

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

## **NOTICE OF PUBLIC HEARING**

BOARD OF ZONING AND BUILDING APPEALS  
ON  
JANUARY 11, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JANUARY 11, 2024 AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A CIRCULAR DRIVEWAY WITH A PORTION OF THE WIDTH MEASURING 18' WIDE VS. 12' MAXIMUM WIDTH PERMITTED FOR CIRCULAR DRIVEWAYS (Section 1153.15(l)(4)D.3.) FOR ANN AND TERRY COYNE, 21215 AVALON 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 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

PARCEL PIN	Name	Address	Zip
30211026	GARIBALDI, FRED G & CAROL C.	21081 AVALON DR	44116
30211008	RUTH A. FORTNEY	21228 AVALON DR	44116
30211033	Schiau, Daniel L.	21060 ABERDEEN RD	44116
30211042	COYNE, ANN L	21215 AVALON DR	44116
30211025	STOCK, JOHN & KATRINA	21109 AVALON DR	44116
30211040	O'Brien, Gregory	21127 AVALON DR	44116
30211037	MCMANAMON, THOMAS J.	21144 ABERDEEN RD	44116
30211019	BOBST, PAMELA E.	21285 AVALON DR	44116
30211034	DAHODWALA, TY	21090 ABERDEEN RD	44116
30211009	BLUE LAKE PROJECT LLC	10 WREN CT	44116
30211005	PATTERSON, ROBERT M. & PATTERSON, CLAIRE B.	21134 AVALON DR	44116
30211038	JOHN R & DANEEN M FARRALL	21190 ABERDEEN RD	44116
30211039	JOHN R & DANEEN N FARRALL	21190 ABERDEEN RD	44116
30211003	AMSDELL, ROBERT J. (TRS) C/O AMSDELL-ACCOUNTING	20445 EMERALD PARKWAY DR	44135
30211036	Alton & Marjorie Sulin	21130 ABERDEEN RD	44116- 1106
30211007	Larue, Cindy L.	21186 AVALON DR	44116
30211041	Strang, Jennifer J. Trustee	21253 AVALON DR	44116
30211035	BARBARA BALOGH MILLOY	21118 ABERDEEN RD	44116
30211024	O'Brien, Gregory	21147 AVALON DR	44116
30211006	DENKO, JOANNE D - TRUSTEE	P O BOX 161175	44116



