

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.

Anne Lashutka May 29, 2025
Property Owner Date

Joel Doherty May 29, 2025
Applicant/Representative Date

BZA Application Fee: \$135

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: May 29, 2025

Hearing Date: June 12, 2025

Zoning of Property _____

Permanent Parcel No. _____

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

Address of property seeking variance: 1285 Orchard Park Drive

Ruffing Montessori School/Anne Lashutka

The Krueger Group/Jack Doheny

Name of Property Owner

Name of Applicant / Representative

1285 Orchard Park Dr

12600 Triskett Road Cleveland 44111

Address

Address

440-333-2250 440-465-1893

(216) 252-0222 440-503-9486

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: alashutka@ruffingmontessori.org

E-MAIL: JDoheny@buildwithkrueger.com

Description of what is intended to be done:

We would like to install a message board on the side of our school building rather than installing it as a free-standing structure.

Sections of the Code from which variance is being requested:

1). 1193.11 (b)(3)(g) - message boards should not be placed within 125 feet of a residential structure. 2). 1193.11 message boards must be free-standing.

List variances requested:

We would like to install a message board on the side of our building rather than free-standing, and it would be 120 ft. from the closest neighbor instead of 125 ft.

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 checked="" 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 checked="" 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)</i> ; Detached Garages: <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 or rear 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).

See attached.

- 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).

See attached.

- 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).

See attached.

- 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).

See attached.

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

The variance would not adversely affect the delivery of governmental services in any way.

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

Ruffing Montessori School purchased the building nearly 50 years ago. The zoning restrictions did not exist when the property was purchased.

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

No special conditions or circumstances exist as a result of actions of the owners.

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).

Given the safety concerns with installing a free-standing message board, there is no other feasible location for the sign other than on the building itself.

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).

See attached.

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 issue at hand would not apply to residential buildings. Because there are no other business establishments in the area, no special privileges are denied by this regulation to other buildings in the same district.

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.

We are the only non-residential establishment in the district so this does not apply.

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.

APPLICATION FOR BOARD OF ZONING & BUILDING APPEALS

Ruffing Montessori School

1285 Orchard Park Drive, Rocky River

Practical Difficulties

A). The fact that Ruffing Montessori is an elementary school creates a unique and special condition and circumstance. Ruffing Montessori, located on Orchard Park Drive, is an elementary school serving nearly 280 children from age 3 through 8th grade. The school has operated at this location for nearly 50 years.

Ruffing is requesting two zoning variances. The first pertains to a Rocky River zoning requirement that message boards be free-standing. Without this variance, Ruffing would hesitate installing a message board, as a free-standing structure poses safety concerns on a school campus. Such message boards are considered attractive nuisances and present a risk to children who may climb or play on them. The proposed location for the board is within an active play area used during recess and gym class, making it nearly impossible to keep students and neighborhood children off the structure.

Secondly, Rocky River zoning regulations prohibit message boards from being located within 125 feet of a residence. As shown on the attached site map, the proposed sign would only violate this setback on one side of the building. However, the affected residence is not within the sightline of the message board, minimizing any potential impact.

B). If Ruffing is not granted these variances, the school will possibly forgo installing a message board altogether. The proposed location—along the side of the school—is the safest and most practical option. While the absence of a message board would not directly impact Ruffing's operations, having one would offer clear benefits to the broader community. It would enhance communication by allowing important announcements to be shared quickly and efficiently, reducing the need for printed flyers or frequent emails—ultimately saving time and resources.

C). Ruffing's request to install a message board on the side of the building is an insubstantial and minor variance to the existing requirements. In fact, a free-standing sign in the proposed location could be more disruptive to passing drivers and nearby residents, as it would be clearly visible from the street. By placing the sign on the building instead, surrounding trees would naturally screen it from view, minimizing any visual impact on the neighborhood.

D). As noted in section C, *granting this variance* would help preserve the essential character of the neighborhood. The proposed wall-mounted sign would be largely hidden from view by surrounding trees and landscaping. Currently, many people driving by the entrance don't even realize a school is located there. Installing a free-standing sign would significantly alter the feel of the neighborhood and draw unnecessary attention to the school's presence—something the current community character does not reflect.

I). Over the course of nearly 50 years in the Orchard Park community, Ruffing has consistently worked to be a respectful and considerate neighbor. We welcome neighbors to stroll through our property when school is not in session and allow Rocky River school buses to use our parking lot as a cut-through to ease traffic. In addition, we have regularly reviewed and adjusted our pick-up and drop-off procedures to minimize disruption and have planted or trimmed trees and shrubs at the request of nearby residents. Our longstanding commitment to the neighborhood is precisely why we are requesting to place the sign on the side of our building—rather than in a more visible location—so it remains discreet and in keeping with the character of the area.