

INSTRUCTIONS TO APPLICANTS

Rev. 8/21

BZA Application Fee: _____

Date Paid: August 28, 2025

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: August 28, 2025 Hearing Date: September 11, 2025
Zoning of Property R Permanent Parcel No. 302-09-004

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

Address of property seeking variance: 21468 Avalon Drive

Eric and Jacke Wiedemer
Name of Property Owner

Chad M. Costello, Principal - Peninsula Architects
Name of Applicant / Representative

21468 Avalon Drive
Address

1775 Main Street, Peninsula, Ohio 44264
Address

216.315.4625
Telephone No. Cell Phone No.

330.657.2800 330.819.1971
Telephone No. Cell Phone No.

E-MAIL: ewiedemer@hinkley.com

E-MAIL: ccostello@pa-architects.com

Description of what is intended to be done:

Demolition of the existing two story boathouse. Foundation will remain and a new structure will be constructed

Sections of the Code from which variance is being requested:

A variance to expand an accessory structure occupied by an existing non-conforming use vs. no such building shall be enlarged or expanded to increase the non-conforming use (Section 1139.05 (c)(2))

A variance to an expand an existing non-conforming boathouse (currently 814SF) to a finish size of 845SF of gross floor area vs. a maximum of 250SF gross floor area permitted for boathouses (Section 1153.15 (i)(2))


Property Owner's Signature

Chad M. Costello  August 21, 2025
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
Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code	☐	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
Rear, side & front setbacks	☐	(Area) Practical Difficulties
Coverage (>28%)	☐	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
Width	☐	(Area) Practical Difficulties
Distance from property line	☐	(Area) Practical Difficulties
Circular if lot width is <90'	☐	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
Area allowed (maximum sq. ft.)	☐	(Area) Practical Difficulties
Height	☐	(Area) Practical Difficulties
Front setback	☐	(Area) Practical Difficulties
Lot width <100'	☐	(Area) Practical Difficulties
Number of items of information	☐	(Area) Practical Difficulties
On side of building	☐	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
Height or Openness	☐	(Area) Practical Difficulties
Front Yard (in setback)	☐	(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.)		
Height	☐	(Area) Practical Difficulties
Setback from property line	☐	(Area) Practical Difficulties
Square footage	☒	(Area) Practical Difficulties
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
In side or rear yard <10' from property line or in front yard	☐	(Area) Practical Difficulties
Parking: <i>(Complete Building Permit Application)</i>		
< the number of spaces required	☐	(Area) Practical Difficulties
Setback from property line	☐	(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).

Will be dealing with an extreme hillside elevation change and working off an existing foundation. The owners would like to create a more accessible pathway/stair system to the lakefront. Access from the current home to the lake front has been removed for the installation of a new city storm system

- 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 foundation is to remain and we will construct a new boathouse on the same footprint as the previous one, which is non-conforming and already over the allowable 250SF

- 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 requested are substantial in the fact that the existing footprint of the boathouse being replaced exceeds the allowable square footage for an accessory structure boathouse of 250SF. Current structure is 814SF, we are requesting an 845SF area. The additional square footage is based on creating a stair to second floor area where there is now a ladder

- 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 location is so far lowered from the rest of the neighborhood, roughly 45'-0" below and is only visible from Lake Erie. There is an existing boathouse currently there that will be demolished and replaced. The character of the new design is one that matches what was done for the renovation of the existing home that was completed earlier this year. There is one neighbor that has a boathouse as well that we are in comparison to for height and size

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

No governmental services will be affected by granting these variances

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

Property owner was unaware of any variances need in the fact that the plan was to demolish the existing structure and replace with a new one of the existing foundation

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

No special conditions or circumstances exist

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).

Building off the existing foundation increases the allowable sf, hence requiring the variance.

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).

We believe for the project to be a viable consideration than the variance required will need to be granted. The plan for the new boathouse is in an isolated area where it will only be visible from Lake Erie and the adjoining neighbor. The intended design took into consideration the overall height of the adjoining neighbor boathouse structure to make sure the scale and proportions were similar

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 special privilege will be given to the owner by granting the requested variance

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 adjoining neighbors boathouse submitted and was granted the variances that are being requested

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.)

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

- 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.

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

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.

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