

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 RETAIN A 6' TALL PRIVACY 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)) AND A VARIANCE TO RETAIN A 6' TALL PRIVACY FENCE IN THE SIDE YARD VS. FENCES IN THE SIDE YARD MUST BE 25% TRANSPARENT AND ARE LIMITED TO 5' IN HEIGHT (Section 1153.15(j)(2)) FOR JON AND ANN DUNLAP, 2651 CARMEN DR.

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
30112084	BRADY RYAN W. & ALLTSON E. FINN	20779 BEACHWOOD DR	ROCKY RIVER	OH	44116
30112068	Ann Koch	520 N KINGSBURY, UNIT 2206	CHICAGO	IL	60654
	Ann Koch	20760 BEACHWOOD DR.	ROCKY RIVER	OH	44116
30112080	JUDITH R. KOEBERER	20701 BEACHWOOD DR	ROCKY RIVER	OH	44116
30112069	Kocsan James C	20740 BEACHWOOD DR	Rocky River	OH	44116
30112081	James & Kathryn Dempsey	20723 BEACHWOOD DR	Rocky River	OH	44116
30112071	MAKII, JASON M. & MEEKINS, MELISSA D.	20702 BEACHWOOD DR	ROCKY RIVER	OH	44116
30112066	HJORT, DENNIS & HJORT, ELIZABETH	20802 BEACHWOOD DR	Rocky River	OH	44116
30112082	HOLLINGSWORTH, MATTHEW D & BRIDGET M	5050 KINGSLEY DR	CINCINNATI	OH	45263
30112085	JEFFERS, KELLIE C. & RYAN C.	20805 BEACHWOOD BLVD	ROCKY RIVER	OH	44116
30112072	MELACRINOS STEVEN C	20680 BEACHWOOD DR	ROCKY RIVER	OH	44116
30112079	BERGAN, PETER C. & LESLIE	20681 Beachwood Dr.	Rocky River	OH	44116
30112070	CONROY, WILLIAM J & CONROY, JENNIFER M	20724 BEACHWOOD DR	ROCKY RIVER	OH	44116
30112067	SNYDER, SHARON A	20780 BEACHWOOD DR	Rocky River	OH	44116
30112083	WITHERS, ALLISON E. & LI, MINGSI	20751 BEACHWOOD DR	ROCKY RIVER	OH	44116



Cuyahoga County GIS Viewer



Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere

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

1:1,200



Date Created: 8/29/2024

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel
- Private Road

- (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.

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: _____
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: 2652 Carmen Drive

Jonathan + Ann Dunlap
Name of Property Owner

Name of Applicant / Representative

2652 Carmen Drive
Address

Address

440 823 6221
Telephone No.
Jon

440 552 8593
Cell Phone No.
Ann

Telephone No.

Cell Phone No.

E-MAIL: _____

E-MAIL: _____

Description of what is intended to be done:

Sections of the Code from which variance is being requested:

List variances requested:

Ann Dunlap
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 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).

Safety is the number one priority for our fence. We replaced the existing 4' chain link fence for a 6' cedar fence for several adverse surrounding conditions such as; neighbors on each side of the fence that are in close proximity to our large dogs. The current fence was not tall enough and too open to block the children from shooting Nerf guns bullets (choking hazard) and sticking their tiny fingers though the chain link. Our fence was not tall enough to keep our Great Dane from jumping over the fence to visit the 90 year old next door. The fence also helps prevent unwanted barking from our dogs. Anyone with a dog that walked past our home was a target from the noise and a possible visit from the dog. The 6' cedar fence is a necessity for safety of not only our neighbors but our dogs as well.

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).

There is only a positive impact for our neighbors from the outcome of our fence as stated from the signed letters from our neighbors. We replaced the existing fence for a modern, sleek design, well-crafted on each side that beautify the neighborhood and adds value to our community

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).

For safety purposes stated in the first question (children, elderly and our dogs), we need the fence not to have the 20% openness between the boards. The variance is not a substantial deviation that changes the character of the neighborhood or the use of the land.

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 fence variance leads to improvements that blends well with existing structures—enhancing landscaping, façade, and architectural elements—our fence contributes positively to neighborhood appeal.

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

Our fence does not impede in any way of the delivery of governmental services. In fact, the fence allows the postal, Amazon and city employees to ensure a safe and pleasant working environment around our home.

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

We replaced existing fence for fence. We also commissioned the services while we were out of state.

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

We are in the circumstances of safety for our neighbors and our dogs.

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).

