

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.

Jim Griffiths
Property Owner

12/22/25

Date

Ben Harrison
Applicant/Representative

12/22/25

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: _____ Hearing Date: _____
Zoning of Property: _____ Permanent Parcel No. _____

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

Address of property seeking variance: 19985 Lake Road, Rocky River, OH 44116

Jim Griffiths

Ben Harrison

Name of Property Owner

Name of Applicant / Representative

19985 Lake Road, Rocky River, OH 44116

19985 Lake Road, Rocky River, OH 44116

Address

Address

440-343-0100

720-217-7631

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: jgriffiths@jaghealthcare.com

E-MAIL: ben.harrison@beardens.com

Description of what is intended to be done:

Construction of a fenced enclosure for the dumpster used by the restaurant.

Sections of the Code from which variance is being requested:

1185.13 SCREENING OF ACCESSORY USES

List variances requested:

A 2' variance for the enclosure location relative to the south property line, given the Development Code requires a 10' setback from the south 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"> 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); Detached Garages:</i> <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

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 the unique layout of the property, there is no other location for the dumpster enclosure to exist that would not cause more impact on the surrounding properties and Lake Road. A 2ft variance on the south property line is requested so that we can maintain a proper distance (10ft) away from the West property line (shared by private residences) while also not impacting traffic flow in our parking lot.

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 obtaining the variance, we will not be able to build the dumpster enclosure and be in compliance with the city's trash screening laws.

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 code requires a 10' setback from the south property line, but given the unique layout of the property, we are requesting a 2' setback from the south property line. Please note that there is nothing adjacent to the south property line, only a parking lot. We are still able to meet the setback requirements to the West, which is the property line shared with the residential properties.

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).

N/A - the construction of the fencing enclosure would benefit neighboring properties, as we will be in compliance with appropriate trash screening code.

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

It would not affect these services.

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

N/A - the dumpster on the property to the east used to be shared but is no longer.

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

N/A

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).

N/A - There is no other location on the property for the dumpster enclosure to exist.

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).

Despite the variance, upon approval would allow us to be in compliance in regards to the City's dumpster enclosure requirements and allow us to screen our dumpster to avoid impact on our neighbors.

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.

