

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
SEPTEMBER 12, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, SEPTEMBER 12, 2024, AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A 6' TALL BOARD ON BOARD FENCE IN THE REAR YARD VS. FENCES IN THE REAR YARD MUST BE 25% TRANSPARENT FOR THE FIRST 5' AND 50% TRANSPARENT FOR THE 6TH FOOT IN HEIGHT (Section 1153.15(j)(3)) FOR DAVID TAFT, 2345 WOOSTER 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
30131126	FARRELL, BRIAN & GALLAGHER, SHANNON	19145 COLAHAN DR	ROCKY RIVER	OH	44116
30131002	CHAL, JR., THOMAS M.	2385 WOOSTER RD	ROCKY RIVER	OH	44116
30131083	Roy R Moore	3437 PRESTWYCK LN	RICHFIELD	OH	44286
30131091	TAFT, DAVID A	2345 WOOSTER RD	ROCKY RIVER	OH	44116
30131090	MCNULTY RONALD F & JAQUELINE R	6029 TIMBER TR	NORTH OLMSTED	OH	44070
30131026	MICHAEL & KATHLEEN DEMARCO	19161 COLAHAN DR	ROCKY RIVER	OH	44116
30130073	SPERRY HOLDINGS LLC	14905 HILLBROOK CIR	NOVELTY	OH	44072
30130071	DONALD G BAKAITIS	2354 WOOSTER RD	ROCKY RIVER	OH	44116
30131006	Scotten, Bradford A. & Kelley M	19146 MITCHELL AVE	Rocky River	OH	44116
30131003	Gabriel Blidaru	2357 WOOSTER RD	ROCKY RIVER	OH	44116
30131005	RP2CUY, LLC	P O BOX 470189	BROADVIEW HEIGHTS	OH	44147
30131004	FRANK, DARREN J & LILLIAN R.	19188 MITCHELL AVE	ROCKY RIVER	OH	44116
30131007	JOHNSON, ROBERT C	19138 MITCHELL AVE	ROCKY RIVER	OH	44116
30130072	HAVRILLA, BRIAN KEITH	2362 WOOSTER RD	ROCKY RIVER	OH	44116
30130069	R.M.S. Associates, L.T.D.	2340 WOOSTER RD	Rocky River	OH	44116

- (4) A pool constructed of masonry type material shall be located and installed to conform to the natural grade as determined by the Building Division. No portion of the pool itself shall be higher than one (1) foot above such grade. All other pools, regardless of construction material, may not exceed five (5) feet above grade level.
- (5) Every pool shall have a drainage device so that it can and will be drained into the City storm sewer.
- (6) Whenever light is used to illuminate such pool, such lights shall be installed and shielded in such a manner as to direct light onto the pool only, and not to reflect light onto any abutting residential property. All wiring and electrical fixtures, accessories and appliances shall be installed under the National Electrical Code.
- (7) The swimming pool shall comply with the locational and coverage requirements set forth in this Chapter.
- (i) Boat House. Boat houses are permitted accessory structures, in compliance with the following:
 - (1) No part of the structure shall be higher than the average grade of the front yard or have a maximum height of fifteen (15) feet, whichever is lower;
 - (2) Such boat house shall not exceed 250 square feet of gross floor/water area, and shall be located adjacent to Lake Erie or the Rocky River.
- (j) Fences, Walls, and Planting Screens. Fences shall comply with Schedule 1153.15 and shall be constructed, located, and maintained in conformance with the standards set forth below:
 - (1) Front Yard Fences. In the front yard of interior and corner lots, fences shall have a maximum height of thirty-six (36) inches. Only ornamental fences shall be permitted in the front yard, and the maximum length of any fence segment shall be thirty feet or the width of the front elevation of the house, whichever is less. Such fence segments shall be located no more than twelve (12) feet in front of the dwelling, and this distance shall be measured from the furthest projecting element on the front plane of the dwelling. A Zoning Certificate shall be required for a fence in the front yard, and such Certificate shall be approved by the Zoning Administrator. The Zoning Administrator may refer the application to the Architectural Review Board when, in his/her opinion, the appropriateness of the proposed fence should be judged by the Architectural Review Board.
 - (2) Side Yard Fences. In the side yard, the maximum fence height shall be five (5) feet, except for chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, and picket fences are the only types of fences permitted in the side yard, except synthetic covered chain link fences are permitted to abut existing chain link fences, and except as provided for in sub-section 1153.15(j)(7) below.
 - (3) Rear Yard Fences. Fences in the rear yard shall not exceed six (6) feet in height, except chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, picket fences, synthetic covered chain link fences, or similar fences that are twenty-five percent (25%) transparent regardless of the angle at which the transparency is viewed are the only types of fences permitted in the rear yard, except as provided for in sub-section 1153.15(j)(7) below. However, any portion of the fence over five (5) feet in height shall be constructed of materials that are fifty percent (50%) transparent when viewed perpendicular to the fence. The openings of the fence that provide the transparency shall be evenly spaced throughout the vertical surface.

