

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

### NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS  
ON  
MARCH 14, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, MARCH 14, 2024 AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A 6' BOARD-ON-BOARD FENCE IN THE REAR YARD VS. ANY PORTION OF THE FENCE OVER 5' IN HEIGHT SHALL BE CONSTRUCTED OF MATERIALS THAT ARE 50% TRANSPARENT WHEN VIEWED PERPENDICULAR TO THE FENCE FOR TIMOTHY HILL, 3642 MIDDLEPOST LN.

BEFORE REACHING A DECISION, THE BOARD WILL GIVE THOSE IN ATTENDANCE AN OPPORTUNITY TO BE HEARD.

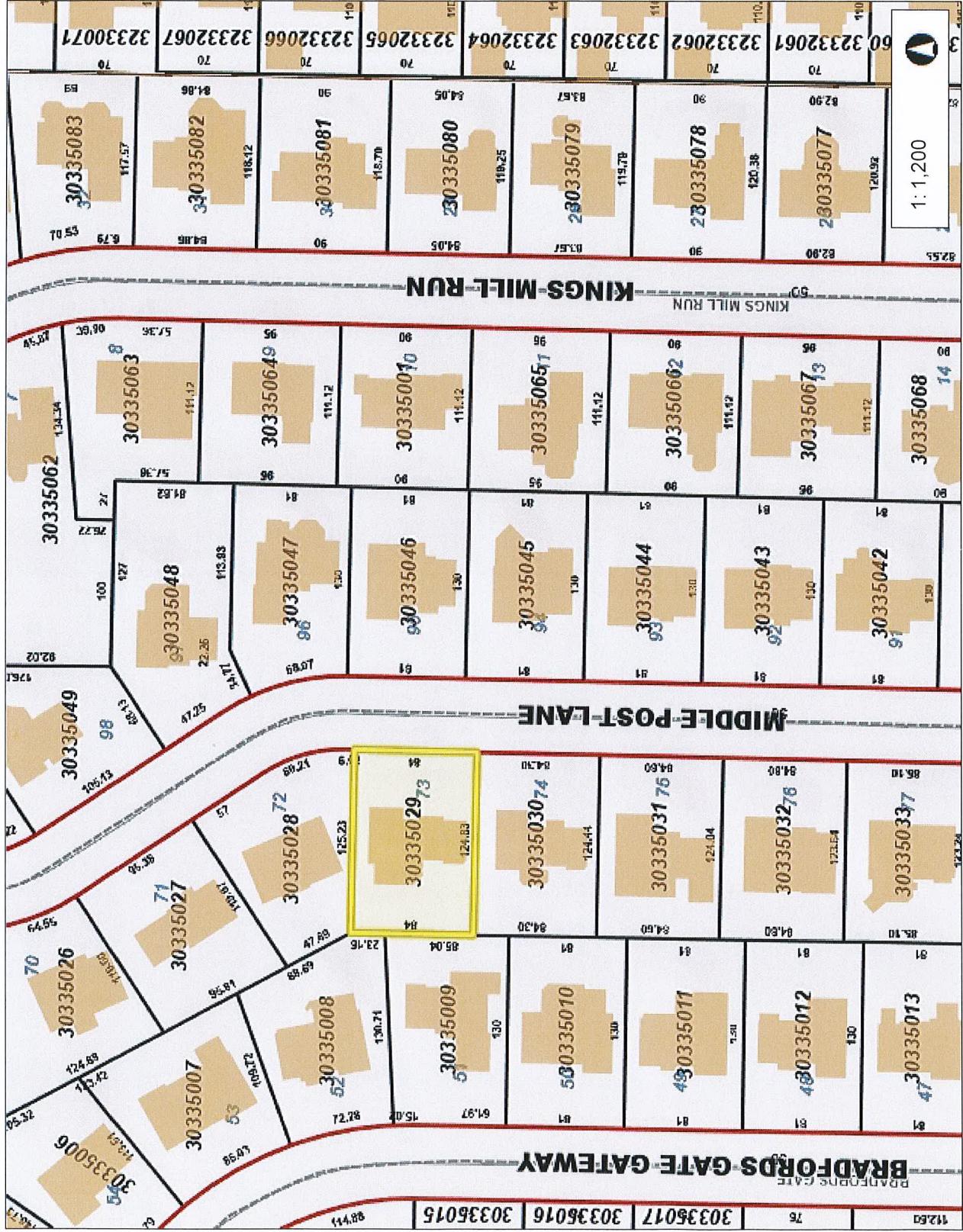
PLANS SHOWING THE PROPOSED LOCATION ARE ON FILE IN THE BUILDING DIVISION OFFICE AND ARE AVAILABLE VIA E-MAIL OR TO VIEW IN PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. YOU MAY ALSO VIEW THE PLANS BY VISITING THE CALENDAR ON THE HOME PAGE OF THE CITY WEBSITE ([www.rrcity.com](http://www.rrcity.com)) AND CLICKING ON THE MEETING LISTED FOR THIS DATE. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT [kstraub@rrcity.com](mailto:kstraub@rrcity.com) OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:

See attached list

RITA J ARCH	3643 BRADFORDS GATE	ROCKY RIVER	OH	44116
YILMAZ KUZEY & NAZAN	3585 MIDDLEPOST LN	ROCKY RIVER	OH	44116
DEGRANDIS, FRED M. & NORA K.	3673 BRADFORDS GATE	ROCKY RIVER	OH	44116
HILL TIMOTHY M & ANNE S	3642 MIDDLEPOST LN	ROCKY RIVER	OH	44116
VEENA GARG	3732 MIDDLEPOST LN	ROCKY RIVER	OH	44116
GINLEY, STEPHEN & MARY	3672 MIDDLEPOST LN	ROCKY RIVER	OH	44116
CARMON, LAWRENCE J. & CARMON, KATHLEEN A. (CO-TRUSTEES)	3552 MIDDLEPOST LN	ROCKY RIVER	OH	44116
SHAHIN ZKIAB	3702 MIDDLE POST LN	ROCKY RIVER	OH	44116
RONALD & LISA RUCKER	3675 MIDDLEPOST LN	ROCKY RIVER	OH	44116-3931
KAVULICH, DEBORAH A	3583 BRADFORDS GATE	ROCKY RIVER	OH	44116
THOMAS & SUSAN BERES	3612 MIDDLEPOST LN	ROCKY RIVER	OH	44116
JOHN E. LENHARD-TRUSTEE	3703 BRADFORDS GATE	ROCKY RIVER	OH	44116-3809
JAMES & TRACEY DEMERS	3645 MIDDLEPOST LN	ROCKY RIVER	OH	44116
DVORAK, JUSTIN EDWARD & ELLE JUSTINA	3555 MIDDLEPOST LN	ROCKY RIVER	OH	44116
VAYNBERG, JULIA V. TRUSTEE	3613 BRADFORDS GATE	ROCKY RIVER	OH	44116
MURRAY, MICHAEL S & ROXIE J	1050 WOODWARD	DETROIT	MI	48226
RUSSELL & ERIN WILLIAMS	3615 MIDDLEPOST LN	ROCKY RIVER	OH	44116
OUTCALT, JOHN CAMERON & OUTCALT, NICOLE MARIE	3735 MIDDLEPOST LN	ROCKY RIVER	OH	44116

# Cuyahoga County GIS Viewer



Date Created: 3/6/2024

## Legend

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

- (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.

(4) Fences on a Corner Lot Within the Required Corner Side Setback. For lots located on a corner, fences may be located in the required corner side setback provided such fences are located behind the front wall of the principal building and setback five (5) feet from the corner side lot line. Only ornamental fences shall be permitted within the corner side yard to a maximum height of forty-two inches. A Zoning Certificate shall be required for a fence in the corner side yard, and such Certificate shall be approved by the Zoning Administrator. The Architectural Review Board is authorized to grant an exception to this sub-section. The Architectural Review Board may grant a complete exception from this standard, or it may modify the standard in view of the peculiarities of the site. The Architectural Review Board may also impose reasonable conditions, such as the planting of landscaping, when approving such an exception. In evaluating a request for an exception, the Review Boards shall consider:

- A. The proposed opacity of the fence;
- B. The proposed height;
- C. The location of the proposed fence; and,
- D. Any impacts on adjacent property or the public right-of-way.

