

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.

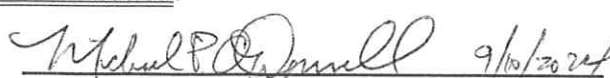
All documentation or other information shall be delivered to:

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


Applicant/Representative Date

CITY OF ROCKY RIVER
21012 HILLIARD BOULEVARD
ROCKY RIVER, OH 44116
PHONE: (440) 331-0600 FAX: (440) 895-2628

**Accessory Structure Permit
Application**

Permit Fee: \$ _____
Plan Review: \$ _____
Total : \$ _____

DATE: _____

ADDRESS OF STRUCTURE:	<u>2347 WINFIELD AVE RR, OH 44116</u>		
OWNERSHIP:	<u>MICHAEL O'DONNELL</u> <small>Name</small>	<u>SAME</u> <small>Address</small>	<u>(440) 915-2446</u> <small>Phone</small>
	CONTRACTOR: <u>JDM STRUCTURES 2644 E. HARBOUR RD, PORT CANTON, OH (419) 341-8112</u> <small>Name Address Phone</small>		

TYPE OF STRUCTURE: ☒ SHED ☐ DECK ☐ PLAY STRUCTURE ☐ POOL ☐ OTHER
SIZE OF STRUCTURE: 8' x 14' CORNER LOT?: Yes ☐ No ☒
Dumpster N/A POD N/A Start Date: UNKNOWN End Date: UNKNOWN
Dumpsters & Pods - \$45.00 Flat Rate and shall be allowed on-site for a maximum of 15 days unless associated with a building permit.

VARIANCE NEEDED: Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	ESTIMATED COST: <u>\$ 3,000.00</u>
BOARD OF APPEALS MEETING DATE: _____	
TYPE OF VARIANCE: _____	
OWNER / APPLICANT SIGNATURE: <u>Michael P. O'Donnell</u>	

- Attach site drawing showing location of proposed structure and its proximity to the house, garage and/or other existing structures. Provide dimensions of structures.
- Submit application and drawings to the Building Department. The applicant will be required to display an "Intent to Build" sign for 10 days. After 10 days a permit can be obtained.
- It is the responsibility of the property owner/contractor who is issued the permit to verify the location structure.

For office use only:

NOTICES SENT TO ABUTTING NEIGHBORS

Permanent Parcel # _____

10 Day Posting Card Issued: _____

Permit #: _____

Permit Issued: _____

Fee Paid Date: _____

DATE NOTICES SENT: _____

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: 2347 WINFIELD AVE.

MICHAEL O'DONNELL

Name of Property Owner

Name of Applicant / Representative

2347 WINFIELD AVE.

Address

Address

Telephone No.

(440) 915-2446

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: modonnell@brouse.com

E-MAIL: _____

Description of what is intended to be done:

ACCESSORY STRUCTURE VARIANCE - Request structure to be
3' from rear & side yard rather than 5' - a 2 foot
variance from the code is being requested.

Sections of the Code from which variance is being requested:

List variances requested:

3' rear & side yard setback (instead of 5')

Michael O'Donnell
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: <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 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 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)</i> ; Detached Garages: <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.)		
<ul style="list-style-type: none"> Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Setback from property line 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> 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>		
<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
Parking: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> < the number of spaces required 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties

NARRATIVE OF PROJECT

Narrative description for a two (2) foot rear and side yard setback variance that would reduce the five (5) foot setback requirements in the code to three (3) feet.

My name is Michael O'Donnell. I live at 2347 Winfield Avenue with my wife and 3 children. We have lived in the house for nearly twenty (20) years. We are a family that keeps our cars in the garage and with five people living in the house, the garage has become too full. We have a second refrigerator in the garage along with bikes, shelving units, gardening tools, yard equipment, lawn mower, rakes, shovels, fertilizer, spreader, snow blower, snow shovels, sleds, gas cans, tools, extension cords, patio furniture, hoses, recreational sports equipment, garbage cans, etc. Generally speaking, we have all of the typical things a family uses stored in our garage.

It is getting harder and harder to store all of our furniture and equipment in the garage along with the two (2) cars. As a result, we have decided to purchase a shed to store the lawn equipment, the snow removal equipment, and many of the miscellaneous items currently stored in the garage.

