

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) 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.
- 4) Elevation drawings (for pergola, garage, addition or exterior alteration).
- 5) Photographs of your property and affected adjacent properties. Also, submit a photo example of proposed fences and storage sheds.
- 6) Support letters from surrounding property owners, if available.
- 7) Any other information as may be requested by the Board, Law Director, or Building Commissioner.
- 8) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. A SEPARATE BUILDING PERMIT MUST BE ISSUED PRIOR TO ALL CONSTRUCTION.**

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.



2/29/2024

Property Owner

Date



2/29/2024

Applicant/Representative

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: 2/29/2024
Zoning of Property R-1 Family Platted Lot

Hearing Date: 3/14/2024
Permanent Parcel No. 301-26-061

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

Address of property seeking variance: 19670 Tebir Ave.

Adam Burg

Name of Property Owner

Brian T. Hennies

Name of Applicant / Representative

19670 Tebir Ave., Rocky River

Address

19749 Tebir Ave., Rocky River

Address

-

330-241-1063

Telephone No.

Cell Phone No.

-

440-339-9334

Telephone No.

Cell Phone No.

E-MAIL: adamaburg@gmail.com

E-MAIL: bthennies@yahoo.com

Description of what is intended to be done:

New addition to the front of the house, and reconstructing the second floor to update bedrooms and match the footprint. The existing foundations, basement layout and first floor layout will remain in place and only be modified as required to gain access to building systems.

Sections of the Code from which variance is being requested:

1. Lot Coverage - 2. Side Setback (west side only)

List variances requested:

1. Lot Coverage to allow 33.1% (28% max) - 2. Side Setback 3'-5" from property line (5' required)



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: (Complete Building Permit Application)		
<ul style="list-style-type: none"> Rear, side & front setbacks 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties 3'-5"
<ul style="list-style-type: none"> Coverage (>28%) 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties 33.1%
DRIVEWAYS: (Complete Building Permit Application)		
<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: (Complete Sign Permit Application)		
<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: (Complete Fence Permit Application)		
<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: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)		
<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 type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> Square footage 	<input type="checkbox"/>	(Area) Practical Difficulties
Air Conditioners and Generators: (Complete HVAC Permit for A/C or Electrical Permit for Generators)		
<ul style="list-style-type: none"> In side yard <10' from property line or in front yard 	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: (Complete Building Permit Application)		
<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

Responses are numbered based on

1. Lot Coverage
2. Side Setback

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).

1. The lot is smaller compared to others in the neighborhood and city, < 28% coverage does not allow too many options to expand. The 33.1% requested does not seem unreasonable compared to the current code.

2. The property lot width of 40' is one of the smallest in the city, and currently built out to maximize the use on the land. It (as well as other properties in this neighborhood) is closer to the property line than today's codes permit for side yard setbacks. The west end would not go beyond the current extents of the house, which is currently 3'-5".

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).

1. Without the variance the addition would have to reduce the footprint, making the interior use less ideal, and closer to what some bedroom sizes and quantities are now.

2. Without the variance the addition would not be able to accommodate an attached garage on the first floor, which is a driving factor to doing this project, while still allowing a reasonable sized entry and living room adjacent to it.

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).

1. The lot coverage is 5.1% above the maximum, which we feel is minor. The former detached garage footprint is being removed and turned back over to yard, providing more space and pervious ground area. The back also has a covered patio, so it allows open space below.

2. The side setback we feel is not too unreasonable given the narrow lots in this neighborhood, and it is within reason of other houses current setbacks and other various requests. We also wanted to align with the current wall that projects out at this dimension to have a consistent surface on the first floor, it then steps back to the 5'-0" on the second floor.

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).

1. The lot coverage difference we feel is negligible and adjoining properties would not suffer detriment because of the variance.

2. We don't feel the variance would substantially alter the adjoining properties. The neighbors to the west would not be building beyond where the house currently is, so will not encroach any further.

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

Either would not affect any government services. All services would be from same locations.

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

No, all conditions existed when purchased.

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

No, all conditions existed prior to purchase.

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).

Without the variances the addition would have to reduce the footprint, making the interior use less ideal, and closer to what some bedroom sizes and quantities are now. It would also make very tight dimension at the entry, and practically no space for a small, covered porch.

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 setback variances would allow the owner to have an attached garage, mudroom and more acceptable bedroom sizes for today's living, all of which cannot be achieved with the current arrangement. The size and quantity of bed and bathroom are appealing for current and future homeowners, and the attached garage look is consistent to other recent home constructions on the street. The homeowners have been planning this significant upgrade for some time now.

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.

We don't see any of the requests to confer any special privileges to this property/owner, it appears to be in line with other nearby property requests or variances for similar reasons.

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 property (as well as others in this neighborhood) is at a disadvantage with the narrow property widths, adhering to the setback distances in the code would normally not allow for these types of improvements that other properties in the city can easily achieve. Same can be said for the lot coverage, as a percentage it allows less opportunity for total square feet of development.

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.)

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

- 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.**

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

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

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.

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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