

CITY OF ROCKY RIVER  
21012 HILLIARD BOULEVARD  
ROCKY RIVER, OH 44116  
PHONE: (440) 331-0000  
FAX: (440) 895-2628

Fence Permit Application

Permit Fee: \$55.00

Date: 12/3/24

COMMERCIAL: \_\_\_\_\_

RESIDENTIAL: ☒

ADDRESS OF IMPROVEMENT: 20354 WESTHAVEN LAKE Rocky River

OWNERSHIP: MICHAEL SPONER 20354 WESTHAVEN RD 440-725-055  
Name Address Phone

CONTRACTOR: RM FENCE COLUMBIAN STATION, OH 44028  
Name Address Phone

CONTRACTOR EMAIL: rmfence2006@gmail.com ESTIMATED COST \$8000

TYPE OF FENCE: Ornamental ☐ Split Rail ☐ Board on Board ☐ Picket ☐ Privacy ☒

HEIGHT & LOCATION OF FENCE: Front \_\_\_\_ / Ht \_\_\_\_ Side \_\_\_\_ / Ht \_\_\_\_ Rear 60' Ht 6' + 1'

CORNER LOT: Yes \_\_\_\_ No ☒ 72' Ht 4' + 1'

VARIANCE NEEDED: Yes ☒ No \_\_\_\_ PROHIBITED FENCES

BOARD OF APPEALS MEETING DATE: \_\_\_\_\_ Barbed Wire

VARIANCES NEEDED: SOLID FENCE VS BOARD ON BOARD 25' 10' OPEN Electrified

\*\*Caution should be used when replacing or installing a new fence on a property line and although a survey is not required, it is strongly recommended. Plan review and approvals within an HOA or any easement locations or deed restrictions are the sole responsibility of the applicant. Any dispute over the location of a proposed or installed fence shall be settled by the applicant obtaining a current survey. By signing below I understand my responsibilities as the applicant. I further understand that I shall contact the Building Department for the initial fence location inspection and the final inspection of the fence installation.\*\*

SIGNATURE OF OWNER: \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_

- Attach the *Site Plan Worksheet* showing location of proposed fence and its proximity to the house, garage and/or other existing fences. Label length of proposed fence.
- Submit application and drawings to the Building Department. The applicant will be required to display an "Intent to Build" sign for 10 days. This required notification sign will be issued to the applicant once the fence placement inspection is complete. After 10 days a permit can be obtained.
- By initialing within the box I understand that a final inspection is required in order to verify the materials used and project scope. PLEASE CALL TO SCHEDULE FINAL INSPECTION MKS

For office use only:

NOTICES SENT TO ABUTTING NEIGHBORS

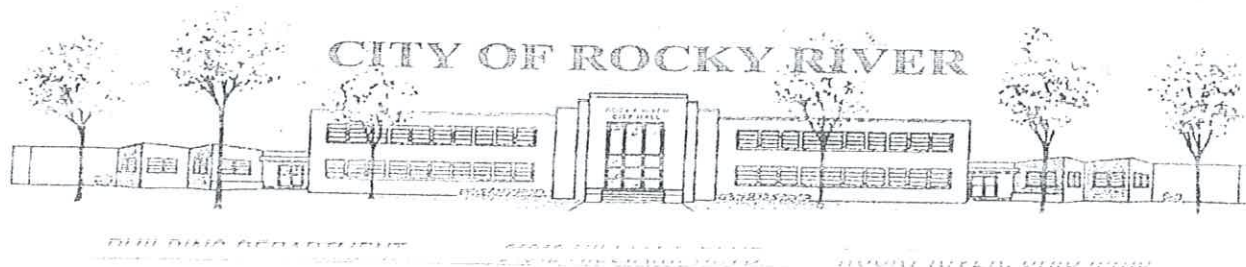
Date of approved Fence Location Inspection: \_\_\_\_\_

Date Sent: \_\_\_\_\_

Permanent Parcel # \_\_\_\_\_

10 Day Posting Card Issued \_\_\_\_\_

Permit # \_\_\_\_\_



### Owner Acknowledgment of Property Lines

Date: 12/3/24

I hereby acknowledge that the property line location is the sole responsibility of the property owner. The location of the fence on the plan will be measured from a point that the property owner deems as the property line. The City of Rocky River assumes no responsibility for errors related to property line location. If there is a question regarding a property line a professional land surveyor should be consulted to obtain a boundary survey.

