

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: \_\_\_\_\_ 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: 3439 Thomson Circle

Mark Brandt  
Name of Property Owner

Arbor Ridge Construction  
Name of Applicant / Representative

3439 Thomson Circle  
Address

980 Killian Rd. Akron, OH 44312  
Address

Telephone No. \_\_\_\_\_  
216-288-2266  
Cell Phone No.

Telephone No. \_\_\_\_\_  
234-716-3424  
Cell Phone No.

Cell Phone No. \_\_\_\_\_  
330-620-3066

E-MAIL: KathrynJS29@hotmail.com

E-MAIL: Todd@Arborridgeconstruction.com

Description of what is intended to be done:  
Adding/extending front porch

Sections of the Code from which variance is being requested:  
Front setback 1153.07(a)

List variances requested:  
Allow setback to be reduced by 5 feet.  
35' vs 40' REQUIRED

Kathryn Brandt  
Property Owner's Signature

Todd Shaw  
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

# ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS

## INSTRUCTIONS TO APPLICANTS

**MEETINGS:** 2nd Thursday of each month at 7:00 P.M. – Council Chambers, First Floor of 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 **10 sets** of the following:

- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.)
- 2) **This fully completed Variance Application**, which includes a written explanation of the project. 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**, showing all existing structures on the subject property, as well as structures on affected neighboring properties. Dimensions of all existing structures (length, width and height, where appropriate). All proposed structures/improvements must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled. **IMPORTANT: Mark the corners of additions, a/c condensers or whatever applies to your variance.**
- 4) **Elevation drawings** (for pergola, garage, addition or exterior alteration).
- 5) **Photographs** of your property with the structure you are asking for a variance for clearly staked. Also submit photos of affected adjacent properties. Submit a photo example of proposed fences and storage sheds.
- 6) **Support letters** from surrounding property owners, if available.
- 7) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. PLEASE CHECK WITH THE BUILDING DEPARTMENT TO BE SURE YOU HAVE YOUR PERMIT AND CAN START CONSTRUCTION.**
- 8) Email your entire submission to [kstraub@rrcity.com](mailto:kstraub@rrcity.com). When she reviews it and gives you the OK, provide 10 stapled sets of the entire submission.

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.**

Kathryn Brandt                      8-5-2024                      Jocelyn Shaw                      7-29-2024  
Property Owner                      Date                      Applicant/Representative                      Date

## TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
<ul style="list-style-type: none"> <li>• Any functional, land or building <b>USE</b> not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code</li> </ul>	<input type="checkbox"/>	(Use) Unnecessary Hardship
<b>ADDITIONS &amp; BUILDINGS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Rear, side &amp; front setbacks</li> </ul>	<input checked="" type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Coverage (&gt;28%)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>DRIVEWAYS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Width</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Distance from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Circular if lot width is &lt;90'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>SIGNS:</b> <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Area allowed (maximum sq. ft.)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Front setback</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Lot width &lt;100'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Number of items of information</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• On side of building</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>FENCES:</b> <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> <li>• Height or Openness</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Front Yard (in setback)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>ACCESSORY BUILDINGS (Play Structures, Storage Sheds:</b> <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
<b>Note:</b> <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"> <li>• Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Setback from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Square footage</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Air Conditioners and Generators:</b> <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> <li>• In side yard &lt;10' from property line or in front yard</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Parking:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>• &lt; the number of spaces required</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>• Setback from property line</li> </ul>	<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).

Currenty Setback is exactly at code.

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).

N/A

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).

Setback will be 5 feet less than code requirement.

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 neighborhood would not be altered or be a detriment to adjoining properties.

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

Nothing like this would be affected.

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

Owners did not know of setback code.

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).

Customer wants a larger front porch than they currently have.

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).

Allowing this variance would allow the home owner to build their dream porch and the ability to fully enjoy their neighborhood.

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 special privileges would be given if approved, some home owners on same street have a 30' setback code.

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.

