

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: 03.28.24 Hearing Date: 04.11.24
Zoning of Property R-1 Permanent Parcel No. 301-10-009

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

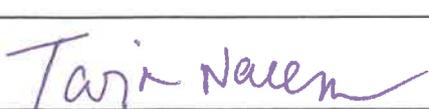
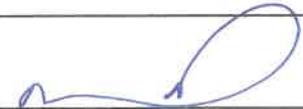
Address of property seeking variance: 20801 Avalon Dr.

<u>Tariq Naeem</u> Name of Property Owner	<u>Hurst Design Build Remodel</u> Name of Applicant / Representative
<u>20801 Avalon Dr.</u> Address	<u>26185 Center Ridge Rd; Westlake, OH 44145</u> Address
<u>440-241-5957</u> Telephone No. Cell Phone No.	<u>440-234-5656</u> Telephone No. Cell Phone No.
<u>E-MAIL: tnaeem@tuckerellis.com</u>	<u>E-MAIL: bdifilippo@hurstremodel.com</u>

Description of what is intended to be done:
Enlargement of an existing 2nd floor roof dormer to enlarge an existing 2nd floor closet.
The existing first floor is still larger footprint than the new dormer. Coincides with interior renovations of the master bedroom.

Sections of the Code from which variance is being requested:
1153.07 Setback Requirements (c) Side setbacks, 8' min required per Schedule 1153.07

List variances requested:
Reduction of 8' sideyard setback to 5'-2" to new 2nd floor wall above existing first floor wall with existing 4'-8 1/2" setback to sideyard.

 Property Owner's Signature	 Applicant/Representative's Signature
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★ 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: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • Rear, side & front setbacks 	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Coverage (>28%) 	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
<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: <i>(Complete Sign Permit Application)</i>		
<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: <i>(Complete Fence Permit Application)</i>		
<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: <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
<u>Note:</u> <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"> • 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: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<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
Parking: <i>(Complete Building Permit Application)</i>		
<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

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 first floor of the house was constructed to have a bit less than 5 ft of setback from the property line and has been that way for many years, if not original to the house construction. There is an existing dormer over the first floor area adjacent to the side lot line, the owner simply wishes to utilize the closet space better by moving the second floor wall out a bit further over the existing first floor, as part of a primary bedroom, bathroom renovation.

- 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 property will still maintain it's beneficial use and return without the variance, but the value of this house and in turn, the neighboring properties would be increased by allowing the variance.

- 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 do not feel the variance is substantial, as the first floor of the house is already at a 4.7ft. distance from the property line, and has been for many, many years. The second floor addition is still setback from that distance another 5-1/2 inches, and will have a very similar appearance to the existing dormer, with no grade level impact to the neighboring property. The proposed second floor setback distance would be 5'-2" vs. the 8 ft required, for a variance of 2ft.10inches.

- 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 character of the neighborhood would be completely unaffected, as the new construction would be styled to match the existing dormer, and the casual observer would be unlikely to notice the difference in size of the new dormer vs. the existing dormer. A hip-type roof construction is similar to the existing roof and reduces the height of the roof at the property line. The variance would allow for a significantly better closet space for the house and therefore increase the value of the property as part of an interior renovation proposed to the second floor.

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

The variance would have no effect on any government service

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

There are no special circumstances or conditions that affect the variance.

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 addition could be limited to meet the setback requirements, but the functionality of the interior closet would be compromised, and the difference in appearance and revised impact on neighboring properties would be negligible, vs. granting the variance.

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).

Our opinion is that since the first floor is already in place 4.7ft. from the property line, creating a new dormer to utilize the upper level of that footprint has very limited impact to the neighborhood. The 2nd floor is still set back from the first floor, looks virtually the same exterior appearance as it has now, and the owner gains a first class closet space which increases the value of their property and in turn, the neighborhood.

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.

Granting of this variance does not change the existing setback distance of the house, just modifies the height of the construction that projects into the setback. The houses were likely constructed prior to the current zoning regulations, and there are likely other neighboring properties that have non conforming entities.

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.

We feel that the age of the neighborhood should be considered when looking at this application as the current zoning requirements were not likely in effect at the time of the construction of most of the houses in the neighborhood, and sometimes things like this need to be looked at on a case by case basis to determine applicability in each case to fit the intent of the regulations.

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.

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.

9 REGISTERED DESIGN PROFESSIONAL –IF APPLICABLE: (RCO 106.1.1-3, 106.2)

____ Architect _____ Engineer _____ Certified Fire protection system installer

Designer _____ Registration /Certificate No.: _____

Street Address _____ City _____ State _____ Zip _____

Phone No. _____ Fax _____ E-mail _____

10 EVIDENCE OF RESPONSIBILITY: (RCO 106.2)

(Required residential construction documents, when submitted for review as required under RCO section 107, shall bear the identification of the person primarily responsible for their preparation. Ohio Revised Code Section 3791.04 (A)(2)(b) permits construction documents for any residential building to be prepared by persons other than a registered architect or engineer; unless per Ohio Revised Code Section 3791.04 (A)(2)(c), the proposed work involves technical design analysis. The building official may rely on the placement of a 'seal' on the documents as evidence that the registered architect or engineer performed the technical analysis.

Document Preparer Name: _____ Title/Company: _____

Address: _____ City: _____ State: _____ Zip: _____

11 INDUSTRIALIZED UNITS INFORMATION: (The following information applies to the INDUSTRIALIZED UNITS and alternative materials, designs, methods of construction or equipment approved by the State of Ohio, Board of Building Standards Industrialized units (IU) program.) (RCO 106.1.4, Section 114)

- Authorized Manufacturer and project Information:
 - Approval number: _____ Approval Date: _____
 - Board approved documents submitted to local Building Official? _____ YES _____ NO
 - Details of on-site interconnection of modules or assemblies submitted to BO? _____ YES _____ NO

12a CONSTRUCTION DOCUMENTS REQUIREMENTS:
(Refer to RCO 106.1-3 (1-9) for specific construction document requirements)

12b LOT LINE MARKERS REQUIRED: Before any work is started in the construction of a residential building or addition all boundary lines shall be marked at their intersections with permanent markers. (Refer to RCO 108.2 & 108.2.1)

Time limitation of Application: (RCO 107.2.1) *The approval of construction documents under this section is a "license" and the failure to approve such construction documents as submitted within thirty days after filing or the disapproval of such construction documents is an "adjudication order denying the issuance of a license" requiring the opportunity for an "adjudication hearing" as provided by sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code. In accordance with section 109, an adjudication order denying the issuance of a license shall specify the reasons for such denial.*

13 CERTIFICATION: (RCO 107.2.5)

I certify that I am the _____ Owner Owner Authorized Agent
All information contained in this application is true, accurate, and complete to the best of my knowledge. All official correspondence in connection with this application should be sent to my attention at the address shown above and copied to the Owner.

Signature 

Print Name: Daniel Hurst Date: 3/27/24

14 THE AREA BELOW IS FOR OFFICIAL USE ONLY:

Fee Description	Amount	Deposits
PLAN REVIEW		
Permit Fee		
Other Fees		
Sub-Total	\$	\$
B.B.S. +1%		
Curb Crossing		
Street Cleaning		
Curb Cut		
Sewer Tie In Fee		
Total Fees	\$	
Date Received _____	Estimated Cost _____	
Check Number _____	Permit Number _____	
Processed By _____		

Notes: