



21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

## NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS  
ON  
JANUARY 12, 2023

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JANUARY 12, 2023 AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A CONCESSION STAND WITH A HEIGHT OF 19' – 3" VS. MAXIMUM HEIGHT OF 15' PERMITTED FOR ACCESSORY STRUCTURES IN A PUBLIC FACILITY ZONING DISTRICT (Section 1151.09(d)) FOR MAGNIFICAT HIGH SCHOOL, 20770 HILLIARD 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 FOR REVIEW VIA E-MAIL OR IN-PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT [kstraub@rrcity.com](mailto:kstraub@rrcity.com) OR BY CALLING 440-331-0600 EXT. 2037.

Notices sent to:

See attached list

BROGAN, JAMES E. & JULIA  
MARY TRUSTEES  
4 WESTFIELD LN  
ROCKY RIVER, OH 44116

MAGNIFICAT HIGH SCHOOL  
ATTN. JULIE MELVIN  
20770 HILLIARD BLVD  
ROCKY RIVER, OH 44116-3309

BRANKO & ZORKA VULOVIC  
10 WESTFIELD LN  
ROCKY RIVER, OH 44116-2572

DEVOR, GREGORY P. & HOLLY A.  
3 WESTFIELD LN  
ROCKY RIVER, OH 44116

MAGNIFICANT HIGH SCHOOL  
ATTN: JULIE MELVIN  
20770 HILLIARD BLVD  
ROCKY RIVER, OH 44116

MIYOSHI, HIROSHI & KIMBERLY  
K.  
5 WESTFIELD LN  
ROCKY RIVER, OH 44116

LEITCH, DIANA J. TRUSTEE  
7 WESTFIELD LN  
ROCKY RIVER, OH 44116

PLACHTA, DAVID W & PLACHTA,  
MARILYN V  
1 WESTFIELD LN  
ROCKY RIVER, OH 44116

SIERPUTOWSKI ROSEMARIE  
WHITE  
1871 WAGAR RD  
ROCKY RIVER, OH 44116

PALMER MONDOZZI, MARGARET  
& MONDOZZI, MICHAEL J  
PO BOX 660278  
DALLAS, TX 75266

MICHAEL T. MCGOVERN,  
TRUSTEE  
5405 DEERPATH DR  
SHEFFIELD LAKE, OH 44054

ROBERT & K WEIST  
20683 WESTWAY DR  
ROCKY RIVER, OH 44116-2528

WINTER, DONNA M.  
20621 WESTWAY DR  
ROCKY RIVER, OH 44116

HYLAND, SUSAN M.  
2 WESTFIELD LN  
ROCKY RIVER, OH 44116

SCHWARTZ, ROBERT E  
20775 WESTWAY DR  
ROCKY RIVER, OH 44116

KIESNER, GERALD J.  
20919 WESTWAY DR  
ROCKY RIVER, OH 44116

SCREPTOCK, DANIEL JOHN  
1785 WAGAR RD  
ROCKY RIVER, OH 44116

PAUL T VALKOFF  
20663 WESTWAY DR  
ROCKY RIVER, OH 44116

WHITLOW, CATHERINE  
ELIZABETH  
2130 NORTHVIEW RD  
ROCKY RIVER, OH 44116

JONES RYAN C & DORT  
JENNIFER  
1881 WAGAR RD  
ROCKY RIVER, OH 44116

HONG LAI & PHUONG NGOC  
TCHEN  
1729 WAGAR RD  
ROCKY RIVER, OH 44116-2312

LLOYD, LESLIE A.  
20619 WESTWAY DR  
ROCKY RIVER, OH 44116

MARK & CAROL FORRESTER  
20555 WESTWAY AVE  
ROCKY RIVER, OH 44116

ALMERINDA GIAMPAOLO  
1709 WAGAR RD  
ROCKY RIVER, OH 44116-2312

AGNES F VOYTUS  
1745 WAGAR RD  
ROCKY RIVER, OH 44116

WESTFIELD LANE ASSOC  
9 WESTFIELD LN  
ROCKY RIVER, OH 44116

STEMBERGER, MOLLY AND  
STEMBERGER, JOSEPH  
20755 WESTWAY DR  
ROCKY RIVER, OH 44116

REAGAN, CHASE J. & REAGAN,  
LAUREN B.  
1755 WAGAR RD  
ROCKY RIVER, OH 44116

RIVERBANK EST ASSOC  
20508 HILLIARD DR  
ROCKY RIVER, OH 44116

CRAIG & MARGIE BARNER  
1775 WAGAR RD  
ROCKY RIVER, OH 44116-2312