For safety purposes state in the first question (children, elderly and dogs), we need the fence not to have the 20% openness between the boards. We need the height so the dogs don't jump over the fence. The variance is not a substantial deviation that changes the character of the neighborhood or the use of the land. The variance is needed for safety purposes.

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).

We have already sealed the cedar fence planks to preserve the quality and appearance of the fence. The fence variance leads to improvements that blends well with existing structures—enhancing landscaping, façade, and architectural elements—our fence contributes positively to neighborhood appeal.

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.

The effect of granting the variance serves a public benefit for the community. Not only does the solid fence enhance our landscaping and neighborhood appeal, it allows us to be the proactively safe and responsible neighbor in our community. By granting the variance, we are creating a safe environment for our neighbors and our dogs. The variance contributes to the intent of the zoning ordinance and does not disrupt the character of our neighborhood.

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 effect of granting the variance serves as safety for the community. Not only does the solid fence enhance our landscaping and neighborhood appeal, it allows us to be the proactively safe and responsible neighbor in our community. By granting the variance, we are creating a safe environment for our neighbors and our dogs. The variance contributes to the intent of the zoning ordinance and does not disrupt the rights enjoyed by other properties.

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.

Neighbor Approval Letter for Fence Construction

Date: 8-22-24

City of Rocky River Revision Board,

I/We, ROCHE J. CHARANGHAT, are the neighbor(s)
of, Jonathan & Ann Dunlap ~ 2652 Carmen Dr., Rocky, River OH 44116,
and are in close proximity and visibility of their cedar fence.

I/We approve of the outside and inside appearance of the fence
for both aesthetics and safety.

Signature: 

Print Name: ROCHE J. CHARANGHAT

Address: 2649 CARMEN DR - RR 44116

Comments: NO PROBLEM.

Neighbor Approval Letter for Fence Construction

Date: 8/22/24

City of Rocky River Revision Board,

I/We, Eric + Jenn Lewis, are the neighbor(s)
of, Jonathan & Ann Dunlap ~ 2652 Carmen Dr., Rocky, River OH 44116,
and are in close proximity and visibility of their cedar fence.

I/We approve of the outside and inside appearance of the fence
for both aesthetics and safety.

Signature: _____



Print Name: _____

Jennifer Lewis

Address: _____

2673 Carmen Dr.

Comments: _____

We think the fence is beautiful.

Neighbor Approval Letter for Fence Construction

Date: 8-21-2024

City of Rocky River Revision Board,

I/We, _____, are the neighbor(s)
of, Jonathan & Ann Dunlap - 2652 Carmen Dr., Rocky, River OH 44116,
and are in close proximity and visibility of their cedar fence.

I/We approve of the outside and inside appearance of the fence
for both aesthetics and safety.

Signature: Jeannette Lewis

Print Name: Jeannette Lewis

Address: 2661 Carmen Dr.

Comments: No issue with fence height

Neighbor Approval Letter for Fence Construction

Date: 8/20/2024

City of Rocky River Revision Board,

I/We, The Yans, are the neighbor(s)
of, Jonathan & Ann Dunlap - 2652 Carmen Dr., Rocky, River OH 44116,
and are in close proximity and visibility of their cedar fence.

I/We approve of the outside and inside appearance of the fence
for both aesthetics and safety.

Signature: Natalie Ym

Print Name: Natalie Ym

Address: 2637 Carmen drive

Comments: The fence is fine

Neighbor Approval Letter for Fence Construction

Date: 8/20/24

City of Rocky River Revision Board,

I/We, Amanda & Jonathan Mark Brown, are the neighbor(s)
of, Jonathan & Ann Dunlap - 2652 Carmen Dr., Rocky, River OH 44116,

and are in close proximity and visibility of their cedar fence.

I/We approve of the outside and inside appearance of the fence
for both aesthetics and safety.

Signature: Amanda L. Brown

Print Name: Amanda L. Brown

Address: 2660 Carmen Drive

Comments: We have no concerns regarding
the fence.

Neighbor Approval Letter for Fence Construction

Date: 8.26.24

City of Rocky River Revision Board,

I/We, Paula Bonacci, are the neighbor(s)

of, Jonathan & Ann Dunlap ~ 2652 Carmen Dr., Rocky, River OH 44116,

and are in close proximity and visibility of their cedar fence.

I/We approve of the outside and inside appearance of the fence for both aesthetics and safety.