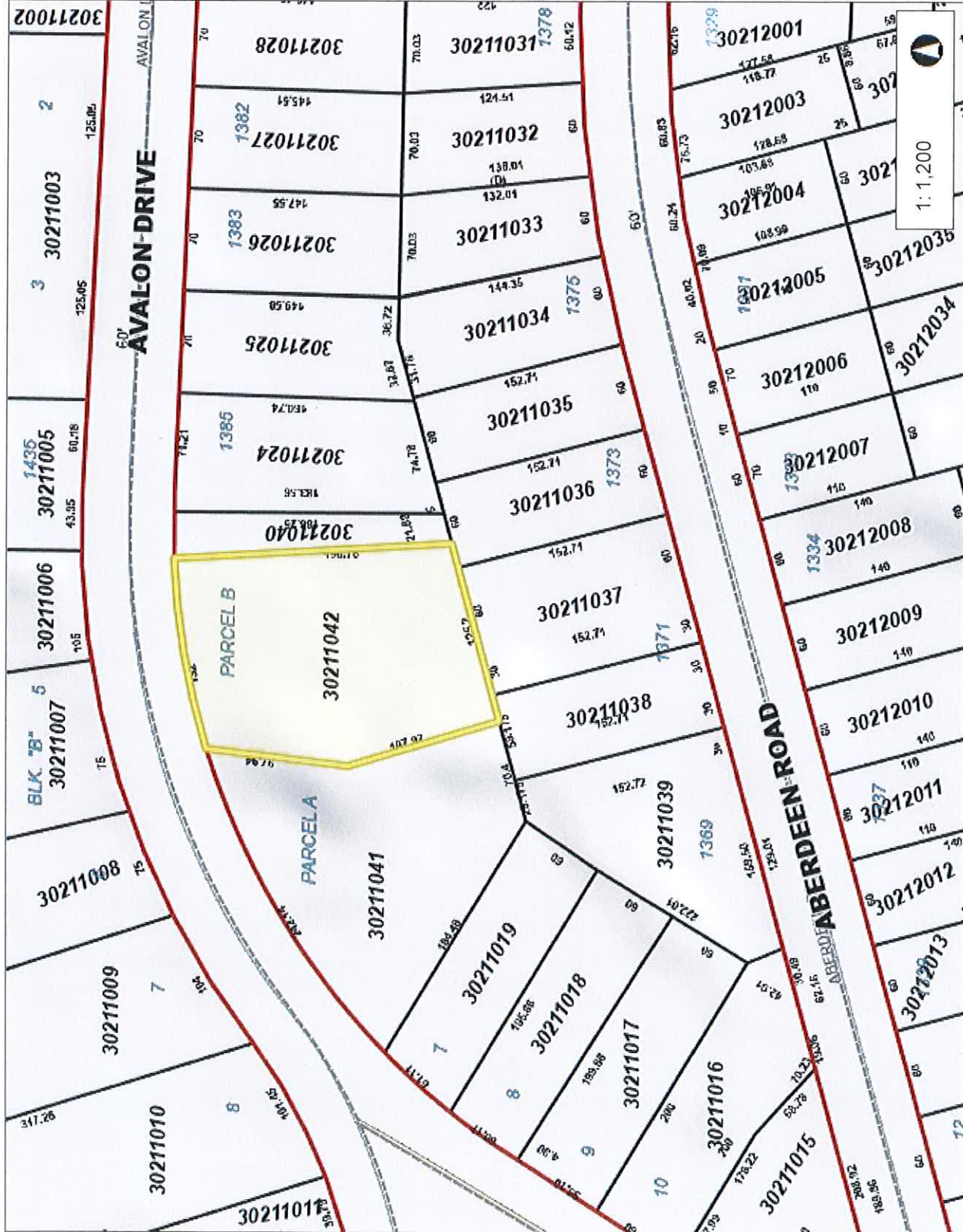
# Cuyahoga County GIS Viewer



Date Created: 1/5/2024

## Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel



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

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



- (5) Fences that are painted shall be one color. Fences and walls shall be maintained in good repair and condition, be structurally sound, and attractively finished at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the yard that is fenced;
- (6) Barbed wire, and electrified fences are prohibited. Acceptable fencing materials include stone, brick, finished wood, iron, metal, or synthetic look-alike products;
- (7) Privacy Fences. Basket weave, woven, louver, ventilating, stockade, palisade fences, and other fences whose vertical surface is less than twenty-five percent (25%) open to light and air shall comply with the following:
  - A. Height & Location. Such fences shall have a height not to exceed six (6) feet provided that the fence shall not enclose more than two (2) sides of an area and shall not be located within the front or side setback established for the principal building nor within the rear setback established for an accessory building, except as provided for in sub-sections 1153.15 (j) (7) B. - D. below.
  - B. Privacy Fences on Rear Yards Adjacent to and Abutting Route I-90. On lot lines contiguous with the easement or right-of-way of I-90, privacy fences whose vertical surface is less than twenty-five percent (25%) open to light and air shall be permitted to a height not to exceed eight (8) feet
  - C. Privacy Fence on Rear and Side Yards Adjacent to and Abutting the Norfolk Southern Railroad Tracks. On lot lines contiguous with the easement or right-of-way of the Norfolk Southern railroad tracks through the City, privacy fences whose vertical surface is less than twenty-five percent (25%) open to light and air shall be permitted to a height not to exceed eight (8) feet; provided, however, that should such contiguous lot line be a side lot line, such privacy fence may not extend on such lot line beyond any front setback line which may exist as the regulations thereon are contained in these Codified Ordinances.
  - D. Privacy Fence Adjacent to Other Districts. Privacy fences shall be permitted to a height of (6) feet along the side and rear lot lines of lots in the R-1 District which abut a zoning district other than R-1, provided that such privacy fences shall not extend closer to any public right-of-way than the front wall of the main building.
- (k) Air Conditioning, Generators and Heat Pumps. Air conditioner condensers, generators and heat pumps shall comply with the following:
  - (1) Outdoor condensers and heat pumps may be located in either the rear yard or the side yard, but shall not be located less than ten (10) feet from the side lot line. No more than two (2) such units may be located in the side yard. Such units shall be baffled so as not to exceed the noise level of seventy (70) decibels measured from the lot line, and screened with evergreen plant material so that within two (2) years the equipment is adequately screened from view.
  - (2) Permanently installed generators may also be located in either the rear yard or the side yard, but not less than ten (10) feet from the side lot line and shall be baffled and screened according to the provisions in subsection (k)(1) above. Generators shall only be used as an emergency and temporary source of electrical power, and exclusively fueled by natural gas.
- (l) Additional Regulations for Vehicles.
  - (1) The repainting, rebuilding, overhauling, or dismantling of a vehicle or the storage of tires, motor, body or other parts in an open yard is prohibited on a residential lot.
  - (2) The overnight parking or the outdoor storage of commercial motor vehicles and commercial trailers is prohibited.
  - (3) The parking or storing of vehicles shall not be permitted in the established lawn areas of residential lots.