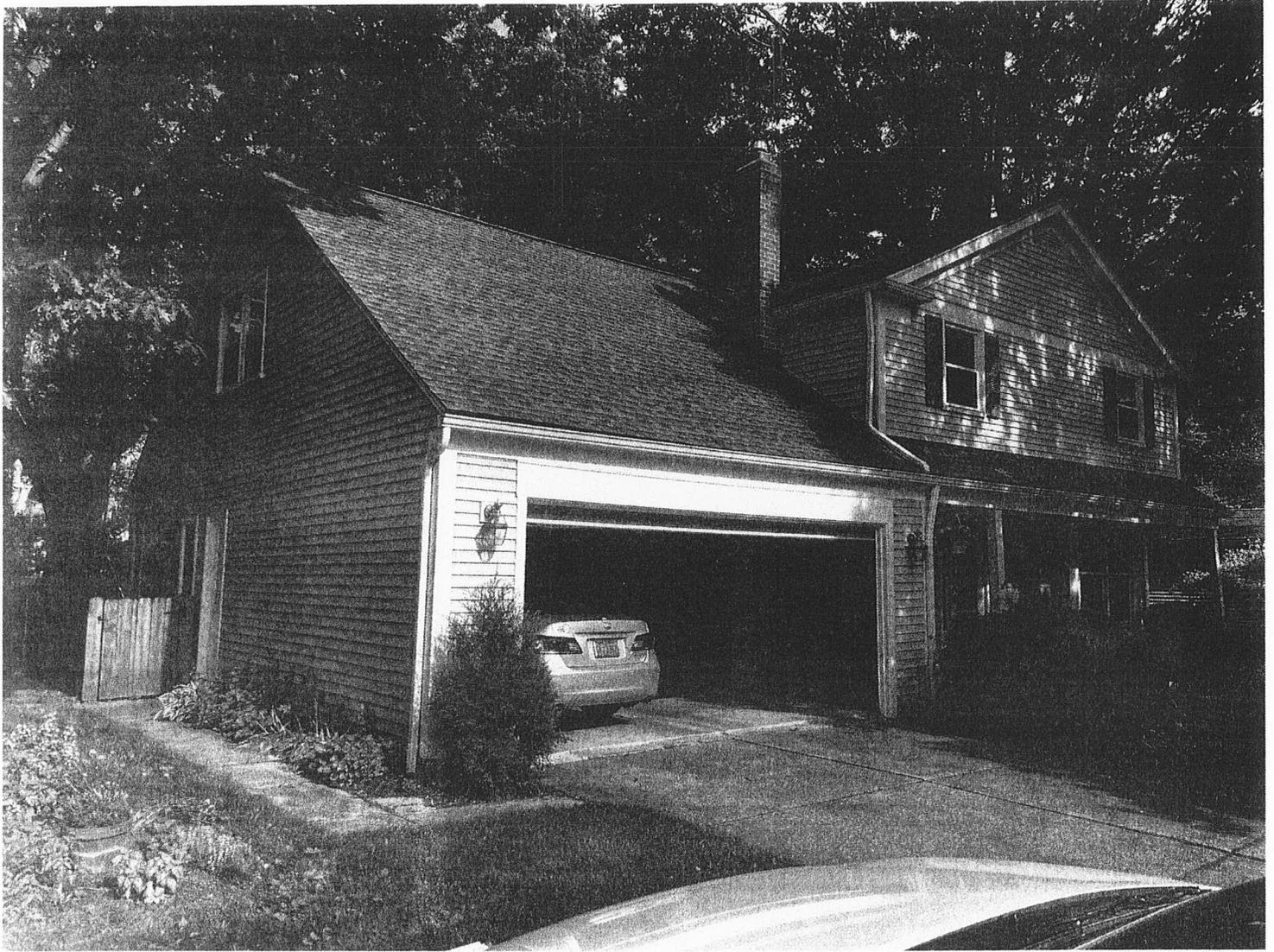
Not all property owners in their neighborhood have a 40+1 setback.

**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.**











Arbor Ridge Construction, LLC  
980 Killian Rd Suite A, Akron, OH 443124724  
330-999-5005







