



NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
December 12, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON December 12, 2024, AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A 6' SIDE YARD PRIVACY FENCE VS. FENCES THAT ARE 25% TRANSPARENT FOR THE PORTION OF FENCE UP TO 5' IN HEIGHT AND 50% TRANSPARENT ANY PORTION OVER 5' IN HEIGHT. AS REQUIRED PER SECTION: 1153.15(J)(3) AND A VARIANCE TO CONSTRUCT A 6' SIDE YARD PRIVACY FENCE VS. 5' MAXIMUM SIDE YARD FENCE HEIGHT PER SECTION: 1153.15(J)(7).

FOR JACOB KOVESDY, 21243 STRATTFORD 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 KATHRYN KERBER AT KKERBER@RRCITY.COM OR BY CALLING 440-331-0600 EXT. 2598.

Notices sent to:
See attached list

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

Fence Permit Application

Permit Fee: \$25.00

Date: 11/25/24

COMMERCIAL: _____

RESIDENTIAL:

ADDRESS OF IMPROVEMENT: 21243 Stratford Ave.

OWNERSHIP: Jacob Kovcsdy 21243 Stratford Ave. (216) 248-4814
Name Address Phone

CONTRACTOR: Coon #1 Construction 4416 Lansing Dr. North Olmsted (440) 308-7929
Name Address Phone

TYPE OF FENCE: Ornamental _____ Split Rail _____ Board on Board _____ Picket _____ Privacy

HEIGHT/LOCATION OF FENCE: Front _____ Side 6ft Rear 6ft

CORNER LOT: Yes _____ No

VARIANCE NEEDED: Yes No _____

BOARD OF APPEALS MEETING: 12/12/24

TYPE(S) OF VARIANCE(S): Height & Transparency

ESTIMATED COST: \$7,385.00

SIGNATURE OF OWNER: Jacob Kovcsdy

SIGNATURE OF APPLICANT: -Same-

PROHIBITED FENCES
Barbed Wire
Chain Link
Electrified

- Attach site drawing showing location of proposed fence and its proximity to the house, garage and/or other existing fences. Provide dimensions of fence.
- 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 of the property line where the fence will be located.

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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: _____

1153.15 ACCESSORY USES AND STRUCTURES.

Accessory uses, buildings, and structures permitted in residential districts shall conform to the location, coverage, area, and maintenance standards contained in this Section and Chapter 1181, General Use Regulations. No accessory building or use shall be established on a lot unless a principal building or use has first been established on the lot in conformance with all applicable provisions of this Development Code.

(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:

(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.

(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.

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.

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: 11/25/2024 Hearing Date: 12/12/2024
Zoning of Property R1 Single Family Permanent Parcel No. 302-13-080

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

Address of property seeking variance: 21243 Stratford Ave.

Jacob Kovesdy Same
Name of Property Owner Name of Applicant / Representative

21243 Stratford Ave. _____
Address Address

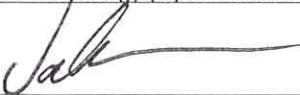
(216) 246-4214 Same
Telephone No. Cell Phone No. Telephone No. Cell Phone No.

E-MAIL: jckovesdy@gmail.com E-MAIL:

Description of what is intended to be done:
Erect a 6ft privacy fence on both rear side property lines as well as along the Norfolk Southern Railroad.

Sections of the Code from which variance is being requested:
1153.15 (j) (3); 25% transparency for first 5ft and 50% transparency for top 1ft.

List variances requested:
Requesting 6ft full privacy fence (side by side cedar plank style) for both rear side property lines in order to stay architecturally consistent to the fence that is allowed along the railroad in accordance with 1153.15 (j) (7) C. which allows for up to an 8ft privacy fence with less than 25% transparency.

 
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 (5lb dog will not be outside)

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 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>		
<i>Note: Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
<ul style="list-style-type: none"> • Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Setback from property line 	<input 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

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).

