

# 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.

Matt Penn 10/24/2017  
Property Owner Date

Matt Penn 10/24/2017  
Applicant/Representative Date

BZA Application Fee: \_\_\_\_\_

Date Paid: \_\_\_\_\_

**CITY OF ROCKY RIVER**  
21012 Hillard 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: 10/29/2023

Hearing Date: TBD - Tentative 10/13

Zoning of Property Unknown

Permanent Parcel No. 30214054

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

Address of property seeking variance: 21080 Beachwood Dr, Rocky River, Ohio 44116

Mathew Devenport

Name of Property Owner

Name of Applicant Representative

21080 Beachwood Dr, Rocky River, OH 44116

Address

Address

330.951.1679

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: mdevenpo@gmail.com

E-MAIL:

Description of what is intended to be done:

Installation of a Sauna (non permanent structure) in our backyard. Currently the planned edge of the sauna would be  
2-3 feet from the neighbors property line.

Sections of the Code from which variance is being requested:

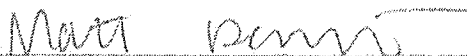
1153.15 (g)(1)

List variances requested:

1153.15 (g)(1) - Requesting a variance from the 8 feet required setback from the property line. Setting a sauna 2-3 feet  
from the property line.



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"> <li>Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code</li> </ul>	<input checked="" type="checkbox"/>	(Use) Unnecessary Hardship
<b>ADDITIONS &amp; BUILDINGS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>Rear, side &amp; front setbacks</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Coverage (&gt;28%)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>DRIVEWAYS:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>Width</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Distance from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Circular if lot width is &lt;90'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>SIGNS:</b> <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> <li>Area allowed (maximum sq. ft.)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Front setback</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Lot width &lt;100'</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Number of items of information</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>On side of building</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>FENCES:</b> <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> <li>Height or Openness</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Front Yard (in setback)</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>ACCESSORY BUILDINGS (Play Structures, Storage Sheds:</b> <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
<b><u>Note:</u></b> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)		
<ul style="list-style-type: none"> <li>Height</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Setback from property line</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Square footage</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Air Conditioners and Generators:</b> <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> <li>In side or rear yard &lt;10' from property line or in front yard</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<b>Parking:</b> <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> <li>&lt; the number of spaces required</li> </ul>	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> <li>Setback from property line</li> </ul>	<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).

Due to our backyard already having limited space (with only 18x37 ft of grass area), having the sauna 8 feet from the property line would not be  
feasible without consuming the majority of the existing space which also backs up to the train tracks.

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 variance for the sauna is being requested for health reasons as the sauna is a medical necessity. The plan was to replace the  
existing garden / landscape area on the west side of the yard so the sauna has a nicer and more aesthetic placement that does not take  
up anymore of the limited yard space we need to keep available for kids and dogs to play.

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 variance is necessary to relieve this hardship. Without the variance to have the sauna within 3-4 feet of the property line we will likely not be able to  
install the sauna.

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).

There is no substantial alteration. The sauna is aesthetically pleasing made of cedar wood. No negative impacts to the property.

The neighbors have written a letter approving of the requested work/change.

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

None

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

I was unaware of the zoning restrictions upon buying the house.

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

None, I'm requesting this as my doctor has requested that I use this sauna three times per week due to an ongoing health condition.

See attached letter of medical necessity.

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).

None, as explained above. Moving the sauna further into the yard will take up a significant amount of yard space that is already limited.

Limiting the play area for my kids.

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 placement of the sauna would add a positive impact on the property as it will be properly landscaped while providing health

improvements to a rocky river citizen.

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.

N/A

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.

N/A

**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.)

Our backyard is already shallow (18 ft of grass area) and narrow 37 ft wide of grass area). Moving the sauna 8 feet into the yard would require us to take up a significant portion of our limited space. The yard is also back up against the train tracks which limits the size yard already. The

current grass area on our lawn is only about 670 sq ft. Going in 8 ft would require us to go into our already small amount of yard space.

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

The Sauna doesn't make any noise, wont be seen from the street and is parallel to their garage. Neighbor has approved of the request as previously noted.

- 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.

As previously stated, this sauna does not make any noise, won't be visible from the street and is not a permanent structure.

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

I believe the intent of this code was to avoid large (garage/house extension) or noisy structures (AC unit or

generator) being right next to a neighbors lawn significantly impacting their every day life. This request is  
neither of these.

