

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
JUNE 13, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JUNE 13, 2024 AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A NEW FRONT PORCH WITH A 33' – 2" FRONT SETBACK VS. 40' FRONT SETBACK REQUIRED FOR SHAWNA WALTER, 3315 HIGLEY 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
30331025	KREAGER, BRITTANY	3365 HIGLEY RD	ROCKY RIVER	OH	44116
30331022	Sharon & Christopher Soltes	3289 HIGLEY RD	Rocky River	OH	44116
30331020	Mark Miller	3316 SPENCER RD	Rocky River	OH	44116-3854
30331044	BAILEY, BRANDON & MEGAN	3250 HIGLEY RD	ROCKY RIVER	OH	44116
30331018	PALUS, THOMAS J	3366 SPENCER RD	ROCKY RIVER	OH	44116
30331040	SAPANOS, MARY ANN	3328 HIGLEY RD	ROCKY RIVER	OH	44116
30331021	WATKINS, DAVID	3290 SPENCER RD	ROCKY RIVER	OH	44116
30331042	YUNG, STEVEN & COLLEEN	3290 HIGLEY RD	Rocky River	OH	44116
30331024	HELLER HARRY W , TRUSTEE	3341 HIGLEY RD	ROCKY RIVER	OH	44116
30331019	MILLR, ERIC P.	3340 SPENCER RD	ROCKY RIVER	OH	44116
30331039	DZIAK, MAUREEN	3340 HIGLEY RD	ROCKY RIVER	OH	44116
30331023	26930 ELMWOOD LLC	4257 SAINT FRANCIS CT	AVON	OH	44011
30331043	KESLER, CHESTER ALAN	2989 RIVIERA LN	WESTLAKE	OH	44145
30331041	GADELSAYED, MAGDY H & MONA F TRUSTEES	3300 HIGLEY RD	ROCKY RIVER	OH	44116

