

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 NEW SINGLE FAMILY RESIDENCE WITH A HEIGHT OF 32' - 4" vs. 25' MAXIMUM HEIGHT PERMITTED (Section 1153.09(a)) FOR FRAZIER NORTH, PPN: 301-09-118 AND A VARIANCE TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE WITH A HEIGHT OF 32' - 4" vs. 25' MAXIMUM HEIGHT PERMITTED (Section 1153.09(a)) FOR FRAZIER SOUTH, 19338 FRAZIER DR.

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. 2073

Notice sent to:

See attached list

SPELMAN, NANCY
19380 FRAZIER DR,
ROCKY RIVER, OH 44116

211YCD LLC
30050 CHAGRIN BLVD, SUITE 360
PEPPER PIKE, OH 44124

Hollis David A
19345 FRAZIER DR,
Rocky River, OH 44116

EPPIG, MICHAEL PARKER-
TRUSTEE
19337 FRAZIER DR,
ROCKY RIVER, OH 44116

KILBANE, ELIZABETH
19401 FRAZIER DR,
Rocky River, OH 44116

FRAZIER NORTH, LLC
2001 CROCKER RD, SUITE 420
WESTLAKE, OH 44145

LINDA WRIGHT
6514 TURKEY RUN W,
MEBANE, NC 27302

Mark E Mcnamara
19342 FRAZIER DR,
Rocky River, OH 44116-1725

CLARK, RYAN M. ETAL
19343 FRAZIER DR,
ROCKY RIVER, OH 44116

PATRICIA A MCHUGH
19341 FRAZIER DR,
ROCKY RIVER, OH 44116

David Rauske
19336 FRAZIER DR,
Rocky River, OH 44116-1725

ANGELA ZAVAGNO
29117 KING ARTHUR CT,
WESTLAKE, OH 44145

FRAZIER SOUTH, LLC
2001 CROCKER RD, SUITE 420
WESTLAKE, OH 44145

WILLIAM G HARTER
918 N TANGLEBRIAR LN,
Fayetteville, AR 72701-2446

HIGGINS, MELANIE A.
255 YACHT CLUB DR,
ROCKY RIVER, OH 44116

Christopher & S Tjotjos
231 YACHT CLUB DR,
Rocky River, OH 44116-1735

KLENOTIC, CHRISTINA G. &
PHILIP A
19339 FRAZIER DR,
ROCKY RIVER, OH 44116

LAKESHORE GROUP LLC
P O BOX 16862,
ROCKY RIVER, OH 44116

HUNGER, RACHEL E. & JESS E
19335 FRAZIER DR,
ROCKY RIVER, OH 44116

SCHUSTER, NANCY C.
221 YACHT CLUB DR,
ROCKY RIVER, OH 44116

DELANEY, KATHLEEN C.
19334 FRAZIER DR,
ROCKY RIVER, OH 44116

Cuyahoga County GIS Viewer



Date Created: 1/4/2023

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel

—Cuyahoga County— **Enterprise GIS**

PUTTING CUYAHOGA COUNTY ON THE MAP

PUTTING CUYAHOGA COUNTY ON THE MAP

THIS MAP IS NOT TO BE USED FOR NAVIGATION

111

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

200 Feet

0 100 200

— Cuyahoga County —

Enterprise GIS

generated static output from an Internet mapping site and data layers that appear on this map may or may not be

1153.09 HEIGHT REQUIREMENTS.

All buildings and structures in any residential district shall comply with the following height regulations:

- (a) The height of principal buildings and structures shall not exceed twenty-five (25) feet.
- (b) The height of accessory buildings and structures shall not exceed ten (10) feet, except the height of detached garages shall not exceed twelve (12) feet at the highest point of the structure for a flat roof, and shall not exceed fifteen (15) feet at the highest point of the structure for any other roof that is not a flat roof, notwithstanding the height definition defined in Section 1123.02(b)(19) of this Code.
- (c) Permitted height exceptions are set forth in Section 1181.01, Supplementary Height Regulations. (Ord. 87-17. Passed 12-17-18.)

1153.11 DESIGN GUIDELINES FOR ONE AND TWO FAMILY DWELLINGS.

The purpose of the following design guidelines is to further the goals of the City's Master Plan. These guidelines are meant to insure that development projects respect the existing built environment that was recognized and valued in the City's Master Plan.