Property backs up to the Norfolk Southern Railroad and is a relatively narrow lot (50ft wide). A 6ft privacy fence in the rear is requested to block the train tracks for both aesthetics as well as safety. A 6ft privacy fence on the rear side property lines is also requested for architectural consistency to the rear fence as well as privacy from neighboring homes which are in very close proximity.

- 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).

Without the 6ft privacy fence, neighboring homeowners have clear view into the yard, garage, driveway, soon to be installed rear door and patio. While privacy is not always expected in front yards, driveways, doors & windows, I would like a bit of privacy in one outdoor area of my property. Without a privacy fence I will be far less inclined to make further improvements to the rear of my property; ultimately limiting the homes value and rendering the backyard relatively useless.

- 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).

1153.15 (j) (7) C. allows for a privacy fence up to even 8ft with less than 25% transparency is allowable for along the railroad. I am requesting only 6ft privacy fence on the railroad and to continue this on both rear side property lines which typically would require 25% transparency for first 5ft and 50% transparency for the top 1ft.

- 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).

No, this would provide privacy to both neighboring properties and there are many already existing 6ft fences in the neighborhood. The requested fence is only in the rear of property and would sit over 60 Ft off of the front property line, causing no alteration to the character of the neighborhood. The fence will allow for a backyard patio with privacy which will assist in increasing property value. Additionally, the neighbor to the east (21227 Stratford Ave.) is requesting a fence as well on our shared property line.

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

No, I am only requesting a rear fence and these services are delivered in the front.

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

No, this is my first time erecting a fence and first time purchasing a home along a railroad.

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

No, I am simply requesting privacy of my backyard.

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 only other option would be to line the property with landscaping, however this does not allow for safety from the railroad and would take up several feet of the already narrow lot.

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).

This privacy fence would allow privacy from the train and the close proximity neighbors, which would typically have a negative impact on a potential home buyer. Providing a safe and private outdoor space attracts more families to the neighborhood and increases property values.

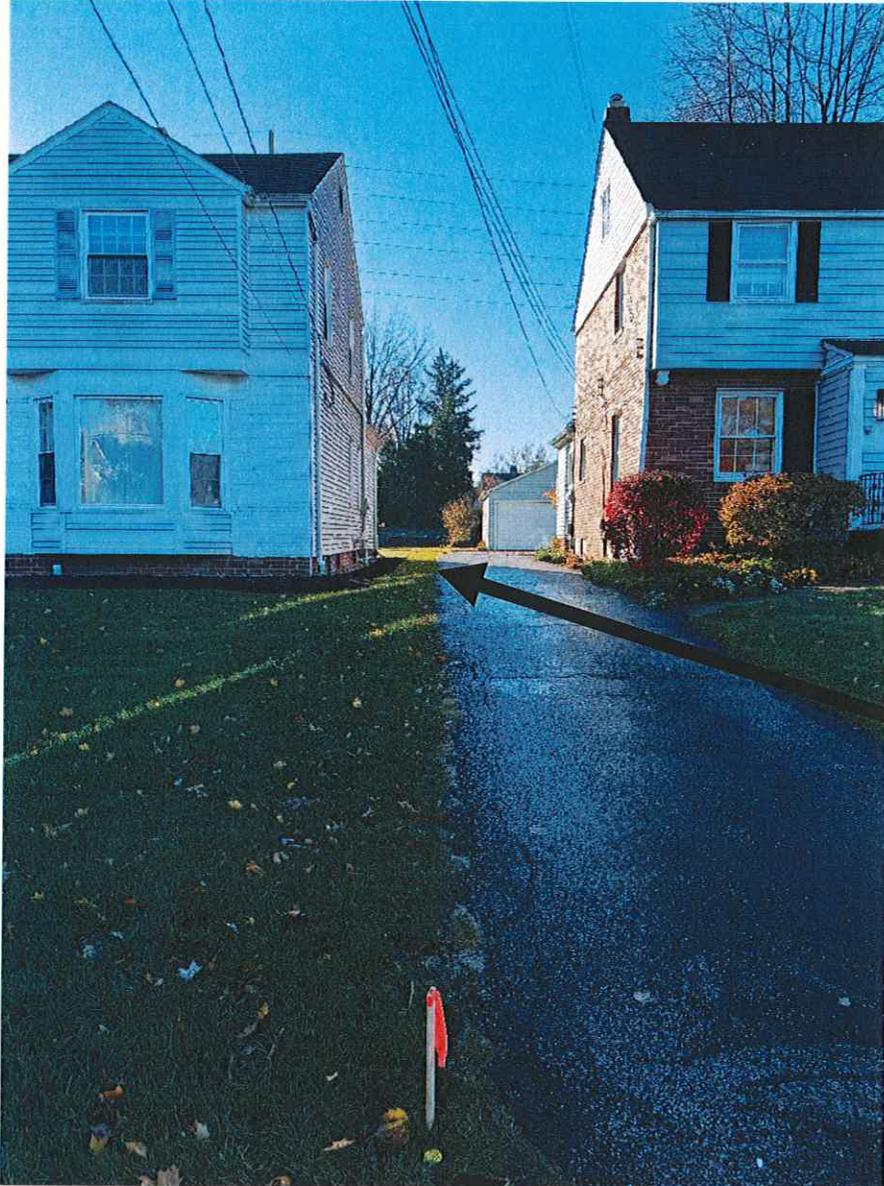
J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