- (4) A pool constructed of masonry type material shall be located and installed to conform to the natural grade as determined by the Building Division. No portion of the pool itself shall be higher than one (1) foot above such grade. All other pools, regardless of construction material, may not exceed five (5) feet above grade level.
 - (5) Every pool shall have a drainage device so that it can and will be drained into the City storm sewer.
 - (6) Whenever light is used to illuminate such pool, such lights shall be installed and shielded in such a manner as to direct light onto the pool only, and not to reflect light onto any abutting residential property. All wiring and electrical fixtures, accessories and appliances shall be installed under the National Electrical Code.
 - (7) The swimming pool shall comply with the locational and coverage requirements set forth in this Chapter.
- (i) Boat House. Boat houses are permitted accessory structures, in compliance with the following:
- (1) No part of the structure shall be higher than the average grade of the front yard or have a maximum height of fifteen (15) feet, whichever is lower;
 - (2) Such boat house shall not exceed 250 square feet of gross floor/water area, and shall be located adjacent to Lake Erie or the Rocky River.
- (j) Fences, Walls, and Planting Screens. Fences shall comply with Schedule 1153.15 and shall be constructed, located, and maintained in conformance with the standards set forth below:
- (1) Front Yard Fences. In the front yard of interior and corner lots, fences shall have a maximum height of thirty-six (36) inches. Only ornamental fences shall be permitted in the front yard, and the maximum length of any fence segment shall be thirty feet or the width of the front elevation of the house, whichever is less. Such fence segments shall be located no more than twelve (12) feet in front of the dwelling, and this distance shall be measured from the furthest projecting element on the front plane of the dwelling. A Zoning Certificate shall be required for a fence in the front yard, and such Certificate shall be approved by the Zoning Administrator. The Zoning Administrator may refer the application to the Architectural Review Board when, in his/her opinion, the appropriateness of the proposed fence should be judged by the Architectural Review Board.
 - (2) Side Yard Fences. In the side yard, the maximum fence height shall be five (5) feet, except for chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, and picket fences are the only types of fences permitted in the side yard, except synthetic covered chain link fences are permitted to abut existing chain link fences, and except as provided for in sub-section 1153.15(j)(7) below.
 - (3) Rear Yard Fences. Fences in the rear yard shall not exceed six (6) feet in height, except chain link fences which shall not exceed four (4) feet in height. Ornamental, board on board, picket fences, synthetic covered chain link fences, or similar fences that are twenty-five percent (25%) transparent regardless of the angle at which the transparency is viewed are the only types of fences permitted in the rear yard, except as provided for in sub-section 1153.15(j)(7) below. However, any portion of the fence over five (5) feet in height shall be constructed of materials that are fifty percent (50%) transparent when viewed perpendicular to the fence. The openings of the fence that provide the transparency shall be evenly spaced throughout the vertical surface.