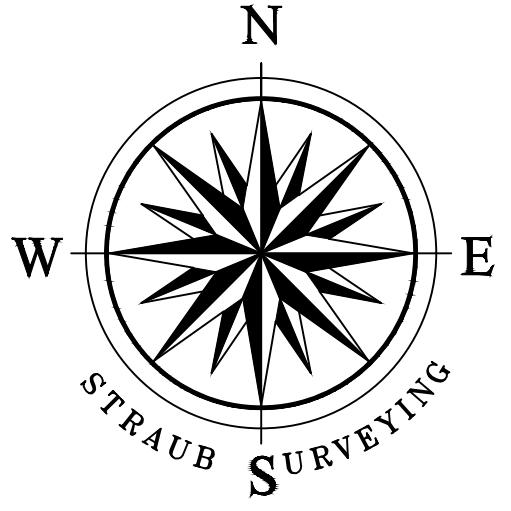
N/A

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

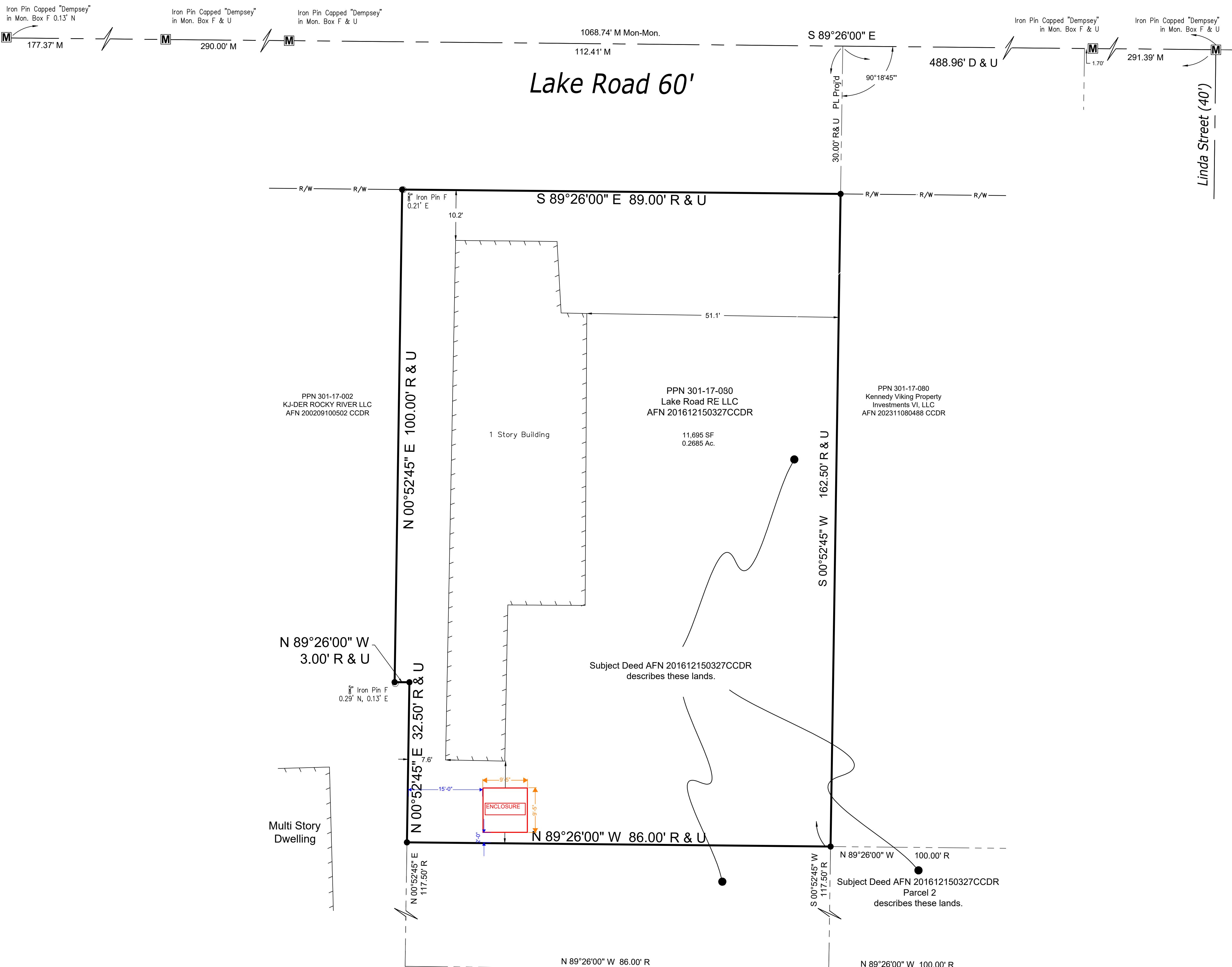
PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.