(5) Fences that are painted shall be one color. Fences and walls shall be maintained in good repair and condition, be structurally sound, and attractively finished at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the yard that is fenced;

(6) Barbed wire, and electrified fences are prohibited. Acceptable fencing materials include stone, brick, finished wood, iron, metal, or synthetic look-alike products;

(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.
- B. Privacy Fences on Rear Yards Adjacent to and Abutting Route I-90. On lot lines contiguous with the easement or right-of-way of I-90, 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
- 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.

## **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) **This 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. **IMPORTANT: Mark the corners of additions, a/c condensers or whatever applies to your variance.**
- 4) **Elevation drawings** (for pergola, garage, addition or exterior alteration).
- 5) **Photographs** of your property with the structure you are asking for a variance for clearly staked. Also submit photos of affected adjacent properties. Submit a photo example of proposed fences and storage sheds.
- 6) **Support letters** from surrounding property owners, if available.
- 7) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. PLEASE CHECK WITH THE BUILDING DEPARTMENT TO BE SURE YOU HAVE YOUR PERMIT AND CAN START CONSTRUCTION.**
- 8) Email your entire submission to [kstraub@rockyohio.com](mailto:kstraub@rockyohio.com). When she reviews it and gives you the OK, provide 10 stapled sets of the entire submission.

**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.**

*Timothy & Anne Hill 2/28/24*

Property Owner

Date

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: \_\_\_\_\_  
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:

TIMOTHY / ANNE HILL

TIMOTHY HILL

Name of Property Owner

3642 MIDDLEPOST LN

Name of Applicant / Representative

ROCKY RIVER, OH 44116

Address

216.406.4914

Address

216.406.4914

Telephone No

Cell Phone No

Telephone No

Cell Phone No

E-MAIL: xtmh53n@att.net

E-MAIL:

Description of what is intended to be done:

PRIVACY FENCE ALONG BACK BORDER OF YARD, APPROX.  
80', SHADOWBOX, 6' IN HEIGHT. TWO 8' SECTIONS ON  
BOTH ENDS OF SIDE YARD CONNECTED TO BACK FENCE.

Sections of the Code from which variance is being requested:

FENCE PERMIT APPLICATION. CODE 1153.15, SECTION 3.

"ANY PORTION OF THE FENCE OVER 5 FEET IN HEIGHT SHALL BE CONSTRUCTED  
OF MATERIALS THAT ARE 50% TRANSPARENT."

List variances requested:

I WOULD LIKE TO BUILD A 6' FENCE ALONG MY BACK BORDER  
ALL SHADOWBOX WITHOUT THE LAST 1 FOOT BEING 50% TRANSPARENT.

Timothy Hill

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
• Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code	•	(Use) Unnecessary Hardship
<b>ADDITIONS &amp; BUILDINGS: (Complete Building Permit Application)</b>		
• Rear, side & front setbacks	•	(Area) Practical Difficulties
• Coverage (>28%)	•	(Area) Practical Difficulties
<b>DRIVEWAYS: (Complete Building Permit Application)</b>		
• Width	•	(Area) Practical Difficulties
• Distance from property line	•	(Area) Practical Difficulties
• Circular if lot width is <90'	•	(Area) Practical Difficulties
<b>SIGNS: (Complete Sign Permit Application)</b>		
• Area allowed (maximum sq. ft.)	•	(Area) Practical Difficulties