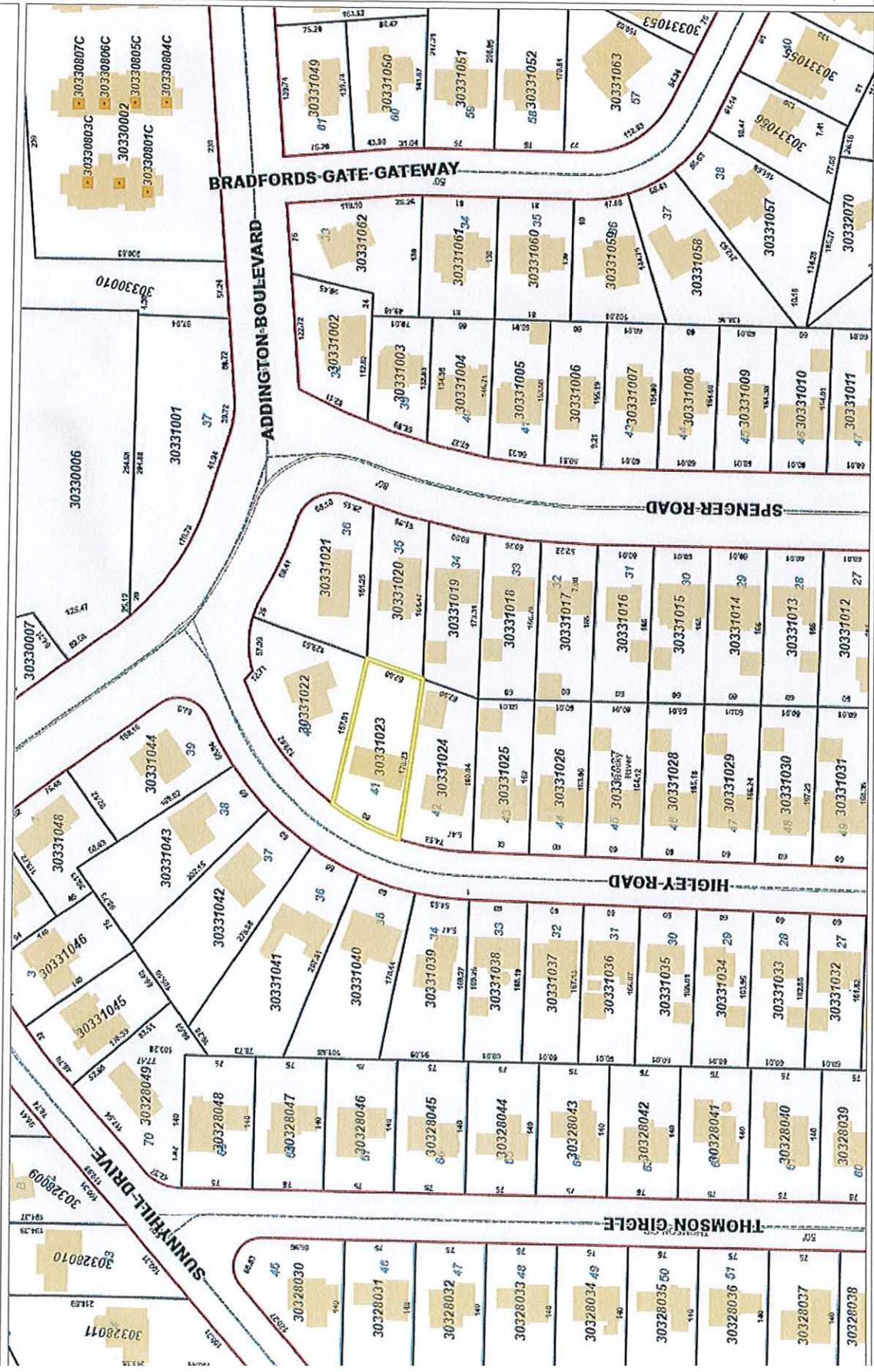


Date Created: 4/5/2024

Legend

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

1:1,200



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 accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

(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.

Shawn Walte 3-25-24
Property Owner Date

John F. Le 3/25/24
Applicant/Representative Date
JOHN F. LE

BZA Application Fee: \$100

Date Paid: 5/30/24

ck# 1685

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

Application Filing Date: 5/30/24 (Please Print or Type) 6/13/24
3/25/24 Hearing Date: 4/11/24
Zoning of Property R-1 Permanent Parcel No. 303-31-023

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

Address of property seeking variance: 3315 HIGLEY ROAD

SHAWNA WALTER - 26930 ELMWOOD LLC JOHN FALE / ARCHITECT
Name of Property Owner Name of Applicant / Representative

12590 LAKE AVENUE 3143 DRAKE DR. / BAY VILLAGE
Address Address

216.570.1325 SAME 440.864.2580 SAME
Telephone No. Cell Phone No. Telephone No. Cell Phone No.

E-MAIL: _____ E-MAIL: _____

Description of what is intended to be done:

THE OWNER WANTS TO ADD A FRONT PORCH TO THE HOUSE. A RECENT SURVEY WAS SUBMITTED TO THE BUILDING COMMISSIONER THAT SHOWS THE FRONT OF THE

Sections of the Code from which variance is being requested: HOUSE 1'-0" CLOSER TO THE PROPERTY LINE. (ATTACHED) MAP OF 5/12/1975
1153.07-a FRONT SETBACK 40' FROM SETBACK

List variances requested:

WE NEED A VARIANCE FOR THE FRONT PORCH ADDITION. THE LOT IS ON A CURVED STREET.

Shawna Walter John Fale
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 LOT IS ON A CURVED STREET. THE MAJORITY OF THE PORCH ADDITION IS NOT WITHIN THE 40' SETBACK. ONLY THE NORTH-WEST PORTION OF THE PORCH AND SOME OF THE PORCH TO THE SOUTH PROTRUDE INTO THE SETBACK.

- 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).

WE BELIEVE THE PORCH ADDITION WILL ADD A FINANCIAL AND AESTHETIC VALUE TO THE 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).

WE DON'T BELIEVE THE VARIANCE IS SUBSTANTIAL. IT IS ABOUT 15% (5'-10") AT THE NORTHERN MOST CORNER, AND IT TAPERS TO A ZERO(0) VARIANCE AT THE MIDSPAN OF THE PORCH.

- 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).

WE DON'T THINK THIS WILL HARM ANY VIEWS OR VALUE OF ANY PROPERTY IN THE IMMEDIATE AREA. WE DO THINK THIS ADDITION AND IMPROVEMENTS WILL INCREASE HOME VALUES IN THE AREA.

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

NO

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).

NO

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).

