

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 RENEWAL OF AN EXPIRED VARIANCE TO CONSTRUCT AN OUTDOOR COURTYARD WITH A 25' – 5 ¼" FRONT SETBACK (ON BUCKINGHAM RD.) VS. 30' FRONT SETBACK REQUIRED (Section 1153.07(a)) FOR SHANNON POLK, 19618 BEACHCLIFF BLVD.

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) AND CLICKING ON THE MEETING LISTED FOR THIS DATE. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT kstraub@rrcity.com OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

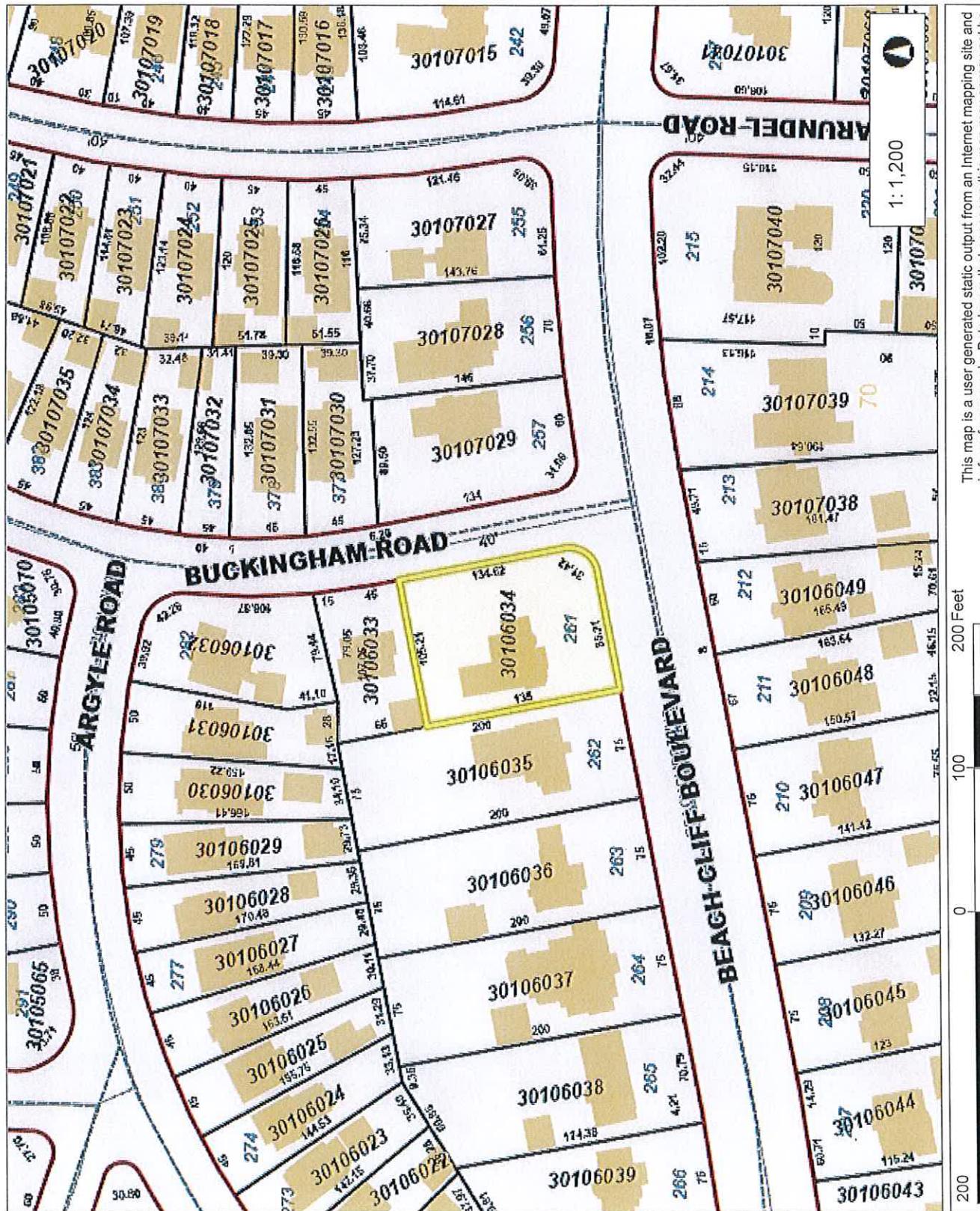
Notices sent to:

See attached list

PARCEL

PIN	Name	Address	City	State	Zip
30106028	PATTERSON, PATRICIA A -TRUSTEE	19731 ROSLYN DR	ROCKY RIVER	OH	44116
30106033	MOORE MICHAEL E. & TARA	270 BUCKINGHAM RD	Rocky River	OH	44116
30107031	44116- Anthony & Nancy Bulic	265 BUCKINGHAM RD	Rocky River	OH	1622
30106032	GROSS, RICHARD B. (TRS)	19645 ROSLYN DR	Rocky River	OH	44116
30106035	MAY, DONALD JR & STELLA	19640 BEACH CLIFF BLVD	ROCKY RIVER	OH	44116
30106034	POLK, SHANNON - TRUSTEE	19618 BEACHCLIFF BLVD	ROCKY RIVER	OH	44116
30107039	HUNGER, HELENE K. CARLSON, THOMAS ELLSWORTH &	19565 BEACHCLIFF BLVD	ROCKY RIVER	OH	44116
30107030	SWANSON, CARA N. JOHNSON, ELLEN K TRUSTEE OF THE ELLEN K	271 BUCKINGHAM RD	ROCKY RIVER	OH	44116
30107038	JOHNSON TRUST STANCIU, DAVID C. &	343 THORNALL ST	EDISON	NJ	08837
30106047	STANCIU, SHANNANE. BRADLEY J & SHELBY ROBERTS WELLS FARGO	19673 BEACH CLIFF BLVD	ROCKY RIVER	OH	44116
30106030	HOME MORTGAGE BOWEN, CHRISTIAN M &	PO BOX 11758	NEWARK	NJ	07171
30106029	CHRISTINE G FUREY, TIMOTHY C. &	19697 ROSLYN DR	ROCKY RIVER	OH	44116
30106049	POLLY C. ELWOOD, COLLEEN	19605 BEACHCLIFF BLVD	ROCKY RIVER	OH	44116
30106048	TRUSTEE	19637 BEACHCLIFF BLVD	ROCKY RIVER	OH	44116
30106031	NOVEMBER, DAVID T. RICHARDSON, CAROL L	19655 ROSALYN DR	ROCKY RIVER	OH	44116
30107029	TRS REED, JUSTIN D. &	19580 BEACH CLIFF BLVD	ROCKY RIVER	OH	44116
30106036	JESSICA-TRUSTEE	19680 BEACH CLIFF BLVD	ROCKY RIVER	OH	44116

Cuyahoga County GIS Viewer



Projection:
WGS_1984/Web_Mercator_Auxiliary_Sphere

200 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**Cuyahoga County—
Enterprise GIS**
PUTTING CUYAHOGA COUNTY ON THE MAP

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Enterprise GIS**
PUTTING CUYAHOGA COUNTY ON THE MAP

(b) Maximum Lot Coverage. The maximum lot coverage by building shall be as set forth in Schedule 1153.05 for the district in which the lot is located.

(c) Schedule 1153.05 Minimum Lot Requirements.

Schedule 1153.05 Minimum Lot Requirements		
	R-1 Single-Family Residential District	R-2 Two-Family Residential District
(1) Minimum lot area	10,000 square feet	6000 square feet ^(b)
(2) Minimum width at building setback line ^(a)	75 feet	60 feet
(3) Maximum lot coverage by building	28%	28%

(a) On curved streets, the lot width shall be the arc length of the building setback line.
 (b) Per Dwelling Unit

1153.07 SETBACK REQUIREMENTS.

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side, and rear setbacks set forth in this Section for the district in which the lot is located, except as otherwise regulated in Chapter 1183, Conditional Use Regulations. The area within each required setback shall remain unobstructed by structures, except as otherwise permitted in this Code.