- (63) Fence. Any structure composed of wood, steel or other material erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of any premises shall be included within the definition of the word "fence". Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence". For the purposes of this Development Code, a fence erected upon a graded earth mound shall be measured from the average site grade, prior to the addition of the mound, to the tallest element of the fence. Specific types of fences include:
- A. Barbed wire. "Barbed wire fence" means a fence made with metal wire having sharp points, razors, or barbs along its length.
 - B. Chain link. "Chain link fence" means a fence made of vinyl-clad metal loops interconnected in a series of joined links.
 - C. Electrified. "Electrified fence" means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.
 - D. Ornamental. "Ornamental fence" means a fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than seventy-five percent (75%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:
 - (i) "Rail fence" or "split-rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and,
 - (ii) Wrought iron fences, decorative steel fences, and aluminum fences.
 - E. Privacy. "Privacy fence" means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than twenty-five percent (25%) of the area of its vertical plane open to light and air, except as provided for below. Privacy fences include:
 - (i) "Basket weave fence" or "woven fence" which means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
 - (ii) "Louver fence" or "ventilating fence" which means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.
 - (iii) "Board on board fence" or "picket fence."

- (iv) "Stockade fence" or "palisade fence" means a fence constructed with a row of stakes, pales or pickets placed upright against each other and having at least fifty percent (50%) of the area of its vertical plane closed to light and air.
- (64) Financial institution. See bank.
- (65) Floor area, gross. The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
- (66) Floor area, net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
- (67) Foster child. "Foster child" means a person under eighteen (18) years of age who is placed in a dwelling units by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.
- (68) Freestanding drive-thru facility. A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.
- (69) Funeral home. A building or part thereof used for human funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted. Such building may contain space and facilities for:
- A. Embalming and the performance of other services used in preparation of the dead for burial;
 - B. The performance of autopsies and other surgical procedures;
 - C. The storage of caskets, funeral urns, and other related funeral supplies;
 - D. The storage of funeral vehicles; and,
 - E. May include facilities for cremation.
- (70) Garage. A building, or part thereof, used or intended to be used for the parking and storage of vehicles.
- (71) Gasoline station. (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products.
- (72) General development concept. A plan that indicates the overall, general design of an entire proposed development project. Drawings and maps including all the elements set forth in Section 1137.25, Submission Requirements for General Development Concept.

BZA Application Fee: \$100

Date Paid: 8/30

#1039

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: _____ Hearing Date: _____
Zoning of Property _____ Permanent Parcel No. _____

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

Address of property seeking variance: 2343/45 WOOSTER

DAVID TAFT
Name of Property Owner

SAME
Name of Applicant / Representative

2345 WOOSTER
Address

Address

Telephone No. 216.389.5155
Cell Phone No.

Telephone No. _____
Cell Phone No.

E-MAIL: Davidtaft52@gmail.com E-MAIL: _____

Description of what is intended to be done:
INSTALL 6 FOOT HIGH BOARD ON BOARD FENCE
IN PLACE OF CHAIN LINK ABUTTING NEIGHBORS
6'0" FENCE ALONG REAR PROPERTY LINE

Sections of the Code from which variance is being requested:
1153.15 J 3

List variances requested:
ALLOW FENCE TO BE SIX FOOT IN HEIGHT
MATCHING ABUTTING 6' FENCE ON NEIGHBORS SIDE/YARD

David A Taft
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).

ABUTTING APPROVED NEIGHBORS 6'-0" BNB FENCE

- 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 VARIANCE WILL ADD BEAUTY TO THE
PROPERTY & ADJACENT PROPERTY

- 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).

VARIANCE IS 1 FOOT MORE THAN CODE
OPENNESS WILL BE 45-48%

- 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).

NO DETRIMENT TO NEIGHBORING PROPERTIES
FENCE WILL MATCH NEIGHBORS 6'-0" FENCE IN HEIGHT
AND MATERIAL (WOOD) THAT ABUTS PROPERTY PROVIDING
A UNIFIED APPEARANCE

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 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 checked="" 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>		
<i>Note: 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 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

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

The VARIANCE will have NO impact
ON ANY SERVICES

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

THE PROPERTY OWNER WAS UNAWARE OF THE
ZONING RESTRICTIONS AT THE TIME OF PURCHASE

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

THERE will not be ANY SPECIAL
CONDITIONS OR CIRCUMSTANCES RESULTING FROM VARIANCE
OR OWNERS ACTION

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).

ATTEMPTS HAVE BEEN MADE TO GROW PLANTS FOR SCREEN
BUT THE AMOUNT OF SHADE INHIBITS THIS

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).

GRANTING VARIANCE would MATCH ADJACENT
PROPERTY

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.

