



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 AN ADDITION WITH A 13.5' REAR YARD SETBACK VS. 25' REAR YARD SETBACK REQUIRED (Section 1153.07(f)(2)) FOR CREE & LISA KYSELA, 38 OAK ROAD

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
30105056	ST.PIERRE, KRISTEN KAY (TRUSTEE)	19560 ARGYLE OVAL	ROCKY RIVER	OH	44116
30105054	STAFFORD, THOMAS G	41 OAK RD	ROCKY RIVER	OH	44116
30105051	Kysela, Lisa A	38 OAK RD	Rocky River	OH	44116
30105053	RAUSER, VICTOR-TRUSTEE	31 OAK RD	ROCKY RIVER	OH	44116
30105016	RALPH & MARIA PUJOLAS	19731 FRAZIER DR	ROCKY RIVER	OH	44116
30105043	William Plagens	43 COLLVER RD	ROCKY RIVER	OH	44116
30105011	Kevin W Rosenbaum Lori L Daugstrup	23 OAK RD	Rocky River	OH	44116
30105018	STEVEN J & S SCHNEIDER	19851 FRAZIER DR	ROCKY RIVER	OH	44116
30105013	LESZCZ, ALISON L. TRUSTEE	19723 FRAZIER DR	ROCKY RIVER	OH	44116
30105055	HUXTABLE, ROBERT C. & KELLIE J.	51 OAK RD	ROCKY RIVER	OH	44116
30105017	GARIBALDI, MICHAEL F. & JENNIFER L.	19735 FRAZIER DR	ROCKY RIVER	OH	44116
30105048	ROBERT SPADEMAN	56 OAK RD	ROCKY RIVER	OH	44116
30105015	Cheryl Kovesdy	19729 FRAZIER DR	ROCKY RIVER	OH	44116
30105044	ANTHONY J CHIVELES	51 COLLVER RD	ROCKY RIVER	OH	44116
30105050	KALISH, DANIEL S. & SHEILA L.	46 OAK RD	ROCKY RIVER	OH	44116
30105074	PATTON, JOSEPH M. -TRS	59 COLLVER RD	ROCKY RIVER	OH	44116
30105049	SHIPMAN, JOHN G.	54 OAK RD	ROCKY RIVER	OH	44116
30105012	SHUTE, DAVID H & SHUTE, AMY E	19715 FRAZIER DR	Rocky River	OH	44116
30105047	RICHARDS, ALEXANDER C. & DANIELLE	19566 ARGYLE OVAL	Rocky River	OH	44116



Cuyahoga County GIS Viewer



Date Created: 6/16/2024

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel



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

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.
<p>^(a) For lots of less than sixty (60) feet in width, each side setback shall be not less than one-eighth ($\frac{1}{8}$) of the width of the lot, but not less than five (5) feet, whichever is greater.</p> <p>^(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.</p>		

BZA Application Fee: 100.00

Date Paid: 6-6-24

pd ck# 6280

BZA 6/6/24

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: 5-22-24
Zoning of Property _____

Hearing Date: _____
Permanent Parcel No. _____

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

Address of property seeking variance: 38 Oak Road

Cree and Lisa Kysela
Name of Property Owner

David Maddux - The Arcus Group
Name of Applicant / Representative

38 Oak Rd
Address

1244 Smith Ct. Rocky River OH
Address

Telephone No. _____

Cell Phone No. _____

440 356 5530
Telephone No.

440 823 7815
Cell Phone No.

E-MAIL: _____

E-MAIL: dmaddux@arcus-group.com

Description of what is intended to be done:

addition and renovation to residence

Sections of the Code from which variance is being requested:

List variances requested:

rear yard variance - 25' required requesting 13'-6"

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: <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>		
Note: <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 property is an irregular polygon shaped lot where the rear yard setback dominates the back and side of lot.

- 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 buildable area within the setback area will not allow an easily configured design solution.

- 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 variance is reasonable and conforms as best as possible with the geometry of the site.

- 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 designed the addition with the goal of making the home fit in the fabric of the neighborhood.

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

N/A

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

N/A

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).

This is the cleanest solution to the design challenge.

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 spirit is to allow for development of site while maintaining clearances and massing.

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.

The intent of the code is maintained by this variance request.

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.