

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.

Property Owner

Date

Applicant/Representative

Date

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>		
Note: 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

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: 3196 Wooster Road, Rocky River, OH 44116

Aysam Saade

Jimmy Saade

Name of Property Owner

Name of Applicant Representative

3196 Wooster Road, Rocky River, OH 44116

3196 Wooster Road, Rocky River, OH 44116

Address

Address

(440) 341-9939

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: _____

E-MAIL: _____

Description of what is intended to be done:

Variance 1 of 2: Install an AC condenser in the northwest corner of the rear yard.

Variance 2 of 2: Build a front stoop with a gable roof. The stoop will have two sets of steps. One set of steps will face north and the other set faces south, to which both meet at one platform leading to the front door. There is currently no front stoop.

Sections of the Code from which variance is being requested:

Variance 1 of 2: (Section 1153 15 (k)(1))

Variance 2 of 2: Setback Map

List variances requested:

Variance 1 of 2: Requesting a variance to install an AC condenser less than 10' from the side property line.

Variance 2 of 2: Requesting a variance to add a front stoop with a gable roof which extends 3' into the 35' front setback requirement.

[Signature]
Property Owner's Signature

[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 ☒

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).

Variance 1 of 2: The northwest corner of the rear yard is the most practical location without disrupting the use of the rear yard and patio area. Locating the AC condenser in the front yard or north side of the residence is impractical. If the AC condenser is placed at the proposed northwest corner of the rear yard, it will be screened by a fence.

Variance 2 of 2: Building a proper front stoop with enough room on the landing requires a slight extension of the stoop into the front setback requirement. This extension will allow an individual to properly open the door without having to step back down onto the previous step.

- 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).

Variance 1 of 2: Installing the AC condenser elsewhere on the residence will reduce the aesthetics and practicality of the property, being that the front yard and north side of the residence are unreasonable and visible from the street.

Variance 2 of 2: Requiring compliance with the 35' setback would substantially diminish proper and safe use of the front stoop. The stoop is carefully designed to be effective in allowing enough room on the landing for a comfortable entrance yet smoothly blending into the landscape and creating a pleasing addition to the neighborhood.

- 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).

Variance 1 of 2: The requested variance for the AC condenser is not substantial. The side property line is 5'-9" from the edge of the AC condenser which is 4'-3" short of the 10'-0" side setback requirement.

Variance 2 of 2: The requested variance for the front stoop is not substantial. The roof of the stoop will enter 3'-0" into the front setback requirement. This is 32'-0" from the front property line. (35'-0" is the required front 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).

Variance 1 of 2: We do not believe installation of the AC condenser will alter the character of the neighborhood as it will not be visible from the street, nor will it disrupt any adjoining properties.

Variance 2 of 2: We believe the character of the neighborhood will be greatly improved with the new front stoop which will add a modest improvement to the residence and the community. Adjoining properties will not be affected by the stoop.

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

Variances 1 and 2: No, the variance for the AC condenser and front stoop will not adversely affect the delivery of governmental services, such as water, sewer, or trash pickup. In fact, the two-sided steps of the front stoop will allow mail carriers to efficiently enter from one side and exit from the other without having to backtrack as they continue on their route.

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

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

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).

Variance 1 of 2: The proposed location of the AC condenser was chosen to utilize the most logical area of the residence while keeping in mind the function and appearance of the property
Variance 2 of 2: The design of the front stoop allows for a safe and efficient entry to the residence by creating a comfortable landing and protecting individuals from wind-driven rain and snow, while adding visual appeal. The two-sided steps will allow easy access to all areas of the front yard while seamlessly merging with the landscape.

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).

Variance 1 of 2: The AC condenser will be screened from the street and the adjoining neighbor with a fence. The AC unit will also help reduce indoor humidity, improve indoor air quality, and the overall well-being of the homeowner.

Variance 2 of 2: The front stoop will solve the homeowner's requirements while enhancing curb appeal, the character of the neighborhood, and following up-to-date building standards.

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.

Variances 1 and 2: The variances will not confer any special privilege to the homeowner as numerous lots in the same district have achieved similar aspects.

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.

Variances 1 and 2: Legal interpretation would deny the homeowner rights commonly enjoyed by other properties in the same district. The two requested variances are conventional and numerous houses in the district exhibit the practicality and effectiveness of these variances.

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.