



## 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 AARON MICHAEL VAUGHN, 21227 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](mailto:KKERBER@RRCITY.COM) OR BY CALLING 440-331-0600 EXT. 2598.

Notices sent to:  
See attached list

### 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.

**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: 11/25/2024

COMMERCIAL: \_\_\_\_\_ RESIDENTIAL:

ADDRESS OF IMPROVEMENT: 21227 Stratford Avenue

OWNERSHIP: Aaron M Vaughn 21227 Stratford Avenue 440-655-1234  
Name Address Phone

CONTRACTOR: Coon 21 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 6' Rear 6'

CORNER LOT: Yes \_\_\_\_\_ No

VARIANCE NEEDED: Yes  No \_\_\_\_\_

BOARD OF APPEALS MEETING: 12/12/2024

TYPE(S) OF VARIANCE(S): Fence height

ESTIMATED COST: 4800

SIGNATURE OF OWNER: \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_

**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: \_\_\_\_\_



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 \_\_\_\_\_      Permanent Parcel No. 302-13-081

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

Address of property seeking variance: 21227 Stratford avenue

Aaron Michael Vaughn      Same

Name of Property Owner

Name of Applicant / Representative

21227 Stratford Avenue

Address

Address

440-655-1234      Same

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

**E-MAIL:** defiant997@protonmail.com      **E-MAIL:** \_\_\_\_\_

Description of what is intended to be done:

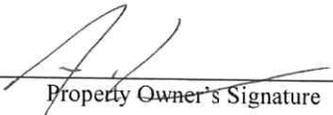
Erect a 6ft privacy fence on both rear side property lines as well as along the Norfolk Southern Railroad.

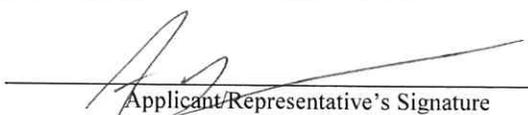
Sections of the Code from which variance is being requested:

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 to 1153.15 (j) (7) C. which allows for up to a 6ft 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

## 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 USE 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 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 checked="" 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>Note:</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 or rear 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).

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.

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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).

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.

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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).

1153.15 (j) (7) C. States that 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.

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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).

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 immediate neighbor to the west is requesting a fence as well on our shared property line.

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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 (for example, 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.**

**UNNECESSARY HARDSHIP STANDARD**

**ONLY ANSWER THESE QUESTIONS IF YOU ARE REQUESTING A VARIANCE FOR ANY FUNCTIONAL, LAND OR BUILDING USE NOT SPECIFICALLY PERMITTED IN EITHER A PARTICULAR ZONING DISTRICT, OR OTHERWISE NOT PERMITTED BY THE DEVELOPMENT CODE. (See Typical Variance Sheet for guidance.)**

**ALL QUESTIONS REQUIRE A COMPLETE RESPONSE**

In order to grant a use variance, the Board of Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. **THE APPLICANT MUST DEMONSTRATE SUCH HARDSHIP BY CLEAR AND CONVINCING EVIDENCE** that the criteria in Rocky River Codified Ordinances, sub-section 1133.17(c)(2) is satisfied.

**R.R.C.O. Chapter 1133.17(c)(2)A.** Please demonstrate hardship with the following:

- i.) Explain how the variance requested stems from a condition that is **UNIQUE TO THE PROPERTY AT ISSUE** and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original building, etc.)

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- ii.) Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents.

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- iii.) Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.

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iv.) Explain how the variance will be consistent with the general spirit and intent of the Code.

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v.) Explain how the variance sought is the minimum that will afford relief to the applicant.

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**R.R.C.O. Chapter 1133.17(c)(2)B.** If applicable, explain what further evidence you would like the Board of Appeals to consider, as follows:

i.) Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

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ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