*The City of Rocky River does not determine property lines*

Property owner's Name (Print): Michael Spooner

Property Address: 20354 WESTHAVEN LANE

Property owner's phone: 440-725-0555

Property owner's email: MSpooner8@gmail.com

Property owner's Name (signature): 



## **NOTICE OF PUBLIC HEARING**

BOARD OF ZONING AND BUILDING APPEALS  
ON  
January 9, 2025

TO WHOM IT MAY CONCERN:

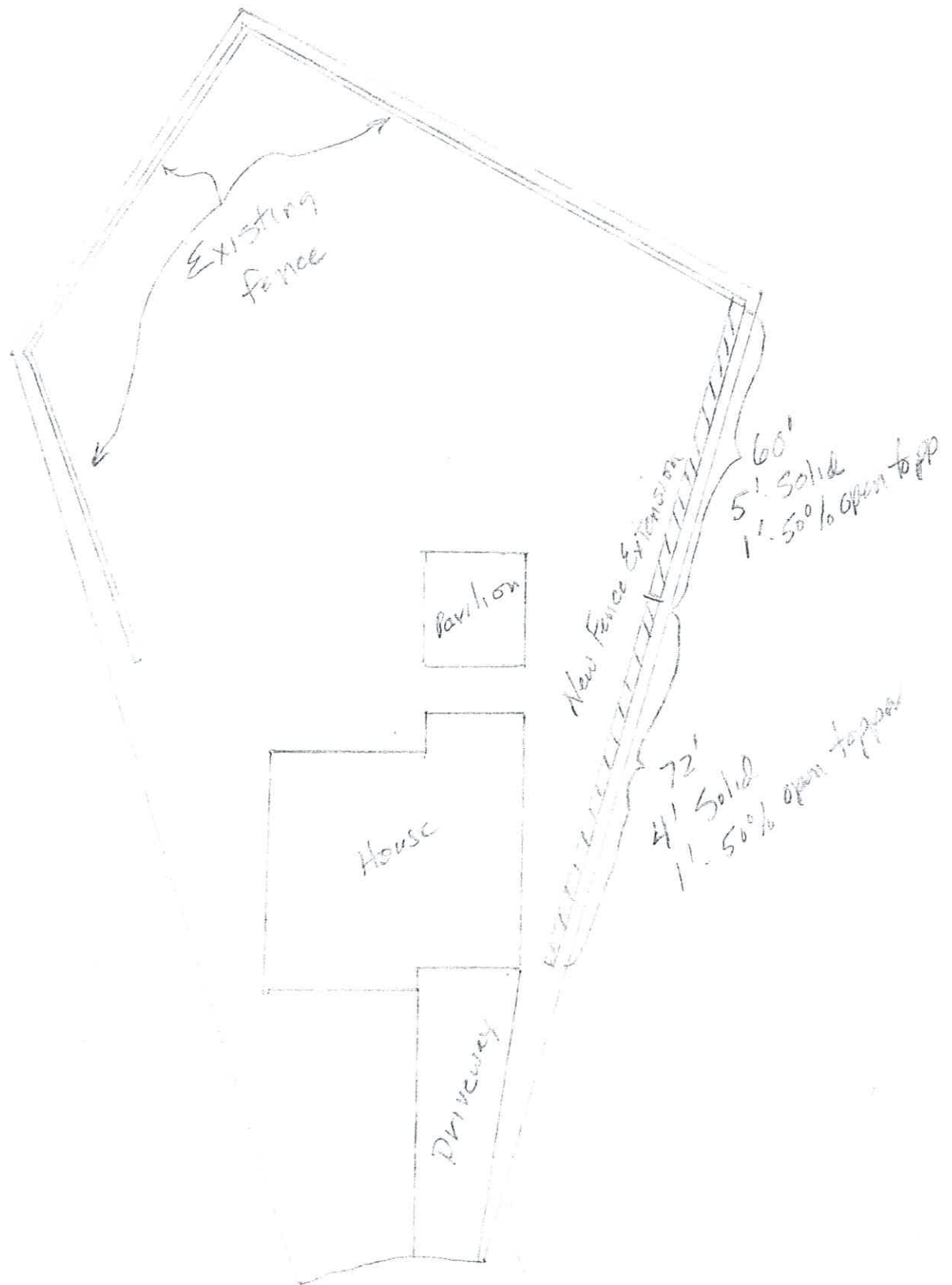
THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON JANUARY 9, 2025, AT 7:00 PM FOR A VARIANCE TO CONSTRUCT SIXTY (60) FEET OF FIVE (5) FOOT SOLID FENCING AND SEVENTY-TWO (72) FEET OF FOUR (4) FOOT SOLID FENCING VS. fences that are twenty-five percent (25%) transparent regardless of the angle at which the transparency is viewed are the only types of fences permitted in the rear yard PERMITTED AS REQUIRED PER SECTION: 1153.15 (J)(3) & 1153.15(J)(2).  
FOR MICHAEL & SHARON SPOONER AT 20354 WESTHAVEN.