Initially I intended to purchase a 10 x 12 shed for our storage needs. After surveying my backyard, however, and locating the best space for this structure, it turns out that an 8 x 14 shed would actually fit the space better. An 8 x 14 structure will allow us to better screen the shed by maintaining and utilizing the mature bushes and trees already in the back yard (if we went with a 10 foot wide shed, we would likely have to remove some mature bushes). Although the 8 x 14 provides us marginally less square footage for storage it provides the best looking fit for the space and will be more aesthetically pleasing for everyone.

I have included some pictures of backyard and you will see the bushes and trees we're trying to maintain and use for screening. You will also see that the foundation for the shed in the pictures. I prepared the foundation myself. The foundation can accommodate a number of different size structures including but not limited to an 8 x 14, 8 x 12, 10 x 12, or others.

In short, we are hoping to add storage space to the property and are seeking a modest two (2) foot variance to do so. The two foot variance still provides a three (3) foot clearance between the structure and both the rear and side yard fences that will allow proper maintenance of the shed and also provides better screening of the structure because of where the bushes and trees are located on the property.

Thank you for your consideration.

Michael O'Donnell

PRACTIAL DIFFICULTIES

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

R.R.C.O. 1133.17(c)(1). In order to grant a variance, the following factors shall be considered and weighted by the Board of Appeals to determine a 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 location of the proposed shed (accessory structure) is screened better the closer it is located to the rear and side yard because of where the 2 fences intersect and where the trees, bushes, and other shrubs are located. Thus, a three (3) foot set back off the rear and side yard (instead of the five (5) foot setback currently in the code) is being requested in order to better screen the structure and make it look more aesthetically pleasing.

- 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 limitations without the variance).

Not applicable.

- 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 the Code requirements, i.e., coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).

The variance requested is not substantial. It is a two (2) foot reduction and actually provides better screening for the structure than if the five (5) foot setback is fully enforced. In addition, in order to fit the structure in the best location and have it screened with existing mature bushes and trees, the applicant opted for an 8 x 14 structure rather than a more typical 10 x 12. In doing so, the applicant is giving up a modest amount of square footage but, in exchange, is getting a structure that fits better into the proposed location. The applicant could seek a greater variance putting the structure closer to the fences but the 2 foot variance seems to strike the proper balance between screening it and allowing room for access and maintenance of the structure.

- 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 granting of the variance will not substantially change the character of the neighborhood and no other properties will suffer a detriment, let alone a substantial detriment. In fact, the two (2) houses to the rear have accessory structures already in their rear yards (one is a shed and one is a relatively large play structure).

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

The variance will not adversely affect the delivery of governmental services.

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

Yes, the property owner purchased the property with knowledge of the zoning restrictions but, again, the requested variance is for two (2) feet.

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

No, the owner did not do anything to create any special conditions or circumstances, other than the owner trying to leave certain screening elements (such as trees and bushes) in place to help the structure blend in.

- 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).

The variance here is a logical and practical one. The owner could technically comply with the code as written but doing so would cause the shed to be more exposed and stand out more. Granting the variance would allow the shed to be screened by currently existing mature trees and bushes and yet still permit access to allow the shed to be properly accessed and maintained.