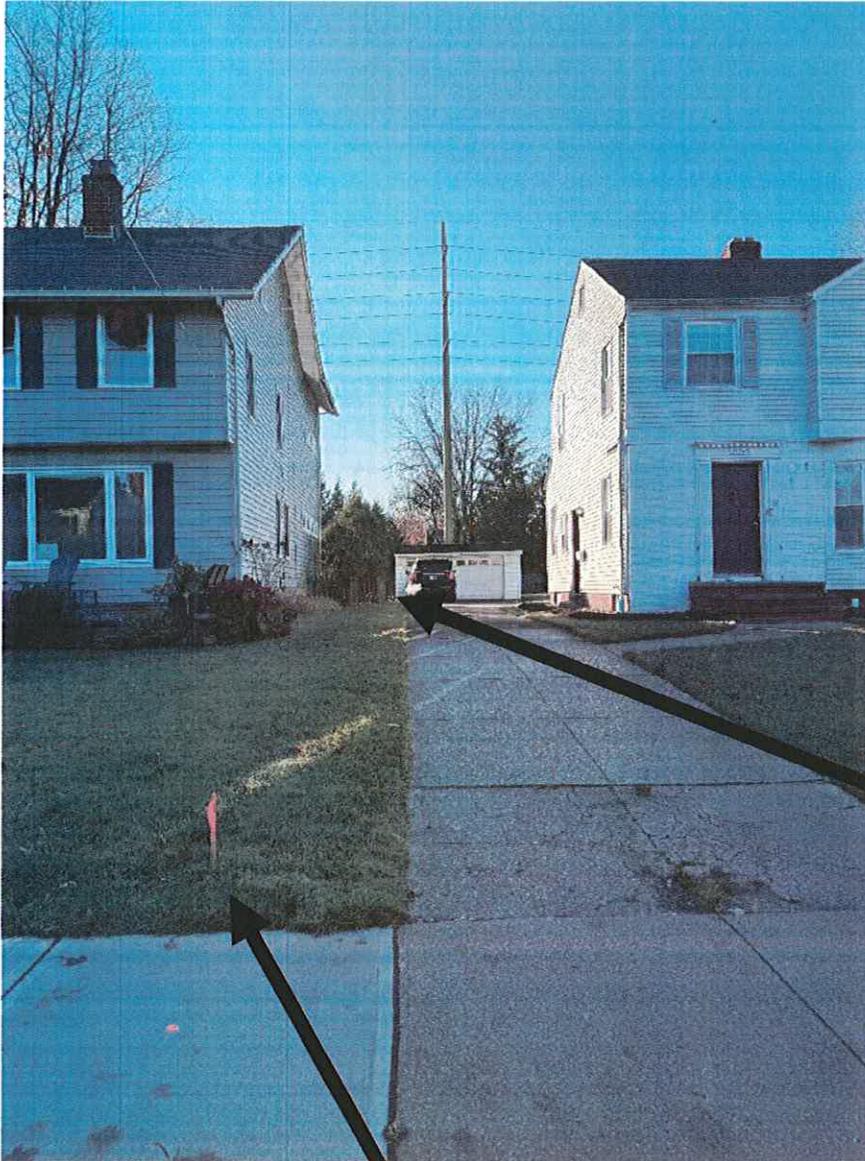
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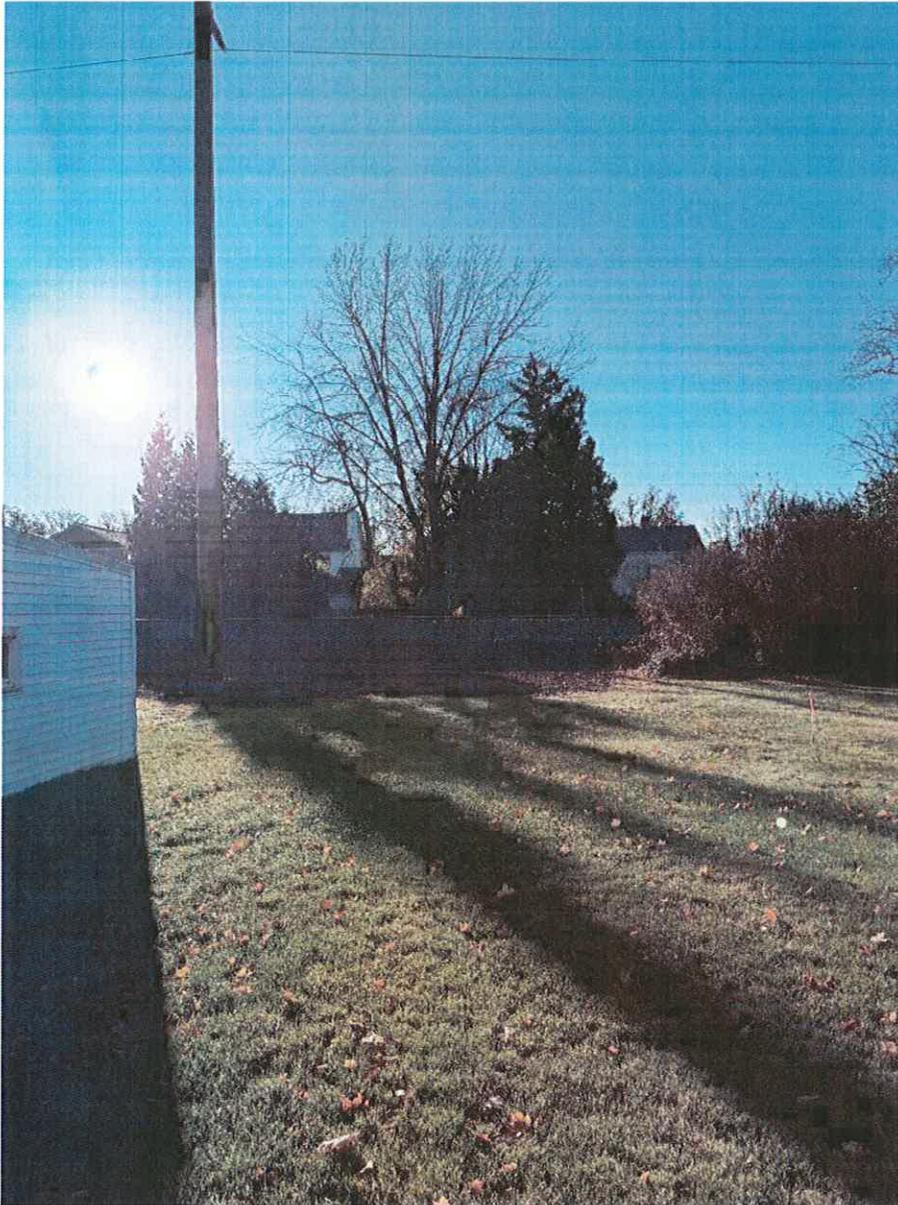
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**PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.**