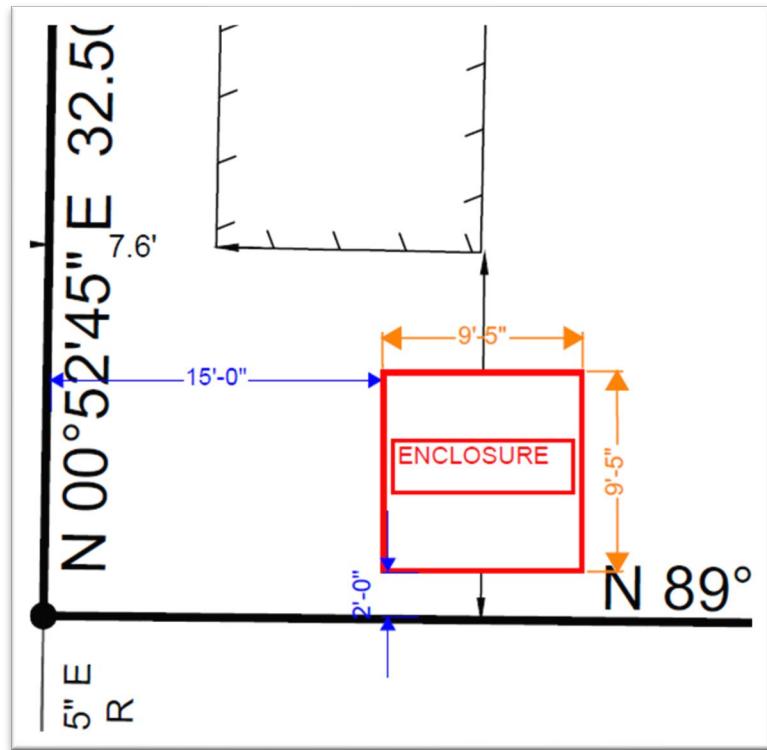
Known as of a part of
Original Rockport Township Lot Section No. 24
County of Cuyahoga, State of Ohio



GRAPHIC SCALE
0 10 20
1 INCH = 10 FT.

Lake Road 60'







"Ohio's Fence Company"

Columbus / Central:
Mae Fence Headquarters
109 E Main St.
Fulton, OH 43321

Cleveland / Akron:
13210 Enterprise Ave.
Cleveland, OH 44135

Cincinnati / Dayton
11863 Solzman Rd.
Cincinnati, OH 45249

Proposal Date:	Exporation Date:	Installation Date:
5/14/25		
Name: Stephen Storch		
Address: 19985 Lake Rd.		
City, State, Zip: Rocky River OH 44116		
Phone: 216-632-1974		
Email: StephenSwashko@jaghealthcare.com		

Customer Responsibilities: Obtain Permit / Variance HOA Approval Provide Legal Survey Clear Fence Line Contain Animals Locate Private Utilities

		Total Footage: 38
		T D Fig: 38
<input type="checkbox"/> Haul Fig: 38		Haul Fig: 38
<input type="checkbox"/> Wood 38		Wood: 38
<input type="checkbox"/> Link 38		Link: 38
<input type="checkbox"/> Other: 38		Other: 38
<input type="checkbox"/> Haul Dirt Away 38		Haul Dirt Away: 38
<input type="checkbox"/> # Breaks 6		# Breaks: 6
<input type="checkbox"/> # Transition Slopes 0		# Transition Slopes: 0
<input type="checkbox"/> # Removable Panels 0		# Removable Panels: 0
<input type="checkbox"/> Permits / Approvals		
<input checked="" type="checkbox"/> Yes \$ 250		
<input type="checkbox"/> No \$ 250		
City and Association Fees are Included		
PLAT OF SURVEY MUST BE PROVIDED		

Please Review:
 Dirt removal is not included unless otherwise specified. **COST TO REMOVE \$ 200**
 The fence will follow the natural contour of the property unless otherwise specified.
 Under no circumstances is Mae Fence responsible for damages to private lines and/or items not professionally located by utility companies, including sprinkler lines, drain tiles, electric fence, and sump pump.
 A small degree of construction activity and refuse may occur.

Payment Terms	<input checked="" type="checkbox"/> 50 % Deposit		<input type="checkbox"/> % Deposit Balance to be paid to installation crew chief or office upon completion Terms:
Payment	\$ 1300	5/14	GRAND TOTAL \$ 2700
V M D A - Check			DEPOSIT \$ 1300
#			BALANCE DUE \$ 1400
Exp	Sec		

ACCEPTANCE OF PROPOSAL:

YOU, THE CONSUMER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION

The above prices, specifications and conditions are satisfactory and are hereby accepted. Payment will be made as outlined in this contract. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra charges will be executed only upon written orders and will become an extra cost over and above the sale price. Cancellation of this contract after three business days will result in a 20% restocking fee. In the event of a default payment, Mae Fence may place the account with an agency and/or attorney for collection. Mae Fence may record and enforce a mechanic's lien against the property on which the project was installed in accordance with the Mechanic's Lien Act. Customer agrees to pay all fees and costs associated with default payments. Our employees are fully covered by workman's compensation insurance. Mae Fence reserves the right to refuse service, without liability, to anyone, for any reason.

