

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.

Dave Hein

6/30/2025

Property Owner

Date

Applicant/Representative

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: 06/30/2025 Hearing Date: _____
Zoning of Property Residential Permanent Parcel No. _____

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

Address of property seeking variance: 21298 Endsley Avenue

David Hein
Name of Property Owner

Name of Applicant / Representative

21298 Endsley Avenue
Address

Address

440-336-5382
Telephone No. Cell Phone No.

Telephone No. Cell Phone No.

E-MAIL: dave@heinhouse.com

E-MAIL: _____

Description of what is intended to be done:

Install 26kw Briggs & Stratton backup power generator along the side of house
where existing AC units are installed and running

Sections of the Code from which variance is being requested:

List variances requested:

REQUESTING A VARIANCE OF 5' 7" WITH REGARD TO SET BACK
ALLOWANCES.

Dave Hein

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)</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 checked="" 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 existing location of both gas and electirc service are installed with proximity and accessibility to the location requested with the variance. Adequate space, room and functional access to the location are available and there are no other areas within the property where installation can be made without interfering with the use and access to the yard itself.~~

- 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).

~~Installation of the backup power generator will insure that the safety of the property and both current and any future owners of the property against any dangers assicoated with an extended power outage. Placing the generator elsewhere on the property will diminish the usefulness and enjoyment of the outdoor space of the residence.~~

- 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).

~~Property line is 4.3 feet from the installation which is 5 feet 7 inches short of code restriction~~

- 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 character of the neighborhood will not be altered in any way as currently both this property and adjoining perperties currently have functioning AC units in the area where generator will be installed. because use of generator will be isolated to specific power outages which currently require extremely loud gas generators to be placed outside near the same area this installation will both reduce the noise, and increase effecience and protection during such limited power disruptions.~~

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

The variance will not affect the delivery of governmental services in any way whatsoever

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

Was not aware of the zoning restrictions when I purchased the property I was born in this house and have owned it personally for 25 years.

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

There are no other locations within the property boundaries in which a backup generator can be placed that are both out of the way of common use of the property, enjoyment of the outdoors and the safe and unintrusive use of the generator as the specified location on the side of the house.

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 backup power generator is being installed in an area where existing equipment already exists and will be unnoticable from the street, drive or adjoining properties. The backup power-generation is intended to allow the owners to remain living in the home throughout their lives and provide protection in the instance where medical or other devices are needed for elderly care.

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 location of this installation is consistent with the location of other backup generators home power equipment such as ac units in both on the street and the enighborhood specifically

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.

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.)

At the side of the house is where the existing gas and electric service are both accessible and usable. With the extremely limited available space in the rear of the house, placing the backup generation anywhere other than the side yard would require extensive destruction of driveway, stone patio and the newly landscaped yard to extend both gas and power lines underground.

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

A backup power generator is intended for use specifically when an extended power outage occurs. The unit is housed in a soundproof enclosure and will be placed in the same location where current AC units are installed in a manner that are hidden from view and completely out of the way of any form of use of the property.

- 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.

The installation of a backup power generator is a common occurrence for safety, security and the maintenance of property and life in the instance of an extended power outage. Placing the generator on the side of the house in no way impacts or have any adverse effect on the public health, safety or general welfare of the City of Rocky River but will increase those by insuring that the property is protected from the potential freezing of water pipes in the case of a power outage in winter months and enabling the continued functionality of fire detection and security apparatus at all times of the year.

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

The generator will be screened from view from both the street and the neighbor. Screening will also reduce noise to the neighbor and street.

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

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.

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

The location of the power main and the existing gas service on the side of the house where the proposed installation will occur has been in place since the house was erected in 1928. Placing the backup generator near the existing utilities is the easiest, safest and most economical positioning of the generator as placing it elsewhere on the property will both require extensive work to move utilities and will would interfere with the enjoyment and use of the back yard spaces for several adjacent property owners.

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.

