

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

9/11/25

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: _____
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: 347 Argyle Road

Andrea Barthels same
Name of Property Owner Name of Applicant / Representative

347 Argyle Road _____
Address Address

4408219355 4408219355 same _____
Telephone No. Cell Phone No. Telephone No. Cell Phone No.

E-MAIL: andrea.barthels@gmail.com E-MAIL: _____

Description of what is intended to be done: _____

Replace existing 4' cedar fence with 6' privacy
fence (vinyl). Sixth foot of replacement fence
is 90% visible / transparent.

Sections of the Code from which variance is being requested:
1153.15 (j)

List variances requested:
1. rear yard transparency 2. side yard transparency
3. side yard height

Andrea Barthels _____
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 ☐

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.)

note: Since my Argyle Road house is on double Battersea lots, the corner side yard rule does not apply. This privacy fence would replace existing chain link (Battersea) and cedar (Beachcliff). Existing fence parallels both neighbors' garages.

- 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 5' privacy fence is an upgrade to the cedar 4' wood material.

The privacy fence would be vinyl. Only decorative six ft foot, which is 90-95% transparent.

- 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.

It is almost invisible from either Argyle or Battersea or Beachcliff. The good health, safety and general welfare of the City of Rocky River will remain status quo. Beautiful.

R.R.C.O. Chapter 1133.17(c)(2)A

My practical difficulty is different than most in Beachcliff because the house is on Argyle and the lot is on Battersea. My Argyle backyard is about 8' deep with an existing chain link fence along about half the Battersea side yard.

But for this fact, my fence would meet the
1153.15 (j) (7) A privacy fence standards.

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

Privacy fence in far lot corner is nearly invisible from both streets. Airflow is maintained through 90% transparent sixth foot and other fence sections visible from Argyle and Battersea.

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

Fence is only one foot taller than 4' limit, plus 6th. foot has 90% transparency. House facing Argyle hides this fence from view.

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.

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.

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).

House is oriented facing Angyle in the far corner of the lot. This virtually eliminates a back yard.

- 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).

Using about 15% of the lot for privacy would certainly upgrade the property value.

- 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).

Fence is within code limits of privacy fence 1153.15(1)A. House is facing Angyle. Lots are on Battersea.

- 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).

Neighborhood's character would be unaltered. Neighbors are in agreement that fence would be an enhancement.

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

No adverse effects. Not near access for delivery. Water + sewer access are outside fence.

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

During 1994 purchase, I was not aware of zoning restrictions on my Argyle house, lots are on Battersea

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

No special conditions or circumstances exist as a result of any actions on my part.

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).

Vinyl material for fence is not available under existing conditions.

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 chain link fence and the cedar fence are unsightly. Neighbors agree that new vinyl fence would be a beautiful upgrade.

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.

My situation is only different because the lot behind my house is only about 10' wide. My side yard is small, but is my only backyard.

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.

Other properties enjoy beauty and privacy outside. This fence would be a practical difficulty.

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.

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 checked="" 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 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