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 FOR REVIEW VIA E-MAIL OR IN-PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. PLEASE CONTACT KATHRYN KERBER AT [KKERBER@RRCITY.COM](mailto:KKERBER@RRCITY.COM) OR BY CALLING 440-331-0600 EXT. 2598.

Notices sent to:  
See attached list

SP-1222 Backyard Fence Extension  
20354 WESTHAVEN DRIVE





New Lexington Vinyl Fence with Victorian accent on top





# ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS

## INSTRUCTIONS TO APPLICANTS

**MEETINGS:** 2nd Thursday of each month at 7:00 P.M. in Council Chambers of Rocky River 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 11 stapled sets of the following:

- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.); **Check representing Application Fee.**
- 2) **Fully completed Variance Application.** Begin with a written narrative describing exactly what project you would like to do and why it is necessary to do so. 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** – see attached example, showing all existing structures on the subject property, as well as structures on properties directly adjacent to the location of the subject of your variance request (i.e., line of neighbor's house, driveway and garage closest to the addition you are proposing). Proposed structures must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled. PLEASE STAKE THE PROPERTY TO SHOW FOOTPRINT OF ADDITIONS, SHEDS OR LOCATIONS OF A/C CONDENSERS, etc. Site plan should show lot coverage by building calculation (existing and proposed).
- 4) **Elevation drawings** (for pergola, garage, addition or any exterior alteration). Show what all sides of the finished project will look like. Submit a photo example of proposed fences and sheds. Show height of structure on the elevations. Additions will require existing and proposed interior floor plans for the floors that are affected.
- 5) **Photographs** of your property and adjacent properties. Label each photo for clarity.
- 6) **Support letters** from surrounding property owners, if available.
- 7) **Any other information as may be requested** by the Building Department or Board Members.

All documentation or other information shall be delivered to:

**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.**

Michael Brown 12/17/24  
Property Owner Date

Michael Brown 12/17/24  
Applicant/Representative Date

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: 12/17/24  
Zoning of Property Residential

Hearing Date: \_\_\_\_\_  
Permanent Parcel No. \_\_\_\_\_

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

Address of property seeking variance: 20354 WESTHAVEN LANE

MICHAEL & SHARON SPOONER  
Name of Property Owner

MICHAEL SPOONER  
Name of Applicant / Representative

20354 WESTHAVEN LANE  
Address

Rocky River, OH 44116  
Address

440-725-0555 440-725-0555  
Telephone No. Cell Phone No.

\_\_\_\_\_  
Telephone No. Cell Phone No.