No, I am requesting privacy in the rear of my property. All other homeowners have the same privilege to this regardless of where in the city they live. Many homeowners in my neighborhood have a 6ft privacy fence and I am looking for equal opportunity to do the same.

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.

Yes, there are many homeowners in the neighborhood that have a 6ft privacy fence (Please see attached pictures). I am requesting the same opportunity. Additionally, many others have existing or natural separation from neighbors and structures (i.e. homes against I-90, those that back up to woods or the lake, etc.).

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.



Proposed fence would come off my home 10 ft forward from NW corner to property line, then straight back on property line.

New property pins set by Straub Surveying, LLC on 11/15/2024.



Proposed fence off Vaughn's home then back towards my garage

New property pins set by Straub Surveying, LLC on 11/15/2024.



Photo showing extreme lack of privacy in backyard (facing west)



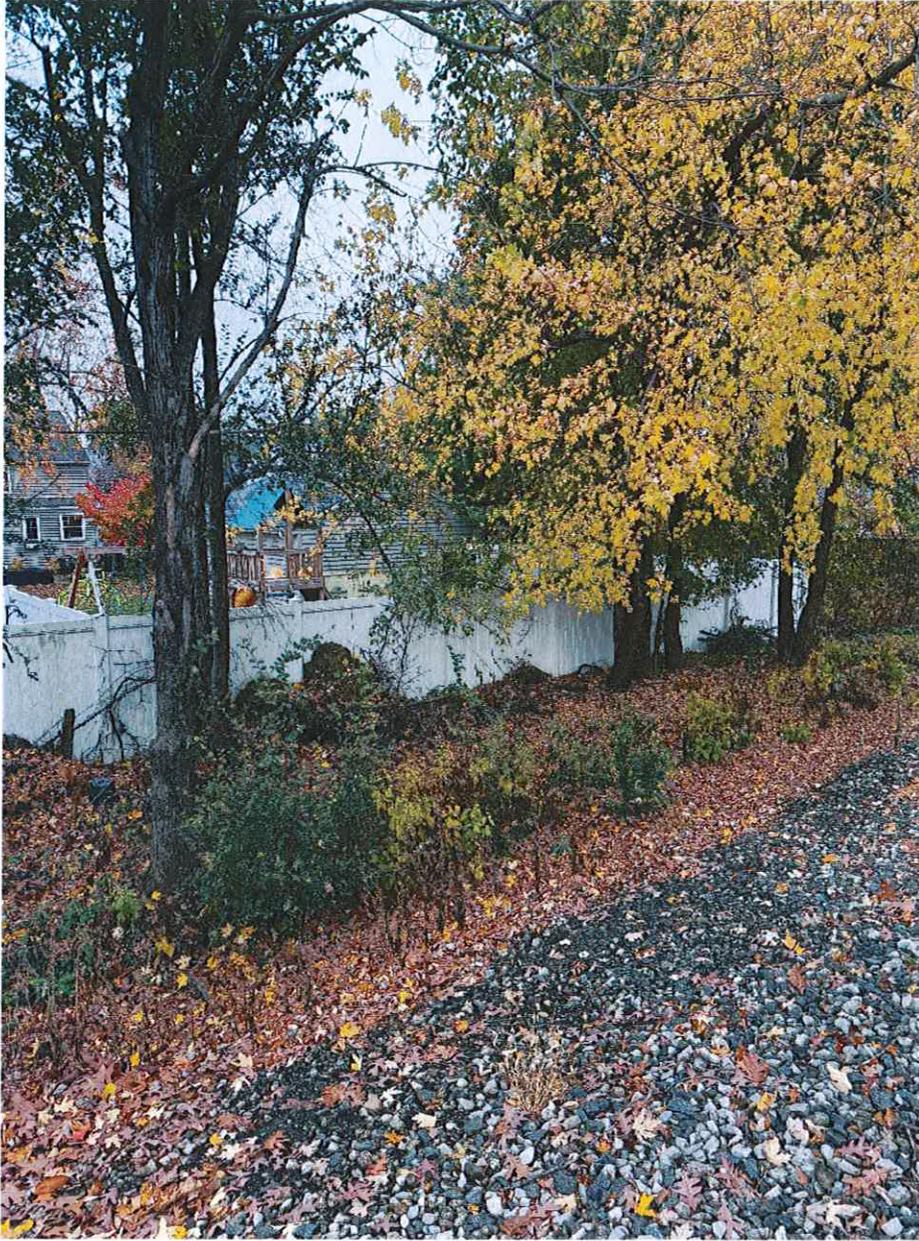
Photo showing extreme lack of privacy in backyard (facing east, Vaughns- also submitting for privacy fence)



