

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 RETAIN A 6' TALL PRIVACY FENCE IN THE REAR YARD VS. ONLY FENCES THAT ARE 25% TRANSPARENT REGARDLESS OF THE ANGLE AT WHICH THE TRANSPARENCY IS VIEWED ARE PERMITTED IN THE REAR YARD. ANY PORTION OVER 5' IN HEIGHT MUST BE 50% TRANSPARENT WHEN VIEWED PERPENDICULAR TO THE FENCE. (Section 1153.15(j)) FOR JUDIT SZUCS, 3330 FAIRHILL 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) AND CLICKING ON THE MEETING LISTED FOR THIS DATE. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT kstraub@rrcity.com OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:
See attached list

REITZ, CHERYL L
3310 FAIRHILL DR
ROCKY RIVER, OH 44116

LOMBARDY, DAVID
3325 NELSON PARK DR
ROCKY RIVER, OH 44116

SAADE, GEORGE D., MILLIA D. &
JULIET D.
3320 FAIRHILL RD
ROCKY RIVER, OH 44116

CORRADI, RICHARD B. &
JOANNE T.
3329 FAIR HILL RD
ROCKY RIVER, OH 44116

WINDOW WARRIORS, LLC
47 EAST ORANGE ST
CHAGRIN FALLS, OH 44022

MARMOLYA, GARY
3305 NELSON PARK DR
ROCKY RIVER, OH 44116

ROCKS, THOMAS M.
3309 FAIRHILL DR
ROCKY RIVER, OH 44116

ROSUL, ALEXANDER-TRUSTEE
17836 CLIFTON BLVD
LAKEWOOD, OH 44107

PROPERTY DIVAS LLC
3330 FAIRHILL DR.
ROCKY RIVER, OH 44116

H DUANE & JANET SWITZER
3340 FAIRHILL RD
ROCKY RIVER, OH 44116

ROSUL, ALEXANDER-TRUSTEE
17836 CLIFTON BLVD
LAKEWOOD, OH 44107

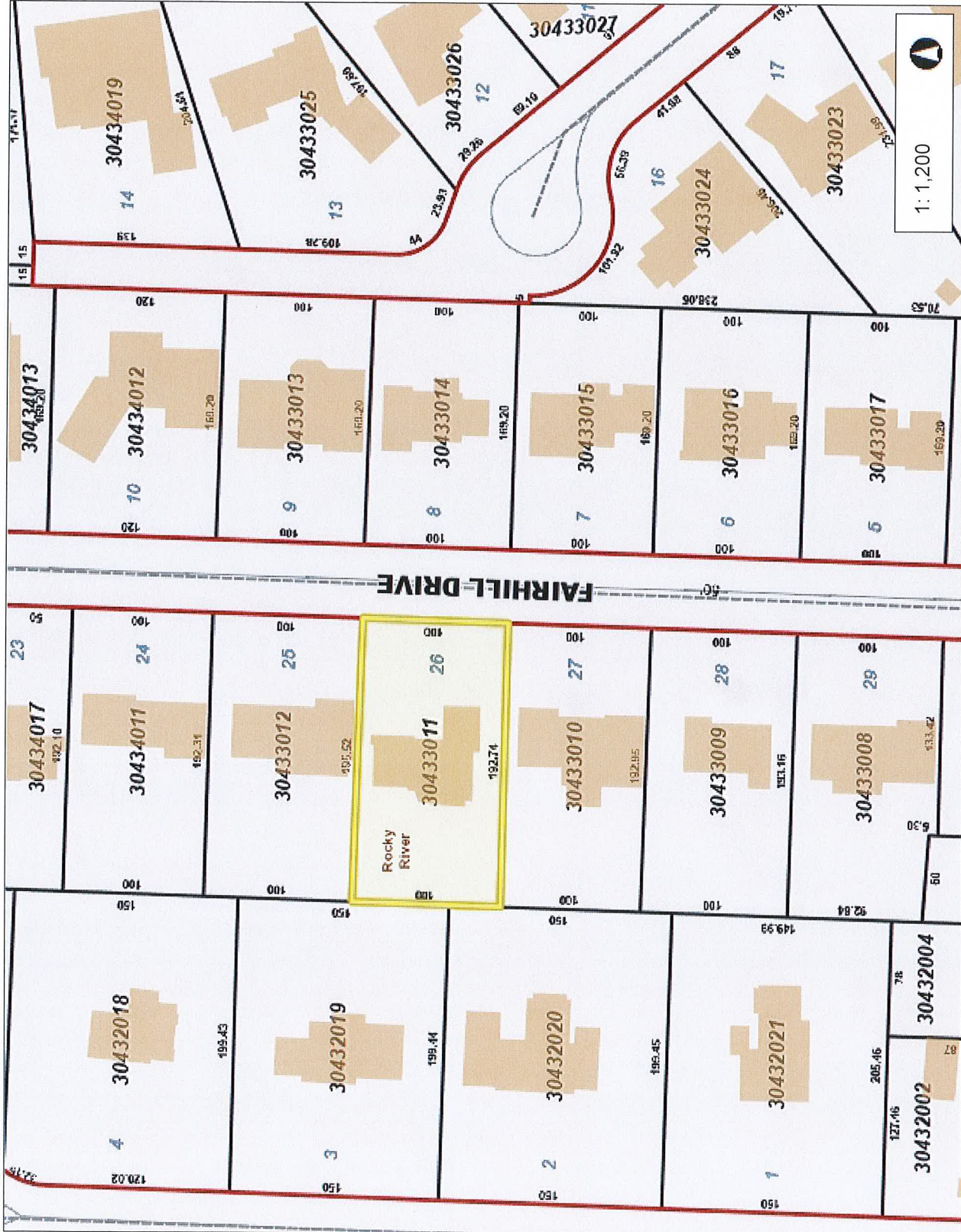
H A EBERHARDT
3350 FAIRHILL DR
ROCKY RIVER, OH 44116-4213

DOROTHY G OSTMAN
3319 FAIRHILL DR
ROCKY RIVER, OH 44116-4212

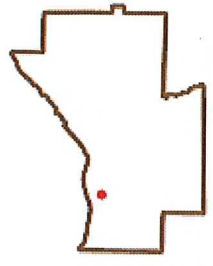
ANN CARROLL
3349 FAIRHILL RD
ROCKY RIVER, OH 44116



Cuyahoga County GIS Viewer



Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere



Date Created: 12/6/2023

Legend

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

1:1,200

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

- (4) A pool constructed of masonry type material shall be located and installed to conform to the natural grade as determined by the Building Division. No portion of the pool itself shall be higher than one (1) foot above such grade. All other pools, regardless of construction material, may not exceed five (5) feet above grade level.
- (5) Every pool shall have a drainage device so that it can and will be drained into the City storm sewer.
- (6) Whenever light is used to illuminate such pool, such lights shall be installed and shielded in such a manner as to direct light onto the pool only, and not to reflect light onto any abutting residential property. All wiring and electrical fixtures, accessories and appliances shall be installed under the National Electrical Code.
