

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 SECOND STORY ADDITION WITH A 6' – 3" SIDE YARD SETBACK VS. 8' SIDE YARD SETBACK REQUIRED FOR GREG SOSTARIC, 800 WAGAR 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	OWNER MAILING NAME	ADDRESS	CITY	STATE	ZIP
30112019	MONAHAN, WILLIAM JOSEPH & CLAIRE	761 WAGAR RD	ROCKY RIVER	OH	44116
30213045	RICK, STEVEN & JENNIFER KELLER	21063 MAPLEWOOD AVE	ROCKY RIVER	OH	44116
30213052	Van Atta Robert L & Brian C	21160 STRATFORD AVE	Rocky River	OH	44116
30213048	SOSTARIC, GREGORY D. ET AL	800 WAGAR RD	ROCKY RIVER	OH	44116
30112020	O'CONNOR, KEVIN D. & JEAN W.	785 WAGAR RD	ROCKY RIVER	OH	44116
30213044	KELLY,, WILLIAM D & DAWN R	21091 MAPLEWOOD AVE	ROCKY RIVER	OH	44116
30213051	CONNELLY, TIFFANY N.	21114 STTRAFORD AVE	ROCKY RIVER	OH	44116
30112022	GUY, ROBERT E II & GUY, ANN M	811 WAGAR RD	ROCKY RIVER	OH	44116
30213050	PRATT, FREDRIC T. TRUSTEE	21092 STRATFORD AVE	ROCKY RIVER	OH	44116
30213049	MURPHY ELLIOT M. & BENUSKA SARAH E.	814 WAGAR RD	ROCKY RIVER	OH	44116
30213042	WIGGERS, KRISTEN A. & NATHANIEL L.	21161 MAPLEWOOD AVE	ROCKY RIVER	OH	44116
30213046	John & Diana Kilgore	21011 MAPLEWOOD AVE	Rocky River	OH	44116
30112021	Calvey Edward M	803 WAGAR RD	Rocky River	OH	44116
30213043	RELIANCE FIRST CAPITAL	201 OLD COUNTRY RD, STE 205	MELVILLE	NY	11747

- B. The width of the side yard on the side street, as defined herein, shall be not less than one-half (½) 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 (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>		