Google Maps 3459 Thomson Cir

Rocky River, Ohio

Google Street View

Jul 2011

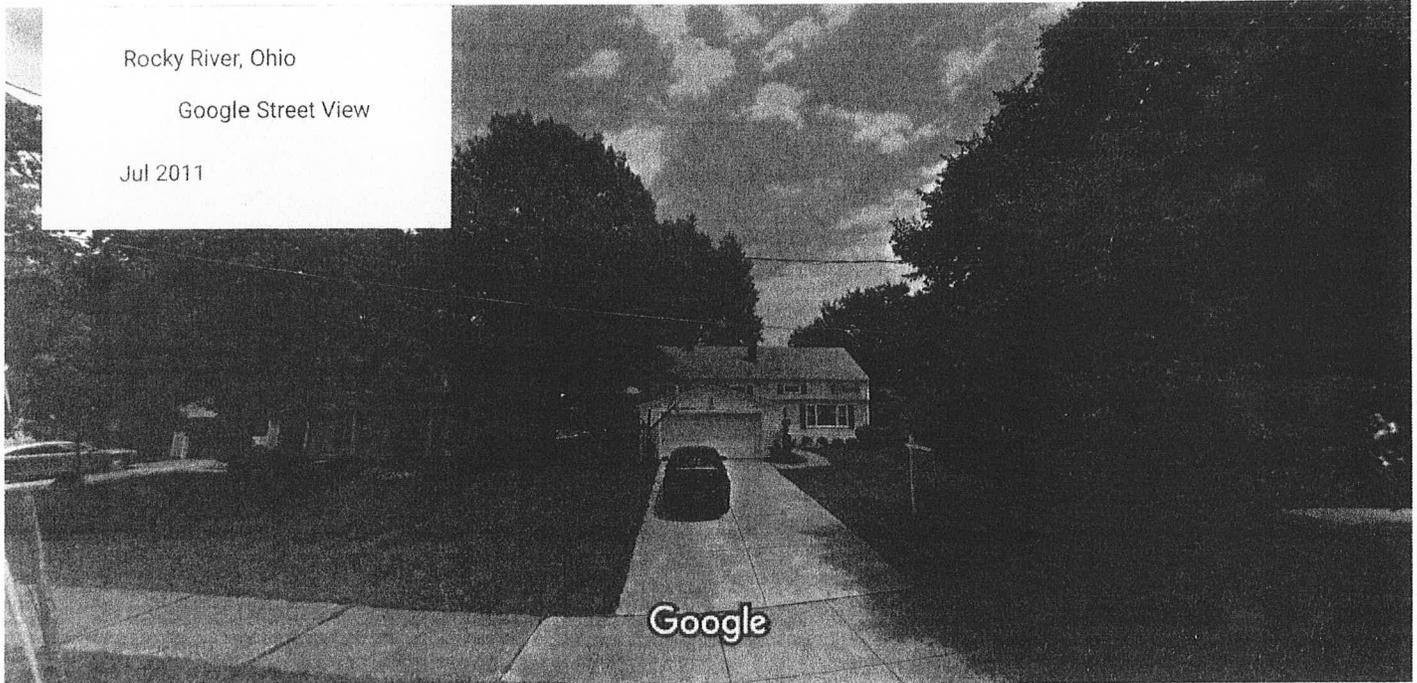


Image capture: Jul 2011 © 2024 Google

Neighbor directly to right  
and closest to porch.

**City Of Rocky River**  
 21012 Hilliard Boulevard Rocky River, Ohio 44116  
**APPLICATION FOR RESIDENTIAL PLAN APPROVAL**

Submit one application per building or structure; **ALL** sections must be completed.

**APPROVALS DATES:**

Planning Comm: \_\_\_\_\_  
 Board of Appeals: \_\_\_\_\_  
 Design & Review: \_\_\_\_\_



Application Date: 6-18-2024

Intent Sign Date: \_\_\_\_\_

<p><b>1 PLAN SUBMISSION:</b></p> <p>Plan review will commence once all below plan copies are submitted.</p> <p>Have 2 paper and 1 digital plan been submitted for plan review? Yes ___ No ___</p> <p>If No, date to be submitted by: _____</p>	<p><b>2 TYPE OF PROJECT:</b></p> <p>___ New Building Construction</p> <p><input checked="" type="checkbox"/> Building Addition</p> <p>___ Alteration (no additional sq. ft.)</p> <p>___ Repair/Maintain/</p> <p>___ Accessory Building( &gt; 200 sqft )</p> <p>___ Other (driveway, retaining wall.)</p>	<p><b>3 PHASED PLAN REVIEW:</b></p> <p>___ Foundation</p> <p>___ Framing:</p> <p>___ Other:</p> <p>___ Other:</p> <p>___ Other:</p> <p>___ Other:</p>
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**4a. DESCRIPTION OF THE EXTENT OF WORK INCLUDED FOR APPROVAL: (RCO 107.2.1)**

Redesign existing porch and add roof, adding 56

**4b. Total Estimated Cost : \$ 27,500.00**

**4c. List total square footage of All levels of construction. (Foundation = sf.) (Main Floor = sf.)**  
 (Second Floor = sf.) (Attic/Roof = sf.) (Other = sf.)