216-465-1178

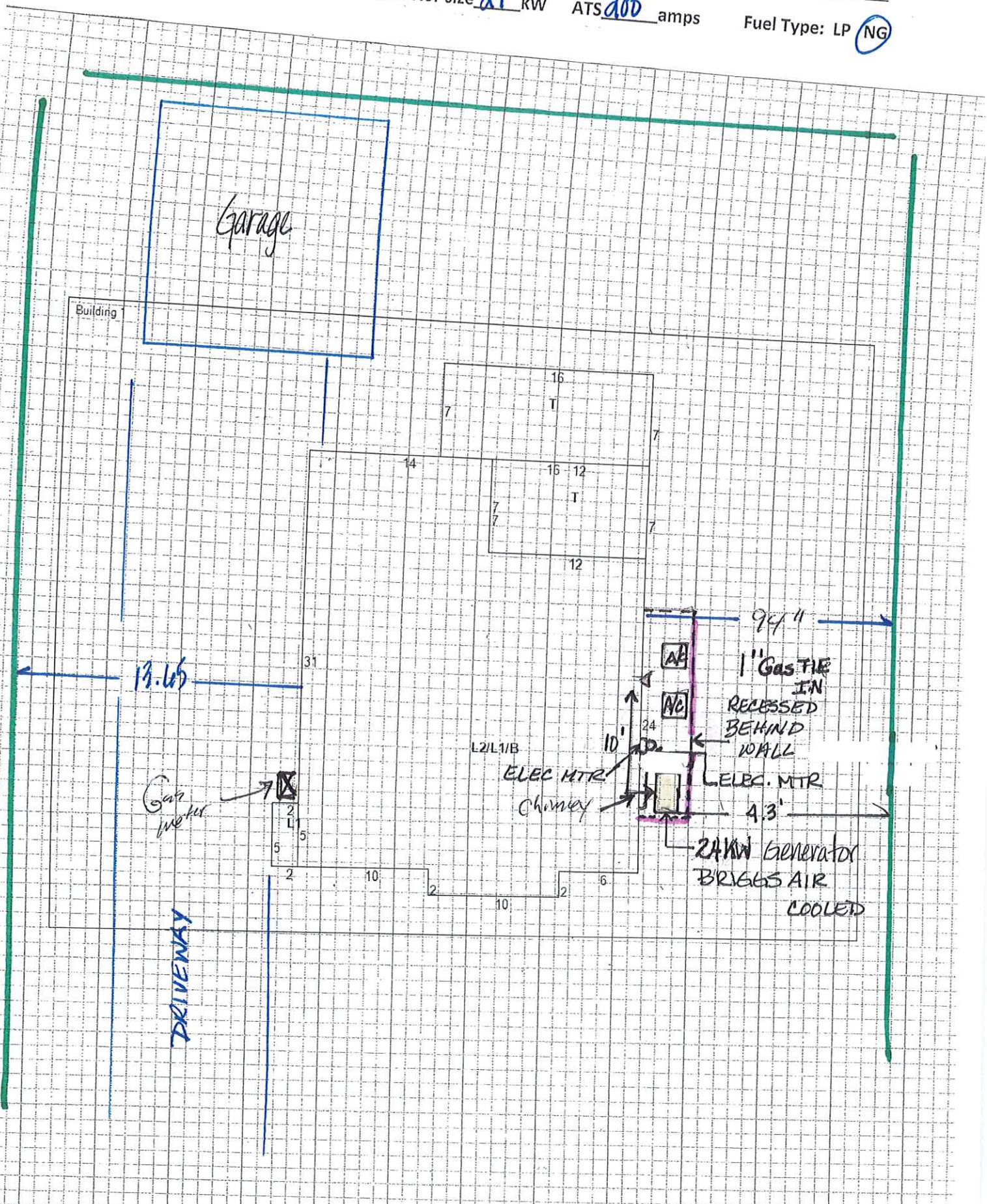
Customer

Job Address

Generator size 24 kW

ATS 200 amps

Fuel Type: LP NG





216-463-1178

Customer

