dr.) VS. 25' FRONT SETBACK REQUIRED (Section 1153.07(a)) AND A **RENEWAL** VARIANCE TO CONSTRUCT A 2-STORY GARAGE ADDITION WITH A 1' – 1" SIDE YARD SETBACK VS. 5' SIDE YARD SETBACK REQUIRED (Section 1153.07(f)(1)A.) FOR RICK AND JONI MIHELIC.

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 THE MEETING LISTED FOR THIS 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

DENISE HULK  
1220 W 6 ST  
CLEVELAND, OH 44113

MIHELICH, RICHARD A. & JONI J  
315 RIVERDALE DR  
ROCKY RIVER, OH 44116

DAVID J ALLEN  
19200 FRAZIER DR  
ROCKY RIVER, OH 44116

ROCKY RIVER CITY OF  
341 YACHT CLUB DR  
ROCKY RIVER, OH 44116

DOLINGA, ROBERT  
341 RIVERDALE DR  
ROCKY RIVER, OH 44116

SEELIE JOHN F  
329 SO RIVERDALE AVE  
ROCKY RIVER, OH 44116

SEELIE, JOHN F.  
323 S RIVERDALE AVE  
ROCKY RIVER, OH 44116

RIVERDALE TERRACE LLC  
108 LANE D  
SANDUSKY, OH 44870

BUSH, DANIEL A., TRUSTEE  
295 YACHT CLUB DR  
ROCKY RIVER, OH 44116

MCALLESTER, MATTHEW  
297 RIVERDALE DR  
ROCKY RIVER, OH 44116

BUSH, DANIEL A.  
299 YACHT CLUB DR  
ROCKY RIVER, OH 44116

MIHELICH, RICHARD A. & JONI J.  
313 RIVERDALE DR  
ROCKY RIVER, OH 44116

TIPPIT, ELIZABETH K.  
331 S RIVERDALE AVE  
ROCKY RIVER, OH 44116



## Cuyahoga County GIS Viewer



Date Created: 8/3/2023

### Legend

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



200 0 100 200 Feet

Projection:  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

(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.

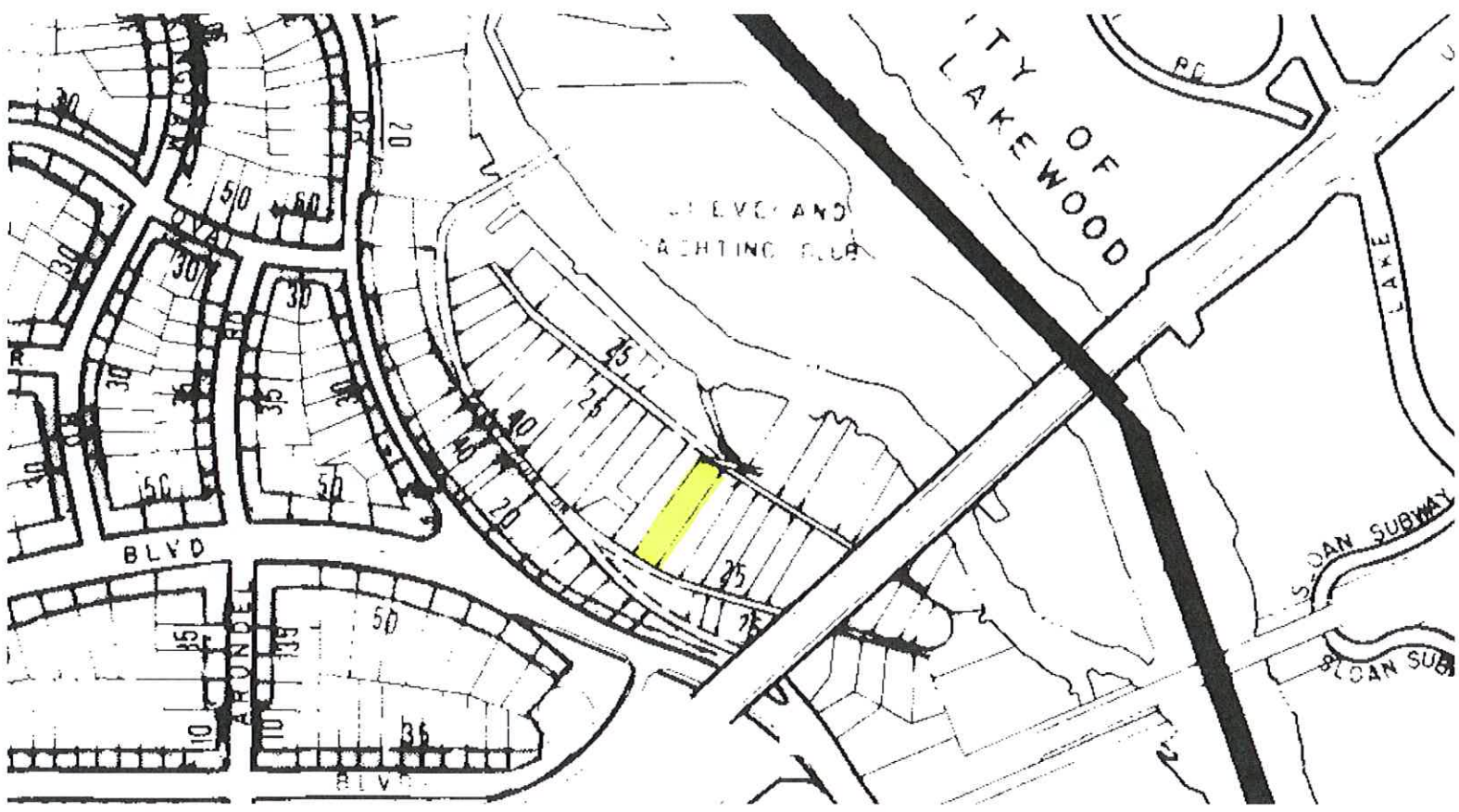
(c) Schedule 1153.05 Minimum Lot Requirements.

<b>Schedule 1153.05 Minimum Lot Requirements</b>		
	<b>R-1 Single-Family Residential District</b>	<b>R-2 Two-Family Residential District</b>
(1) Minimum lot area	10,000 square feet	6000 square feet <sup>(b)</sup>
(2) Minimum width at building setback line <sup>(a)</sup>	75 feet	60 feet
(3) Maximum lot coverage by building	28%	28%
<sup>(a)</sup> On curved streets, the lot width shall be the arc length of the building setback line.		
<sup>(b)</sup> 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:

<b>Schedule 1153.07 Minimum Setback Requirements</b>		
	<b>R-1 Single-Family Residential District</b>	<b>R-2 Two-Family Residential District</b>
(1) Side Setback <sup>(a)</sup>		
A. Minimum of any one side	8 feet	8 feet
B. Total side setback	16 feet	16 feet
(2) Rear Setback <sup>(b)</sup>	25 ft.	25 ft.
<sup>(a)</sup> 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. <sup>(b)</sup> 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.		

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 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: \_\_\_\_\_

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:

Sidyard 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>		
<b><u>Note:</u></b> 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

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.

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

No

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.

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.

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.

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

**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.**