E-MAIL: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

Description of what is intended to be done:

Extend existing fence on East side of property

Sections of the Code from which variance is being requested:

List variances requested:

Solid vs Open (Board on Board) on 5' high fence extension  
→ variance for existing fence was approved in 2021

Michael Spooner  
Property Owner's Signature

Michael Spooner  
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"> <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 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 checked="" 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><u>Note:</u></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 or rear 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).

We received a variance in 2021 to install a privacy fence along 3 sides of our property. We simply want to extend that fence on the East side of our property and want it to match the existing 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).

We believe the completion of the fence will further increase the value of our 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).

Given a variance was already approved to install the existing fence, it seems reasonable to grant a variance to in order to match the existing fence aesthetics / style.

- 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've discussed with our neighbors on that side and they are supportive of adding this fence. We are reducing the height of the section between our houses so that we can continue to interact with them.

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

No

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

Yes

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).

No, making this section board on board and not matching the existing fence would look awkward and reduce the value of the property.

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 received many compliments since we installed the existing fence and we believe granting the variance to match the existing fence will further enhance our property & the 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.

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.

No.

**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.**



## UNNECESSARY HARDSHIP STANDARD

ONLY ANSWER THESE QUESTIONS IF YOU ARE REQUESTING A VARIANCE FOR ANY FUNCTIONAL, LAND OR BUILDING USE NOT SPECIFICALLY PERMITTED IN EITHER A PARTICULAR ZONING DISTRICT, OR OTHERWISE NOT PERMITTED BY THE DEVELOPMENT CODE. (See Typical Variance Sheet for guidance.)

### ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

In order to grant a use variance, the Board of Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. THE APPLICANT MUST DEMONSTRATE SUCH HARDSHIP BY CLEAR AND CONVINCING EVIDENCE that the criteria in Rocky River Codified Ordinances, sub-section 1133.17(c)(2) is satisfied.

**R.R.C.O. Chapter 1133.17(c)(2)A.** Please demonstrate hardship with the following:

- i.) Explain how the variance requested stems from a condition that is UNIQUE TO THE PROPERTY AT ISSUE and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original building, etc.)

We believe it is important for match this extension to match the style of our existing fence, which was granted a variance in 2021 to install.

- ii.) Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents.

This fence & extension will only impact one neighbor who has indicated their support for the installation. In addition, we have reduced the height of the section (70 ft) between our houses so we will be able to continue to interact with each other.

- iii.) Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.

I don't see any situation where this extension/variance will adversely affect public health, safety and welfare of the City.

iv.) Explain how the variance will be consistent with the general spirit and intent of the Code.

Although it is considered a privacy fence,  
we've reduced the height between houses to  
provide a more open, neighborly environment.

v.) Explain how the variance sought is the minimum that will afford relief to the applicant.

We simply want the extension to match  
the ~~ext~~ existing fence of which we  
received a variance for in 2021

**R.R.C.O. Chapter 1133.17(c)(2)B.** If applicable, explain what further evidence you would like the Board of Appeals to consider, as follows:

i.) Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

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ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

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**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.**