- (7) The swimming pool shall comply with the locational and coverage requirements set forth in this Chapter.
- (i) Boat House. Boat houses are permitted accessory structures, in compliance with the following:
 - (1) No part of the structure shall be higher than the average grade of the front yard or have a maximum height of fifteen (15) feet, whichever is lower;
 - (2) Such boat house shall not exceed 250 square feet of gross floor/water area, and shall be located adjacent to Lake Erie or the Rocky River.
- (j) Fences, Walls, and Planting Screens. Fences shall comply with Schedule 1153.15 and shall be constructed, located, and maintained in conformance with the standards set forth below:
 - (1) Front Yard Fences. In the front yard of interior and corner lots, fences shall have a maximum height of thirty-six (36) inches. Only ornamental fences shall be permitted in the front yard, and the maximum length of any fence segment shall be thirty feet or the width of the front elevation of the house, whichever is less. Such fence segments shall be located no more than twelve (12) feet in front of the dwelling, and this distance shall be measured from the furthest projecting element on the front plane of the dwelling. A Zoning Certificate shall be required for a fence in the front yard, and such Certificate shall be approved by the Zoning Administrator. The Zoning Administrator may refer the application to the Architectural Review Board when, in his/her opinion, the appropriateness of the proposed fence should be judged by the Architectural Review Board.
 - (2) Side Yard Fences. In the side yard, the maximum fence height shall be five (5) feet, except for chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, and picket fences are the only types of fences permitted in the side yard, except synthetic covered chain link fences are permitted to abut existing chain link fences, and except as provided for in sub-section 1153.15(j)(7) below.
 - (3) Rear Yard Fences. Fences in the rear yard shall not exceed six (6) feet in height, except chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, picket fences, synthetic covered chain link fences, or similar fences that are twenty-five percent (25%) transparent regardless of the angle at which the transparency is viewed are the only types of fences permitted in the rear yard, except as provided for in sub-section 1153.15(j)(7) below. However, any portion of the fence over five (5) feet in height shall be constructed of materials that are fifty percent (50%) transparent when viewed perpendicular to the fence. The openings of the fence that provide the transparency shall be evenly spaced throughout the vertical surface.