- I. Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

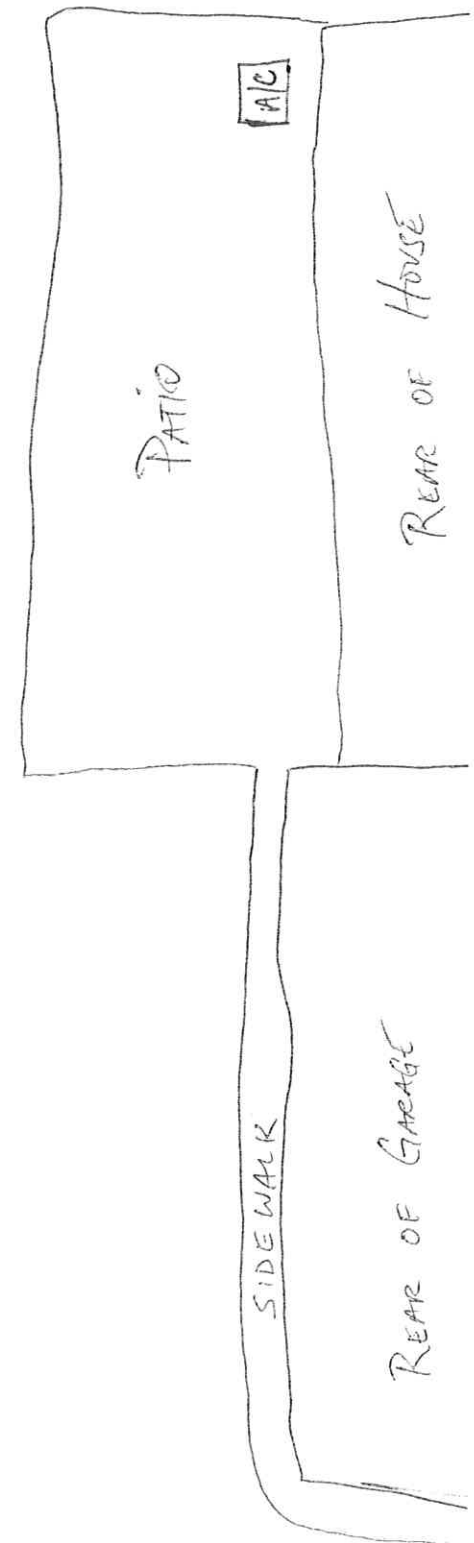
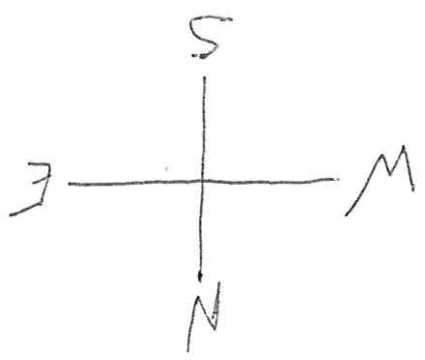
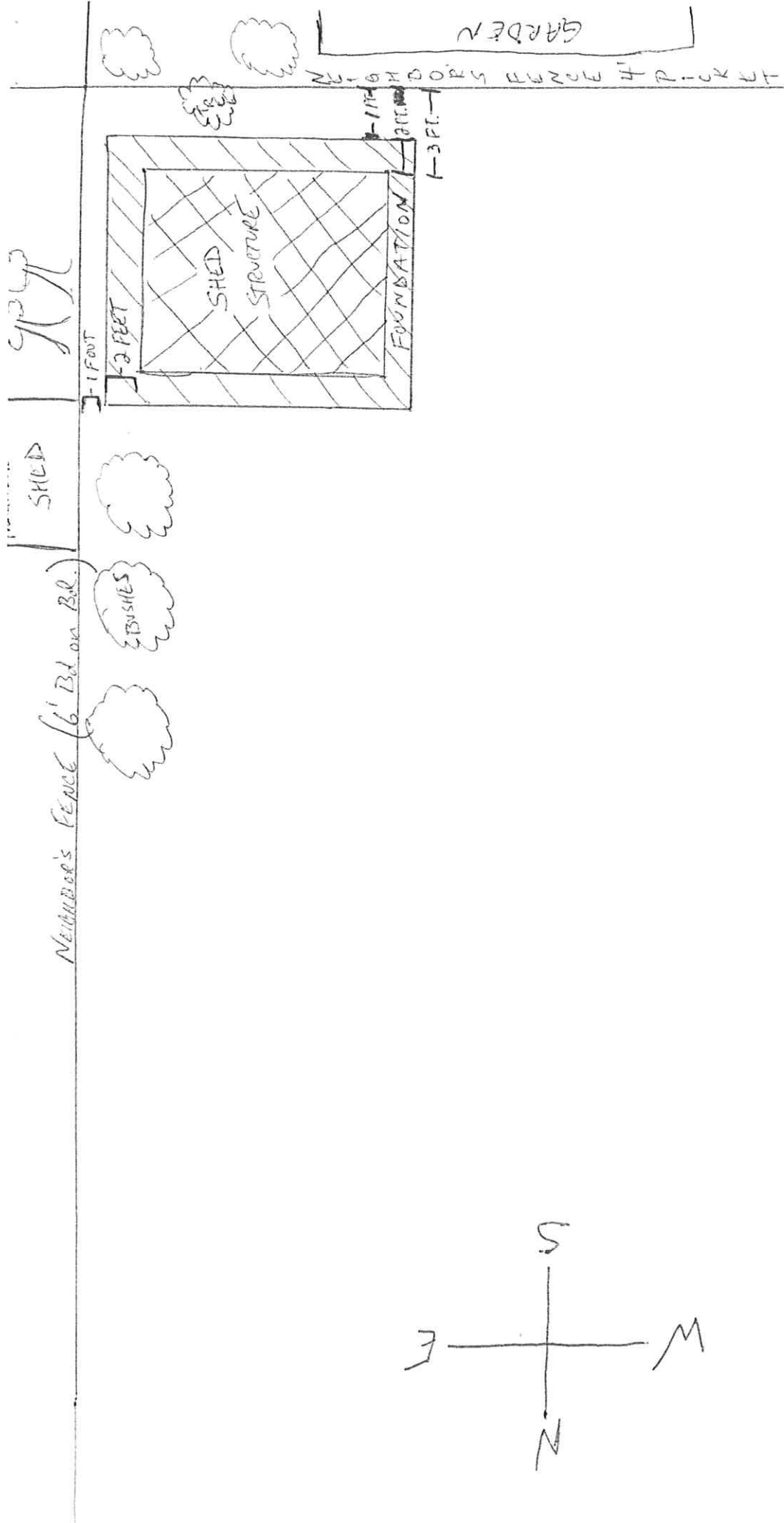
The spirit and intent of the zoning requirement would be observed and substantial justice done by granting the variance because doing so upholds the desired balance provided for in the Code. The Code seeks to allow individuals to have an accessory structure so long as that structure does not significantly negatively impact the surrounding property owners. Here, granting the variance accomplishes both goals. The applicant is permitted to erect a shed yet the shed is screened with mature bushes and trees to minimize the impact to the neighbors. The variance also allows three (3) feet of clearance around the shed to allow the applicant to properly maintain the structure.