Photo showing openness to railroad. Note elevation of tracks.



Example #1: neighbor on same block with 6ft full privacy fence on all sides of backyard.



Example #2: neighbor on same block with 6ft full privacy fence on all sides of backyard.



Example #3: Neighbor on same block with same style fence I am requesting (side by side cedar plank).



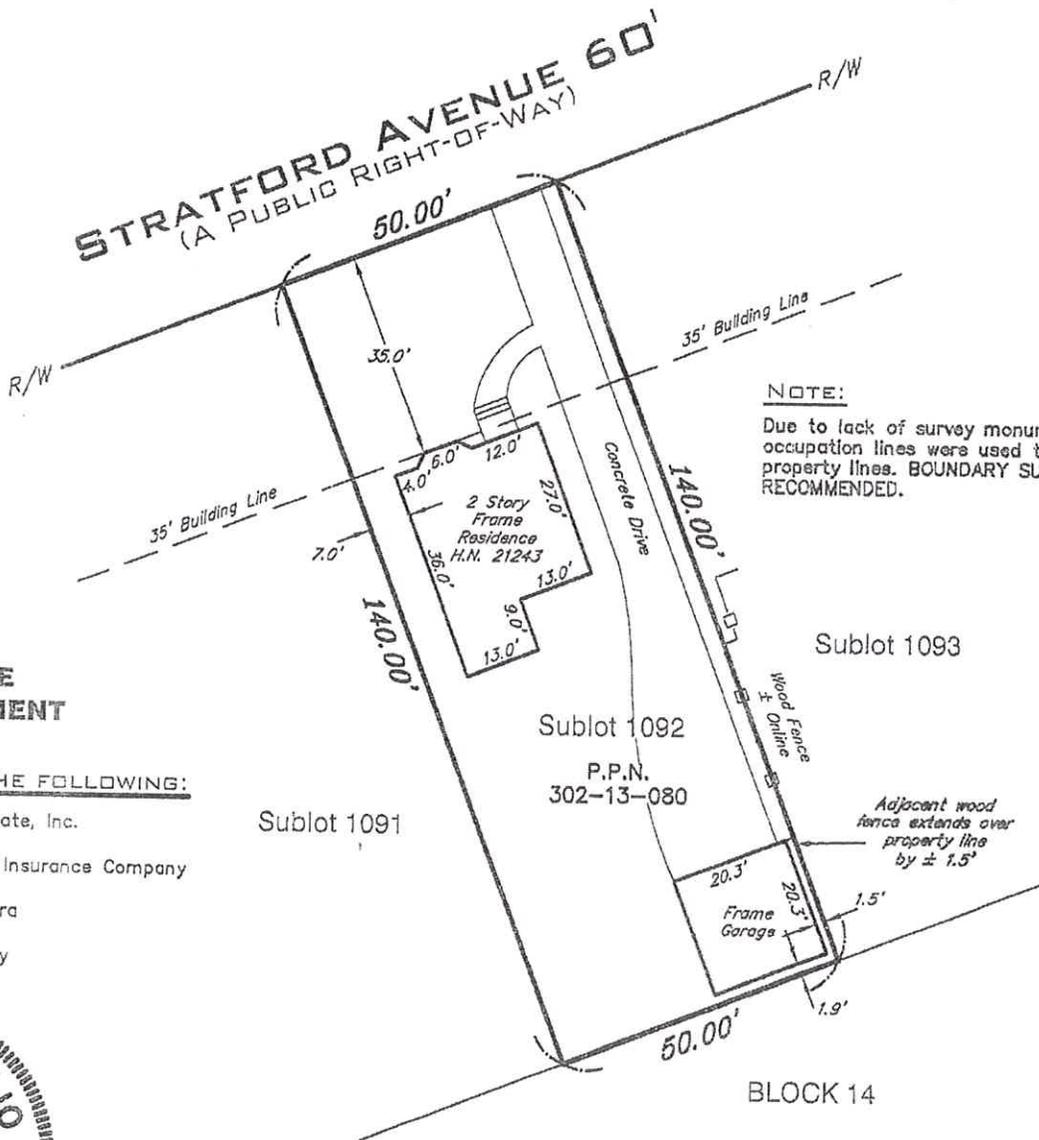
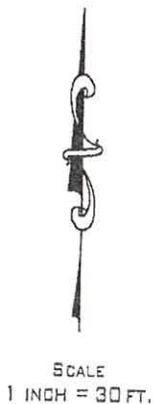
Photo from contractor of a previous job using the same style fence I am requesting.

RIVERSTONE

LAND SURVEYING • ENGINEERING • DESIGN

MORTGAGE LOCATION SURVEY OF 21243 STRATFORD AVENUE ROCKY RIVER, OHIO

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio: and known as being Sublot No. 1092 in the Realty Underwriting Company's Beach Cliff Subdivision No. 4 of part of Original Rockprt Township Section Nos. 16, 17, 24 and 25, as shown by the recorded plat in Volume 69, Page 1 of Cuyahoga County Map Records.



POSSIBLE ENCROACHMENT

CERTIFIED TO THE FOLLOWING:

Lender: Guaranteed Rate, Inc.
Title: Chicago Title Insurance Company
Seller: Gail H. Smedira
Buyer: Jacob Kovesty



I HEREBY DECLARE THAT THE BUILDING SITUATED IN THE DESCRIBED REAL ESTATES ARE LOCATED ON AND WITH IN THE BOUNDARIES OF SAID PREMISES UNLESS SHOWN OTHERWISE. THIS SURVEY WAS NOT PERFORMED FOR THE PURPOSE OF ESTABLISHING BOUNDARY LINES, AND SHOULD NOT BE USED AS A BOUNDARY OR LAND SURVEY. THIS MORTGAGE LOCATION SURVEY IS IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE 4733-38.

10-20-2023
PETER JOHN GAURILOFF P.S. No. 8846

Chicago Title Company, LLC
Order Number 2300153982-16
2023-1655

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3800 Lakeside Avenue Suite 100
Cleveland, Ohio 44114



Phone 216-491-2000 • Fax 216-491-9640
Internet • www.riverstonesurvey.com

REVIEWED AND APPROVED

