

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 GARAGE ADDITION WITH A 3.5' SIDE YARD SETBACK VS. 5' SIDE YARD SETBACK REQUIRED (Section: 1153.07(1)) AND A VARIANCE TO CONSTRUCT A TWO-STORY ADDITION WITH A SIDE YARD SETBACK OF 1' – 11.25" VS. 5' SIDE YARD SETBACK REQUIRED (Section: 1153.07(1)), AND A VARIANCE TO CONSTRUCT A GARAGE ADDITION AND 2-STORY ADDITION WITH 34.8% LOT COVERAGE VS. 28% MAXIMUM LOT COVERAGE PERMITTED (Section: 1153.05(c)(3)) FOR GRAHAM AND DANA WILLIAMSON, 370 ARGYLE 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 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 OR BY CALLING 440-331-0600 EXT. 2037.

Notices sent to:

See attached list

BRIDELL, JENNIFER
395 CORNWALL RD
ROCKY RIVER, OH 44116

SALLY LOU MYLETT TRUSTEE
395 ARGYLE RD
ROCKY RIVER, OH 44116

ANDREW D & LYNETTE M
KARTH
5050 KINGSLEY DR
CINCINNATI, OH 45263

CHAO, ROSLYN
394 ARGYLE RD
ROCKY RIVER, OH 44116

ROMEO, CRISTINA ANN
375 CORNWALL RD
ROCKY RIVER, OH 44116

EUGENE FAHNERT
363 CORNWALL RD
ROCKY RIVER, OH 44116-1665

BETSY M HUTCHESON
343 CORNWALL RD
ROCKY RIVER, OH 44116-1665

SCHWIND, CHRISTOPHER A. &
THERESE
350 ARGYLE RD
ROCKY RIVER, OH 44116

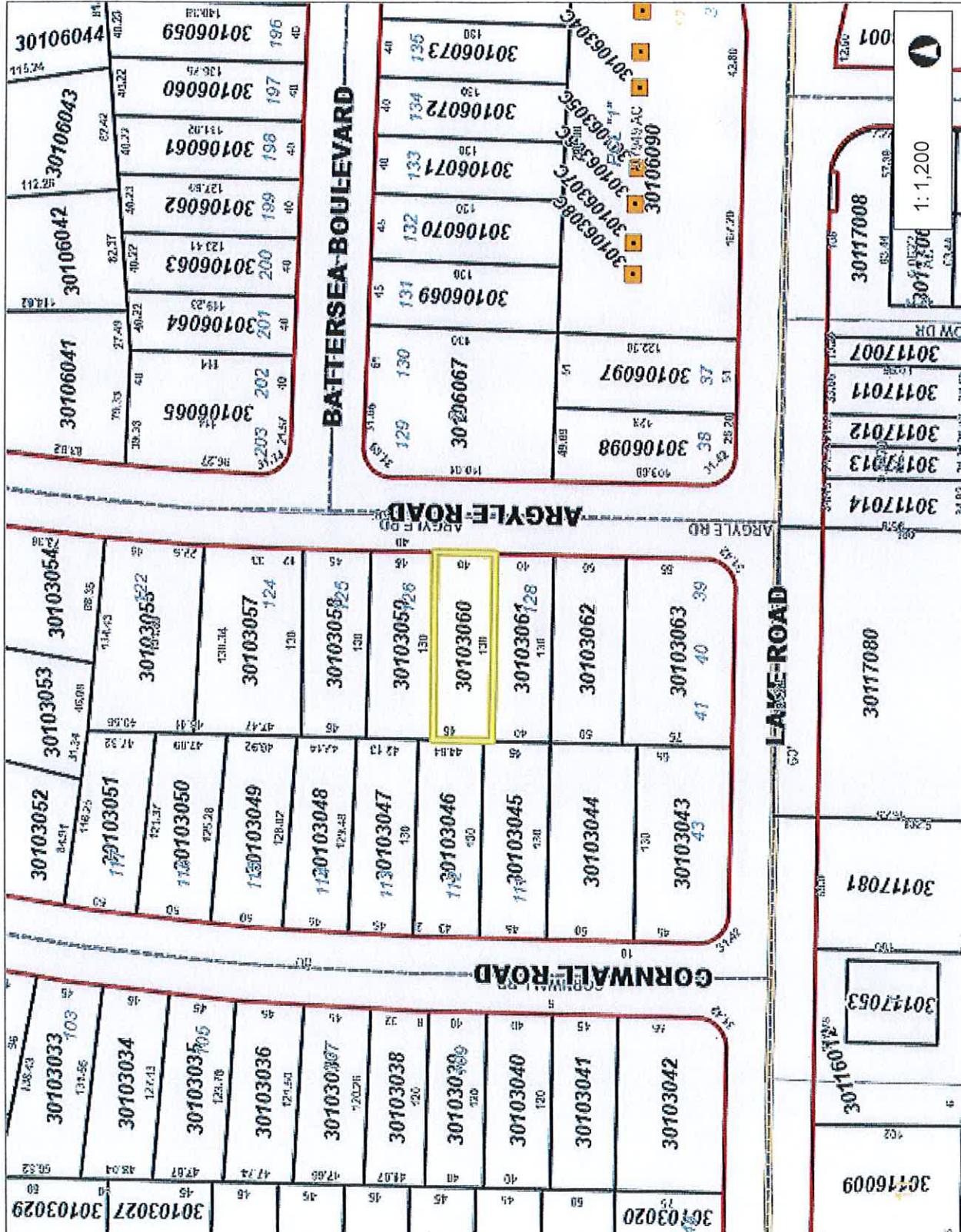
YOUNG, JAMES N. & SUZANNE
M.
381 CORNWALL RD
ROCKY RIVER, OH 44116

LAWRENCVE A DELREGNO
351 CORNWALL RD
ROCKY RIVER, OH 44116

HEATH DEMAREE
387 CORNWALL RD
ROCKY RIVER, OH 44116

ANDREW D & LYNETTE M
KARTH
19875 BATTERSEA BLVD.
ROCKY RIVER, OH 44116

Cuyahoga County GIS Viewer



200 100 0 200 Feet

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.

Projection:
WGS_1984_Mercator_Auxiliary_Sphere

Enterprise GIS
PUTTING CUYAHOGA COUNTY ON THE MAP

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.
<p>^(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.</p> <p>^(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.</p>		

(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.

PRACTICAL DIFFICULTIES (370 Argyle WILLIAMSON)

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

R.R.C.O. 1133.17(e)(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).