THERE will be NO SPECIAL PRIVILEGE
GAINED FROM THE GRANTING OF THE VARIANCE

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.

LITERAL INTERPRETATION OF THIS CODE would
deprive RIGHTS THAT ADJACENT PROPERTY
AND OTHER HAVE RECEIVED.

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.

WOOSTER

PROP LINE 34'-8"

23 4 3/4' House

House

COVERED PORCH

GARAGE

GARAGE

EX. CHAIN LINK FENCE

PROPOSED NEW BOARD ON BOARD FENCE

EX. PROP LINE 33'-8" BUB FENCE 6'-0" HIGH

PROPOSED NEW FENCE

PROP LINE 19'-8" CONC DRIVE

2'-0"

6'-0"

6'-0"

7'-0"

11'-0"

7'-0"

4'-5" 4'-5" 4'-5" 4'-5" 4'-5" 4'-5"

5'-5"

5'-5"

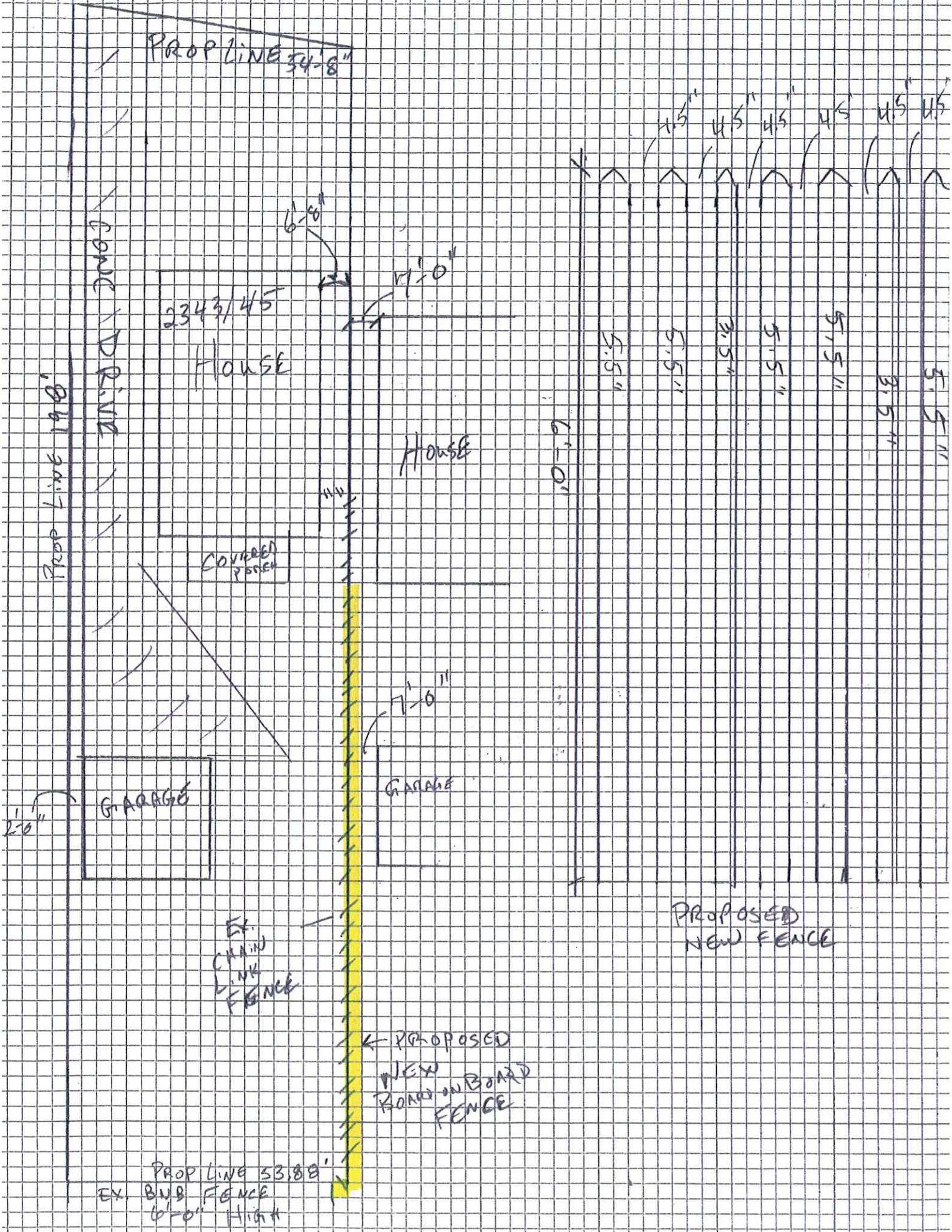
3'-5"