**5 PROJECT LOCATION: (RCO 107.2.2)**

Legal description \_\_\_\_\_  
 Street Address 3439 Thomson Circle  
 City/Township Rocky River Zip Code 44116 County Cuyahoga  
 Directions \_\_\_\_\_

Is this project/building located in a flood plain?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Has flood plain administrator been contacted for requirements?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

**6 Method Of Demonstrating Energy Code Compliance**

Demonstrating Compliance to the 2019 RCO Section 1101.14-1104 \_\_\_\_\_ or  
 Demonstrating Compliance to the 2019 RCO Section 1105 (Simulated Performance) \_\_\_\_\_ or  
 Demonstrating Compliance to the 2019 RCO Section 1106 (ERI) \_\_\_\_\_ or  
 Demonstrating Compliance to the 2019 RCO Section 1112 (OHBA option) \_\_\_\_\_ or  
 Demonstrating Compliance to the 2018 IECC \_\_\_\_\_

**7 BUILDING OWNER INFORMATION: (RCO 107.2.4)**

Name of owner Mark Brandt Attention: \_\_\_\_\_  
 Street Address 3439 Thomson Circle City Rocky River State OH Zip 44116  
 Phone No. 216-288-2266 Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**8 APPLICANT INFORMATION: (Owner or Owner's authorized agent) (RCO 107.2.4)**

Applicant Arbor Ridge Construction Attention: \_\_\_\_\_  
 Street Address 980 Killian Rd Suite A City Akron State OH Zip 44312  
 Phone No. 234-716-3424 Fax \_\_\_\_\_ E-mail Todd@Arborridgeconstruction.com

**9 REGISTERED DESIGN PROFESSIONAL –IF APPLICABLE: (RCO 106.1.1-3, 106.2)**

\_\_\_\_ Architect      \_\_\_\_ Engineer      \_\_\_\_ Certified Fire protection system installer

Designer \_\_\_\_\_ Registration /Certificate No.: \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone No \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**10 EVIDENCE OF RESPONSIBILITY: (RCO 106.2)**

(Required residential construction documents, when submitted for review as required under RCO section 107, shall bear the identification of the person primarily responsible for their preparation. Ohio Revised Code Section 3791.04 (A)(2)(b) permits construction documents for any residential building to be prepared by persons other than a registered architect or engineer; unless per Ohio Revised Code Section 3791.04 (A)(2)(c), the proposed work involves technical design analysis. The building official may rely on the placement of a 'seal' on the documents as evidence that the registered architect or engineer performed the technical analysis.

Document Preparer Name: \_\_\_\_\_ Title/Company: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**11 INDUSTRIALIZED UNITS INFORMATION:** (The following information applies to the INDUSTRIALIZED UNITS and alternative materials, designs, methods of construction or equipment approved by the State of Ohio, Board of Building Standards Industrialized units (IU) program.) (RCO 106.1.4, Section 114)

▪ Authorized Manufacturer and project Information:

Approval number: \_\_\_\_\_ Approval Date: \_\_\_\_\_

Board approved documents submitted to local Building Official? \_\_\_\_\_ YES \_\_\_\_\_ NO

Details of on-site interconnection of modules or assemblies submitted to BO? \_\_\_\_\_ YES \_\_\_\_\_ NO

**12a CONSTRUCTION DOCUMENTS REQUIREMENTS:**  
( Refer to RCO 106.1-3 (1-9) for specific construction document requirements )

**12b LOT LINE MARKERS REQUIRED:** Before any work is started in the construction of a residential building or addition all boundary lines shall be marked at their intersections with permanent markers. ( Refer to RCO 108.2 & 108.2.1 )

**Time limitation of Application: (RCO 107.2.1)** *The approval of construction documents under this section is a "license" and the failure to approve such construction documents as submitted within thirty days after filing or the disapproval of such construction documents is an "adjudication order denying the issuance of a license" requiring the opportunity for an "adjudication hearing" as provided by sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code. In accordance with section 109, an adjudication order denying the issuance of a license shall specify the reasons for such denial*

**13 CERTIFICATION: (RCO 107.2.5)**

I certify that I am the \_\_\_\_ Owner  Owner Authorized Agent. All information contained in this application is true, accurate, and complete to the best of my knowledge. All official correspondence in connection with this application should be sent to my attention at the address shown above and copied to the Owner.