Signature: Paula Bonacci

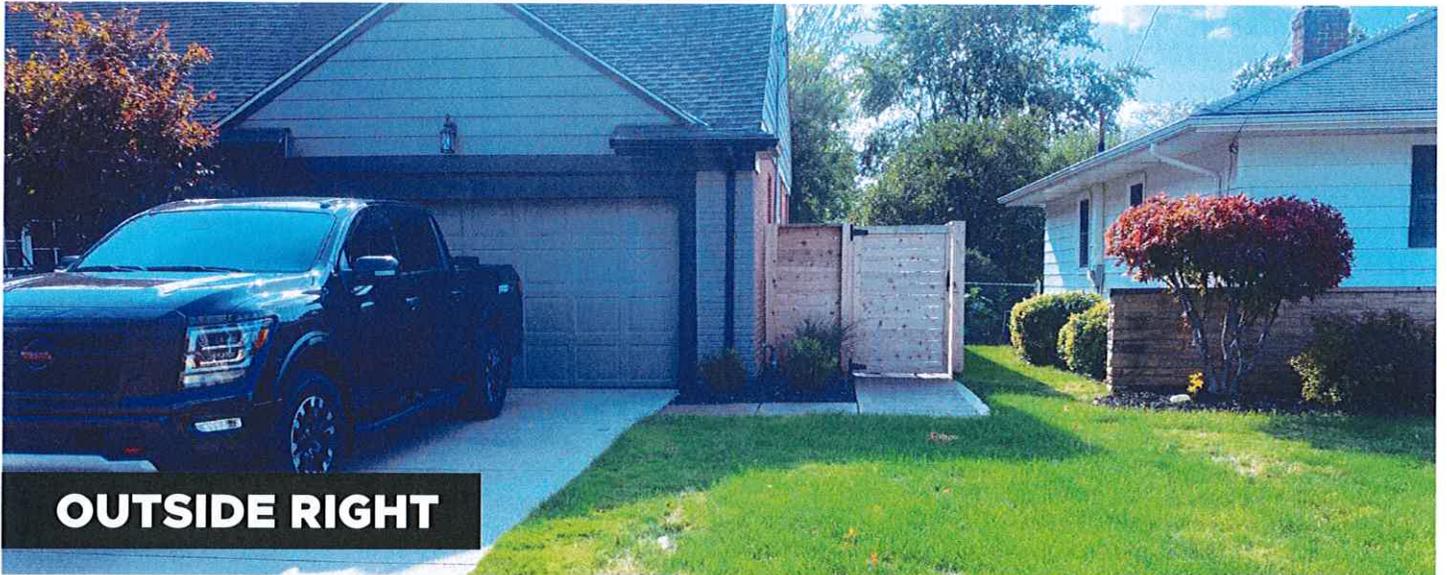
Print Name: _____

Address: 2640 Carmen