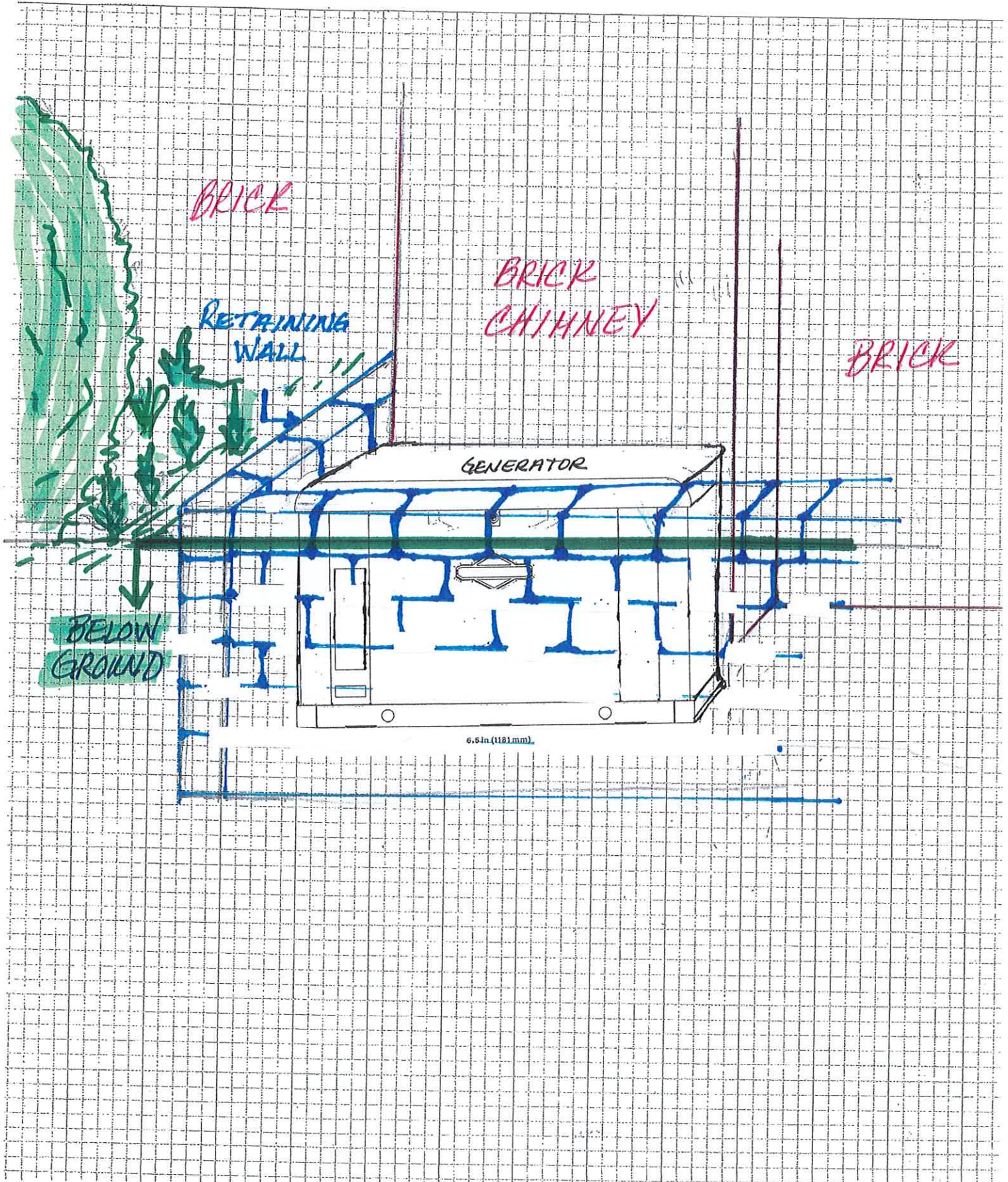
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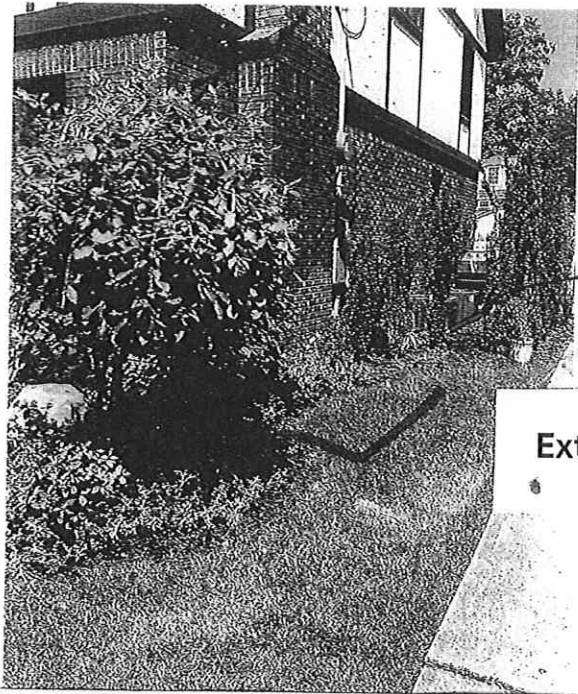
Job Address 21298 Endley Ave.