- (a) Front Setback. Each lot shall have and maintain a front setback in compliance with the Setback Map, City of Rocky River, May 12, 1975.
- (b) Front Setback on Through Lots. On a through lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth on the Setback Map, City of Rocky River, May 12, 1975. There shall be no required rear setback on a through lot.
- (c) Side Setbacks. Each interior and through lot shall have and maintain two side setbacks. Schedule 1153.07 sets forth the minimum width of each side setback.
- (d) Rear Setbacks. Each lot shall have and maintain a rear setback as specified in Schedule 1153.07.
- (e) Corner Lot Setbacks. Corner lots shall have and maintain the setback requirements in this sub-section, if the Setback Map, City of Rocky River, May 12, 1975, is unclear. See Figure 1 below.
 - (1) Corner Side Setback. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:
 - A. The depth of the front yard on a corner lot shall be not less than the required setback as established on the Setback Map or by regulations in this Zoning Code.



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.

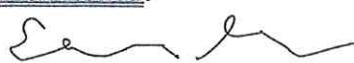
(Applicants may not communicate with or present information relating to their variance request to any Board member directly. Communications must be submitted to the Building Department for delivery to the Board.)

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.



2.29.24

Property Owner



Date

Applicant/Representative

2.29.24

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: 2.29.24
Zoning of Property R-1

Hearing Date: 3.14.24
Permanent Parcel No. 301-06-034

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

Address of property seeking variance: 19618 Beach Cliff Boulevard

Shannon & Rachel Polk

Name of Property Owner

Elicia Keebler Gibbon

Name of Applicant / Representative

19618 Beach Cliff Boulevard

Address

3012 Chadbourne Road, Shaker Hts, OH 44120

Address

216.659.6316

Telephone No.

773.329.1059

Cell Phone No.

216.385.2385

Cell Phone No.

E-MAIL: spolk@polkkabat.com

E-MAIL: elicia@gibbonarchitecture.com

Description of what is intended to be done:

Renewal Variance requested for a front setback, outdoor courtyard, and detached frontyard fireplace, previously approved in December 2021.

Sections of the Code from which variance is being requested:

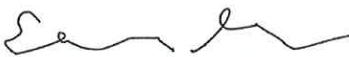
Section 1153.07(a); Section 1153.15

List variances requested:

There is an existing fireplace & courtyard that is northeast. We are extending that line so we aren't getting any closer to Buckingham. The courtyard will be more accessible & slightly more formal, but will be located in the setback area.



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 • Coverage (>28%) 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • Width • Distance from property line • Circular if lot width is <90' 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: (Complete Sign Permit Application)		
<ul style="list-style-type: none"> • Area allowed (maximum sq. ft.) • Height • Front setback • Lot width <100' • Number of items of information • On side of building 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: (Complete Fence Permit Application)		
<ul style="list-style-type: none"> • Height or Openness • Front Yard (in setback) 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)		
<p><u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</p>		
<ul style="list-style-type: none"> • Height • Setback from property line • Square footage 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
	<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 or rear yard <10' from property line or in front yard 	<input type="checkbox"/>	(Area) Practical Difficulties
	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • < the number of spaces required • Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
	<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).

We are staying withing the line of the existing courtyard & fireplace, adding on to it so that it's placement responds to the existing symmetry of the east sunroom.

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).

Because this is a corner lot, the Owners don't have a backyard space that yields reasonable space for semi-private outdoor enjoyment.

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).

Requested variance is 25'-5 1/4" vs. 30' front setback required (Section 1153.07(a)) on Buckingham Road. New fireplace is replacing existing fireplace in disrepair.

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).

Extending existing courtyard and replacing existing fireplace in disrepair so that their placement stays within the existing line, while more attractively utilizing and responding to the architectural language of the home.

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

Existing use in the same area. No detriment to governmental services

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

No. The Owners acquired the property in 2013. Efforts to repair & extend the outdoor space along with interior work planned, prompted the request.

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

No. Normal wear and tear. The home was built in 1930.

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).

Repair is required to make the outdoor courtyard usable.

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).

Maintaining and enhancing the aesthetics and appeal of existing housing stock within an almost century-old neighborhood upholds property values and the desirability of Rocky River.

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, because this is a corner lot with no backyard, and an existing feature of the property.

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.

Most other properties in the district have a semi-private backyard.

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.

ft. gross floor area required for one-bedroom units. The Rocky River Code does not recognize such smaller units that meet this requirement. The Planning Commission has reviewed this and this Board determines that this is a reasonable solution. Mr. Wright seconded.

4 Ayes – 1 Nay (Harpster)
GRANTED

Mr. Christ moved to grant a variance to The Krueger Group, PPN 303-26-005, Vacant Lot Next to 22591 Center Ridge Rd. to construct a multi-family apartment development with 36 storage units vs. 54 storage units required for the same reasons. Mr. Wright seconded.

