

Board of Zoning and Building Appeals  
21012 Hilliard Blvd.  
Rocky River, OH 44116

Dear Board Members,

My name is Paul Fowerbaugh. My wife Betsy and I own the home at 4194 Wooster Road in Rocky River.

Our fence contractor applied for and received a fence permit for a 5-foot board on board fence between our property and 4190 Wooster Road in late September, 2025. It would replace a fence which was removed in 2024.

Beginning at the properties' back survey pin, the fence would run 110 feet eastward toward Wooster Road. Terminating well short of the required living area setback; 36 feet of the fence would be erected in a side yard. The remaining 74 feet of the fenceline runs along our back yard. We also received approval for a gated fence from the edge of our garage, connecting perpendicular to the new fence.

We are asking for two variances.

We want to construct a 6-foot fence for the entire fenceline vs. the maximum fence height of five (5) feet for the side yard. We are also requesting approval to keep the uniformity and clean aesthetic of the board on board fence with twenty-five percent (25%) openness for the top foot of a 6-foot fence vs. 50% transparency.

Thank you for your consideration.



Sincerely,  
Paul Fowerbaugh

Betsy Kling Fowerbaugh



# 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



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: 10-27-25 Hearing Date: 11-13-25  
Zoning of Property Single Family RI Permanent Parcel No. 304-24-024

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

Address of property seeking variance: 4194 Wooster Road

Paul Fowerbaugh

Name of Property Owner

\_\_\_\_\_  
Name of Applicant / Representative

4194 Wooster Road

Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

(330) 416-3245

Cell Phone No.

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Cell Phone No.

E-MAIL: paul.fishing@gmail.com E-MAIL: \_\_\_\_\_

Description of what is intended to be done:

Construction of a 6-foot board on timber fence between the  
properties of 4194 and 4190 Wooster Road.

Sections of the Code from which variance is being requested:

Section 1153.15(j)(2)

Section 1153.15(j)(3)

List variances requested:

Variance: To construct a 6-foot fence in side (1/3 of total fence) and backyard (2/3).

Variance: To construct a 6-foot fence with less than 50% openness in top foot.

Paul Fowerbaugh

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 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 checked="" 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)</i> ; <b>Detached Garages:</b> <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"> <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).

*None*

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- 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).

We have an elevated concrete patio next to the proposed fence. From Guardians opening day until the threat of snow, we use the patio for grilling, eating dinners and entertaining. Our neighbors do the same thing on their elevated deck.

The variance asking for 25% transparency in the final foot of a six-foot back yard fence is key to privacy for us and our neighbors. Keeping a uniform fence height at 6 feet would also maintain visual harmony. Bottom line, we would use and enjoy our outdoor space more often.

- 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 change in openness, from the required 50% to 25% in the last 12 inches of a six-foot backyard fence, is a minimal tradeoff to provide 10 times more added privacy. And by allowing a 16% change above Code in fence height for the side yard, we are gaining a uniform fence height and consistent visibility instead of an uneven, distracting sightline.

- 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 fenceline that is visible, about 20 feet, will blend in with a neighborhood full of fenced in backyards. We have a six-foot, aluminum fence along Carolyn Ave. Our neighbors, the O'Neill's at 4190 Wooster Rd have an existing six-foot fence on their north property line. The variance will give us a cohesive look and height with our existing fences while creating two, distinct backyards.



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.

We were told by the realtor that we could fence in the yard with the exception of the front yard.

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

None

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).

The easiest and most aesthetically pleasing privacy barrier is a 6-foot fence. Plantings used as a fence line would not complement our existing landscaping and would impinge on our neighbor's driveway.

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 received variances for a fence along Carolyn Avenue in 2023 and it was transformative. We have provided pedestrians a clean, modern and aesthetically pleasing sightline. Granting the variances would complete the landscaping and our vision of a private and tranquil backyard.

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.

None. Our neighbor two doors down from us has a 6-foot backyard fence with less transparency than what we are requesting.

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.

We were able to obtain a fence permit. But an inflexible interpretation of the Code would deny both property owners an opportunity for increased privacy along with more use and enjoyment of the creation of two distinct backyards.

**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.)

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

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- 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.

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

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

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**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.

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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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**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.**



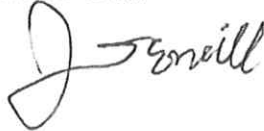
James and Jordyn O'Neill  
4190 Wooster Rd  
Rocky River, OH 44116

Rocky River Board of Zoning & Building

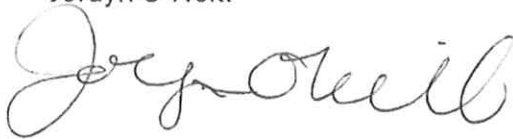
Dear Board Members, we are the property owner and residents of 4190 Wooster, next door neighbor of the fence applicant at 4194 Wooster Rd. We have been working with Paul and his family, the applicants, on the details of this fence. We are expressing our approval of the requested variances for this fence.