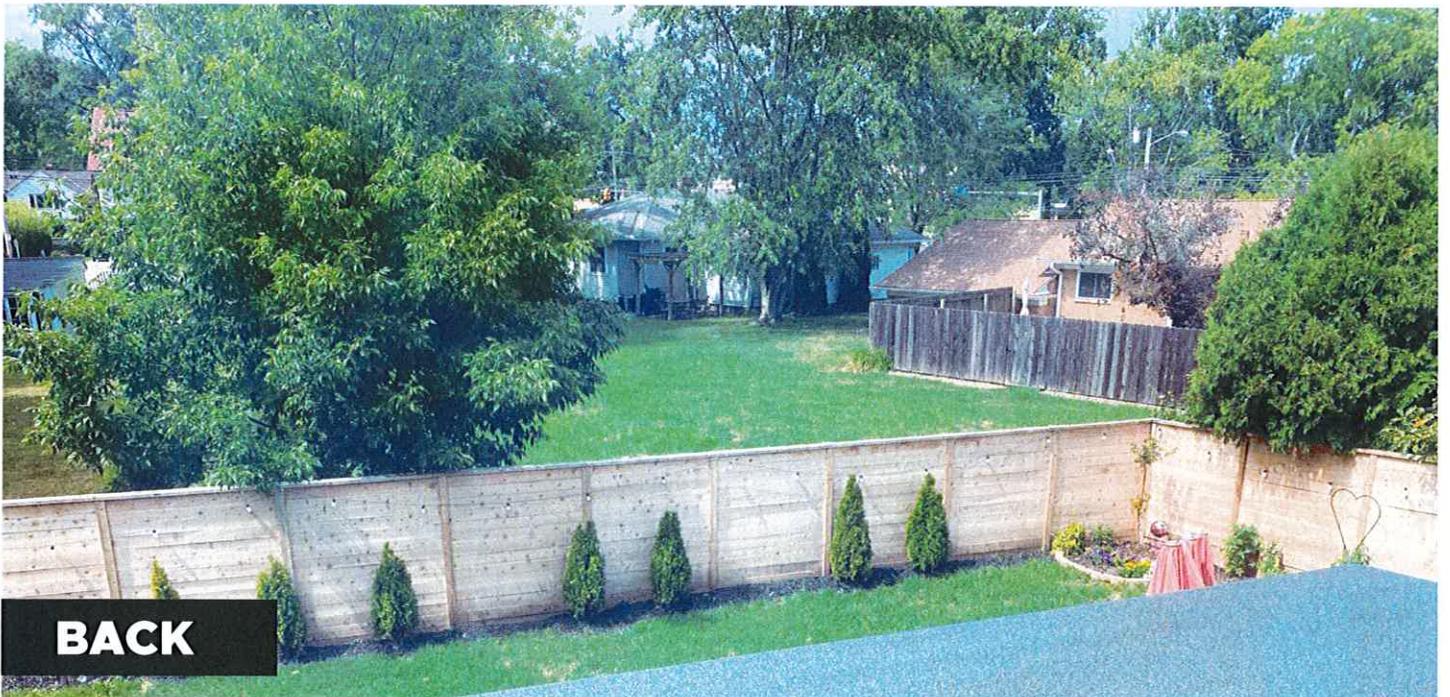
Comments: Neutral



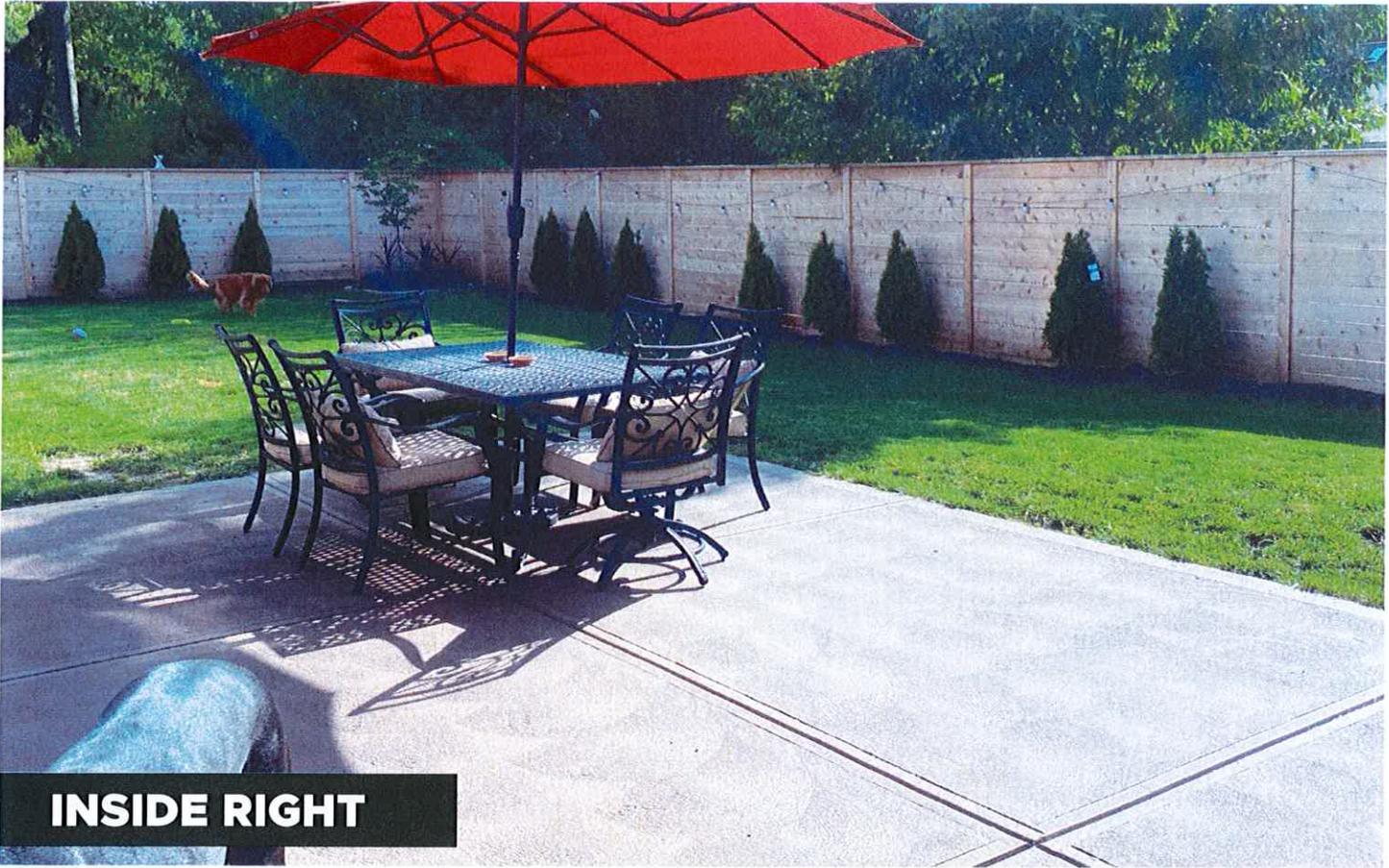