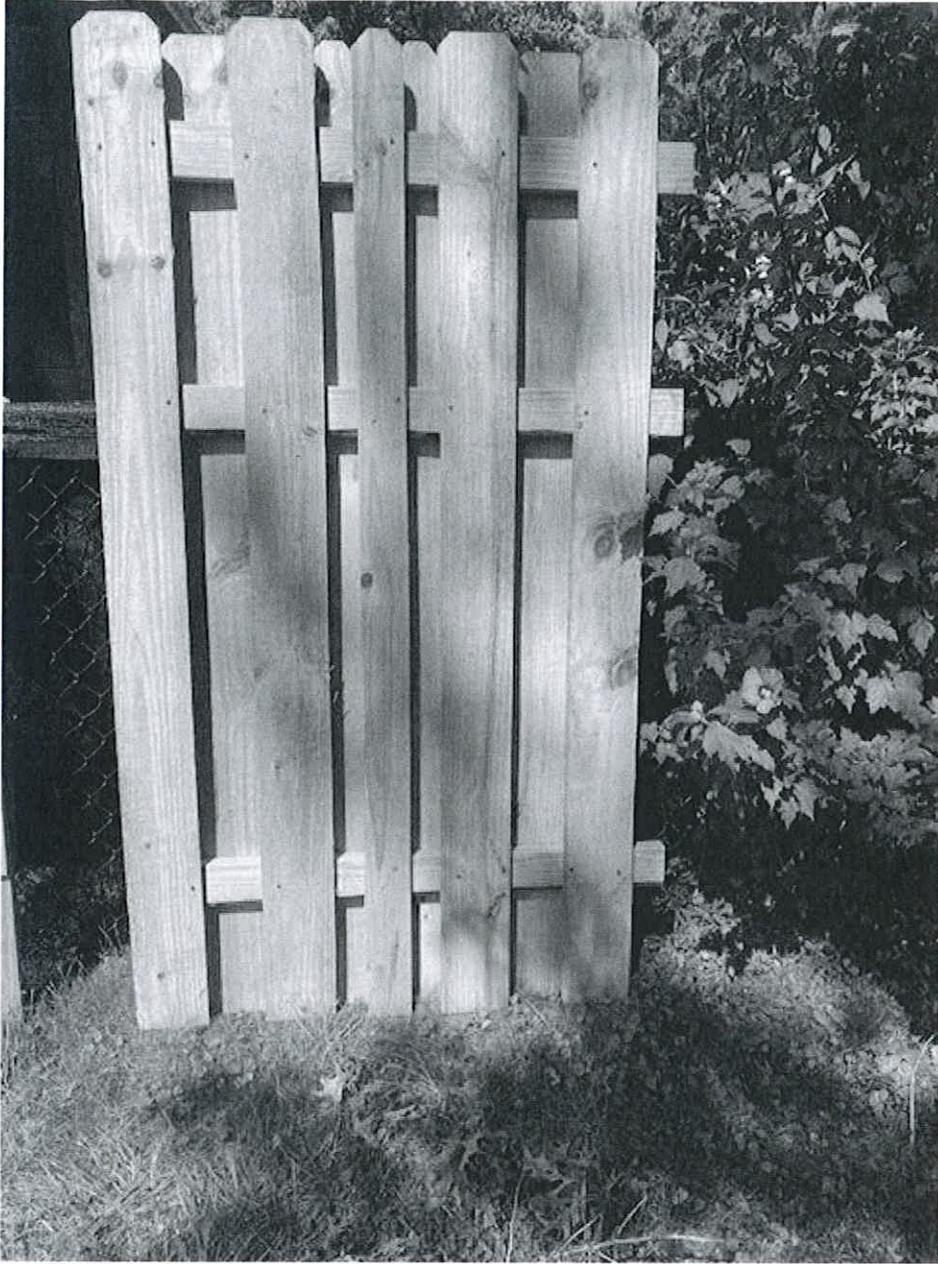
5'-5"