The provisions of this Section shall apply to all residential development, except Cluster Development, within the R-1 and R-2 Districts. Any addition, remodeling, relocation, or construction requiring review by the Architectural Review Board shall adhere to the guidelines in this Section, where applicable. The Architectural Review Board may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

- (a) Character of Dwellings. Principal dwellings are to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination, the following shall be considered:

- (1) Building height, width, and general proportions;
- (2) Architectural features, including patterns of windows and doors, roof pitch, balconies, porches, shutters, dormers, eaves and other decorative detail;
- (3) Building materials.
- (4) Explanation Of Terms. Certain terms and words shall be interpreted with regard to the following explanations:

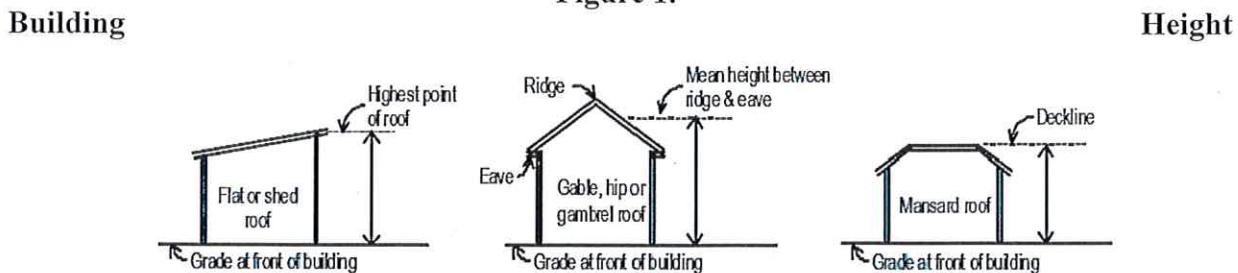
A. Appropriateness. A proposal is judged to be appropriate when it respects the existing architectural style of a building or buildings and fits comfortably within its setting, neighborhood and overall community. This condition applies to landscaping and accessory structures, as well.

B. Compatibility. A design or a material selection is compatible when it does not strongly deviate from its parent building, or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming relative to its neighbors.

C. Proportion. The relationship of parts of a building, landscape, structures, or buildings to each other and to the whole balance.

(19) **Building height.** The vertical distance, measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for a flat roofs; to the decklines of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average finished grade at the building walls. See Figure 1. See Section 1181.01, Supplementary Height Regulations.

Figure 1.



(20) **Building line.** An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.

(21) **Building wall.** In the context of Chapter 1193, Sign Regulations, any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated.

(22) **Carport.** A roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three (3) sides. Such a structure shall be an accessory structure to a garage and shall not exceed one hundred fifty (150) square feet in area.

(23) **Car wash.** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

(24) **Cellar.** See Basement.

(25) **Cemetery.** Cemetery means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.

(26) **Church.** A building or structure used for public worship. The word "church" includes the words "place of worship," "house of worship," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.

(27) **City Engineer.** As defined in Section 144.01 of the Codified Ordinances of the City of Rocky River.

(28) **Civic center.** Grouping of municipal, government, and/or cultural facilities including associated parks and plazas.

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: 01.03.2022 Hearing Date: _____
Zoning of Property R Permanent Parcel No. 301-09-117

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

Address of property seeking variance: 19338 FRAZIER DR - NORTH & SOUTH LOTS

JOHN CARNEY

Name of Property Owner

BRIAN KAUFFMAN - MODERN SMART HOMES

Name of Applicant / Representative

Address

14394 DETROIT AVE

Address

970-390-3595

Telephone No.

Cell Phone No.

440.258.5378

Telephone No.

Cell Phone No.

E-MAIL: jc@johncarneyonline.com

E-MAIL: bk@2odKinc.com

Description of what is intended to be done:

CONSTRUCTION OF (2) NEW HOMES ON NORTH & SOUTH 19338 FRAZIER DR.
LOT. EACH HOME WILL BE (3) STORIES ABOVE GRADE @ STREET ELEVATION
w/ (2) STORIES OF BASEMENT / WALK-OUT @ REAR OF LOT.