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: _____

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: _____

Judith Szucs

Name of Property Owner

NA

Name of Applicant / Representative

3330 Fairhill drive

Address

Rocky River OH 44116

Address

440-749-3238

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: *onodi@sbcglobal.net* E-MAIL: _____

Description of what is intended to be done:

6' tall privacy fence.

Sections of the Code from which variance is being requested:

List variances requested:

*To retain a solid 6' tall fence in
the back yard!*

[Signature]

Property Owner's Signature

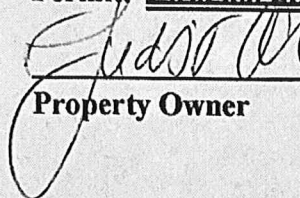
Applicant/Representative's Signature

★ 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 ☒

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

10/4/23

Date

NA

Applicant/Representative

Date

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 <i>We need a privacy fence in the backyard for my mom's safety when she is at our house!</i>
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> Rear, side & front setbacks 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Coverage (>28%) 	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> Width 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Distance from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Circular if lot width is <90' 	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> Area allowed (maximum sq. ft.) 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Height 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Front setback 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Lot width <100' 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Number of items of information 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> On side of building 	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> Height or Openness 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Front Yard (in setback) 	<input type="checkbox"/>	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i> Note: 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
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
• In side yard <10' from property line or in front yard	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: <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).

As of right now my mom lives with me (we just moved in) and she is suffering from alzheimer's. We need to keep the 6' tall solid fence so she cannot see through or over it or she will disrupt the neighbors and get anxious and want to leave the yard!

- 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).

Will yield a reasonable return because it is beautiful and not offensive.

- 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).

It is substantial because it is 0 transparent but I need it for the safety of my mom and for the peace and enjoyment for my neighbors when they are in their backyard

- 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 essential character will not be altered and the adjoining properties will have greater use and enjoyment of their properties!

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

No affect on government services.

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

No knowledge of the zoning restrictions when we purchased the property.

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

Special condition is my mom and she must live with us as of now because of her health.

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).

Any other fence that is open would be disruptive to my mom if she can see through it. She will be anxious when she sees any neighbors and may want to escape.

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 fence is of exceptional quality and design and enhances 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.

It will not confer any special privilege on us and it will keep my mom calm.

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.