5'-5"

3'-5"

5'-5"

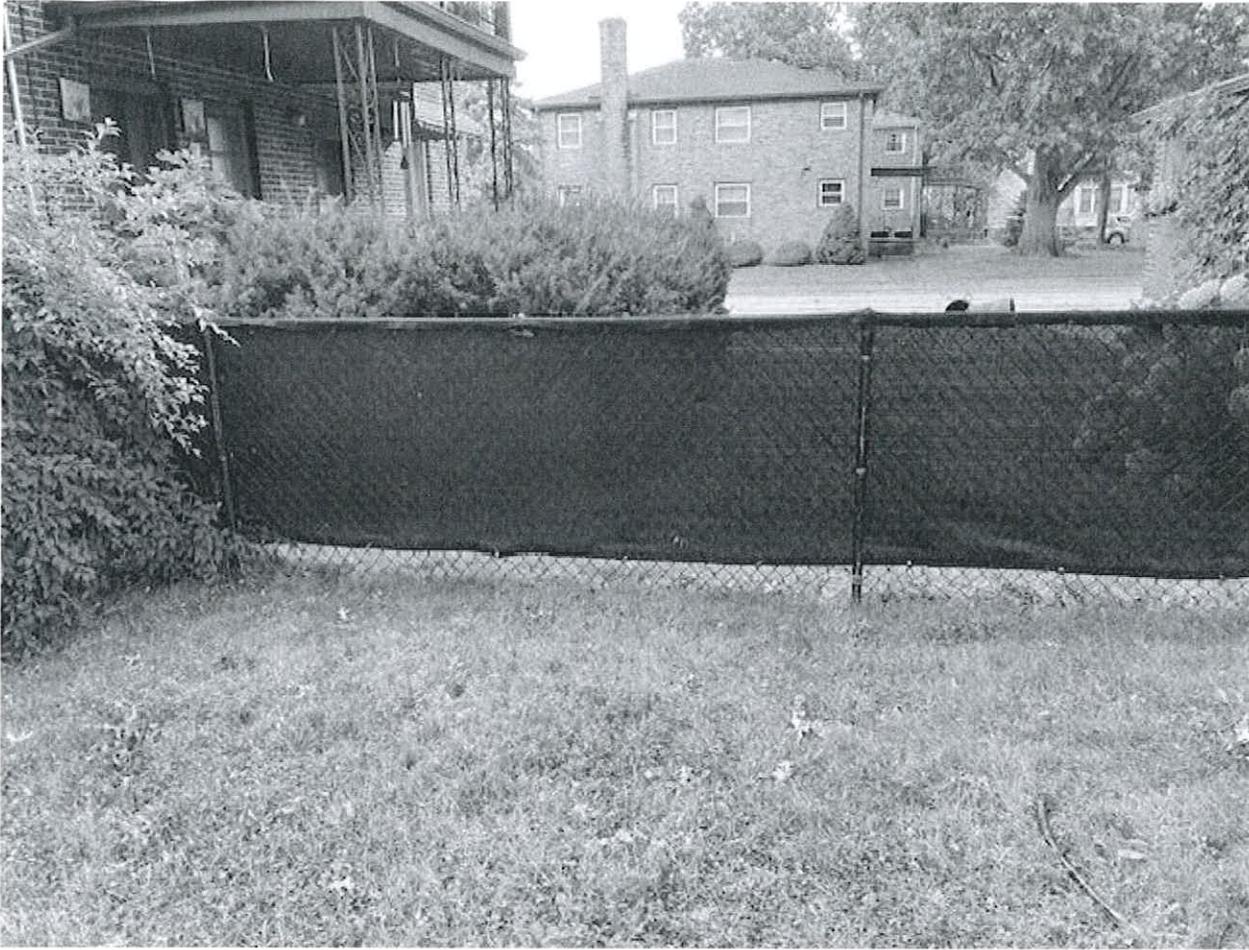




PROPOSED FENCE SAMPLE
2345 WASSER



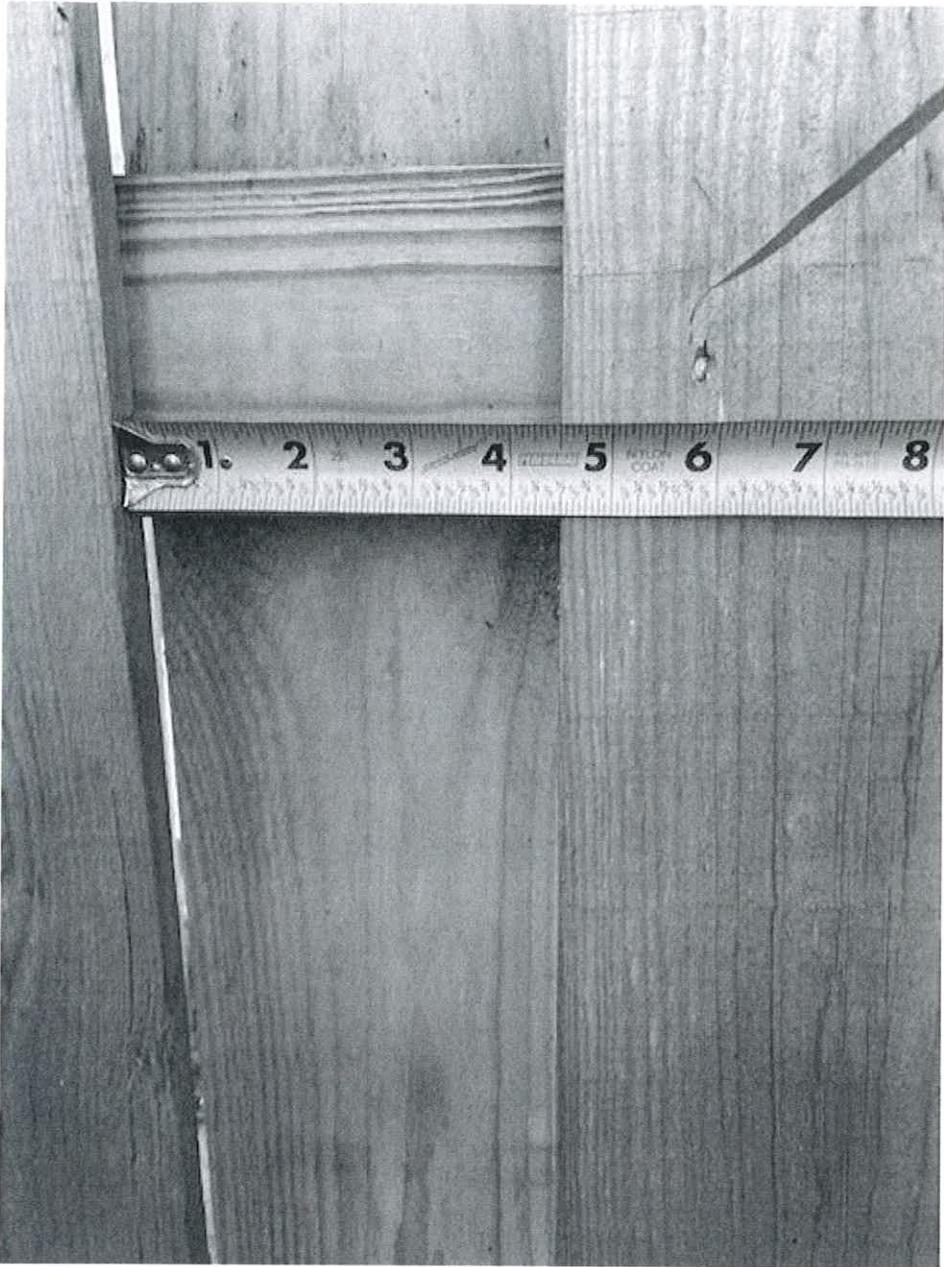
EAST SIDE OF
PROPOSED FENCE
2345 WOOSTER



WEST END OF PROPOSED FENCE
2345 WOOSTER



ADJOINING PROPERTY FENCE



ADJOINING PROPERTY FENCE