RECHIN, BRIDGET & KYLE  
8 WESTFIELD LN  
ROCKY RIVER, OH 44116

BARRETT THOMAS M  
1817 WAGAR RD  
ROCKY RIVER, OH 44116

O'DONNELL, THOMAS R.  
20949 WESTWAY DR  
ROCKY RIVER, OH 44116

MATTHEWS, GARY L  
1895 WAGAR RD  
ROCKY RIVER, OH 44116

MOSIER, JASON C.  
20939 WESTWAY DR  
ROCKY RIVER, OH 44116

LAGASCA, GILBERT  
510 E LINCOLN ST  
CARSON, CA 90745

JENNIFER ANDREWS  
528 BRADLEY RD  
BAY VILLAGE, OH 44140

SILL, JAMES M AND SANDRA M  
1737 WAGAR RD  
ROCKY RIVER, OH 44116

LANGE, PATRICK C  
20569 WESTWAY DR  
ROCKY RIVER, OH 44116

BOEHM, ROBERT J. & PAULA F.  
6 WESTFIELD LN  
ROCKY RIVER, OH 44116

PETROSKY, DARA LYNN  
1851 WAGAR RD  
ROCKY RIVER, OH 44116

CLINE, MICHAEL T.  
1901 WAGAR RD  
ROCKY RIVER, OH 44116

BURNS, MICHELE A.  
1721 WAGAR RD  
ROCKY RIVER, OH 44116

DEFOE, BRANDON M & ALLISON E  
20643 WESTWAY DR  
ROCKY RIVER, OH 44116

FAE JEAN JACOB  
20879 WESTWAY DR  
ROCKY RIVER, OH 44116-2530

LYNCH, VIRGINIA A.  
20735 WESTWAY DR  
ROCKY RIVER, OH 44116

HOFFMAN, THOMAS A. AND  
HOFFMAN, MARIA  
20859 WESTWAY DR  
ROCKY RIVER, OH 44116

FIRST PLACE BANK  
185 E MARKET ST  
WARREN, OH 44481

(b) Schedule 1151.07. Minimum Building Setbacks.

| <b>Schedule 1151.07<br/>Minimum Building Setbacks</b>                |                                 |
|--|---------------------------------|
|  | <b>PF<br/>Public Facilities</b> |
| (1) Minimum Setback from Street Right-of-Way                         | (a)                             |
| (2) Setback from Side & Rear Lot line abutting non-residential dist. | 15 feet                         |
| (3) Setback from Side & Rear Lot line abutting residential dist.     | 75 feet                         |

Notes to Schedule 1151.07:  
 (a) Each lot shall have and maintain a minimum setback from a street right-of-way in compliance with the Setback Map, City of Rocky River, May 12, 1975.

**1151.09 HEIGHT REQUIREMENTS.**

Buildings and structures shall comply with the following height regulations:

- (a) When adjacent to a residential district, permitted buildings may be erected to a height not exceeding one-half (1/2) the width of the side or rear yard where adjoining a single-family residential district, or to a height not exceeding two-thirds (2/3) the width of a side or rear yard where adjoining a multi-family district boundary line.
- (b) When adjacent to a non-residential district, the maximum height for principal buildings or structures shall not exceed thirty-five (35) feet.
- (c) Spires and other ornamental devices located upon or constituted as an integral part of a principal building may exceed the above restriction, but shall not exceed a height of one hundred (100) feet above finished grade. Other permitted height exceptions are set forth in Chapter 1181, General Use Regulations.
- (d) The maximum height of accessory building or structures shall not exceed fifteen (15) feet.

