

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 AN ADDITION WITH A 3.5' SIDE YARD SETBACK VS. 8' SIDE YARD SETBACK REQUIRED (Section 1153.15(b)(1)) FOR TOM STAFFORD AND CARI LINDEN, 41 OAK 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 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
30105053	RAUSER, VICTOR-TRUSTEE	31 OAK RD	ROCKY RIVER	OH	44116
30105048	ROBERT SPADEMAN	56 OAK RD	ROCKY RIVER	OH	44116
30108042	KENNEY, JOSEPH & COURTNEY	19540 ARGYLE OVAL	ROCKY RIVER	OH	44116
30105054	STAFFORD, THOMAS G	41 OAK RD	ROCKY RIVER	OH	44116
30105056	ST.PIERRE, KRISTEN KAY (TRUSTEE)	19560 ARGYLE OVAL	ROCKY RIVER	OH	44116
30105051	Kysela, Lisa A	38 OAK RD	Rocky River	OH	44116
30105057	KUNATH, STEPHEN O.	19550 ARGYLE OVAL	ROCKY RIVER	OH	44116
30108049	MUSE, AMY	40 BUCKINGHAM RD	ROCKY RIVER	OH	44116
30105012	SHUTE, DAVID H & SHUTE, AMY E	19715 FRAZIER DR	Rocky River	OH	44116
30108047	DELVENTHAL, MARK & ERIN	46 BUCKINGHAM RD	ROCKY RIVER	OH	44116
30108046	STIRM, ROBERT D. & LILLEY, ANGELA M. (CO-TRUSTEES)	50 BUCKINGHAM RD	ROCKY RIVER	OH	44116
30108048	PENA, CARLOS EDUARDO & CLAIRE COTTER	44 BUCKINGHAM RD	ROCKY RIVER	OH	44116
30105055	HUXTABLE, ROBERT C. & KELLIE J.	51 OAK RD	ROCKY RIVER	OH	44116
30105049	SHIPMAN, JOHN G.	54 OAK RD	ROCKY RIVER	OH	44116
30105050	KALISH, DANIEL S. & SHEILA L.	46 OAK RD	ROCKY RIVER	OH	44116