(4) Accessory off-street parking spaces located in the front yard shall adjoin the driveway between the driveway and the nearest side lot line, provided parking spaces shall not be located directly in front of the dwelling.

A. Parking areas, including driveways, for single family detached and two family dwellings shall be located not less than three (3) feet from adjoining property lines as provided in Section 1111.09(c)

B. An accessory parking space meeting the standards above shall be no wider than eight (8) feet and no longer than eighteen (18) feet long with a return to the driveway within thirty (30) feet measured from the front of the garage. Accessory parking spaces are prohibited in cases of the setback being thirty five (35) feet or less or where a three (3) car garage is proposed or exists. Refer to drawing 1153.15(1)(4)D. for clarity.

C. Accessory parking spaces in R-1 & R-2 districts will be screened between the property line and parking spaces with evergreen plant material in a manner that so that within four (4) years the vehicle is completely obscured from view.

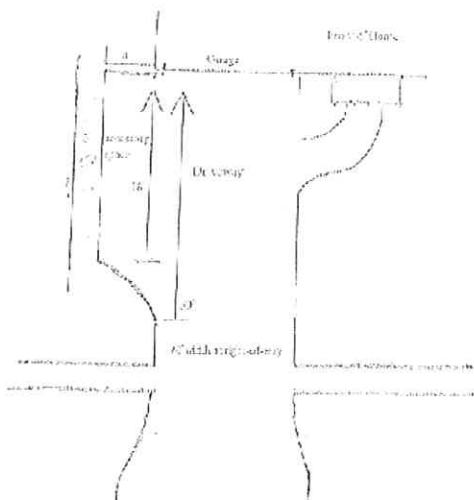
D. Driveways shall not be less than eight (8) feet or greater than twenty (20) feet in width in R-1 and R-2 Districts except where a three (3)-car garage exists or is proposed the driveway shall not exceed thirty (32) feet in width. Where the building setback is 35' or less a full width driveway is permitted in order to service two (2) and three (3) car garages. In R-1 and R-2 Districts, only one curb cut shall be permitted for any lot, except that two curb cuts shall be permitted for any lot that meets all of the following conditions:

1. The lot width is ninety (90) feet or wider; and,

2. The front setback for the lot is at least fifty (50) feet or greater; and,

3. The proposed turn-around driveway and associated durable edging shall be no greater than twelve (12) feet in total width and,

4. For corner lots, both curb cuts are to be located on the same street.



(m) Outdoor Storage of Recreation Equipment. In R-1 and R-2 Districts, the outside storage and parking of recreational equipment shall be permitted as an accessory use subject to the following conditions and limitations.

(1) An application for a Zoning Certificate for such an accessory use shall be filed with the Zoning Administrator and notice thereof shall be posted as provided for in sub-section 1129.05 (d), Notification. Unless otherwise provided in this Code, a one-time fee, as established by the City's Fee Schedule/Ordinance which can be obtained from the Zoning Administrator, shall be charged for such Zoning Certificate. Any change in the recreational equipment involved shall terminate the Certificate and a new application must thereafter be filed and processed.