- 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 granting of this variance will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district. In fact, it appears many other residents in the City have sheds within three (3) feet of their rear and side property lines so, if anything, denying the variance might deny the applicant that which has been granted to other residents.

- 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.

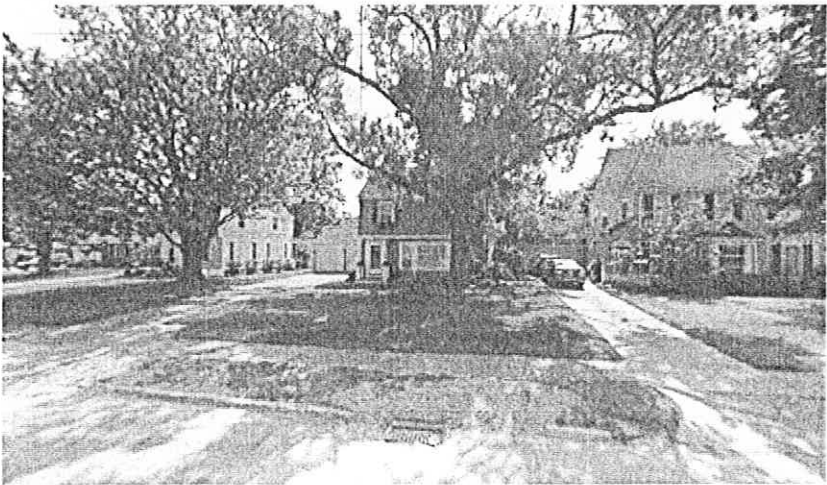
This question is probably not applicable but to the extent it is, a literal interpretation of the provisions of this Code, it appears, would deprive the applicant of his right to have a shed within three (3) feet of his property line when other residents in the City have sheds within three (3) feet of their property lines.