• Height	•	(Area) Practical Difficulties
• Front setback	•	(Area) Practical Difficulties
• Lot width <100'	•	(Area) Practical Difficulties
• Number of items of information	•	(Area) Practical Difficulties
• On side of building	•	(Area) Practical Difficulties
<b>FENCES: (Complete Fence Permit Application)</b>		
• Height or Openness	• <input checked="" type="checkbox"/>	(Area) Practical Difficulties
• Front Yard (in setback)	•	(Area) Practical Difficulties
<b>ACCESSORY BUILDINGS (Play Structures, Storage Sheds: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)</b>		
<i>Note: Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
• Height	•	(Area) Practical Difficulties
• Setback from property line	•	(Area) Practical Difficulties
• Square footage	•	(Area) Practical Difficulties
<b>Air Conditioners and Generators: (Complete HVAC Permit for A/C or Electrical Permit for Generators)</b>		
• In side yard <10' from property line or in front yard	•	(Area) Practical Difficulties
<b>Parking: (Complete Building Permit Application)</b>		
• < the number of spaces required	•	(Area) Practical Difficulties
• Setback from property line	•	(Area) Practical Difficulties

## PRACTICAL DIFFICULTIES

### ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

**R.R.C.O. 1133.17(e)(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).

- MY PROPERTY @ 3642 MIDDLEPOST SHARES THE PROPERTY LINE WITH
- HOUSE @ 3643 BRADFORDS GATE. BOTH OUR LOTS ARE VERY SHALLOW WHICH DOESN'T AFFORD US MUCH PRIVACY. FURTHERMORE THERE IS ONLY A CHAIN LINK FENCE SEPARATING THE YARDS, BEGINNING IN THE SUMMER OF 2021 MY REAR NEIGHBOR INSTALLED AN ABOVE-GROUND POOL ONLY 8' FROM PROPERTY LINE. THEY ALSO BUTCHERED THE PINE TREES IN MY BACK-YARD TO IMPROVE SUN EXPOSURE. THE BACKYARD IS USED TO STORE UNSIGHTLY YARD AND POOL EQUIPMENT AS WELL. THIS LIMITS MY ABILITY TO USE MY BACKYARD.

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 VARIANCE, I WILL STILL BE ABLE TO HAVE A CLEAR VIEW OF THE POOL LADDER AND THE REST OF THE UN-KEPT YARD.
- THE VARIANCE WILL ALLOW MY WIFE TO HAVE A NICE VIEW OUT THE KITCHEN WINDOW, INCREASE USAGE OF OUR DECK & BACKYARD, AND IMPROVE THE AESTHETICS OF THE YARD & HOUSE.
- 

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).

- I BELIEVE THAT THE VARIANCE IS SUBSTANTIAL BECAUSE OF THE IMPROVEMENT IN ABILITY FOR BOTH NEIGHBORS TO USE OUR BACKYARDS IN PRIVACY.

- IT IS THE MINIMUM NECESSARY BECAUSE I AM NOT ASKING TO GO ABOVE THE 6' LIMIT FOR REAR FENCE,
- BUT ONLY CHANGE THE LAST FOOT FROM 50% TO 25% MUNICIPAL.

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).

~~CHARACTER WOULD NOT BE ALTERED, AS THERE ARE MANY 6' SHARING BOX FENCES ALONG NEIGHBOR'S REAR PROPERTY LINES. ADJOINING PROPERTIES, ESPECIALLY ONE WITH POOL WOULD BENEFIT FROM INCREASED PRIVACY. THE AESTHETICS WOULD IMPROVE AND INCREASE VALUE BECAUSE OF IMPROVED USEFULNESS OF THE SPACE.~~

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

NO. IT IS ON THE REAR PROPERTY LINE.

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

NO.

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

NO.

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).

WE TRIED FOR SEVERAL YEARS AND MULTIPLE ATTEMPTS TO GROW TREES BUT HAD SHRUBS TO SERVE AS A BORDER, BUT HAVE BEEN UNSUCCESSFUL DUE TO EXCESSIVE SHADE.

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).

PROPERTY AND REAR NEIGHBORS PROPERTY WOULD IMPROVE DUE TO INCREASED USEFULNESS OF SPACE BECAUSE AESTHETICALLY PLEASING AND IMPROVED PRIVACY.

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.