Sections of the Code from which variance is being requested:

SECTION 1153.09 HEIGHT REQUIREMENTS - PRINCIPAL BUILDINGS EXCEEDING
25 FT IN HEIGHT

List variances requested:

PROPOSED HEIGHT OF BOTH RESIDENCES WOULD BE 32'-4" FROM GRADE
RESULTING IN A 7'-4" HEIGHT VARIANCE

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 type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
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"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(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"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: (Complete Fence Permit Application)		
<ul style="list-style-type: none"> • Height or Openness • Front Yard (in setback) 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)		
<p><u>Note:</u> 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"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(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 or rear yard <10' from property line or in front yard 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • < the number of spaces required • Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
	<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).

WITH PROXIMITY OF BOTH HOMES TO FRONT PROPERTY LINE (20'-0") DUE TO THE SLOPE OF HILLSIDE WE ARE ATTEMPTING TO BRING DOWN THE SCALE OF OUR DESIGNS BY PROPOSING A TWO-STORY STRUCTURE @ THE 20'-0" SETBACK w/ A THIRD FLOOR RECESSED FARTHERBACK AN ADDITIONAL 12'-0"

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 GARAGE @ THE GROUND FLOOR FORCES A LOT OF ISSUES. TO ACHIEVE A DESIRED OPEN LIVING/ KITCHEN THIS PROGRAM IS REQUIRED TO GO ABOVE FOR NATURAL LIGHT & VIEWS & FURTHERMORE FOR BEDROOMSUITES ABOVE THAT. WE BELIEVE SOME CONCESSION WOULD, TO BE MADE REDUCING THE VALUE & SUCCESS OF SPACES INSIDE. HAVE

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).

WE ARE ATTEMPTING TO PROPOSE THE MINIMUM HEIGHT VARIANCE REQUIRED IN ORDER TO ALLOW BEDROOM SUITES BE LOCATED OVER MAIN LIVING SPACE SINCE GARAGE IS REQ'D ON GROUND FLOOR. VIEWS ARE A PREMIUM ON THE LOTS, WHICH FACE NORTH EAST, WHILE SUNLIGHT IS IMPORTANT IN THE KITCHEN FACING FRAZIER.

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).

WE BELIEVE IT WILL BE ENHANCED. THE 20'-0" SETBACK WILL ALLOW FOR PARKING OFF THE STREET IN FRONT OF EACH GARAGE. THE SET BACK OF THE THIRD FLOOR WILL ALLOW FOR A BETTER SCALE FROM THE STREET. FRAZIER'S CHARACTER IS A MULTITUDE OF STYLES & THESE HOMES WILL NESTLE IT'S NEIGHBOR INTO THE STREETSCAPE. MATERIALS & FEATURES ARE BEING CAREFULLY CONSIDERED.

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

THIS VARIANCE WOULD NOT. WOULD ALLEVIATE ISSUE W/ TRASH PICKUP

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

HE PURCHASED THE PROPERTY W/ KNOWLEDGE OF THE ZONING CODE, BUT UNTIL A DESIGN PROCESS IS PERSUED IT'S HARD TO IDENTIFY THE HARSHIPS THE PROPERTY PLACES ON THE HOUSE LAYOUT.

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

WE BELIEVE THERE ALREADY IS A SIMILAR EXAMPLE OF THIS IN A DIFFERENT STYLE @ 19420

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).

HEAD CLEARANCE @ A THIRD STORY BECOME DIFFICULT & THE SCALE OF THE HOMES GROW FOR UNUSED SPACE ABOVE.

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).

FOR ALL THE REASONS PREVIOUSLY MENTIONED. THE HOMES WOULD BE TRUE TO THEMSELVES

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.

THE WAY WE ARE PROPOSING OUR ROOF LAYOUT THE HOUSE WILL ACTUALLY BE SHORTER THAN WHAT THE CODE WOULD ALLOW

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.

19420 COULD BE AN EXAMPLE OF PRECEDENCE. A LARGE INVESTMENT IS BEING MADE BY OUR CLIENT W/ QUALITY AN UPMOST GOAL. CURRENTLY, THESE VACANT LOTS ARE A HAZARD TO CHILDREN.

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.