

**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:

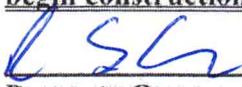
- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.); **Check representing Application Fee.**
- 2) **Fully completed Variance Application.** Begin with a written narrative describing exactly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

  
\_\_\_\_\_  
Property Owner

5/28/2025  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Representative                      Date

## **Rocky River Variance Application – Narrative**

20201 Westhaven Lane

Rocky River, OH 44116

June 4, 2025

### **Project Description**

I am requesting a variance for a part of an outdoor project in my backyard. The property location is:

20201 Westhaven Lane

Rocky River, OH 44116

I have received approval from the city to construct an outdoor pavilion with a kitchen. This involves:

- Demolition of existing stamped concrete
- Allowing for utilities from the house to the pavilion area
  - Plumbing: for kitchen sink
  - Natural gas: for grill, kitchen burner, starter for fireplace
  - Electric: for refrigerator, lighting, television, outlets for general use
- Pouring of new stamped concrete
- Kitchen
- Pavilion

### **Fireplace Variance**

I would like my pavilion to have a fireplace and this will require a variance.

The fireplace will be wood-burning with a natural gas starter. It will be built primarily with cinder block and will be covered with a stone veneer. The chimney will cut through the roof of pavilion, at which point the structure will be 24"x24". The height of the chimney will be 15'. Per the fireplace contractor, footers are not necessary. Rather, the fireplace will be supported by 6" of concrete with rebar.

The chimney requires a variance for height because under Code Section 1153.15(g)(1) the maximum height of a structure is 12'. Since this is a wood burning fireplace, it is necessary to expel the smoke through the top of the pavilion's roof. It is only the 24"x24" part of the chimney that extends above the pavilion roof that requires a variance.

I am happy to provide any additional information you need.

Thanks,

Ryan Carney

773.519.0027

[ryanscottcarney@yahoo.com](mailto:ryanscottcarney@yahoo.com)

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: 20201 Westhaven Lane

Ryan Carney  
Name of Property Owner

\_\_\_\_\_  
Name of Applicant / Representative

20201 Westhaven Lane  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.      913-519-0027  
Cell Phone No.

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

E-MAIL: ryanscottcarney@yahoo.com

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

Description of what is intended to be done:

Construct outdoor wood burning fireplace

Sections of the Code from which variance is being requested:

1153-15(g)(1)

List variances requested:

Chimney will be 15' tall, which exceeds the 12' height limit for structures.  
Chimney will extend through the roof of a pavilion.

  
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"> <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 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)</i> ; <b>Detached Garages:</b> <i>(Complete Building Permit Application)</i>		
<i><b>Note:</b> 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 checked="" 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).

None

- 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).

I could not have a wood burning fireplace as part of the pavilion without a variance allowing for the chimney to extend through the pavilion's roof.

- 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 fireplace will be wood burning and I need the chimney to extend 3' above the peak of the gabled roof pavilion. The chimney is 3' above the Code limit of 12' for structures. The chimney will be 24" x 24" at the point it extends through the roof.

- 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).

None - The center point of the chimney would be approximately 17' from the nearest property line.

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.

n/a

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

None

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

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).

The spirit and intent is being observed - Variance request is only 3'.

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.

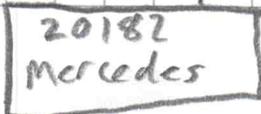
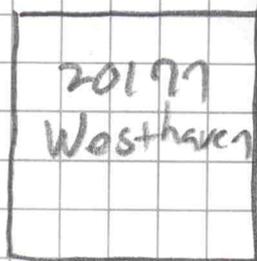
Other properties have outdoor chimneys - Mine will just need to be slightly taller.