Google Maps 2347 Winfield Ave



Imagery ©2024 Airbus, Map data ©2024 20 ft

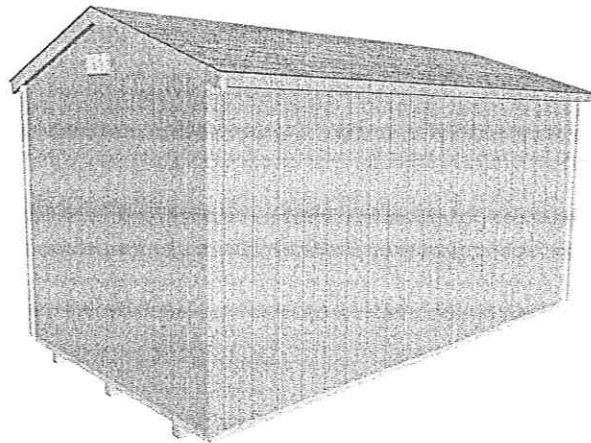
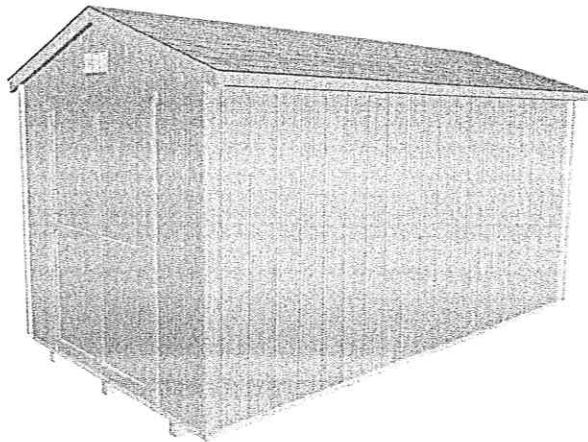


