

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.

			5-29-2024
Property Owner	Date	Applicant/Representative	Date

BZA Application Fee: \$150

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: 5-29-2024 Hearing Date: 6-13-2024
Zoning of Property General Business District Permanent Parcel No.

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

Address of property seeking variance: 19360 Detroit Rd Suite A-102 Rocky River, OH 44116

Name of Property Owner Matthew Pontius Name of Applicant / Representative
Address 29495 Wolf Rd Baqy Village, OH 44140 Address
Telephone No. Cell Phone No. 440-490-6000 614-507-8090 Telephone No. Cell Phone No.

E-MAIL: E-MAIL: mpontius@mysalonsuite.com

Description of what is intended to be done:

Obtain a zone variance for a tattoo artist to occupy a suite within the walls of MY SALON Suite, within 500' of a church and school.

Sections of the Code from which variance is being requested:

752.02 LIMITATIONS ON LOCATION

List variances requested:

To have such use for a tattoo establishment within 500' of a church and school

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 checked="" type="checkbox"/>	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • Rear, side & front setbacks 	<input 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).

We're within 500' of a church and school

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).

Yes, MY SALON Suite will benefit from having another tennant to occupy one of it's rooms and collect rent. The fine line tattoo artist will also benefit from revenue gained from her clients.

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).

The code says we need to be further than 500' from church and school to host tattoo services. MY SALON Suite is about 200' from the church and 250' from the school. Both have given permission for the service to be present.

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 of nearby businesses will not be altered. Fine line tattooing has become popular over the last few years, especially for females of all classes and race due to their small and dainty nature. The artist seeking a suite to operate her business would have an interior suite that can't be seen from the exterior of the building so there would be no aesthetic change to the location. Providing the variance would bring new clients to the area to bring awareness to surrounding businesses.

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

There would be no affect on governmental services. The artist is fully certified in all required by the state of Ohio including First aid, Blood Pathogen Prevention, and is ready to obtain approval from the Board of Health if approval is granted.

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

I learned of the zoning limitations after I opened the salon in July of 2023.

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

There are no special conditions in place.

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).

There are no other methods to gain 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).

It would provide a driven and well educated entrepenur the oportunity to bring a trendy service to the area, bringing more commerce to the area for other business owners.

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.

I'm not aware of how granting the variance would give any special privilege to us, that's denied by the regulation to other buildings in our district. We're a multi-use facility with a variety of services offered.

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.

If there was another business in our district wanting to offer tattoo service outside of 500' of the location limitations they could.

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.)

The variance request in the General Business District is stemmed from the desire to have a fine line tattoo artist lease space within the walls of MY SALON Suite, a space in the Beachcliff Market Square that leases individual rooms to various beauty professionals that specialize in hair, skin, etc. According to 752.02 LIMITS ON LOCATION, the location for a tattoo and body piercing establishment shall be restricted by seperation and spacing of more than 500' from school and church. We're within 500' of the Goddard School to the North and Rocky River United Methodist Church to the Southwest.

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

Granting a variance for fine line tattoo to operate in our salon will not affect adjacent property owners. This is a specialized form of tattooing that is in demand. There are no competitors nearby and if anything, more commerce will be brought to nearby property owners.

- 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.

There will also be no material adverse effect on the public health or safety of the city due to the many safety precautions in place in order to operate and run a tattoo establishment. The artist is trained and certified by all required by Ohio.

The artist has received proper training and has records of course completion as well as a First Aid and Bloodborne Pathogen Prevention certification. The establishment and artist will remain compliant with the Health Department by obtaining yearly approval from the Board of Health and adhering to any and all inspections.

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

Tattooing is already allowed in the General Business District of Rocky River. The variance will only shorten the 500' range from a church and school. I have permission from both the school and church to host a tattoo business within the salon.

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

By providing the variance, the applicant will be able to fill one of many suites still vacant, and needing leased for me to run a successful business. The girl wishing to operate her fine line tattoo business will also enjoy the fruits of her labor, in an excellent part of town, bringing a trending service to the area.

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.

Not applicable

ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

If the hardship is not created, two groups will be affected. I, the owner of the salon will not be able to lease one of vacant suites. Then a certified entrepreneur that's driven to create a niche with her own fine line tattoo business within our walls will not be able to operate.

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