Signature: Todd Shaw

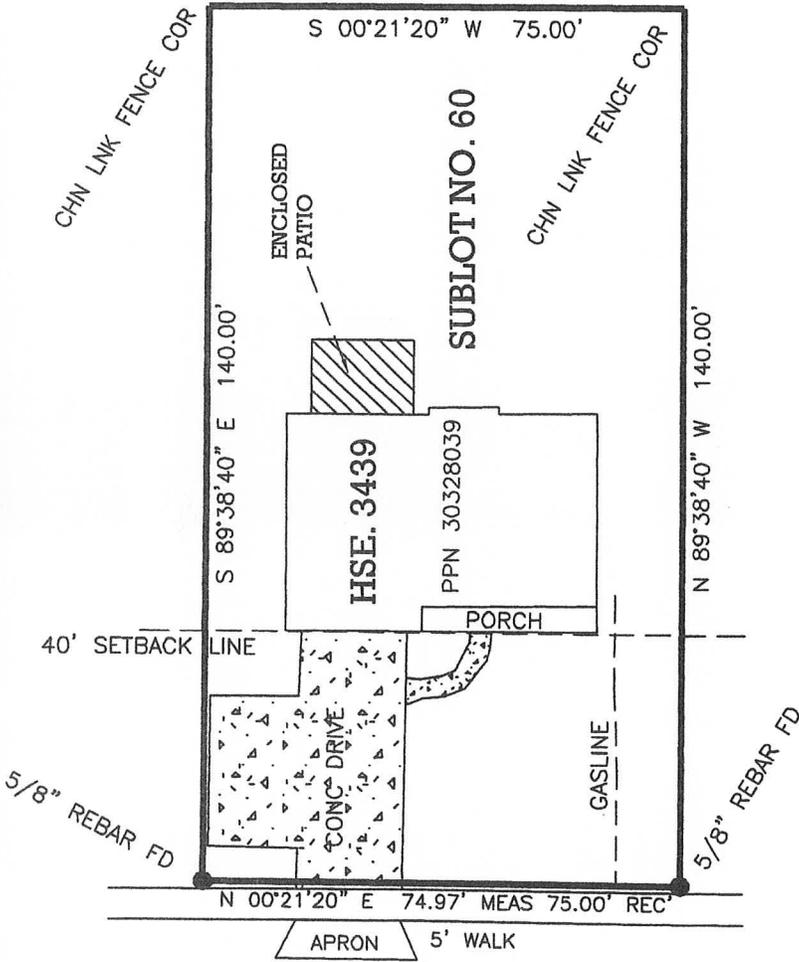
Print Name: Todd Shaw Date: 6-18-24

**14 THE AREA BELOW IS FOR OFFICIAL USE ONLY:**

Fee Description	Amount	Deposits
PLAN REVIEW		
Permit Fee		
Other Fees		
Sub-Total	\$	\$
B.B.S. +1%		
Curb Crossing		
Street Cleaning		
Curb Cut		
Sewer Tie In Fee		
Total Fees	\$	
Date Received _____	Estimated Cost _____	
Check Number _____	Permit Number _____	
Processed By _____		

Notes:

THOMSON CIRCLE 50 FT



**SURVEY FOR**

**MARK H. AND KATHRYN JO BRANDT  
3439 THOMSON CIRCLE  
ROCKY RIVER, OHIO 44116**

I HEREBY DECLARE THAT I HAVE SURVEYED THE LAND SHOWN ON THIS PLAT, AND HAVE FOUND OR SET THE PINS AND MONUMENTS SHOWN, ALL IN ACCORDANCE WITH CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

*Paul A. McCutcheon* 7/24/24  
PAUL A. MCCUTCHEON P.S. # 7954

**BASIS OF BEARINGS**  
DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. BEARINGS ARE TO AN ASSUMED MERIDIAN AND ARE TO INDICATE ANGLES ONLY, ALL OF WHICH ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



SITUATED IN THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA AND STATE OF OHIO; AND BEING KNOWN AS SUBLOT NO. 60 IN STRUBAR SUBDIVISION NO. 5 OF PART ORIGINAL ROCKPORT TOWNSHIP, SECTION NO. 15 AS SHOWN BY THE RECORDED PLAT IN VOLUME 189 PAGE 67 OF CUYAHOGA COUNTY RECORDS, AS APPEARS BY SAID PLAT, TO BE THE SAME MORE OR LESS.

