

ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS

INSTRUCTIONS TO APPLICANTS

MEETINGS: 2nd Thursday of each month at 7:00 P.M. – Council Chambers, First Floor of 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 10 sets of the following:

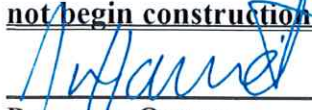
- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.)
- 2) **This fully completed Variance Application**, which includes a written explanation of the project. Please refer to the Typical Variance 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**, showing all existing structures on the subject property, as well as structures on affected neighboring properties. Dimensions of all existing structures (length, width and height, where appropriate). All proposed structures/improvements must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled.
- 4) **Elevation drawings** (for pergola, garage, addition or exterior alteration).
- 5) **Photographs** of your property and affected adjacent properties. Also, submit a photo example of proposed fences and storage sheds.
- 6) **Support letters** from surrounding property owners, if available.
- 8) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. A SEPARATE BUILDING PERMIT MUST BE ISSUED PRIOR TO ALL CONSTRUCTION.**

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 09.25.2025
Date



Applicant/Representative 09.25.2025
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: Sept. 25, 2025 Hearing Date: Oct. 9, 2025
Zoning of Property _____ Permanent Parcel No. 301-14-105

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

Address of property seeking variance: 20244 Detroit Road

Jerry Hammerschmidt

Name of Property Owner

20244 Detroit Road
Rocky River, OH 44116

Address

Tim Flury / Jerry Hammerschmidt

Name of Applicant / Representative

31330 Industrial Parkway
North Olmsted, OH 44070

Address

Telephone No. _____
Cell Phone No. 440.465.0012

Telephone No. _____
Cell Phone No. 216.372.8393

E-MAIL: jerry@hightechpools.com

E-MAIL: tim@hightechpools.com

Description of what is intended to be done:

Remove the existing 101-year-old garage, add additional parking, and provide trash
enclosure

Sections of the Code from which variance is being requested:

1153.15 Accessory Uses and Structures (k) (1)

List variances requested:

1) Trash Enclosure Setback Requirements

2) Parking Setback Requirements

3) 3 Parking Spaces not enclosed


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); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
<u>Note:</u> <i>Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
<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 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 checked="" 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 a small residential lot zoned LB but located along Detroit Road, a major commercial corridor surrounded almost entirely by businesses. The lot is undersized compared to typical parcels, limiting options for conforming improvements. In addition, the existing garage is over 100 years old and is structurally failing, making it unsafe and unsuitable for continued use. These unique circumstances — small lot size, commercial surroundings, and the deteriorated condition of the garage — are not generally applicable to other properties in the zoning district.

- 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).

Without the variance, the property could not practically yield a reasonable return or beneficial use. Retaining the existing garage is not feasible due to its age and unsafe condition. Once demolished, the lot cannot accommodate both the replacement of a covered structure and the required setbacks. Denying the variance would limit the property's use by eliminating safe parking and preventing compliance with trash requirements.

- 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 requested variances are minimal in nature and represent the least deviation necessary to reasonably use the property. The parking setback encroachment and trash enclosure location are modest compared to what the Code requires, and the request for three uncovered parking spaces is the minimum needed to replace the loss of the garage. These variances are narrowly tailored to address the constraints of the property and the necessity of removing the failing garage.

- 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 variance will not alter the essential character of the neighborhood. In fact, removing the unsafe, deteriorating garage and replacing it with organized parking and a designated trash enclosure will improve both the appearance and safety of the property. These changes will benefit adjoining properties by enhancing aesthetics, order, and functionality. No negative impact to adjacent properties will occur; rather, values and appearance are likely to be improved.

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

The variance will not adversely affect the delivery of governmental services. Trash pickup, water, and sewer services will continue as they do currently. The addition of a trash enclosure will improve sanitation and containment. Parking setbacks and uncovered spaces have no effect on governmental service delivery.

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

The property was purchased with the understanding that it was a small, legally non-conforming lot with limitations due to zoning restrictions. However, the necessity of demolishing the deteriorating garage made compliance with the covered parking requirement impossible, which was not fully anticipated at the time of purchase.

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

The special conditions are not the result of actions by the owner. The hardship stems from the property's small lot size, its LB zoning classification in a largely commercial corridor, and the unavoidable fact that the existing garage is over 100 years old and in failing condition.

- 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 feasible alternatives that would eliminate the need for a variance. Reconstructing a garage to meet Code standards is not possible due to the lot's size and setback restrictions. Without the variances, the property would lack both functional parking and a trash enclosure. Thus, variances are the only practical means of achieving safe, reasonable use.

- 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).

Granting the variances would uphold the spirit and intent of the zoning Code by ensuring safe, functional, and aesthetically compatible improvements, even if technical requirements cannot be met. Removing a deteriorating garage eliminates a safety hazard, and replacing it with organized parking and a trash enclosure improves the property and surrounding neighborhood. Substantial justice will be done by allowing a reasonable use of the property under modern conditions.

- 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 variance will not confer a special privilege. Larger properties in the district can meet Code requirements without difficulty. This request merely allows this undersized lot to function safely and reasonably given its constraints and the necessity of demolishing the failing garage.

- 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.

A literal interpretation of the Code would deprive the owner of rights commonly enjoyed by others in the district — the ability to provide safe, usable parking and a trash enclosure. Without relief, the property would be left with neither functional parking nor a compliant enclosure, unlike other properties that can reasonably meet Code standards.

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.