Generator size 26 kW

ATS 200 amps

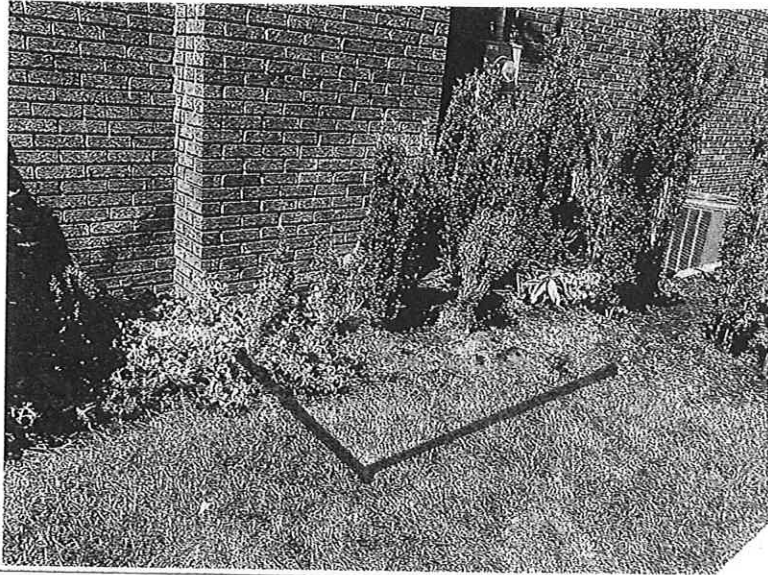
Fuel Type: LP NG



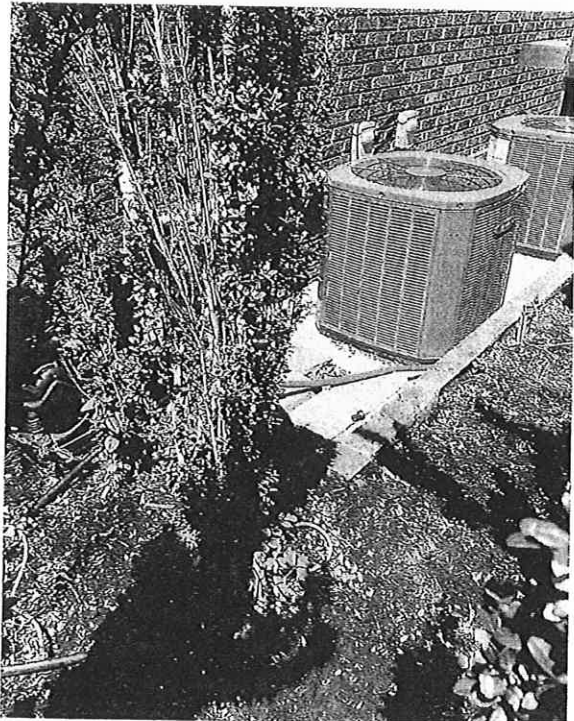


A/C UNITS

Extension of retaining wall to house generator below ground lev



Future dig and wall build



Current retaining wall to house a/c units

DX
13, 22, 26
kW

POWERPROTECT
Standby Generators



BRIGGS & STRATTON
ENERGY SOLUTIONS



DX

Crafted with innovation and engineered to tackle any challenge, the Briggs & Stratton® PowerProtect DX Generator series offers the ultimate solution for a home's power demands. From the compact 13kW¹ model to the industry's most powerful air-cooled generator at 26kW¹, our line is backed by the most comprehensive warranty² and service network in the industry.

FEATURES



Highest Rated Power Output on Natural Gas³

Engineered with NGMax for superior power and performance with convenient hookups for both liquid propane and natural gas.



Corrosion Protection

Reinforced, corrosion-resistant aluminum enclosures and bases with Dura-Zen™ coating for a long-lasting attractive appearance.



Vanguard® Commercial-Grade Engine

Designed for reliable, continuous performance—from the engine experts at Briggs & Stratton.



Eco-Cise™ Weekly Test Mode

Our short 16-second weekly test mode ensures your generator is in top operating condition while reducing noise and fuel consumption.



Superior Motor Starting