This is a non-compliant existing house, both on the north and the south. On the south the existing two story house is 23-24 inches from the property line. This 2 story condition is extended to the west, but gets no closer to the property lines. On the north, the existing one story garage is 39-1/2" to the property line. The garage proposed will also be one story, and no closer to the property lines. The lot is a 40 foot wide lot, narrow, the owners request a larger house, the only way to expand is to the west. Architect kept the one story non-compliant side one story, and expanded the two story with a two story addition.

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 owner's growing family will need this addition to stay in this Rocky River house.

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 north side garage is narrowed compared to the existing to maintain the existing set back line. The south two-story addition follows the south wall. These are the minimum additions.

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).

The character of the neighborhood will not change.

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

No services will change.

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

Zoning requirements were discussed with the architect.

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

No special considerations for the owner or conditions caused by the owners are to be considered.

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).

Variances are held to a minimum and the location of the mud room / garage have been considered throughout the design process. The south additional primary bedroom / family room follow the same lines of the existing.

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 homeowners have consistently parked outside, and the garage design would allow indoor (out of sight) parking.

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 special privilege will be granted.

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.

These variances would allow this house to have some amenities commonly included in modern homes and often omitted in historic homes. 1) the indoor parking for at least 2 cars, 2) yard type storage for bikes, lawn equipment, drive maintenance, athletic equipment.... Etc. and 3) allow for mud room, storage and modern enlarged kitchen and storage. The south addition includes a family room and primary bedroom on the second floor, both these

spaces are considered typical in today's family. All two additions are planned to equip this home the common modern amenities.

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.