Payment is due immediately following installation.

Company Representative	Customer Signature	Date:
Julian		

(866)MAE-7770 - A Family Tradition Since 1927 - MaeFence.com



**Manufactured
by
MAE FENCE
in
Fulton Ohio**

Last Name:

Storch

Height:

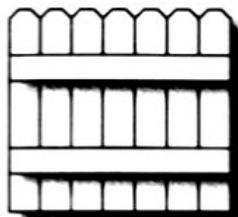
8'

Total Footage:

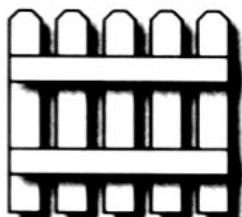
38

Installation Date:

Verticle Style Horizontal Style Other: _____



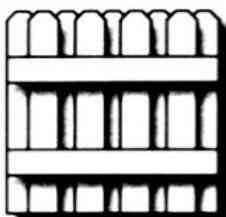
Privacy



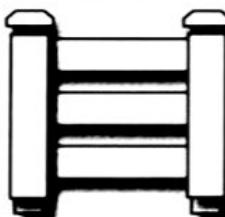
Picket



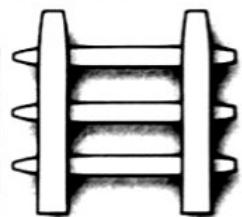
Shadow



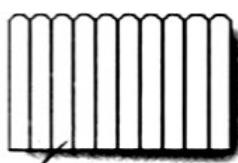
Batton



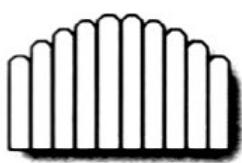
Ranch Rail



Split Rail



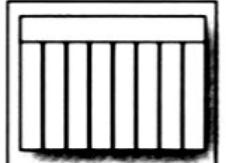
Straight Top



Rolling Arch



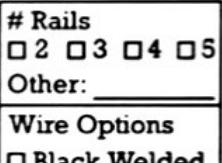
Dec. Scallop



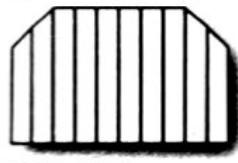
Middle Frame
/



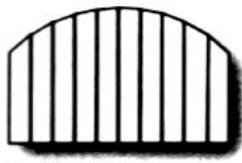
Decorative Top



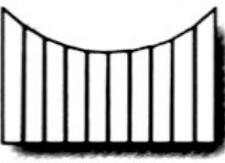
Rail Fence



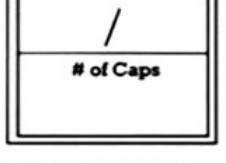
V - Out



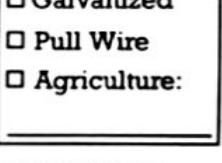
Cut Arch



Cut Scallop



Cap & Trim



Agriculture:

100% Cedar Treated Poplar Rail Treated Framing - Cedar Pickets Other: _____

Spacing

2"

Board Size

4"



of Frames

4

Face Nail

Toe Nail

Mortice & Tennon

Post Set

Dry Set Concrete
 Wet Set Concrete
 Other

Post Size

4"

Post Top

none

Gates

Single

Double

Hardware

Gravity Latch
 2 - Way Latch
 # of Drop Rods: *1*

Arbors

2 - Post Crescent 4' Wide
 4 - Post Traditional Other: _____



**GRAND
TOTAL**

\$ 2700

***3 - Year Warranty on Back of Contract**



EXAMPLE MATERIAL ONLY

The above photo was provided by our fencing contractor, and it represents the style of material to be used for the dumpster enclosure and gate. The fencing will be 8' tall, 2' higher than the height of the dumpster we use. This material believes satisfies Section 1185.13 SCREENING OF ACCESSORY USES (subsection A.1) which states "*Such wall or fence shall be constructed of wood, brick, decorative concrete, split face block, or stone.*"

All specifications surrounding the fence are included in the above fencing proposal
prepared by Mae Fencing.