# Cuyahoga County GIS Viewer



Date Created: 5/26/2021

## Legend

- ☐ Municipalities
- ☐ Right Of Way
- ☐ Platted Centerline
- ☐ Parcel

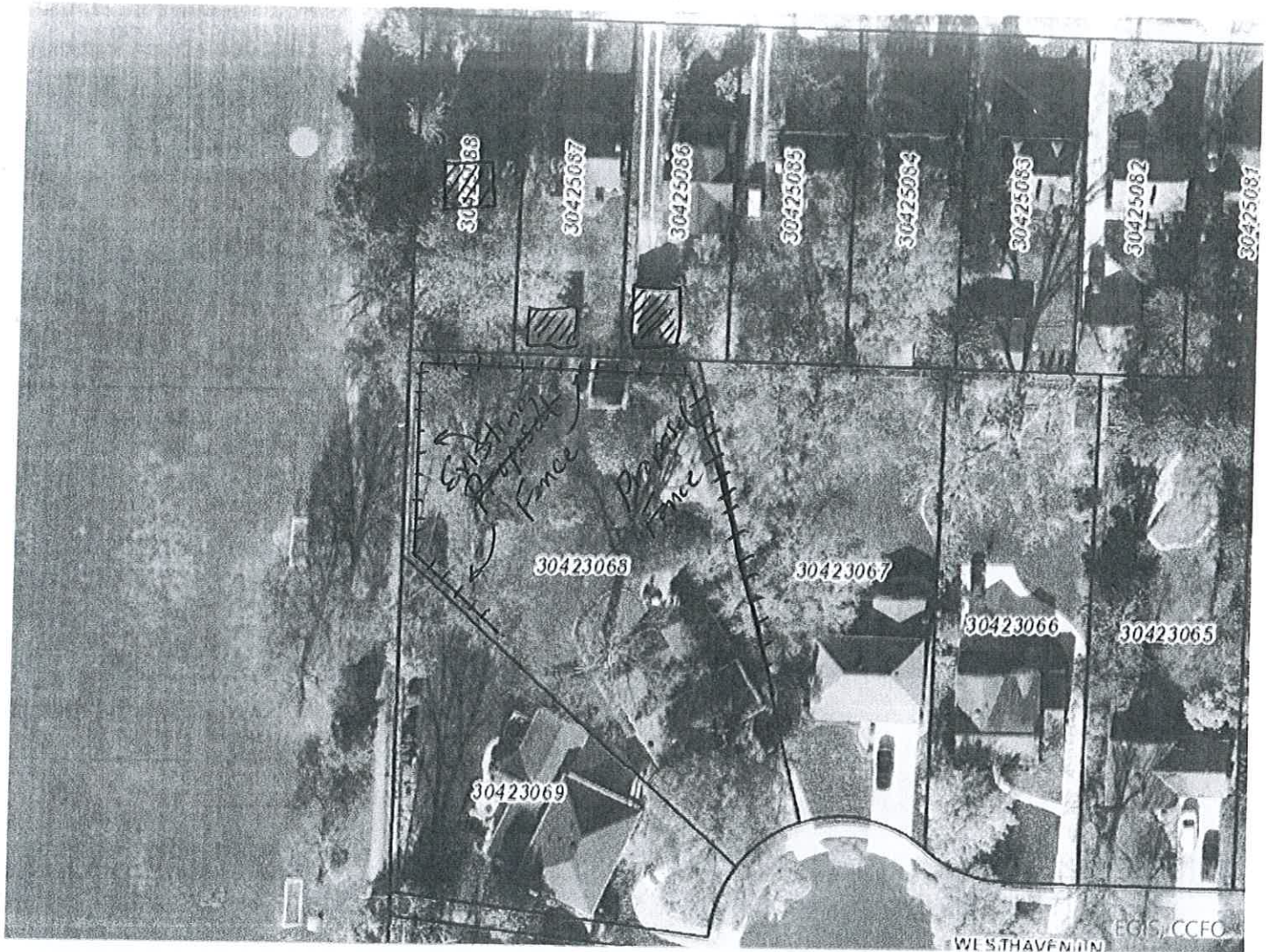
Cuyahoga County  
**Enterprise GIS**



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: GS\_1984\_Web\_Mercator\_Auxiliary\_Sphere





Zoom in and click on a parcel for more information or click the banner to reset the map