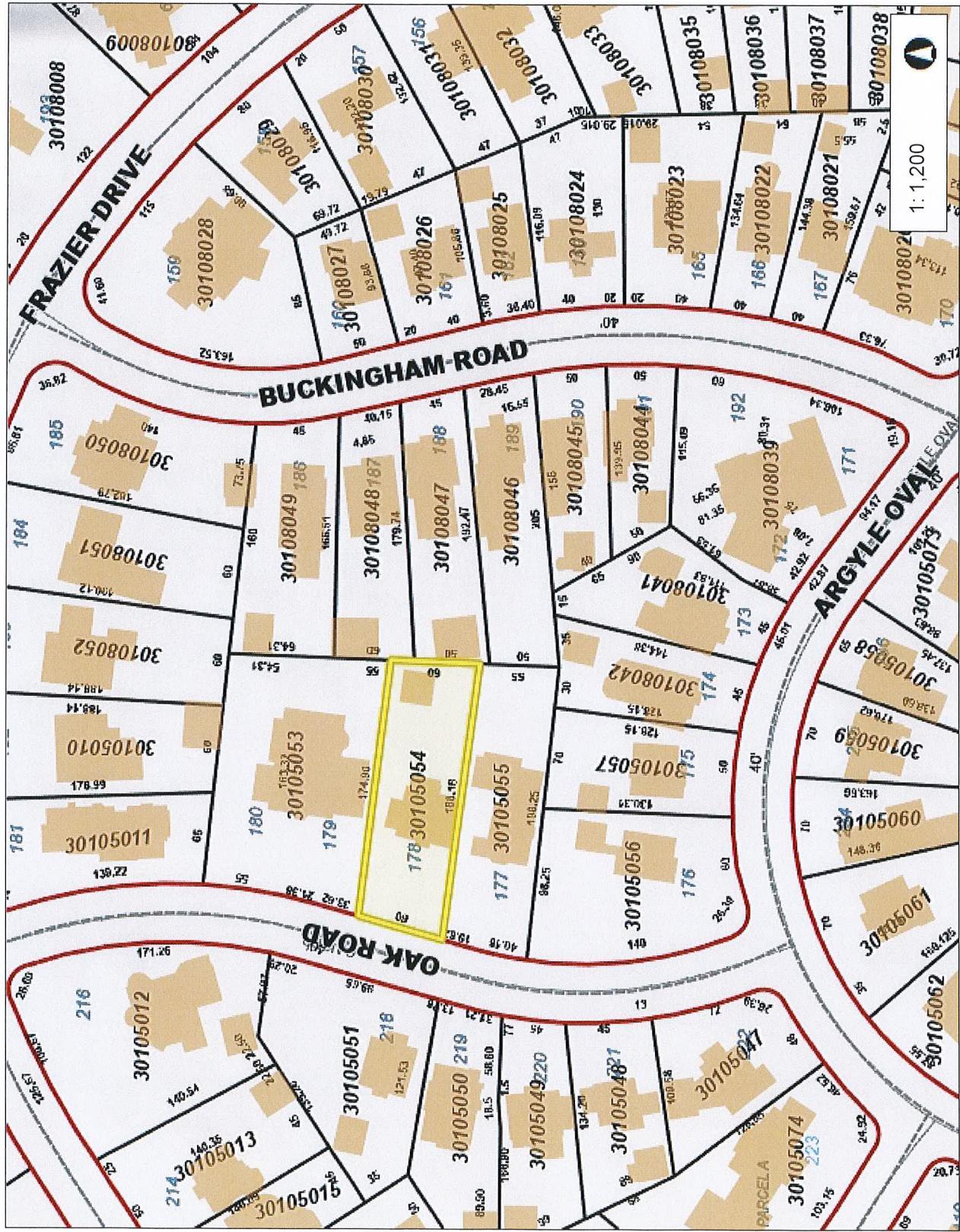
Cuyahoga County GIS Viewer



Date Created: 3/6/2024

Legend

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



200 Feet
100
0
200

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

Projection: WGS 1984 Web Mercator Auxiliary Sphere

- B. The width of the side yard on the side street, as defined herein, shall be not less than one-half ($\frac{1}{2}$) of the depth of the front yard required for the adjoining lot which abuts on a side street, unless shown otherwise on the Setback Map.
- C. Accessory buildings in a rear yard shall be located not less than twenty-five (25) feet (.76 m) from the side street line, but in no case less than required for the main building, and not less than ten (10) feet (3.05 m) from the rear lot line.

(2) Interior Side Setback. The width of a side setback along the interior side lot line shall not be less than the minimum side setback as set forth in Schedule 1153.07.

(f) Schedule 1153.07 Minimum Setback Requirements:

Schedule 1153.07 Minimum Setback Requirements		
	R-1 Single-Family Residential District	R-2 Two-Family Residential District
(1) Side Setback ^(a)		
A. Minimum of any one side	8 feet	8 feet
B. Total side setback	16 feet	16 feet
(2) Rear Setback ^(b)	25 ft.	25 ft.

(a) For lots of less than sixty (60) feet in width, each side setback shall be not less than one-eighth (1/8) of the width of the lot, but not less than five (5) feet, whichever is greater.

(b) The required rear setback, when the parcel is adjacent to Lake Erie, shall be determined by averaging the rear setbacks of the nearest dwellings on either side of the lot, but shall not be less than 25 feet. For the purposes of this Section only, the "property line" along Lake Erie shall be the point where the natural shoreline intersects the ordinary high water elevation as determined by the Ohio Department of Natural Resources, Division of Geological Survey.

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: _____ Hearing Date: _____
Zoning of Property: _____ Permanent Parcel No. _____

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

Address of property seeking variance: 41 Oak Rd Rocky River 44116
Tom Stafford, Cari Linden, David Maddux - The Arcus Group.
Name of Property Owner _____ Name of Applicant / Representative _____
41 Oak Rd Rocky River OH 1244 Smith St. Rocky River, OH
Address _____ Address _____
216-233-0430 440-356-5530 440-823-7815
Telephone No. _____ Cell Phone No. _____ Telephone No. _____ Cell Phone No. _____
cari.linden@gmail.com E-MAIL: tstafford@edgepoint.com E-MAIL: dmaddux@arcus-group.com

Description of what is intended to be done:

We are requesting a side yard variance in order to construct an addition on the rear of the existing residence.

Sections of the Code from which variance is being requested:

1153.07 A Minimum Setback Requirements

List variances requested:

We are requesting a 4'-0" variance of the required 7'-6" side yard - on the south property line.

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

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).

The house at 41 Oak was constructed not in parallel with the property lines on a narrow lot. The existing house is 3'-1" off of the property line.

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).

The existing residence is in need of modernization and renovation. The proposed solution is an addition to the rear of the house maintaining existing setback relationship. To maintain a property consistent with neighboring property values this improvement is necessary.

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).

We are well within lot coverage requirements and the addition we are proposing steps further away from the property line than the existing.

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).

The addition is architecturally consistent in scale, massing and material with the existing home. In considering this addition we were considerate of neighboring houses and their relationships.

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

Not adversely affected.

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

The owners have been in the home for years and have never considered the setback.

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

N/A

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 proposed addition was the result of consideration of design alternatives including location on the property.

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 spirit of the code is maintained - we are not encroaching further than the house currently is.

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.

The granting of this variance is consistent with privileges granted to other properties neighboring.

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.

The literal interpretation of the setback code would have the existing house in nonconformance

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.