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

The request is only takes up the flower bed that is already in place. We went as far in as we could without taking up additional grass area.

**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.

N/A

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

I've been struggling with an ongoing health issue and have tried many different alternatives to resolve the issue through the guidance of my physician. My physician is now perscribing I use a sauna three times per week to help with my symptoms as we are running out of options on how to treat my condition.

This request is not out of luxury/convenience, my hope is that we do not have to take up our already limited yard space for our kids to play in because of this.

Attached is a letter of medical necessity from my physician.

**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.**

To Whom It May Concern,

Regarding the variance that The Devenport's are requesting, they have discussed their intentions and plans with us (Jeff and Renae Riha) for a sauna located in their backyard near our property line and garage at 21100 Beachwood Dr. We are writing to say that we approve of Mathew and Amanda Devenport's request to have the sauna two feet from the property line which is less than the required seven feet.

Please let us know if you have any questions.

Best Regards,

Jeff Riha



Renae Riha



21100 Beachwood Dr, Rocky River, Ohio 44116

440.532.3567



## Letter of Medical Necessity

**Date:** September 25, 2025

**To:** HSA/FSA Administrator

**From:** Jay Patel, MD

**Participant Name:** Mathew Devenport

**Subject:** Letter of Medical Necessity for Mathew Devenport

<b>Analysis and Recommendation:</b>	
<b>Reported Diagnosis:</b> Chronic Fatigue (R53.82)	
<b>Recommended Products and Services:</b>	
See following pages for treatments and products	
<b>Intervention Start Date:</b> September 25, 2025	<b>Intervention End Date:</b> September 25, 2026

<b>Provider Information</b>	
<b>Provider Name:</b> Jay Patel, MD	<b>Provider Address:</b> 1800 E 4th St Unit 101, Austin, TX 78702
<b>Provider Phone Number:</b> (470) 924-2915	<b>Provider Email:</b> lmnsupport@rcmedicine.com
<b>Provider License:</b> 35C.002678	<b>License State:</b> Ohio

*This intervention is medically necessary to treat the specific medical condition noted above. This intervention is not for general health; and is not for cosmetic purposes to improve appearance.*

**Signed:**



Jay Patel, MD

Provider Information	
<b>Provider License:</b> 35C.002678	<b>License State:</b> Ohio

*This intervention is medically necessary to treat the specific medical condition noted above. This intervention is not for general health; and is not for cosmetic purposes to improve appearance.*

**Signed:**



Jay Patel, MD

September 25, 2025

## Letter of Medical Necessity

**Date:** September 25, 2025

**To:** HSA/FSA Administrator

**From:** Jay Patel, MD

**Participant Name:** Mathew Devenport

**Subject:** Letter of Medical Necessity for Mathew Devenport

<b>Analysis and Recommendation:</b>	
<b>Reported Diagnosis:</b> Chronic Fatigue (R53.82)	
<b>Recommended Products and Services:</b>	
<p><b>Treatment:</b> The patient has an increased risk of Chronic Fatigue (R53.82). I recommend the patient utilize a dry sauna from Sisu Lifestyle for 15-20 minutes, 3 times per week, as tolerated, as part of the prevention plan for 12 months.</p> <p><b>Clinical Rationale:</b> Chronic Fatigue is characterized by persistent and unexplained fatigue, which significantly interferes with daily life and is not relieved by rest. Research suggests (Hussain et al., 2018) (PMID: 29849692) that a sauna can help mitigate elements related to Chronic Fatigue by enhancing circulation, promoting relaxation, and increasing overall energy levels.</p> <p><b>Role of Sisu Lifestyle:</b> Sisu Lifestyle provides the necessary intervention to facilitate the intended therapy.</p> <p><b>Conclusion:</b> In light of the patient's increased risk of Chronic Fatigue and based on the literature review on proven benefits, a sauna is medically necessary as part of the patient's comprehensive prevention plan.</p>	
<b>Intervention Start Date:</b> September 25, 2025	<b>Intervention End Date:</b> September 25, 2026

<b>Provider Information</b>	
<b>Provider Name:</b> Jay Patel, MD	<b>Provider Address:</b> 1800 E 4th St Unit 101, Austin, TX 78702
<b>Provider Phone Number:</b> (470) 924-2915	<b>Provider Email:</b> lmnsupport@rcmedicine.com