Survey prepared by  
**PAUL A. MCCUTCHEON #7954**  
2466 Beech Street  
Cuyahoga Falls, Ohio 44221 Phone (330) 730-3175

DATE JULY 24, 2024 SCALE 1" = 30'



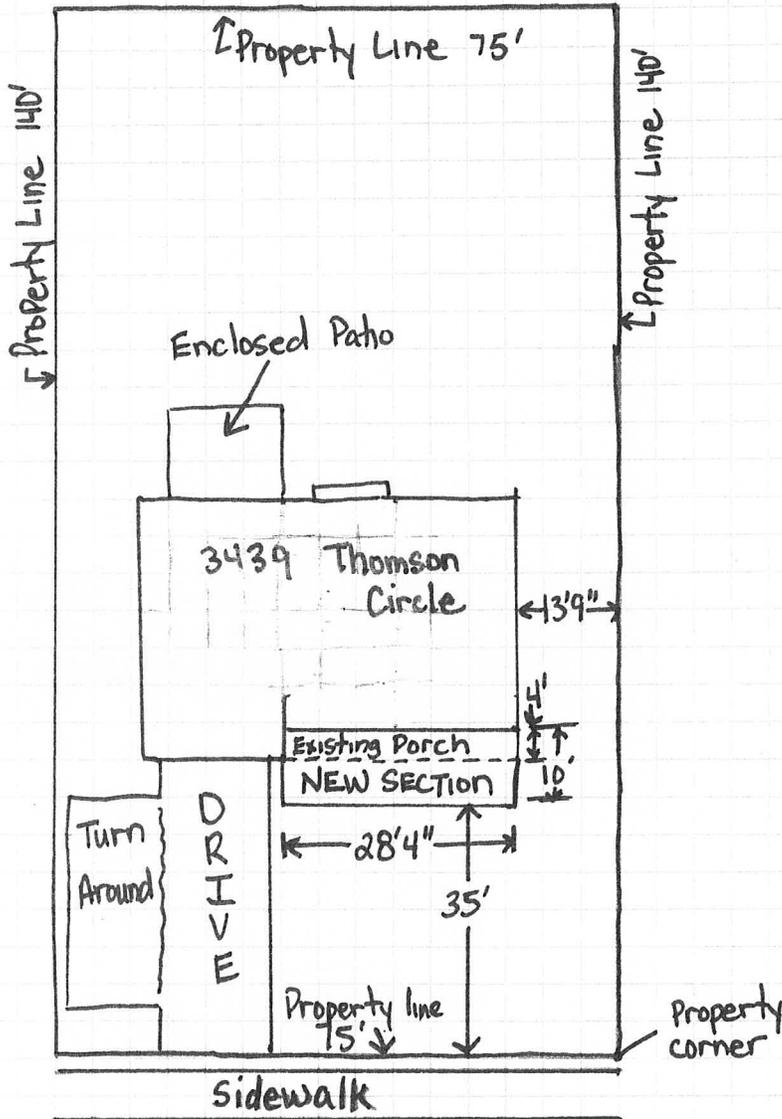
SCALE 1 IN = 30 FT

# Brandt site plan overview - 3rd Edition

3439 Thomson Circle  
Rocky River, OH 44116

Sublot 60

Each line is 5'  
Each Sq is 5' x 5'