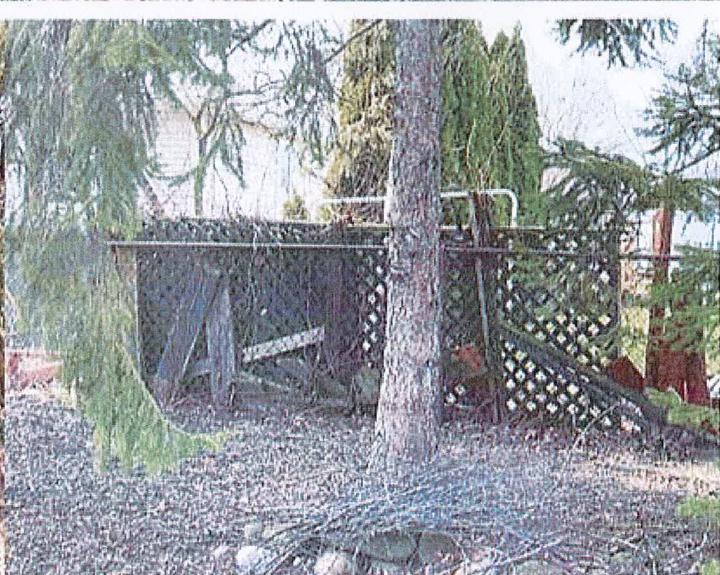
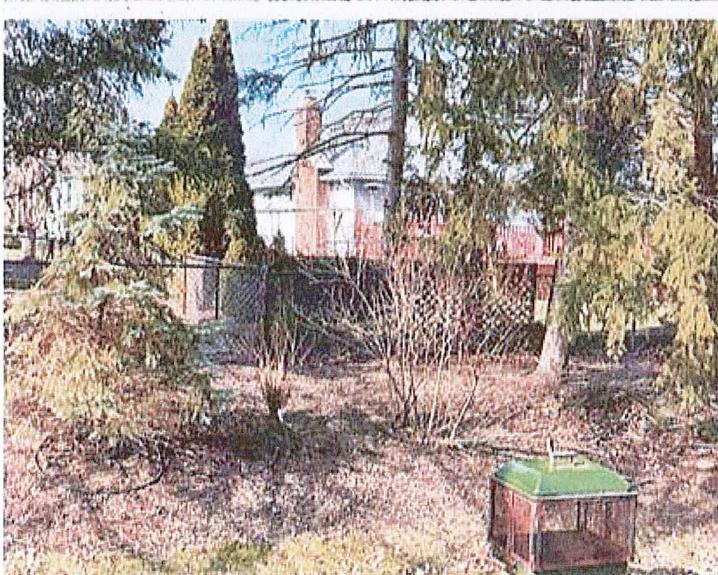
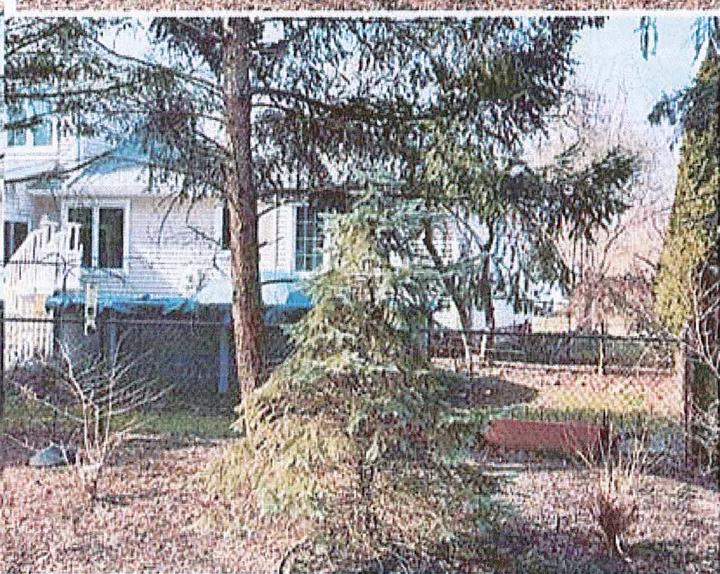
NO.

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.

NO.

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.







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30335029 | HILL T

## PROPERTY DATA

General Information

Transfers

Values

Land

Building Information

Building Sketch

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Permits

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## TAXES

Tax By Year

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## LEGAL RECORDINGS

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