Top

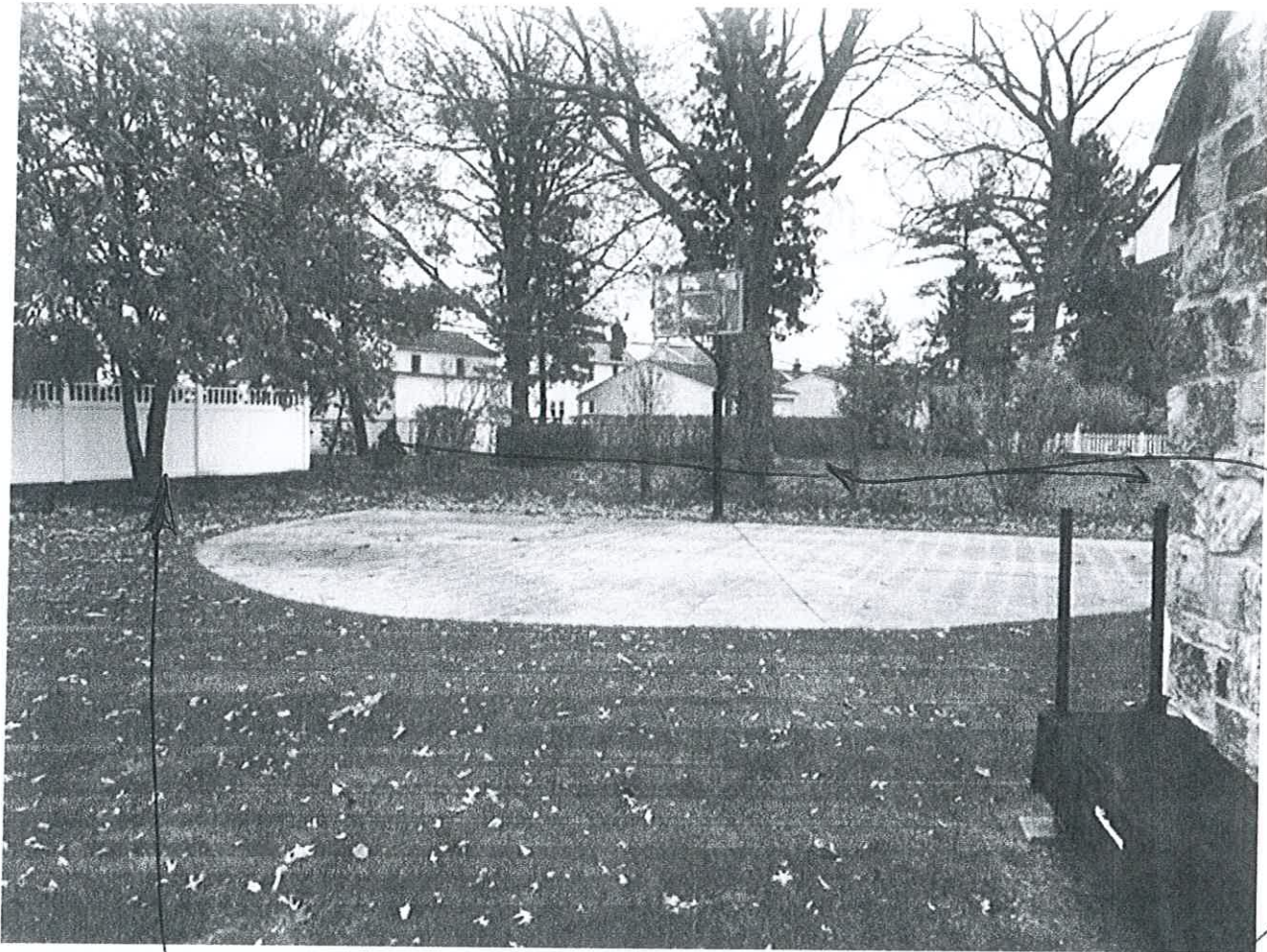
Updated :05/26/2021 03:21:05 AM

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WATER DEPARTMENT OFFICIALS: AS OF JANUARY 1, 2021 PLEASE UTILIZE THE TRANSFER TAB ON THE MYPLACE SITE TO DETERMINE OWNERSHIP FOR CREATING OR CLOSING ACCOUNTS. PARCEL DATA ON PROPERTY TRANSFERS ARE UPDATED DAILY. THEREFORE, YOU CAN NOW RELY ON THIS SITE FOR ACCURATE REAL PROPERTY OWNERSHIP. YOU ARE ALSO WELCOME TO ACCEPT COPIES OF RECORDED DEEDS FROM OUR OFFICE.

THANK YOU





Existing fence

Location of  
fence extension



Existing  
Fence -  
Variance approved  
in 2021 to  
have solid fence  
between properties