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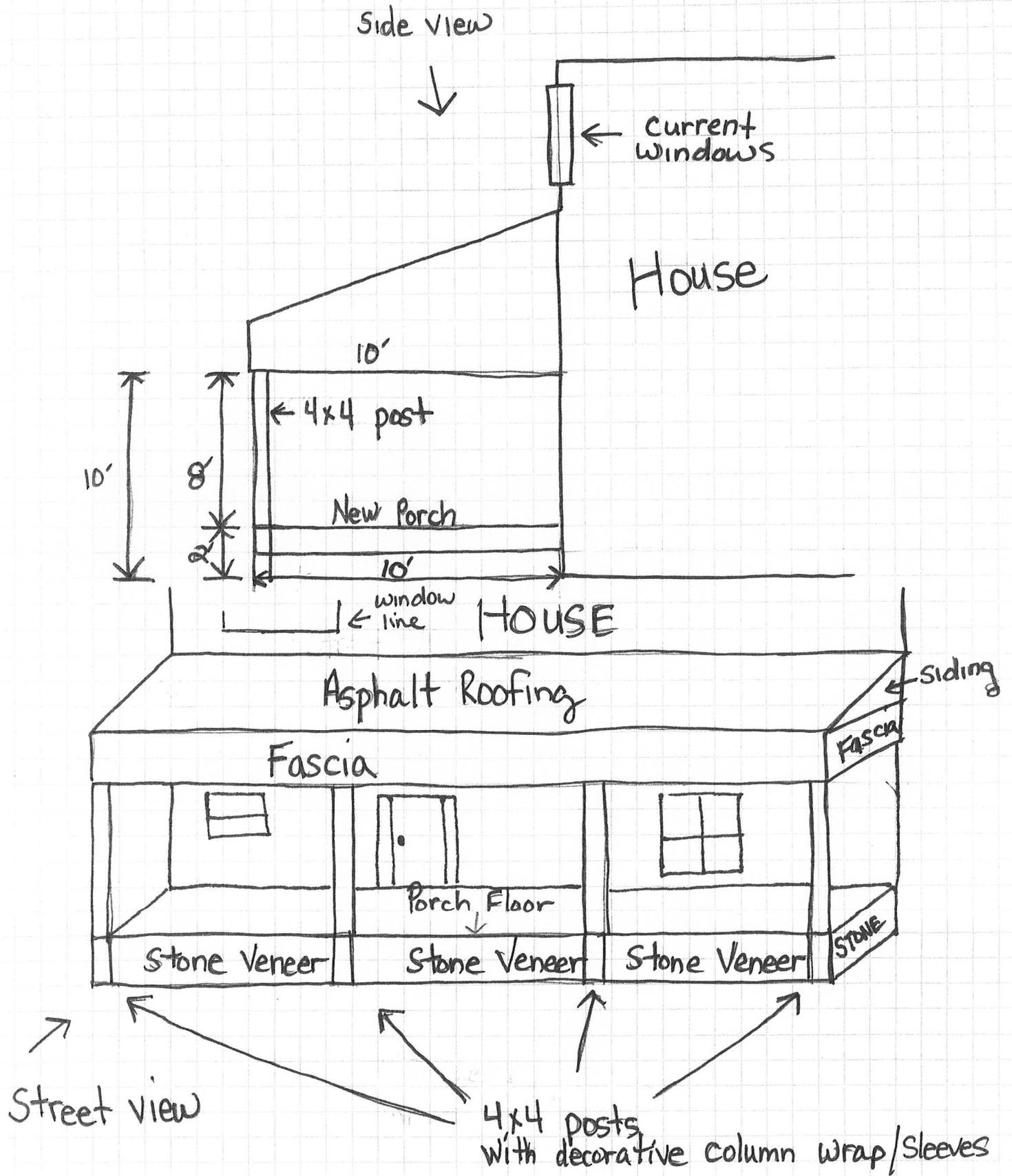
Thomson Circle

