

CITY OF ROCKY RIVER
21012 HILLIARD BOULEVARD
ROCKY RIVER, OH 44116

PHONE: (440) 331-0600 FAX: (440) 895-2628


**Accessory Structure Permit
Application**

Permit Fee: \$ _____
Plan Review: \$ _____
Total : \$ _____

DATE: 01.29.2025

| | | | |
|-----------------------|--|---------------------------|---------------------|
| ADDRESS OF STRUCTURE: | <u>1960 Wynwood Drive * Rocky River, OH 44116</u> | | |
| OWNERSHIP: | <u>Tom and Pam Schlosser</u> | <u>1960 Wynwood Drive</u> | <u>973.687.5606</u> |
| | Name | Address | Phone |
| CONTRACTOR: | <u>High-Tech Pools, Inc. 31330 Industrial Parkway * North Olmsted, OH 44070 440.979.5070</u> | | |
| | Name | Address | Phone |

| | | | |
|--|---|-------------------|---|
| TYPE OF STRUCTURE: | <input type="checkbox"/> SHED <input type="checkbox"/> DECK <input type="checkbox"/> PLAY STRUCTURE <input checked="" type="checkbox"/> POOL <input type="checkbox"/> OTHER | | |
| SIZE OF STRUCTURE: | <u>16'X36' In-Ground Swimming Pool</u> | CORNER LOT?: | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Dumpster _____ | POD _____ | Start Date: _____ | End Date: _____ |
| Dumpsters & Pods - \$45.00 Flat Rate and shall be allowed on-site for a maximum of 15 days unless associated with a building permit. | | | |

| | | | |
|--------------------------------|---|-----------------|-----------------------------------|
| VARIANCE NEEDED: | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | ESTIMATED COST: | \$ <u>118,000</u> . ⁰⁰ |
| BOARD OF APPEALS MEETING DATE: | <u>February 13, 2025</u> | | |
| TYPE OF VARIANCE: | <u>(Area) Practical Difficulties</u> | | |
| OWNER/APPLICANT SIGNATURE: |  | | |

- Attach site drawing showing location of proposed structure and its proximity to the house, garage and/or other existing structures and property lines. Provide dimensions of structures.
- Submit application and drawings to the Building Department. The applicant will be required to display an "Intent to Build" sign for 10 days. After 10 days a permit can be obtained.
- It is the responsibility of the property owner/contractor who is issued the permit to verify the location structure.

For office use only:

NOTICES SENT TO ABUTTING NEIGHBORS

Permanent Parcel # _____

10 Day Posting Card Issued: _____

Permit #: _____

Permit Issued: _____

Fee Paid Date: _____

DATE NOTICES SENT: _____

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.
- 4) **Elevation drawings** (for pergola, garage, addition or exterior alteration).
- 5) **Photographs** of your property and affected adjacent properties. Also, submit a photo example of proposed fences and storage sheds.
- 6) **Support letters** from surrounding property owners, if available.
- 8) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. A SEPARATE BUILDING PERMIT MUST BE ISSUED PRIOR TO ALL CONSTRUCTION.**

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.



Property Owner 01.27.2025
Date



Applicant/Representative 01.27.2025
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: January 27, 2025 Hearing Date: February 13, 2025
Zoning of Property _____ Permanent Parcel No. 302-31-024

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

Address of property seeking variance: 1960 Wynwood Drive

Tom and Pam Schlosser

Name of Property Owner

1960 Wynwood Drive
Rocky River, OH 44116

Address

Telephone No.

973.687.5606

Cell Phone No.

High-Tech Pools, Inc. / Tim Flury & Tom Bivens

Name of Applicant / Representative

31330 Industrial Parkway
North Olmsted, OH 44070

Address

Telephone No.

440.979.5070

Cell Phone No.

E-MAIL: PamSchlosser@Hotmail.com

E-MAIL: _____

Description of what is intended to be done:

Equipment Pad location for 16'x36' In-ground swimming pool

Sections of the Code from which variance is being requested:

1153.15 Accessory Uses and Structures (k) (1)

List variances requested:

Mr. and Mrs. Schlosser would like to keep the equipment pad at the current proposed location.



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> | | |
| <u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.) | | |
| <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 |

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 property has unique conditions that are not generally applicable to other properties in the zoning district. Specifically:

- The side yard where the equipment pad must be placed is constrained, with only approximately 10 feet of space between the house and the property line.*
- The narrowness of the side yard is inherent to the lot and not a condition created by the owner.*
- The topography and layout of the property, combined with the location of the existing house, restrict feasible options for placing the equipment pad while meeting zoning requirements.*

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).

Without the variance, the property cannot yield its full potential for beneficial use.

- The absence of a properly located equipment pad would prevent the installation of the swimming pool and necessary equipment, rendering the pool project infeasible.*
- While the property could still be occupied as a residence, the homeowner would be denied the reasonable enjoyment and increased property value afforded by an in-ground pool.*

- 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).

The requested variance is not substantial and is the minimum necessary to allow for the placement of the equipment pad.

- *The pad will be positioned as close to the house as possible while maintaining clearance for maintenance and proper functionality.*
 - *The variance requested involves a setback that slightly deviates from the code and will not exceed what is essential for safe installation and operation.*
-

- 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 variance will not substantially alter the essential character of the neighborhood or negatively affect adjoining properties:

- *The pool and equipment pad will enhance the aesthetic appeal and value of the property, contributing positively to the neighborhood.*
 - *The equipment pad will be screened with landscaping or sound-dampening materials to minimize visual and noise impact on neighbors.*
 - *No adjoining property owners will experience a material detriment as a result of the variance.*
-

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

The variance will not adversely affect the delivery of governmental services.

- *The placement of the equipment pad will not obstruct access for water, sewer, or trash pickup.*
 - *Adequate clearance will be maintained to ensure compliance with utility easements.*
-

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

At the time of purchasing the property, the homeowner may not have been aware of the specific zoning restrictions affecting accessory structures such as equipment pads.

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

The conditions requiring the variance are not a result of actions taken by the property owner.

- The narrowness of the side yard and other spatial constraints existed prior to the current ownership.*
- The homeowner is seeking to comply with zoning regulations to the greatest extent possible while utilizing the property reasonably.*

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).

Alternative solutions are not feasible:

- Placing the equipment pad in the rear yard would require significantly more excavation, potential damage to existing landscaping, and increased costs.*
- Other potential locations on the property would not meet functional or code requirements.*

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 the variance would uphold the spirit and intent of the zoning code.

- The variance allows for reasonable use of the property without causing harm to neighboring properties or the public.*

Proper placement of the equipment pad will ensure that the project complies with safety and aesthetic standards.

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 variance will not confer a special privilege.

- Other properties in the same zoning district with similar spatial constraints have been granted variances for accessory structures when the request was reasonable.*

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.

Denying the variance would deprive the applicant of rights commonly enjoyed by others in the district.

- Many properties in the area have accessory structures or pools with accompanying equipment, demonstrating that the requested use is typical for the district.*

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.