**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.**

# Westhaven Lane



Location of 15' fireplace

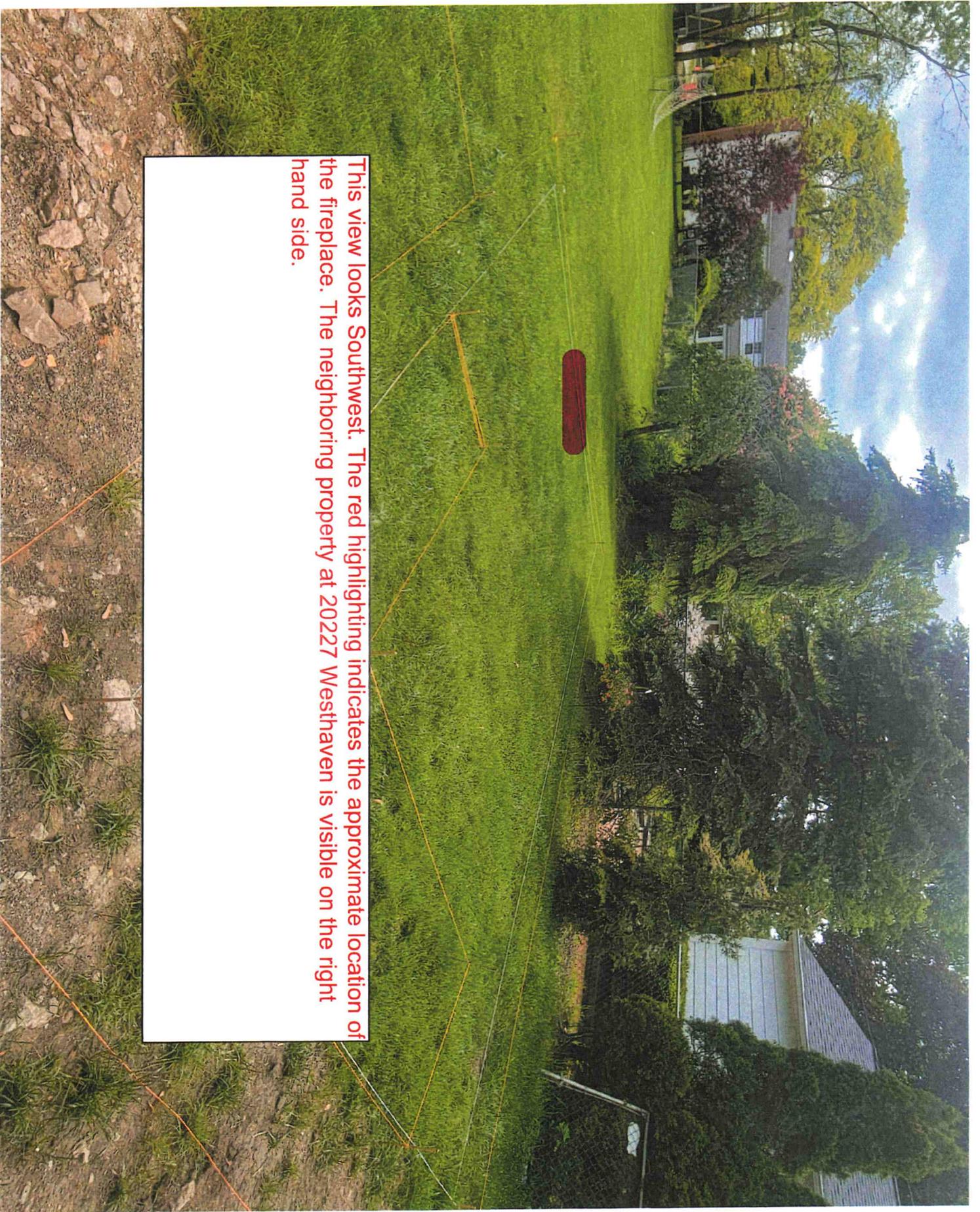




This view is looking West, with 20227 Westhaven in view.

White outline indicates location of pavilion

Red highlighting indicates approximate location of fireplace, which will extend to 15' of total height. This will put it ~3.5 feet above the peak of the gabled roof pavilion. The pavilion itself will be within Code at less than 12'. The variance request is for the chimney to go to 15'. It will be a wood burning fireplace at the edge of the pavilion and the smoke will need to be expelled through the roof, which is why a variance is needed. The chimney will be 24"x24" at the point it extends through the pavilion roof. The chimney will be approximately 17' from the neighbor's property line.



This view looks Southwest. The red highlighting indicates the approximate location of the fireplace. The neighboring property at 20227 Westhaven is visible on the right hand side.



Red highlight indicates approximate location of chimney. The white rope indicates the pavilion location.

This view looks South, with Mercedes straight ahead and 20227 Westhaven to the right.