

# 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:

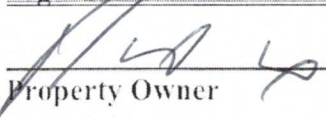

- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.); **Check representing Application Fee.**
- 2) **Fully completed Variance Application.** Begin with a written narrative describing exactly 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.**

 3/31/25  
Property Owner                      Date                       3/31/25  
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 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 checked="" 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> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)		
<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



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: 4/1/25  
Zoning of Property: \_\_\_\_\_

Hearing Date: \_\_\_\_\_  
Permanent Parcel No. BZA25-000012

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

Address of property seeking variance: 18429 High Pkwy

Paul and Christine Alex  
Name of Property Owner

Paul and Christine Alex  
Name of Applicant/Representative

18429 High Pkwy  
Address

~~1754 W~~ 18429 High Pkwy  
Address

n/a  
Telephone No.

216 470 9854  
Cell Phone No.

n/a  
Telephone No.

216-470-1493  
Cell Phone No.

E-MAIL: pa127110@gmail.com

E-MAIL: " "

Description of what is intended to be done:

Front yard fence d/t property lies on a corner lot. No side or back yard. See site plan and supplemental attachments for details and illustrations.

Sections of the Code from which variance is being requested:

115.15 Accessory uses and Structures. Refer to 115.3.5(j)(1); 115.3.15(j)(4);

List variances requested:

- <sup>①</sup> to construct a front yard ornamental fence at 48" vs 36" height;
- ② projecting 34" in front dwelling vs 12' length; <sup>③</sup> within corner side set back 48" vs 42" height, <sup>④</sup> at 1ft from lot line vs 5ft.

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).

Our lot is unique being on a corner with a front yard only. This is out of the ordinary as compared to all surrounding district property lines. Not only is our lot unique, but also is the house placement in relation to property lines built in 1947.

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 proposed fence, our options for an enclosed outside area to protect our family, including our 2 year old son would be significantly limited. Limitations include: unnecessary safety risk for children, no barrier to deter undesired pets or persons. Increased difficulty maintaining property, aesthetically unattractive if fence placed 5' variances.

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 variances proposed will make possible the reasonable use of the property lot. The proposed fence would be segmented into 10', 50', 71' and 34' enclosing the middle portion of our front yard from the drive way side to the walkway side. The proposed fence would be 4ft high black aluminum ornamental style with one 4ft walk gate. The proposed fence will be installed 1ft. off of the side walk. 1. Front fence 48" vs 36" height above code; 2. projecting 34' vs 12' in front dwelling above code; 3. within corner setback 48" vs 42" height 6" above code; 4. 1ft vs 5ft from lot line 4ft above code.

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 proposed fence would increase the value and appeal of our property gaining safety and appearance of privacy the fence offers. If we were to sell this home, any family with children, grandchildren and/or dogs would immediately be drawn to the privacy and safety benefits of a generously enclosed portion of the front yard. The proposed fence plan does not contact adjoining properties and thereby has no negative impact. A fence will provide a resolution to allow us to teach our 2 year old and child on the way



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

The proposed fence will not adversely affect any governmental services as the parameters allow for complete accessibility to the driveway and walkway leading to the front door.

F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.  
Yes, we knew of the ordinances prior to purchase. We moved to Rocky River in 2019 and fell in love with the Rocky River community and atmosphere. It is our dream to raise our children here.

G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.  
No, the special conditions/circumstances exist as a result of the property lot itself and placement of house in relation to the lot built in 1947. Our property line is unique to all surrounding properties being on a corner without a side or back yard.

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).

The proposed fence would be the most efficient and practical solution to our predicament. An alternative option such as bushes would require higher degree of maintenance becoming costly and may prove unattractive overtime and with changing seasons. Our active 2 year old son easily maneuvered through bushes but has yet to overcome

I.) Explain whether the spirit and intent behind the zoning requirement would be observed and a fence.  
substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

Granting us permission to proceed with our proposed fence plan will give our family a generous, protected yard space for our children, family and friends to play. We also hope to call some of our surrounding neighbors friends one day and having a fenced in outdoor area will only provide ourselves and our neighbors with the peace of mind we all deserve raising our children in this city. Our family + friends in surrounding neighborhoods would be contented to see a barrier between their children and the

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 proposed fence, including variances would not give us any special privilege but in fact give us the equal, a more equal circumstance to enjoy our yard with a greater sense of privacy and security as all of our surrounding neighbors who have back and side yards, along with front yards.

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.

As illustrated in the site plan and additional attachments, the concept of the proposed fence will allow us to access and enjoy a rich portion of our front yard giving some means of privacy, increased safety, as well as, practical use and maintenance of the property. By denying the variances requested (on page 1 of application), it would drastically limit our ability to utilize the front yard space. Limitations would also create an awkward and unattractive appearance to passersby.

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.)

Owning the corner lot is unique to the property at issue. Additionally, the placement of the house built in 1947 in relation to the adjoining neighbors house is unique to the property at issue. The geological design and<sup>ca</sup> in conjunction with the structure of original building is not ordinarily found in the same zone or district.

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

The proposed fence will be 60 feet from adjacent property line from the driveway side of the fence and 40 feet from adjacent property line from the ~~side~~<sup>ca</sup> walkway side of the fence from adjacent property line. The proposed fence will not have any material adverse effect on adjacent property and will be one foot back from sidewalks ~~leaving~~ leaving grass area by street open, as well as, access to driveway and front door walkway without impedence on public right-of-way.

- 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.

Granting of the requested variances will, on the contrary, have only an advantageous and favorable effect on the public health, safety or general welfare of the City of Rocky River and our neighborhood. When visiting the neighborhood as the weather becomes nicer, we immediately noticed the diversity of the locality. From young families with toddlers, young adults and active elderly. While we would note characterize this area as high traffic, there are cars passing regularly due to the distinctive intersection of High Pkwy., E Shoreland Ave and Vally View Dr.. Allowing us to proceed with the proposed fence will lend some control in keeping our own children and other community members safe. As you know, the variables of a driver's speed and attention are out of our hands. I shutter to think about a possible adverse consequence of not having a barrier between our front yard and the street resulting in our innocent but naive son running ~~across~~<sup>into</sup> the road to greet a neighbor's dog across the street only to be met by an also innocent but distracted teenager driving home from work.

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

The proposed fence is consistent with the general spirit and intent of the code in that it is an ornamental, all black, aluminum style fence without any impact on adjacent property or the public right-of-way. The proposed variances are requested ~~to~~ with consideration of value, use and aesthetic appeal for both our property and adjoining property. Please consider our property lot is distinct from surrounding properties in the district.

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

By approving the proposed fence variances, our growing family will be able to practically and purposefully use a majority of our front yard. Restricting the proposed project variances will certainly reduce the property value, in that the yard would become awkwardly compartmentalized increasing owner burden. Similarly, project restrictions will reduce property aesthetics in that the appearance of the fence segmenting our yard would look unattractive to neighbors and future buyers.

**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.

n/a

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

n/a

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