2347 Winfield Ave
Building


-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share

 You visited yesterday


COLOR SELECTIONS




ROOF

 Medium Gray

COLOR 1

 Nantucket


COLOR 2

 Nantucket


COLOR 3

 Primed


SIDING

 Nantucket

CORNER TRIM

 Nantucket

FASCIA

 Nantucket

VENT

White

DRIP EDGE

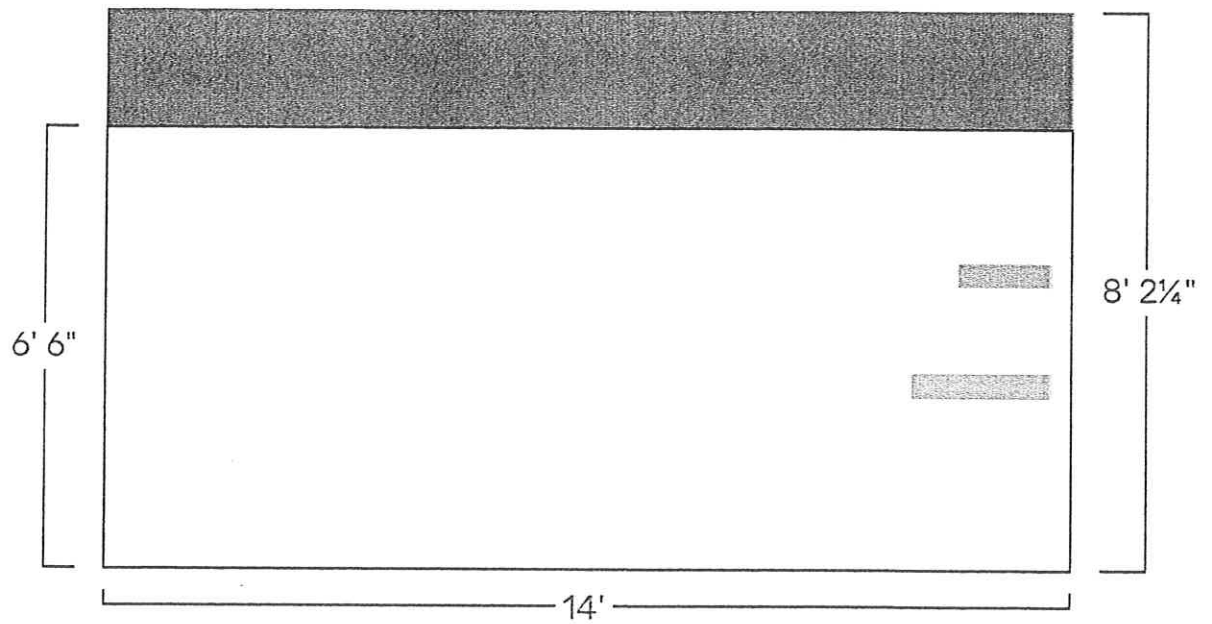
White

ALUMINUM MULLIONS

White

Wall A

A



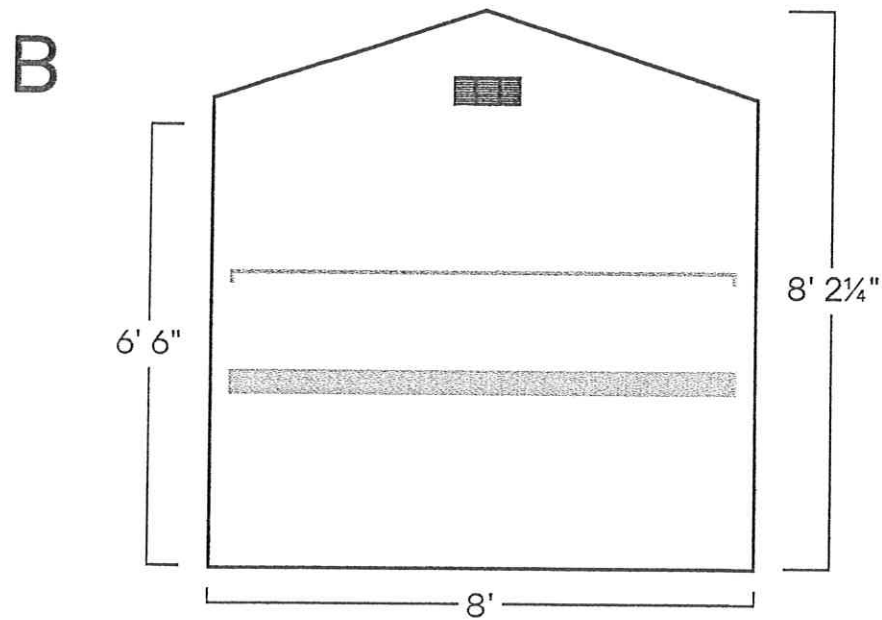
Measurements are to center from right siding edge

description

finish

no items

Wall B



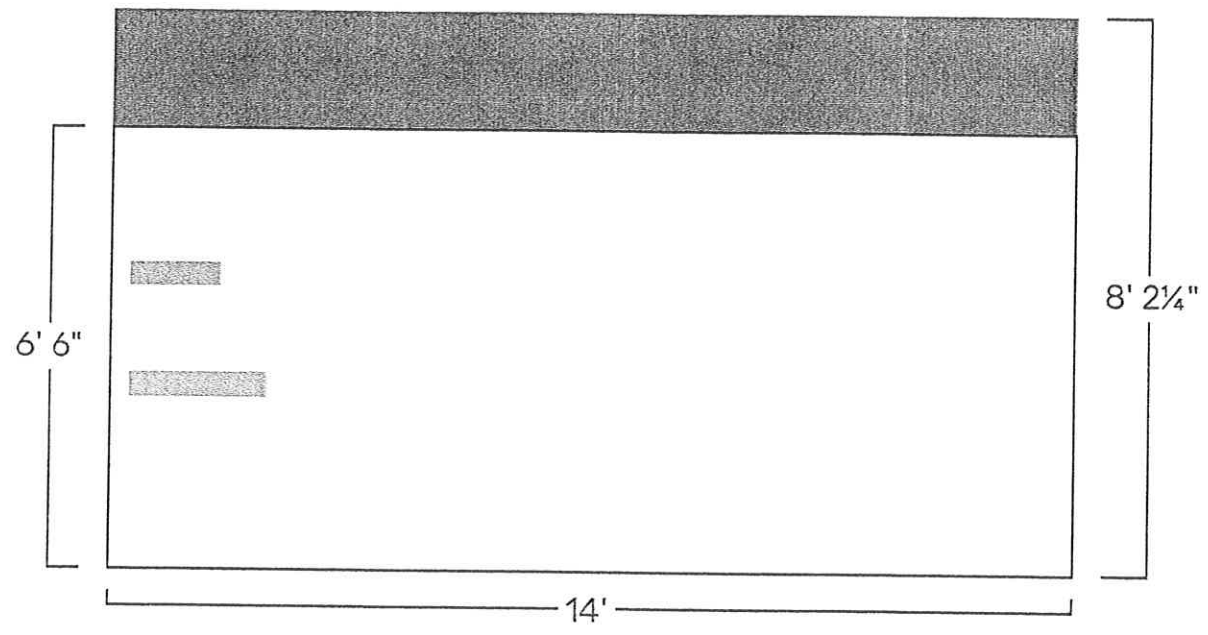
A	4'
B	4'
C	3' 11 7/8"

