

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: 21228 Avalon Drive

Ruth Fortney - Will Akins

Matt Ross

Name of Property Owner

Name of Applicant / Representative

21228 Avalon Drive

15897 Sylvan Road, Chagrin Falls, OH 44022

Address

Address

216 280 1757

440 715 5941

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: willakins@icloud.com

E-MAIL: mross@mrossarch.com

Description of what is intended to be done:

Request for a Rear Yard Variance for an addition to the rear of the existing house. The existing kitchen will be extended into the existing Porch and a new 4-Season room with a small Deck will be added to the end of the extended kitchen.

Sections of the Code from which variance is being requested:

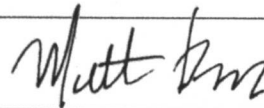
Schedule 1153.07

List variances requested:

The new Addition will extend an average of 14 ' past the Rear Yard Setback .

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 checked="" 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 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).

The property is located on the waterfront with different rear yard setbacks than non-waterfront properties and subject to restrictions from the Ohio Department of Natural Resources.

- 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).

The size of the existing kitchen in proportion to the rest of the house could be considered small (built in 1998).

The new extended kitchen will be more in line with houses of a newer era. The existing Porch will be converted to a 4-Season Room and be relocated to the end of the extended Kitchen Addition.

- 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 Addition will be encroaching an average of 14' past the Rear Yard Setback

- 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 new structure will not alter the character of the neighborhood. The Addition will be using the same materials and will be detailed to resemble the existing house. The Contractor has located the same stone to ensure a match.

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

The Addition will be at the rear of the property and not affect any governmental services.

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

The owner had no knowledge of the zoning restrictions when purchasing the property.

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

There are no special conditions or circumstances as a result of the actions of the owner.

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 intent of the Addition is to bring the existing Kitchen up to more modern standards and there are no other available areas with which to accomplish this.

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 Kitchen Addition and relocated Porch could be considered adding to the value of the property which could raise the values of the surrounding properties as well as provide more aesthetic appeal to 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.

Granting the variance will not be granting any special privileges to the applicant. It may allow the owner to bring their house up to date with other houses designed at later dates.

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.

The owner would like to have a Kitchen area that is more in line with houses designed with today's dimensions and provide a more functional space for today's extended families.

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.

June 17, 2025

Mike Liston
21230 Avalon Drive
Rocky River, Ohio 44116

Rocky River Board of Zoning & Building Appeals

Rocky River Building Department
21012 Hilliard Boulevard
Rocky River, Ohio 44116

Re: Akins-Fortney 21228 Avalon Drive - Variance Request

Dear Board Members,

We are writing this letter on behalf of Will & Ruthie Akins-Fortney in support of the variance for a rear yard Addition at 21228 Avalon Drive.

We feel the Addition is well designed in scope and scale and appears as if it has been part of the original design of the house. We fully support this project and the Variance that is required to complete this project.

Thank you,

A handwritten signature in black ink, appearing to be 'Mike Liston', with a long horizontal line extending to the right.

CC: File