Ensure smooth operation of your large appliances during startup.



Flexible Installation & Maintenance

Approved for installation as close as 18" to a building⁴ with easy toolless panel removal for serviceability and maintenance.



13kW Compact Size

The smallest generator footprint in its class⁵. Upright design provides the smallest footprint possible so it's easier to install in tight areas. The front exhaust design allows for ultimate installation versatility.



Suitable for Off-Grid use or Demand Response Programs

Certified for non-emergency use, partner with your utility company's demand response program to receive incentives for helping reduce the overall load on the power grid. (22kW and 26kW only)



In-House Call Support

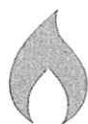
Enjoy direct access to our US-based Briggs & Stratton energy experts whenever you need them.

POWERPROTECT

Standby Generators



BRIGGS & STRATTON
ENERGY SOLUTIONS



Engineered with
NGMax™

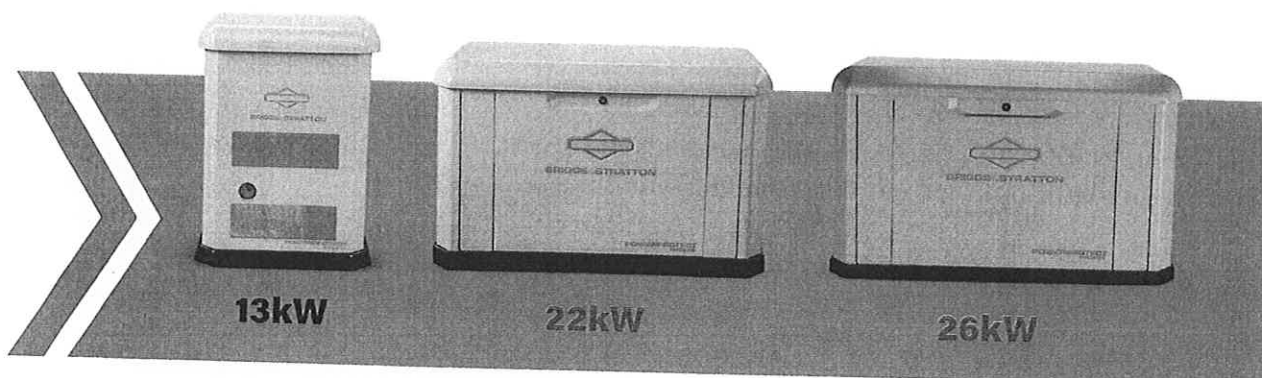
for superior power and performance



Learn More

briggsandstratton.com/powerprotect

Experience unmatched power with NGMax: With over 70% of US homes having access to natural gas, our PowerProtect generators are designed to run on both liquid propane (LP) and natural gas (NG). **With NGMax, you get more power on natural gas, setting a new standard that leaves the competition behind.**