**PLOT PLAN AND
MATERIAL SPECIFICATION**

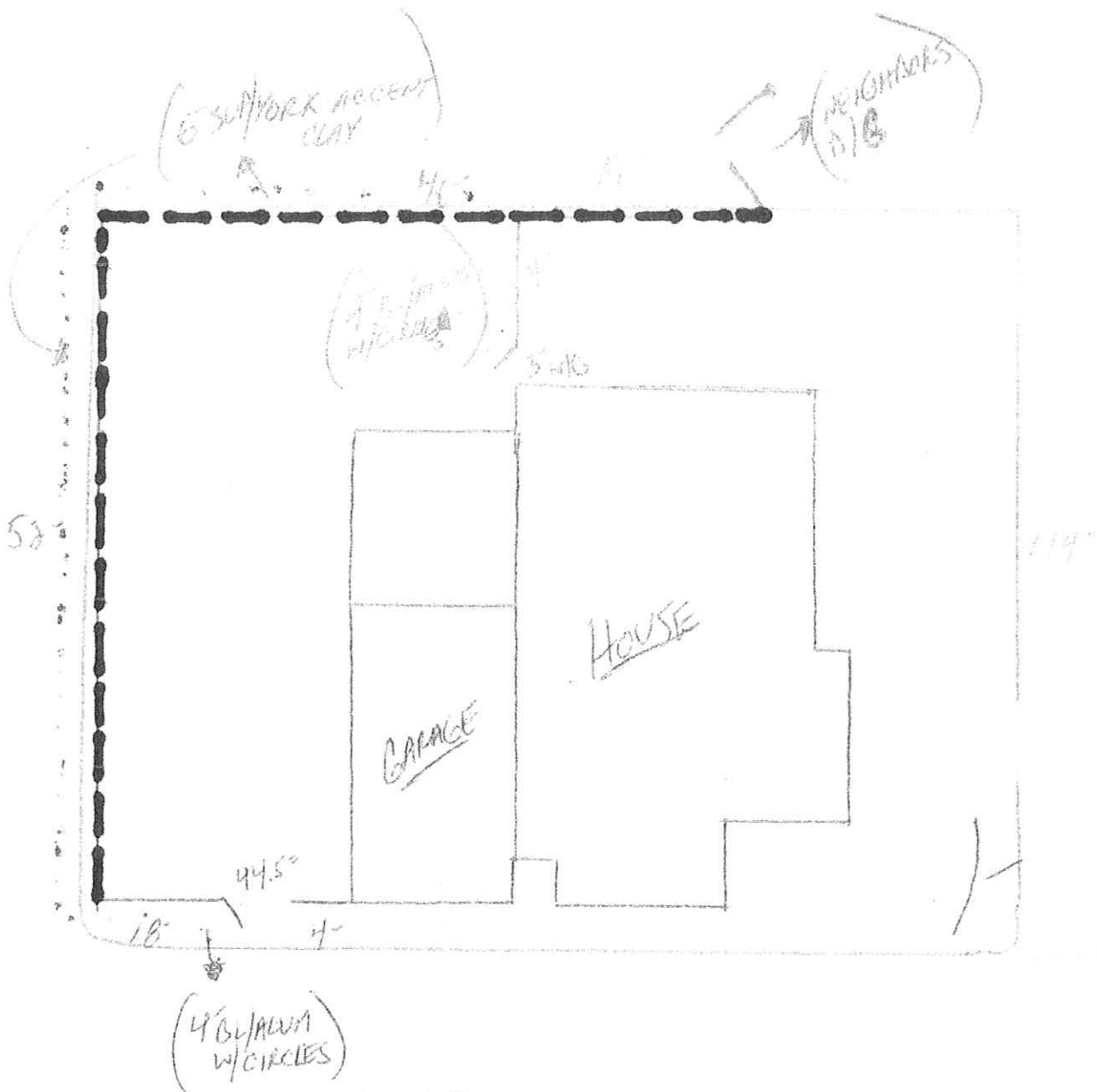
OFFICE: 216-518-7444
WWW.NEOFENCE.COM

PURCHASER ANDREA KATHOLIS
TO BE INSTALLED AT 347 PACIFIC RD
CITY BECKY RIVER
PHONE 440-881-9355

DETAILS

TYPE OF FENCE 4" BL/ALUM W/CIRCLES C 33
FOOTAGE 6" SUP/POCK ACENT CLAY LINTLO 98
GATES (1) 4' X 5' W/G + (1) 4' X 4' W/G
MISC _____