YES, THE VARIANCE REQUEST DOES NOT INHIBIT VIEWS
THUS NEIGHBORS ARE NOT ILL EFFECTED.

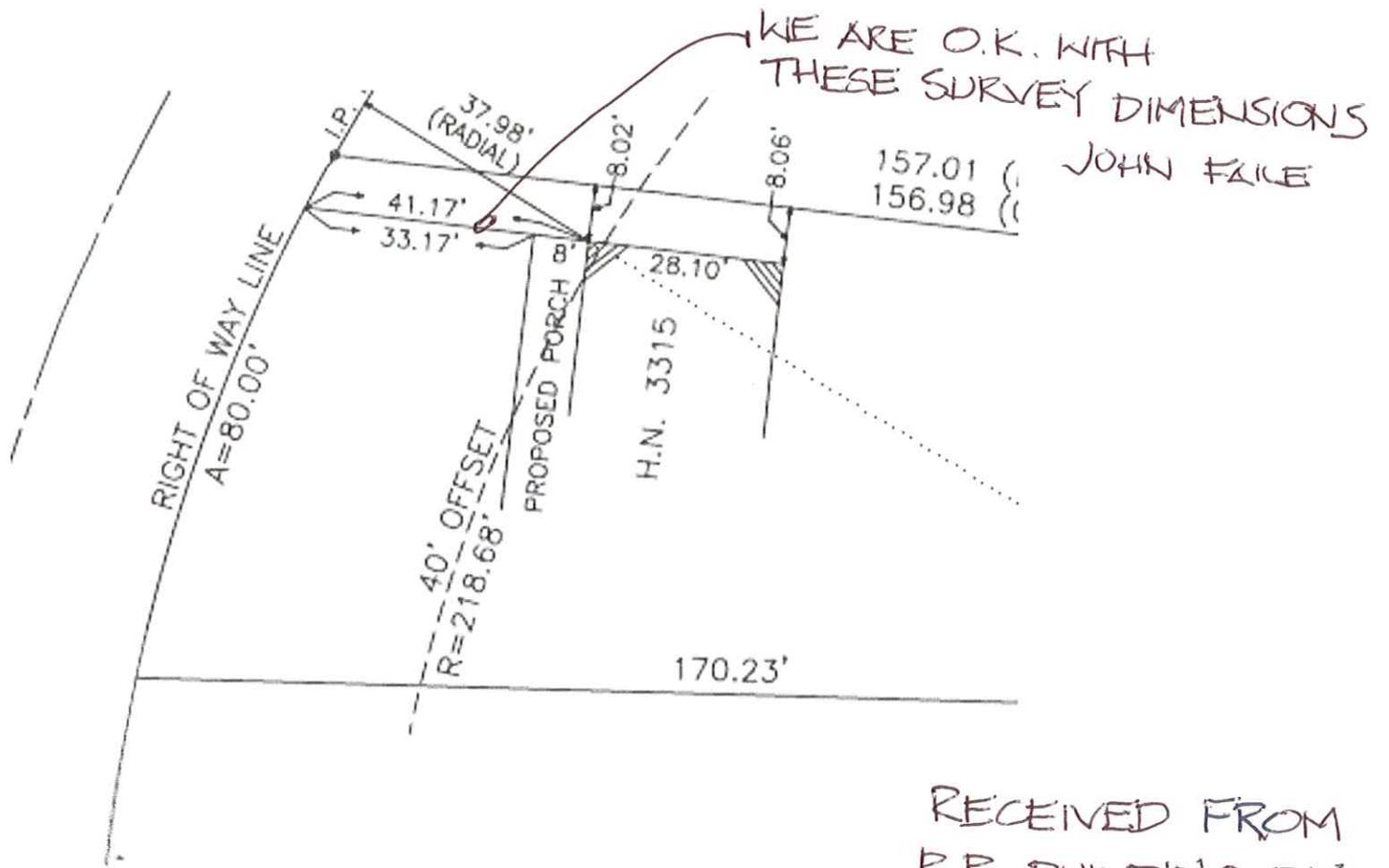
J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

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.

YES, BECAUSE OTHER HOMES ON THE STREET
DO NOT HAVE A CURVED LOT AND THEY ARE SETBACK
AT THE SAME DISTANCE AS OUR HOUSE.

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.



RECEIVED FROM
R.R. BUILDING DEPT
ON MAY 13, 2024.