The other properties don't have a person living with alzheimers who reacts to the view across a fence in such a disruptive way

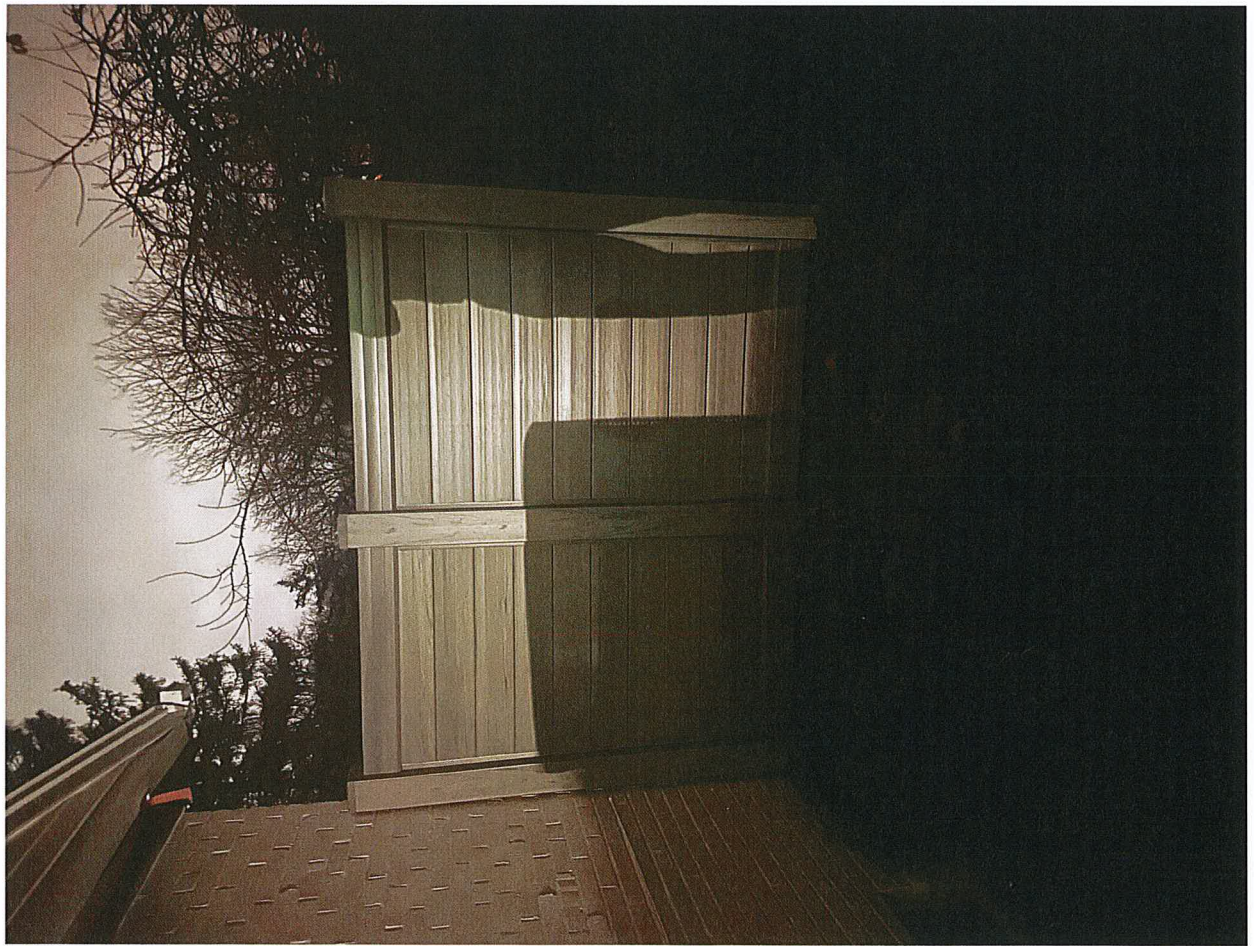
City of Rocky River
Building Department
21012 Hilliard Blvd
Rocky River, Ohio 44116

A six foot high solid fence with 100% blockage is going up around the back yard at 3330 Fairhill Drive. The fence is obscenely ugly because it destroys the natural beauty of the wide open landscape.

Rocky River Ordinance 1153.15(j)(3) must be strictly enforced with no exceptions or waivers.

Cc: Councilman Shepherd













City of Rocky River
Building Department
21012 Hilliard Blvd
Rocky River, Ohio 44116

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