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Brandt

3439 Thomson Circle Sublot 60

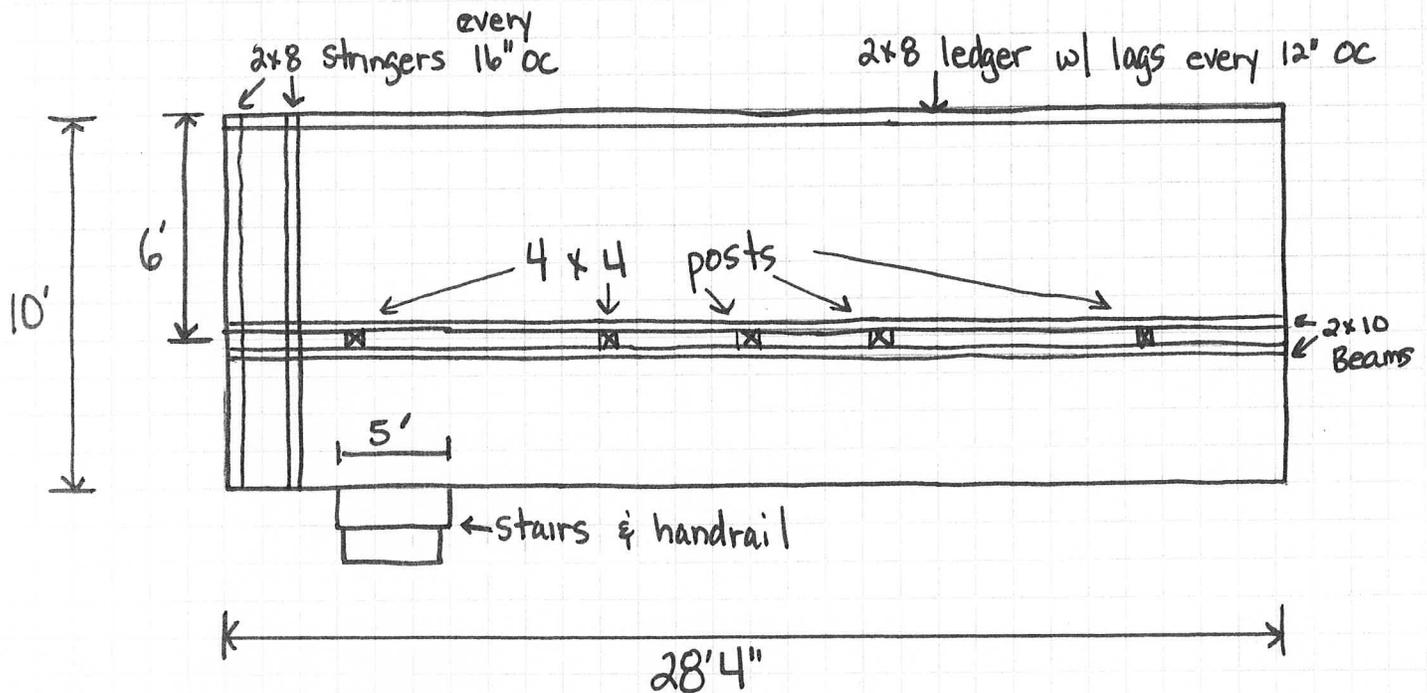
Roof/Porch ceiling Detail



Brandt

3439 Thomson Circle Sublot 60

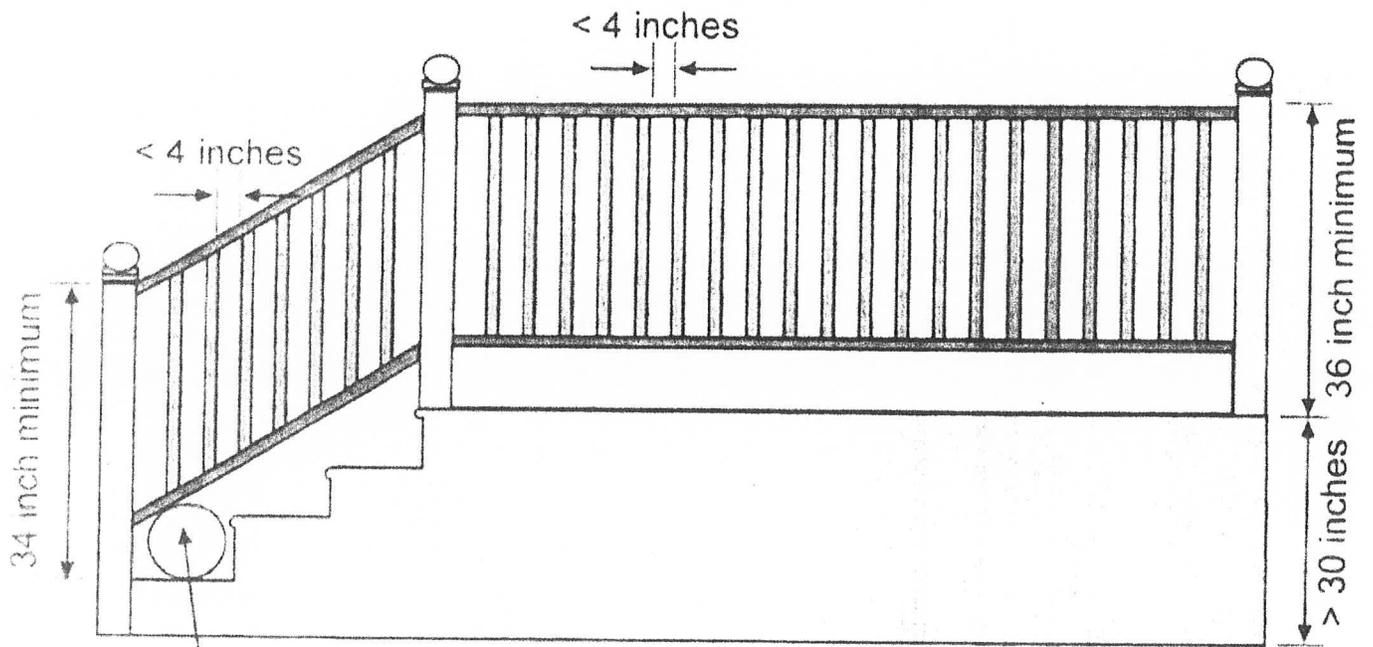
Deck Detail



Notes:

- 4x4 posts @ 42" deep w/ concrete footer - 5
- 2x10 Beam
- 2x8 ledger w/ lags every 12" OC
- 2x8 stringers w/ joist hangers attached to ledger
- 2x8 stringers every 16" OC
- 5/4 Decking Boards
- Railing @ 36" high w/ spindles spaced 3.5" apart
- Deck height is less than 30" above ground

Brandt  
3439 Thomson Cir  
Railing layout



6 inch sphere  
unable to pass  
through opening