**1151.11 OFF-STREET PARKING REGULATIONS.**

Off-street parking areas shall conform to the regulations of Chapter 1187 and to the parking requirements set forth below:

- (a) Schedule 1151.11 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

MINUTES OF MEETING  
PLANNING COMMISSION  
NOVEMBER 15, 2022

\*\*\*\*\*

Members Present: McAleer, Capka, Allen, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner  
Michael O'Shea, Law Director  
Kate Straub, Planning and Zoning Coordinator

Council Members: Jeanne Gallagher, Ward 3 Councilmember

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Chairman Bishop called to order the November 15, 2022 meeting of the Planning Commission at 6:30 P.M. in City Council Chambers of Rocky River City Hall.

Mr. Bishop asked if there are any corrections to the meeting minutes of October 18, 2022. Mr. DeMarco moved to approve the minutes as presented. Mr. McAleer seconded.

5 Ayes – 0 Nays  
Passed

**1. MAGNIFICAT HIGH SCHOOL – 20770 Hilliard Blvd – PUBLIC HEARING – Preliminary Review - Concession Stand, Press Box and Bleacher Installation.** Ms. Jill Brandt, Architect, came forward to present the proposal. Mr. Capka is recusing himself from this item.

Magnificat is proposing an 822 sq. ft. concession stand located north of the existing parking lot and east of the existing soccer and lacrosse fields. They will be moving the bleachers from the west side of the field to the east side and they will be adding some additional bleachers. A very small temporary mobile press box will only be out when there are games. She explained the materials that will be used to construct the concession stand, which will be hardy board siding in a tan that is similar to the EIFS on the adjacent building. The standing seam metal roof will be blue to match the magnificat colors and some other structures on site. Regarding exterior lighting, there will be only egress lighting over the doorways and service windows of the concession stand and the ticket booth. The ticket booth will be incorporated into the concession stand, as was suggested and they are not changing the footprint of the concession stand, rather they are taking some space from the storage area and put a window on the west façade of the building. There will be a concrete pad around the concession stand for access around the building for access to the entry gate, toilet rooms and a slightly deeper pad at the service window in front. There will be a sidewalk to the bleachers that will be on the east side of the field and a concrete pad under the bleachers. There will be landscaping on the south side of the concession stand between the concession stand and the parking lot and gate. This will be done by the Magnificat Seeds of Service Club. There may be minimal landscaping on the north side but they want to keep that program flexible so that track and field still has ample space and flexibility for their training. The height of the concession stand is proposed to be 19' – 3" and they will be seeking a variance for that height. They will be before Design Board at their next meeting.

Mr. Bishop moved to open the public hearing. Mr. McAleer seconded.

4 Ayes – 0 Nays  
Passed

Ms. Rose White, 1871 Wagar Rd., came forward and questioned the new bleachers in relation to the existing bleachers. She asked about the size of them and where the announcer box will be stored when not in use. Mrs. Brandt said that they will be relocating the existing bleachers to the east side of the field and they will be for the home team and visitors. The team benches will be located on the east side and the portable temporary announcer box along with the portable speaker that goes with it will be stored in the concession stand storage unit when there is not a game. The fields do not have lighting, so all games will be played during daylight hours.

Mr. Mike Sierputowski, also residing at 1871 Wagar Rd., came forward and asked what the capacity of the bleachers is and the response was 200 people. These features will not expand the playing dates for lacrosse, soccer and field hockey and OSHA tournaments are not a possibility.

Mr. Jerry Kiesner, 20919 Westway Ave., asked if the concession stand will be replacing an existing structure and Mr. Bishop said that it is not correct. Mr. Kiesner said he would like it if Magnificat would install more landscaping on the north side of the property. He said that he would not like a big ugly brown fence installed along there.

There being no further public comment, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays – 1 Abstain (Capka)  
Passed

Mr. DeMarco asked about the press box storage in the concession stand and whether it is collapsible to make it easy to do that. Mrs. Brandt replied that it is collapsible and easy to maneuver. Regarding the capacity of the kitchen, they will just have a hotdog warmer and pizza brought in along with pop being sold out of the concession stand. Mr. DeMarco said he likes the fact that the students will have the opportunity to do the landscaping around the building for a nice service project.

Mr. Bishop said that they require the variance for the height of the concession stand because 15' is the maximum height permitted in a Public Facility zoning district. He said that there doesn't seem to be any concerns from the public regarding the height and he is not sure that our code could ever anticipate this use as an accessory building. In some ways the code is unfair to what this proposal is and he would support the variance request. Other members agree that they would support the variance request for height.