Thank you for your attention to this matter. Sincerely,

James O'Neill

A handwritten signature in cursive script, appearing to read "J O'Neill".

Jordyn O'Neill

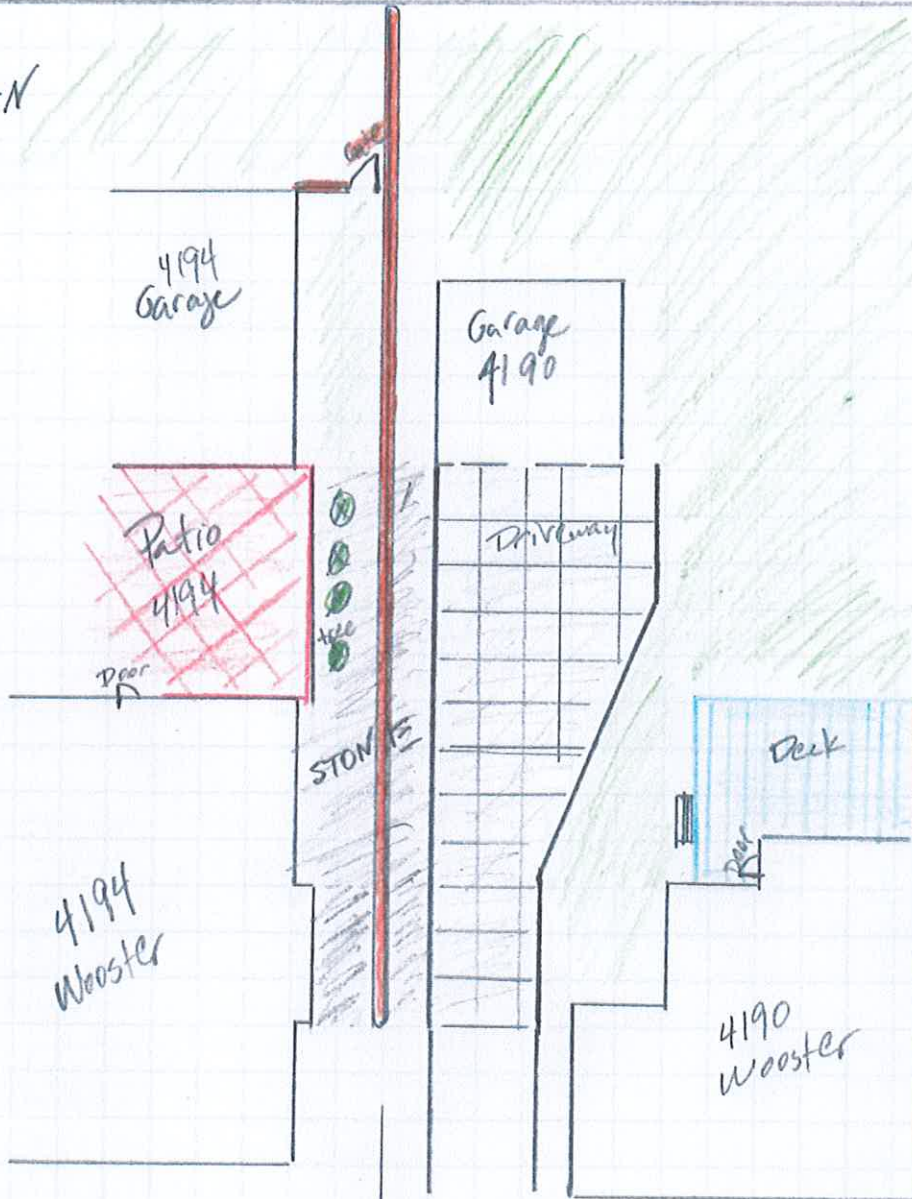
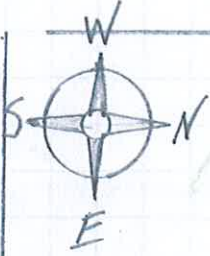
A handwritten signature in cursive script, appearing to read "J O'Neill".