(2) The recreational equipment must be owned or leased by the occupant of the premises.



# 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) **This 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. **IMPORTANT: Mark the corners of additions, a/c condensers or whatever applies to your variance.**
- 4) **Elevation drawings** (for pergola, garage, addition or exterior alteration).
- 5) **Photographs** of your property with the structure you are asking for a variance for clearly staked. Also submit photos of affected adjacent properties. Submit a photo example of proposed fences and storage sheds.
- 6) **Support letters** from surrounding property owners, if available.
- 7) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. PLEASE CHECK WITH THE BUILDING DEPARTMENT TO BE SURE YOU HAVE YOUR PERMIT AND CAN START CONSTRUCTION.**
- 8) Email your entire submission to [kstraub@rrcity.com](mailto:kstraub@rrcity.com). When she reviews it and gives you the OK, provide 10 stapled sets of the entire submission.

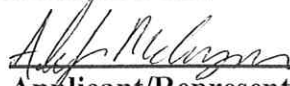
**Rocky River Board of Zoning & Building Appeals, City of Rocky River Building Department, 21012 Hilliard Blvd., Rocky River, Ohio 44116. Call 440-331-0600 ext. 2037 with questions.**

*(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

  
Applicant/Representative

12/28/23  
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: 21215 Avalon Dr.  
Rocky River, OH 44116

Ann and Terry Coyne  
Name of Property Owner

Abby McConaughy Aristotle Design Group  
Name of Applicant / Representative

21215 Avalon Drive  
Address

10560 Kinsman Road  
Address

\_\_\_\_\_  
Telephone No.      Cell Phone No.

(440) 564-7600  
Telephone No.      Cell Phone No.

E-MAIL: terry.coyne@nmrk.com

E-MAIL: abby@aristotledesigngroup.com

Description of what is intended to be done:

New driveway to be installed for newly constructed home to serve as an ingress and egress point  
for vehicles on the property.

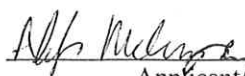
Sections of the Code from which variance is being requested:

CHAPTER 905

List variances requested:

We are requesting a driveway variance of 6' for the width at the front door of the newly  
constructed residence (Section at 18' wide). This would allow easy access to the home for  
Coynes, guests and deliveries.

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

 (ARISTOTLE DESIGN GROUP)  
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 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 checked="" 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> <i>Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
<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).

Due to the narrow property and topographical challenges, as well as being located on a wooded curve along Avalon Drive, blind spots occur making backing up difficult. Having the ability to pull out onto Avalon makes it safer for both vehicular and pedestrian traffic.

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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).

Due to the narrow property and topographical challenges, as well as being located on a wooded curve along Avalon Drive, blind spots occur making backing up difficult. Having the ability to pull out onto Avalon makes it safer for both vehicular and pedestrian traffic. This gives the Coyne's, their guests, services, and delivery drivers a safer experience.

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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).

Due to the narrow nature of the lot and topographical restrictions, a pull through with the requested arrival court variance would enhance the property. The 6' variance at the arrival court is 18' wide by 32' long, then returning back to the standard 12' wide width.

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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).

There are many precedents in the neighborhood. Many of the surrounding properties have wider than 12' driveways, arrival court /garage courts facing the street, and head in parking.

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

The variance would not affect the delivery of governmental services. It will allow for guests, services and delivery vehicles to pull onto the property safely, and exit safely.

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

No, the property owner did not have knowledge of this restriction.

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

N/A

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).

Due to the narrow nature of the lot and topographical restrictions, a pull through with the widened arrival court, will allow for safer vehicular access on and off the property.

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 variance would allow for enhanced safety for both vehicular and pedestrians using Avalon. This variance will allow drivers to see pedestrians and on coming traffic while entering/exiting. The drive and landscape plantings will make the new home fit in with the neighborhood, while enhancing safety.

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.

This variance would keep with the intergrity of the neighborhood, while improving safety.

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.

There are precedent properties along Avalon and within the neighborhood with similar turnarounds, arrival court/garage court, expanded driveway widths. The drive and landscape plantings will make the new home fit in with the neighborhood, while enhancing safety.

**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.**