Area of the proposed dumpster enclosure. The enclosure would be set 2' off the south property line which is represented by the curb closest to the building in this photo. The current location of the dumpster can be seen in this photo as well.



A wider view of the proposed dumpster enclosure demonstrates that no structures or uses are located along the south property line impacted by the requested variance, other than a shared parking area.

For illustrative purposes, the proposed enclosure will be located roughly in the **orange** outline in the above picture. The **red arrows** illustrate the 2' variance requested. The **green arrows** illustrate the 15' setback off the west property line, which we can comply with.

Bearden's Mitigating Efforts:

In addition to the proposed dumpster enclosure, **Bearden's has taken immediate and substantive action in response to the concerns raised by neighboring residents and committee members**, including the following measures:

- The removal of all nonessential equipment, debris, and picnic tables from the area designated for the proposed enclosure (see photographs attached below).
- The addition of a mandatory trash sweep along the rear property line and within the enclosure area to the Daily Closing checklist for onsite personnel.
- Communication to staff regarding smoking-related complaints, instructing them to conduct themselves in a manner that respects the rights and expectations of neighboring property owners.
- Direction to staff regarding improper parking of the white vehicle and any other employee vehicles in front of the restaurant, reiterating that parking in unauthorized spaces is strictly prohibited and will not be permitted going forward.
- Active coordination of the removal of the onsite food truck, which was towed off the property effective 12/22/2025.
- We are in active coordination with Waste Management to have them adjust the pick-up time of the dumpster to not occur between the hours of 9 PM and 7 AM.
 - Please see the attached Waste Management case.

Present: Susan Williamson, 1 Astor Pl.

Mrs. Williamson does not have the same concerns as Unit 3. She wanted to publicly say that they appreciate their willingness to do something about the trash issue. Mrs. Williamson said it has worked really well. There are no issues with what is being proposed.

Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

Meeting minutes from the Planning Commission meeting on 10/28/25, where a neighbor of the properties on the west property line expressed support for our business, our efforts, and the proposed enclosure plans.



Ben Harrison <ben.harrison@beardens.com>

(no subject)

Boyd, Kamisha <kboyd6@wm.com>
To: "ben.harrison@beardens.com" <ben.harrison@beardens.com>
Cc: "Boyd, Kamisha" <kboyd6@wm.com>

Mc

SCRN 4 SERVICE TIME WINDOW CHANGES SOURCE SYSTEM: MAS <==BEFORE==> W#1 START: STOP: W#2 START: STOP: REASON: <==AFTER==> W#1 START: 0800 STOP: 1200 W# REASON: CITYORD

Case #31862790 - OPERATIONS NOTE - ROUTE REQUEST - NEW

CATEGORY :

OPS - OPERATIONS NOTE

SUB CATEGORY :

RTE - ROUTE REQUEST

DURATION :

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DUE DATE :

Thursday, Jan 1, 2026, 11:32 AM CST

REQUESTED ON :

Monday, Dec 22, 2025, 11:32 AM CST

COMPLETED ON :

--

REQUESTED BY :

ben

Requested By Phone :

4403430100

Requested By Email :

stephen.storch@beardens.com**COMMENT**

Navigation Mode

Created Date	Created By	Type	Comment
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December 22, 2025 at 11:32 AM CST	KBOYD6	Internal	BEN OPERATIONAL MANGER CCI ADVE THE NEED TO GET THE TIMES ADJ WHEN THEYGET THERE PICKUP NEIGH
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**CITY OF ROCKY RIVER
21012 HILLIARD BOULEVARD
ROCKY RIVER, OH 44116
PHONE: (440) 331-0600
FAX: (440) 895-2628**

Fence Permit Application

Permit Fee: \$55.00

Date: _____

COMMERCIAL:

RESIDENTIAL: _____

ADDRESS OF IMPROVEMENT: 19985 Lake Rd. Rocky River, OH 44116

OWNERSHIP: _____

Name _____ Address _____ Phone _____

CONTRACTOR: Mae Fence 109 E. Main St. Fulton, OH 43211 614-929-3526
Name _____ Address _____ Phone _____

CONTRACTOR EMAIL: aubree@maefence.com **ESTIMATED COST** 2,600

TYPE OF FENCE: Ornamental Split Rail Board on Board Picket Privacy

HEIGHT & LOCATION OF FENCE: Front _____ / Ht _____ Side _____ / Ht _____ Rear / Ht _____

CORNER LOT: Yes _____ No

VARIANCE NEEDED: Yes _____ No _____

PROHIBITED FENCES

Barbed Wire

Electrified

BOARD OF APPEALS MEETING DATE: _____

VARIANCES NEEDED: _____

Caution should be used when replacing or installing a new fence on a property line and although a survey is not required, it is strongly recommended. Plan review and approvals within an HOA or any easement locations or deed restrictions are the sole responsibility of the applicant. Any dispute over the location of a proposed or installed fence shall be settled by the applicant obtaining a current survey. *By signing below I understand my responsibilities as the applicant. I further understand that I shall contact the Building Department for the initial fence location inspection and the final inspection of the fence installation.*

SIGNATURE OF OWNER: _____

SIGNATURE OF APPLICANT: _____



- Attach the *Site Plan Worksheet* showing location of proposed fence and its proximity to the house, garage and/or other existing fences. Label length of proposed fence.
- Submit application and drawings to the Building Department. The applicant will be required to display an "Intent to Build" sign for 10 days. This required notification sign will be issued to the applicant once the fence placement inspection is complete. After 10 days a permit can be obtained.
- By initialing within the box I understand that a final inspection is required in order to verify the materials used and project scope. **PLEASE CALL TO SCHEDULE FINAL INSPECTION**

For office use only:

NOTICES SENT TO ABUTTING NEIGHBORS

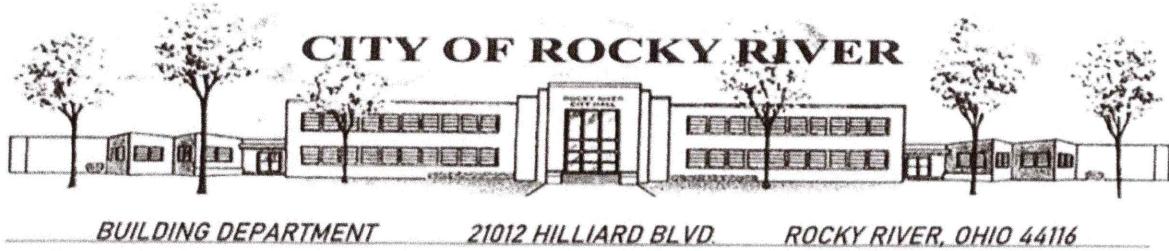
Date Sent: _____

Date of approved Fence Location Inspection: _____

Permanent Parcel # _____

10 Day Posting Card Issued _____

Permit #: _____



Owner Acknowledgment of Property Lines

Date: 5/20/25

I hereby acknowledge that the property line location is the sole responsibility of the property owner. The location of the fence on the plan will be measured from a point that the property owner deems as the property line. The City of Rocky River assumes no responsibility for errors related to property line location. If there is a question regarding a property line a professional land surveyor should be consulted to obtain a boundary survey.

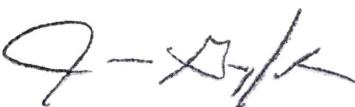
The City of Rocky River does not determine property lines.

Property owner's Name (Print): James Griffiths

Property Address: 19985 Lake Rd.

Property owner's phone: 216-632-1974

Property owner's email: rwashko@jaghealthcare.com

Property owner's Name (signature): 



Intent to build sign for fence enclosure currently displayed at the restaurant