The screenshot shows the Cuyahoga County Web Mapping Application. The main map area displays an aerial view of a residential neighborhood. Several houses are visible, with their addresses and parcel numbers labeled. A red line outlines a specific area of interest. The interface includes a search bar at the top, navigation controls on the left, and a sidebar on the right with 'Drawings 1' and 'Details' sections. The map shows a street labeled 'SARANAC DRIVE' and another labeled 'CAROLYN AVENUE'. The houses have addresses such as 30424022, 160.36, 30424023, 184.35, 30424024, 30424025, 65.81, 30424020, 145.70, 59.90, 40, 70.12, 60, 56.97, 40.74, 60, 135, 136, 32315005, 32315004, 145.08, and 145.08. The sidebar on the right has a 'Drawings 1' section and a 'Details' section. The top of the page has a search bar and navigation controls. The bottom of the page has a 'Cuyahoga County' logo and the text 'Web Mapping Application'.

19974 Carolyn Ave

19979  
Laverne  
Ave.

Carolyn Ave.



- Key  
Square = 5 feet
- Orange - Proposed 110' 6 foot fence
  - Red - Elevated patio
  - Blue - Elevated deck

Wooster Road



NO ENCROACHMENTS WERE OBSERVED  
AT THE TIME OF THIS SURVEY

RECORDS USED

DEED AFN # 201801170556  
PLAT VOL. 97, PG. 6

THIS PLAT REPRESENTS A RETRACEMENT IN THE FIELD  
OF THE LAND RECORDED WITH AFN # 201801170556  
OF THE CUYAHOGA COUNTY RECORD OF DEEDS.

THE BASIS OF THE BEARINGS SHOWN ON THIS PLAT IS  
N89-43-00W, THE BEARING GIVEN FOR THE S. LINE  
OF S/L 6 IN PLAT VOL. 97, PG. 6.

PART OF  
S/L  
5

PEKO PROPERTIES, LLC.  
4190 WOOSTER RD.  
PAR 30424023  
AFN 202104010276

CORNER IS 3/8"  
EAST OF E. EDGE  
FENCE POST

PART OF  
S/L  
6

ZACHARY J. STEPHENS  
19974 CAROLYN AVE.  
PAR 30424025  
AFN 202012310671

PART OF  
S/L  
6

PAUL T. & MARGARET K.  
POWERBAUGH  
4194 WOOSTER RD.  
PAR 30424024  
AFN 201801170556

0.2814 ACRES

N89-43-00W  
188.19' D  
188.19' M

5/8" REBAR  
FOUND

NORTH LINE CAROLYN AVE. 60'

S89-43-20E  
184.34' M  
184.35' D

S03-04-17E  
66.00' D  
65.94' M

WEST LINE WOOSTER RD. 60'



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND SHOWN ON THIS  
PLAT AND HAVE FOUND OR SET THE PINS AND MONUMENTS SHOWN  
HEREON, WITH DISTANCES GIVEN IN FEET AND DECIMAL PARTS THEREOF,  
ALL OF WHICH I CERTIFY TO BE CORRECT TO THE BEST OF MY  
KNOWLEDGE AND BELIEF.

*Ronald L. Ferris* E-25-21

Ronald L. Ferris OHIO REGISTERED SURVEYOR # 6970 DATE

LEGEND

- IRON PIN FOUND
- 5/8" REBAR SET
- M MEASURED DIST.
- D DEED DIST.

RETRACEMENT  
SURVEY PLAT

FOR

PAUL T. & MARGARET K.  
POWERBAUGH

SITUATED IN THE  
CITY OF ROCKY RIVER  
COUNTY OF CUYAHOGA  
STATE OF OHIO  
AND KNOWN AS BEING  
PART OF LOT 8  
WOOSTER RD. SUB.  
PLAT VOL. 97, PG. 6

AUGUST 2021

SCALE : 1"=30'

PROJECT # 21086  
SHEET SIZE 8.5\*14



Ronald L. Ferris  
7363 Cleve-Mass Rd.  
Clinton, Ohio 44216  
(330) 836-5233  
[www.ferrissurveying.com](http://www.ferrissurveying.com)  
[ronferris@neo.rr.com](mailto:ronferris@neo.rr.com)

May 31, 2024

Paul Fowerbaugh  
4194 Wooster Rd.  
Rocky River, Ohio 44116

re: Set NW pin for Survey done at the above address.

Job reference # 21086

Dear Mr. Fowerbaugh

Thank you very much for the opportunity to provide Surveying services for you. If you have questions concerning the work I did, feel free to contact me from 8:00 to 4:00 at my office, Monday through Friday, at (330) 836-5233. Leave me a message if you get my voice mail and I will call you back as soon as I can.

The total bill for the above comes to ..... \$ 100.00  
\*\*\*\*\*

Please make check payable to Ronald L. Ferris and send to the address on the top of this invoice.

Sincerely,



Ronald L. Ferris, P.S. †