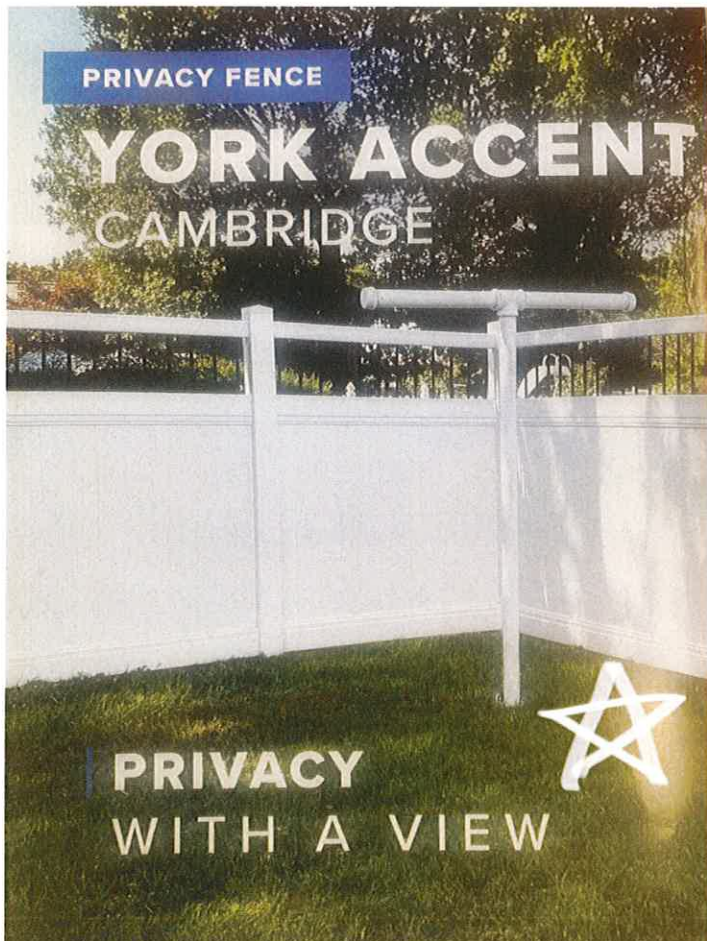
	YES	NO
TEAR OUT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FOOTAGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STYLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAUL AWAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HARD DIGGING	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CORE DRILL	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CONCRETE CUTS	<input type="checkbox"/>	<input type="checkbox"/>
ASPALT CUTS	<input type="checkbox"/>	<input type="checkbox"/>
SPRINKLER SYS	<input type="checkbox"/>	<input type="checkbox"/>
SURVEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PERMIT	<input type="checkbox"/>	<input type="checkbox"/>
SHOWED STEEL FRAME	<input type="checkbox"/>	<input type="checkbox"/>



347 Argyle



Northeast Corner



Fence Color



CLAY

Airflow



Argyle



Battersea



Fwd: Andrea's fence

Roger Andrachik <roger.andrachik@gmail.com>

Mon, Aug 11 at 13:03

To: <rreich@rrcity.com>, <ahare@rrcity.com>

Cc: <andreabarthels@gmail.com>, Patricia Gaughan <Patricia_A_Gaughan@ohnd.uscourts.gov>

Bad email address in prior email.

----- Forwarded message -----

From: **Roger Andrachik** <roger.andrachik@gmail.com>

Date: Mon, Aug 11, 2025 at 12:48 PM

Subject: Andrea's fence

To: <rreich@rrcity.com>, <ahare@rrcity.com>

Cc: Patricia Gaughan <Patricia_A_Gaughan@ohnd.uscourts.gov>

Good afternoon,

I just wanted to reach out to let you know that we are pleased with the six foot, clay-colored fence that Andrea Barthels intends to construct in place of her existing fence.

Thank you,

Roger Andrachik

Patricia Gaughan

19891 Beach Cliff Blvd.

Fwd: fence

andrea barthels <andreabarthels@gmail.com>
To: Andrea Barthels <andrearadar@hotmail.com>

Sat, Oct 18 at 17:05

----- Forwarded message -----

From: **Antoinette Charfauros McDaniel** <profesotacm@gmail.com>
Date: Mon, Aug 11, 2025 at 12:25
Subject: Support
To: <rrreich@rrcity.com>
CC: <ahare@rrcity.com>, Philip C. (hubby!) McDaniel <philmcdaniel@hotmail.com>, andreabarthels@gmail.com <andreabarthels@gmail.com>

Dear Mr. Reich,

My husband, Philip C. McDaniel (cc-ed) and I are writing to share our support of our neighbor, Andrea Barthel's request for a permit to build a proposed 6' fence on our lot line. The fence is to be located near our garage on the left side of our home located at 19860 Battersea Blvd.

Please feel free to contact us if you have additional questions or concerns.

Sincerely,

Antoinette C. McDaniel

*Profesót Antoinette Charfauros McDaniel
Pronouns: Gui', Guiya, -Ña/She/her/hers
Hågong. Toghe. Fa'nu'i i Dinaddao-mu. - The Salty Chamoru
"It's not what they call you, it's what you answer to." - Madea
Familian Capili yan Chung'e/Taotao Tamuning yan Barrigada
Indigenous CHamoru Feminist Sociologist/Scholar-Community Organizer
CHamoru Pathways Through Higher Education Webinar Series
Saina, Sitikulu Fafa'na'gue, Masakāda Collective*

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