Most comprehensive warranty in the industry over time.²

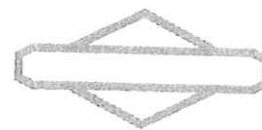
Coverage for 10 years on parts, labor, and travel through the entire warranty period. This extended warranty is offered to every model in the PowerProtect DX lineup - a value up to \$1,225.



Air-Cooled DX Warranty Comparison	Mileage	Labor	Parts	Major Components
Briggs & Stratton - 10 years	10 years	10 years	10 years	10 years
Generac - 5 years	2 years	2 years	3 years	5 years
Kohler - 5 years	5 years	5 years	5 years	5 years

POWERPROTECT

Standby Generators



BRIGGS & STRATTON
ENERGY SOLUTIONS

Generator Set Rating			
Model Name	PPDX13	PPDX22	PPDX26
Model Number	040740	040780	040664
Running Power (Liquid Propane/Natural Gas) kW ¹	13 / 11.5	22 / 22	26 / 24
Running Amperage (Liquid Propane/Natural Gas) Amps	54.2 / 47.9	91.7 / 91.7	108.3 / 100
Voltage	120 / 240	120 / 240	120 / 240
Circuit Breaker Amps	70	100	125

Engine	
Manufacturer	Vanguard*
Frequency Regulation Steady State	+/-1.0%

Sound Rating ⁷	PPDX13	PPDX22	PPDX26
Low Idle Mode Sound	65 dBA	64 dBA	63 dBA
Normal Operating Sound ⁷	69 dBA	68 dBA	65 dBA

Fuel Consumption ⁸	PPDX13	PPDX22	PPDX26
No Load (BTU/hr)	NG - 65,000 / LP - 70,000	NG - 108,000 / LP - 107,000	NG - 122,000 / LP - 123,000
Half Load (BTU/hr)	NG - 119,000 / LP - 154,000	NG - 194,000 / LP - 217,000	NG - 206,000 / LP - 235,000
Full Load (BTU/hr)	NG - 212,000 / LP - 258,000	NG - 281,000 / LP - 368,000	NG - 323,000 / LP - 427,000

Available Accessories	PPDX13	PPDX22	PPDX26
Oil Warmer	6922	6840	
Battery Warmer	6921	6869	
Maintenance Kit	6873	6872	
Fuel Regulator Warmer		6845	
Surge Protector		6631	
InfoHub™ Universal - Cellular		6574	

Product Dimensions	PPDX13	PPDX22	PPDX26
Overall Dimensions (in / mm)	28.5 x 25.5 x 37.6 / 724 x 647 x 955	46.5 x 26.8 x 28.4 / 1181 x 681 x 721	46.5 x 26.8 x 28.4 / 1181 x 681 x 721
Packaged Dimensions (in / mm)	39.0 x 33.5 x 45.0 / 991 x 851 x 1143	48.8 x 30.5 x 50.5 / 1240 x 775 x 1283	48.8 x 30.5 x 50.5 / 1240 x 775 x 1283
Assembled Weight (lbs / kg)	315 / 143	465 / 210	540 / 245
Packaged Weight (lbs / kg)	370 / 168	540 / 245	625 / 285