Proposed fence off our home then back towards neighbor's garage. Fence will come forward from neighbor's garage to down the side of our house to enclose existing A/C units and to allow for future replacement/expansion

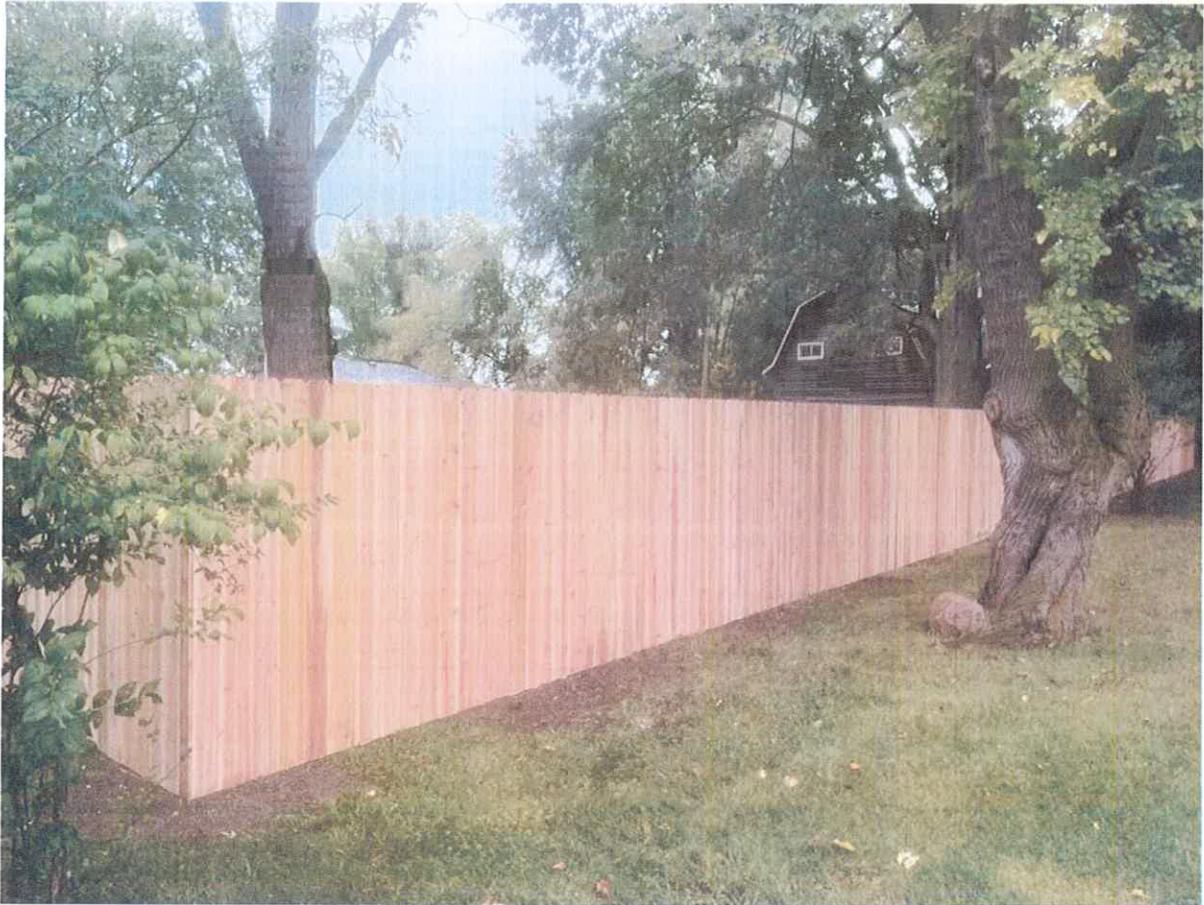
New property pins set by Straub Surveying, LLC on 11/15/2024.



**Photo showing openness to railroad. Note elevation of tracks.**



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



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