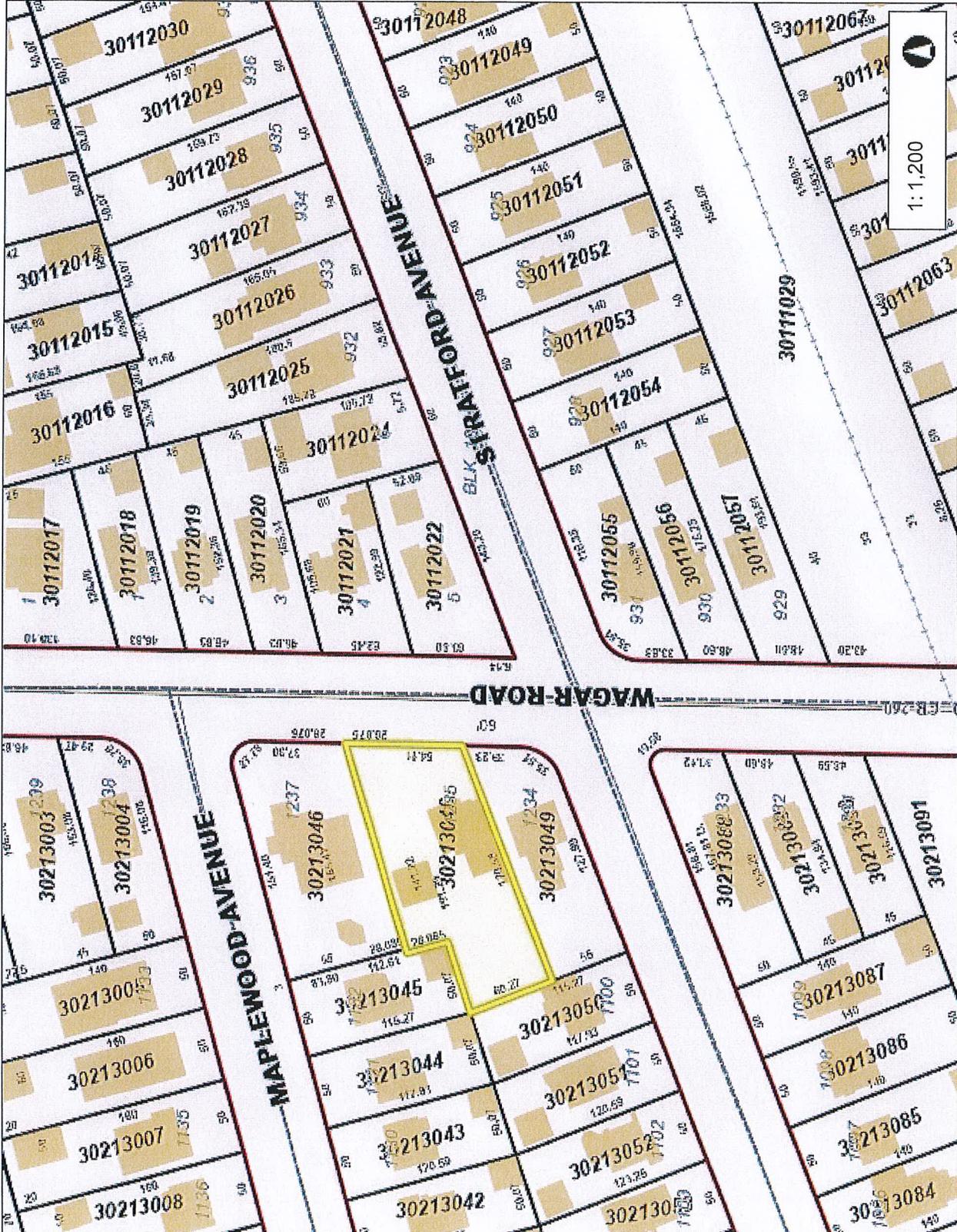
Cuyahoga County GIS Viewer



Date Created: 6/5/2024

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.

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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: 5/30/2024 Hearing Date: 06/13/2024
Zoning of Property R-1 Permanent Parcel No. 302-13-048

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

Address of property seeking variance: 800 Wagar Rd

Gregory Sostaric _____
Name of Property Owner Name of Applicant / Representative

800 Wagar Rd _____
Address Address

Telephone No. 216-212-4919 _____
Cell Phone No. Telephone No. Cell Phone No.

E-MAIL: gregsostaric@gmail.com E-MAIL:

Description of what is intended to be done:
2nd floor addition to existing structure. Remodeling 1st floor to a kitchen, adding bedroom on second floor. Adding covered deck to rear of home.

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

List variances requested:
Reduction of 8' sideyard setback to 6'3" to new second floor above existing first floor wall.

Gregory D Sostaric _____
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 first floor of this section of the house was constructed decades ago with a 6'3" setback from the property line. A privacy fence in place between the adjacent properties give each property an equal amount of buffer space between each other.

- 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 its beneficial use and return without the variance, but the family has a need for a fourth bedroom and trying to make the most practical use of the existing structure.

- 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 structure has been there for many decades.

- 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 unaffected, as the addition is styled as an improvement to the structure which currently has less than useful flat roof. The variance will allow us to increase the usefulness of this space and thus increase corresponding property values.

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 affect on any government services.

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

Yes we did. Since the structure is existing it was assumed that this setback was previously approved.

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

There are no special conditions or circumstances that exist due to the owner.

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).

Due to this being an existing structure no other options appear possible.

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 existing structure was present and likely permitted. The variance requested to be confirmed is not a gross amount. We are attempting to make the property more function

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 the variance does not confer any special privilages. Houses in the area were constructed using the regulations that existed when built. If compared against the updated current regulation, we believe that many might encounter 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 current zoning requirements were likely not in effect when this section of the home was built and adjustments 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.