Mr. DeMarco moved to grant preliminary approval to Magnificat High School, 20770 Hilliard Blvd., for a new Concession Stand, Press Box and Bleacher Installation.

4 Ayes – 0 Nays – 1 Abstain (Capka)  
Approved

# **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.

**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

Date

*Jill L Brandt*  
Applicant/Representative

11/29/22  
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: \_\_\_\_\_  
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: 20770 Hilliard Blvd.

Magnificat High School

Name of Property Owner

20770 Hilliard Blvd.

Address

Brandt Architecture, LLC

Name of Applicant / Representative

2220 Wooster Rd.

Address

440-865-1824

Telephone No.

Cell Phone No.

E-MAIL:

E-MAIL: jbrandt@brandtarchitecture.com

Description of what is intended to be done:

The scope of work will be a new 822sf single story concession stand containing a kitchen, 2 toilet rooms, storage, and utility space. Additionally, bleachers will be added to the east side of the field with a prefabricated portable press box adjacent to the bleachers. The west side of the field will have team benches. The existing bleachers will be relocated.

Sections of the Code from which variance is being requested:

1151.09

List variances requested:

Height variance for accessory structure of 19'-3" v 15'-0" permitted

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<br>Applicable              | VARIANCE STANDARD             |
|--|-------------------------------------|-------------------------------|
| • 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    |
| <b>ADDITIONS &amp; BUILDINGS:</b> <i>(Complete Building Permit Application)</i>  |                                     |                               |
| • Rear, side & front setbacks  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Coverage (>28%)  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| <b>DRIVEWAYS:</b> <i>(Complete Building Permit Application)</i>  |                                     |                               |
| • Width  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Distance from property line  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Circular if lot width is <90'  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| <b>SIGNS:</b> <i>(Complete Sign Permit Application)</i>  |                                     |                               |
| • Area allowed (maximum sq. ft.)   | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Height   | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Front setback  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Lot width <100'  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Number of items of information   | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • On side of building  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| <b>FENCES:</b> <i>(Complete Fence Permit Application)</i>  |                                     |                               |
| • Height or Openness   | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Front Yard (in setback)  | <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>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)   |                                     |                               |
| • Height   | <input checked="" type="checkbox"/> | (Area) Practical Difficulties |
| • Setback from property line   | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • Square footage   | <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>  |                                     |                               |
| • In side or rear yard <10' from property line or in front yard  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| <b>Parking:</b> <i>(Complete Building Permit Application)</i>  |                                     |                               |
| • < the number of spaces required  | <input type="checkbox"/>            | (Area) Practical Difficulties |
| • 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 accessory structure is located in the center of a large institutional property. It is located over 300' from any adjacent residential structures. It is in scale with the use of the property and athletic fields. We feel the height limitation listed in the ordinances is intended for more residential scale. The height of 19'-3" allows for a 4/12 roof pitch that is both functional in this climate, aesthetically appropriate, allows for minor attic storage and visibility of the facade and any signage from the field.

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).

A maximum height of 15' would limit the functionality listed above.

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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).

NO it is only 4'-3", or less than 25% above the code requirement. Given the scale of the property this is minor.

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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, the concession stand is located in the center of a large property. It is located over 300' from any adjacent residential structures. It is in scale with the use of the property and athletic fields. It is aesthetically compatible with other structures on the property. The height of 19'-3" allows for a 4/12 roof pitch that is both functional in this climate, aesthetically appropriate, allows for minor attic storage and visibility of the facade and any signage from the field.

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.

No

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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 footprint required by the program of the space at 15' roof would not provide either sufficient pitch, attic space, visibility & signage related to program and aesthetic appeal. While aesthetic appeal is not typically a factor for this board, in the case of a non-residential property, this structure is part of the school's campus image.

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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).

We feel the height restrictions in the ordinances are aimed for residential application and this property and building type as an accessory structure are more atypical in the community.

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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, all the other high schools in this district that have athletic fields also have concession stands and toilet facilities for their athletes and guests.

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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 above J

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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.**

## **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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**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.**