Measurements are to center from right siding edge

description		finish
A	ACCESSORY: Workbench 8'	N/A
B	ACCESSORY: Shelf 8'	N/A
C	ACCESSORY: Metal Vent	N/A

Wall C

C



Measurements are to center from right siding edge

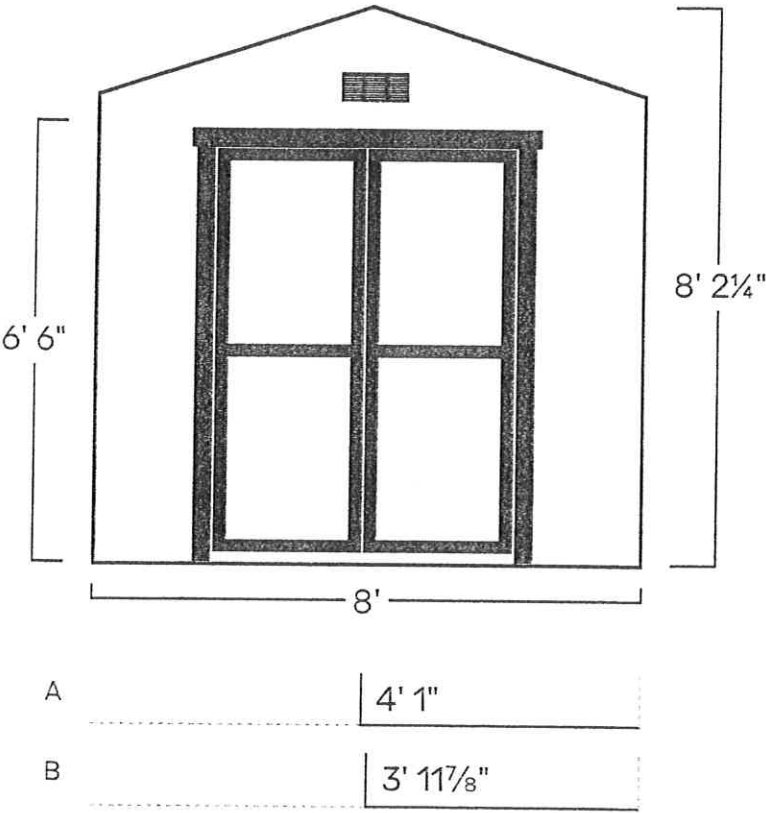
description

finish

no items

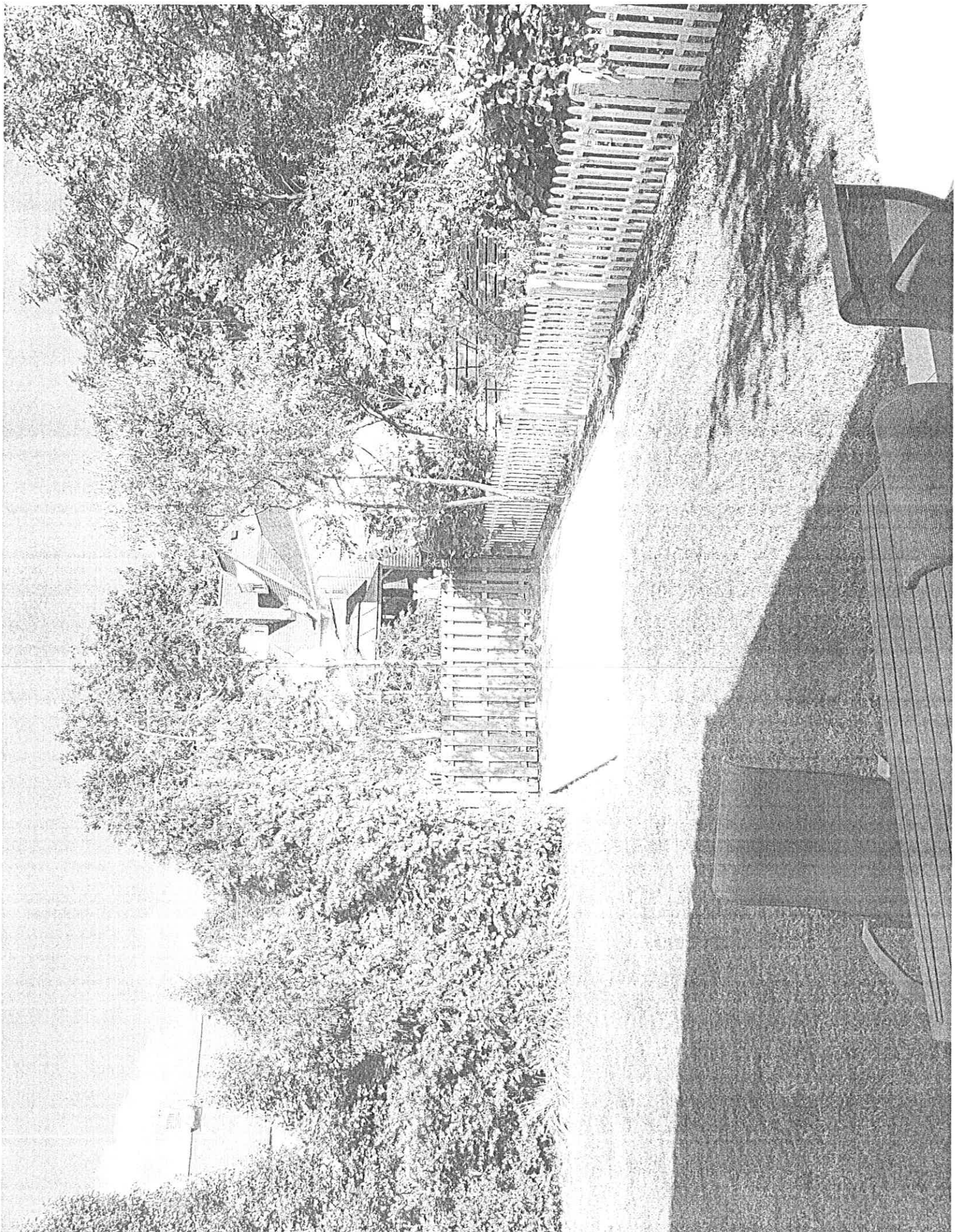
Wall D

D



Measurements are to center from right siding edge

description		finish
A	DOOR: Pushbar 54" Double	Nantucket, Casing Nantucket
B	ACCESSORY: Metal Vent	N/A



September 11, 2024

Dear Neighbor:

I live behind you at 2347 Winfield Avenue. We are planning to put a shed in our backyard. The shed is what is known as an "accessory structure" in the Rocky River Codified Ordinances (the "Code"). As I understand it, the Code requires that all accessory structures be 5 feet from the rear and side property lines. The location we intend to put the shed (accessory structure) is three feet from the rear and side property lines. As a result, I am seeking a variance from the City to place our shed in our desired location.

To that end, the City will be sending you a letter informing you of a date and time for a public hearing on the matter, likely to be in early October. I am contacting you in advance of the City, to determine if you have any objection to our placement of the shed in the southeast corner of our lot. I would happy to discuss this project with you at your convenience and answer any questions you might have.

We are intentionally trying to put the shed in a location that provides the most screening and cover and looks the most aesthetically pleasing. In addition, given the fences between the properties, we believe the structure will be as hidden as possible.

If you have any questions, please contact me on my cell phone (440) 915-2446.

Thanks,

Michael P. O'Donnell