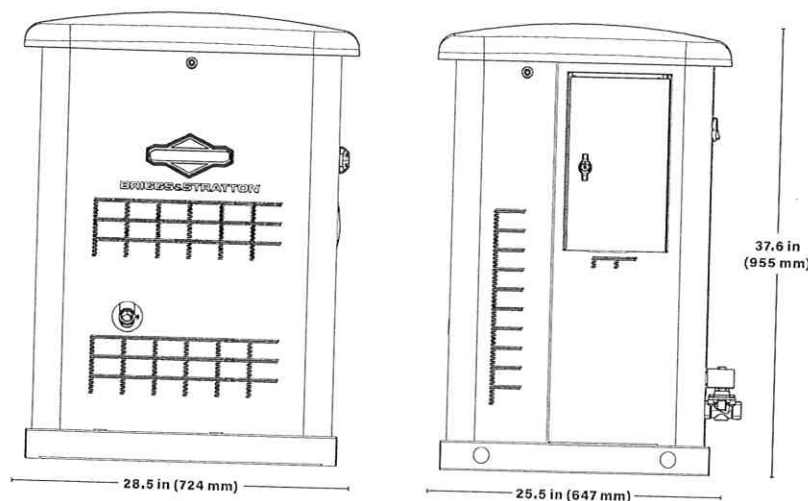
POWERPROTECT

Standby Generators

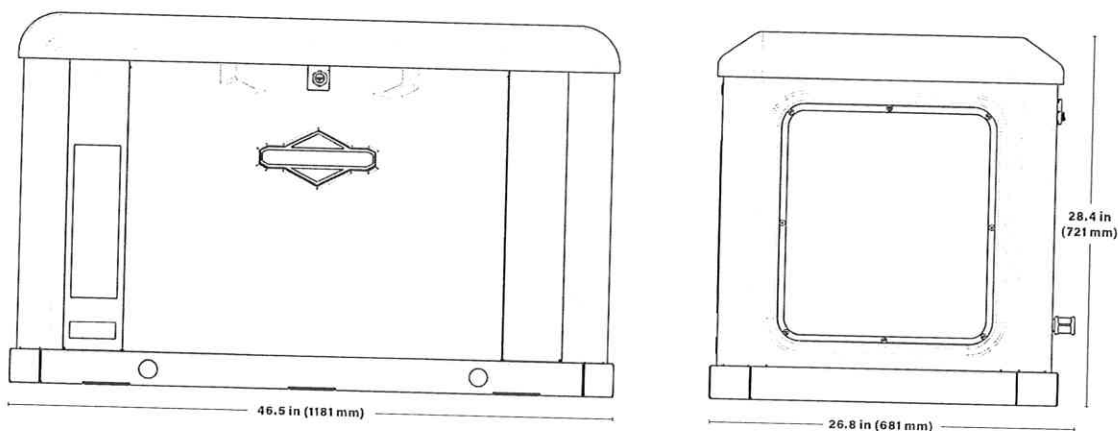


BRIGGS & STRATTON
ENERGY SOLUTIONS

13kW (PPDX13)



22kW & 26kW (PPDX22, PPDX26)



¹ This generator is rated in accordance with UL (Underwriters Laboratories) 2200 (stationary engine generator assemblies) and CSA (Canadian Standards Association) standard C22.2 No. 100-14 (motor and generators).

² See operator's manual or BRIGGSandSTRATTON.com for complete warranty details.

³ 39% smaller footprint than competitors

⁴ Of global and U.S. parts

⁵ The installation manual contains specific instructions related to generator placement in addition to NFPA 37, including the requirement that carbon monoxide detectors be installed and maintained in your home or business.

⁶ Fuel consumption rates are estimated based on normal operating conditions. Generator operation may be greatly affected by elevation and the cycling operation of multiple electrical appliances – fuel flow rates may vary depending on these factors.

⁷ Per ISO 3744. Sound level measurement at other locations around generator may differ depending on installation, based on lowest microphone at 7m. Normal operation based on average household usage.

Briggs & Stratton has a policy of continuous product improvement and reserves the right to modify its specifications at any time and without prior notice.

This standby generator is not for Prime Power applications.

Published January 2024. Please visit BRIGGSandSTRATTON.com for the latest information.

BS1300 - 1/24

BRIGGS & STRATTON
POST OFFICE BOX 702
MILWAUKEE, WI 53201 USA

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