OUTSIDE LEFT



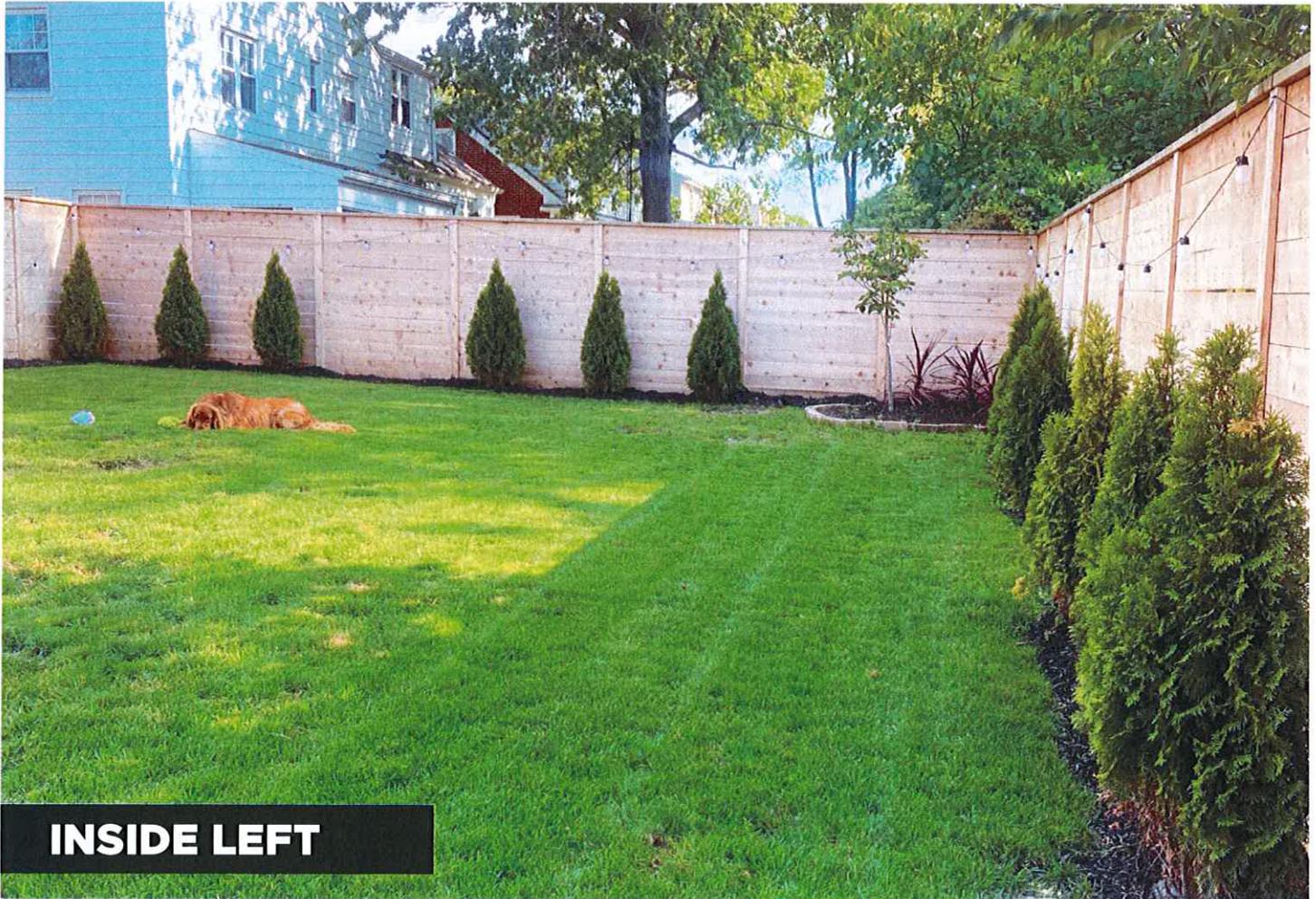
OUTSIDE RIGHT



BACK



INSIDE RIGHT



INSIDE LEFT