4 Ayes – 1 Nay (Harpster)
GRANTED

Mr. Christ moved to grant a variance to The Krueger Group, PPN 303-26-005, Vacant Lot Next to 22591 Center Ridge Rd. to construct a multi-family apartment development with 110 total parking spaces vs. 122 total parking spaces required for the same reasons. Mr. Wright seconded.

4 Ayes – 1 Nay (Harpster)
GRANTED

5. SHANNON POLK – 19618 Beachcliff Blvd. – PUBLIC HEARING – To construct a garage addition with an 8.5' rear yard setback vs. 25' rear yard setback required (Section 1153.07(f)(2)); a Variance to construct an outdoor courtyard with a 25' – 5 ¼" front setback (on Buckingham Rd.) vs. 30' front setback required (Section 1153.07(a)).
Mr. Mark Reinhold, Architect, came forward with Shannon Polk, homeowner, to explain the variance requests.

Board Secretary Christ read the meeting notice, which also names the parties who received it. The parties were sworn in by Chairman Pempus. Mr. Reinhold explained that the applicants have an existing false 2-car garage, so they want to use the existing garage as a 1-car garage with a little bit of added interior space, and then add a usable garage to the north. He said that this is a rear yard based on the Rocky River definition, but they are holding the setback request to 8.6'. There is an existing fireplace and courtyard that is to the northeast and they are extending that line so they are not getting any closer to Buckingham. The courtyard will be more accessible while being made to be slightly more formal but it will be located in the setback area.

The Board members agreed that this is a nice project and this fits in well. Mr. Christ suggested that they reduce the concrete between the entrance and the existing garage, now that they don't need 2 doors there and Mr. Reinhold agreed to do that.

Mr. Christ moved to close the public hearing. Mr. Farrell seconded.

5 Ayes – 0 Nays
Passed

Mr. Christ reviewed the area variance factors aloud and the Board members are in agreement with his analysis.

Mr. Christ moved to grant a variance to Shannon Polk, 19618 Beachcliff Blvd. to construct a garage addition with an 8.5' rear yard setback vs. 25' rear yard setback required. There is an existing non-functional 2-car garage and this will resolve that to provide a usable garage to accommodate 2 cars with minimal impact to the neighbors. Mr. Farrell seconded.

5 Ayes – 0 Nays
GRANTED

Mr. Christ moved to grant a variance to Shannon Polk, 19618 Beachcliff Blvd. to construct an outdoor courtyard with 25' 5 1/4" front setback (on Buckingham Rd.) vs. 30' front setback required. The applicant has indicated their practical difficulties and this is merely adding to the existing courtyard within the same setback. Mr. Wright seconded.

5 Ayes – 0 Nays
GRANTED

6. JARED AND AVERY HASSON – 240 Argyle Rd. – PUBLIC HEARING – Variance to construct a garage extension with a 25.63' front setback (on Argyle Rd.) vs. 35' front setback required (Section 1153.07(a)) and a Variance to construct a garage extension with a 7.86' rear yard setback vs. 25' rear yard setback required (Section 1153.07(f)(2)).
Mr. Mark Reinhold, Architect, came forward with Homeowner, Avery Hasson to present the variance request.

Board Secretary Christ read the meeting notice, which also names the parties who received it. The parties were sworn in by Chairman Pempus. Mr. Reinhold explained that this is also a corner lot with an established setback on Argyle Rd. of 35'. The applicants are coming from an existing house on Frazier Dr. where they are unable to park inside the garage. They want to make sure they have enough room for cars as well as the things that come along with raising a family. The 25' deep garage will allow for bikes and mowers, etc. He said that this is the most extreme example of non-public space on a lot that he has ever worked with. The side yard and the defined rear yard are quite tight. He said that they feel like they will have enough driveway space for guests to park in front of the driveway. The existing garage is deep but they want to add interior space for a playroom/homework room for their growing family as they remodel the interior.

Mr. Pempus said that he is in favor of this because it has a softer impact. Mr. Christ said that he thinks the difficulty here is the fact that there is essentially zero usable back yard, so everything they are trying to do must happen within the house. Providing the ancillary spaces