

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.

Karen L. Swedentor 12/16/25
Property Owner Date

B. Shill 12/16/25
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: _____ 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: 3252 Fairhill Drive

Karin Swedenborg	Brian Williams (Moscarino Landscape & Design)	
Name of Property Owner	Name of Applicant / Representative	
3252 Fairhill Dr, Rocky River	25329 Sprague Rd, Columbia Station, OH	
Address	Address	
Telephone No.	216-287-4980	216-319-3553
	Cell Phone No.	Cell Phone No.
E-MAIL: doggiedoc2727@yahoo.com		E-MAIL: brianw@moscarino.net

Description of what is intended to be done:

Construction of a Pavilion 16'x19'7" (313.38 sq. ft.) Open Lean-to style pavilion.

4 -Wrapped 8x8 post,

Header and beams, 4x8" wrapped, 1-1/2"x6" t&g pine ceiling, and metal roofing.

Sections of the Code from which variance is being requested:

In the Codified Ordinances of Rocky River, Ohio, Section 1153.15 (g) Detached Decks, Patio Fireplaces, Play Structures, Gazebos, & Pergolas

- (3) The total area of any built-in, horizontal surface that is an integral part of the structure (platform area including any covered area and any elevated platforms) shall not exceed two hundred fifty (250) square feet.

List variances requested:

Structure is 63.28 sq.ft. greater than the 250 sq. ft. code

Karin L Swedenborg
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	
<input type="checkbox"/>	(Use) Unnecessary Hardship	
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
• Rear, side & front setbacks	<input type="checkbox"/>	(Area) Practical Difficulties
• Coverage (>28%)	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
• Width	<input type="checkbox"/>	(Area) Practical Difficulties
• Distance from property line	<input type="checkbox"/>	(Area) Practical Difficulties
• Circular if lot width is <90'	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
• Area allowed (maximum sq. ft.)	<input type="checkbox"/>	(Area) Practical Difficulties
• Height	<input type="checkbox"/>	(Area) Practical Difficulties
• Front setback	<input type="checkbox"/>	(Area) Practical Difficulties
• Lot width <100'	<input type="checkbox"/>	(Area) Practical Difficulties
• Number of items of information	<input type="checkbox"/>	(Area) Practical Difficulties
• On side of building	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
• Height or Openness	<input type="checkbox"/>	(Area) Practical Difficulties
• 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.)		
• Height	<input type="checkbox"/>	(Area) Practical Difficulties
• Setback from property line	<input type="checkbox"/>	(Area) Practical Difficulties
• 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>		
• 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>		
• < the number of spaces required	<input type="checkbox"/>	(Area) Practical Difficulties
• 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).

The property has an irregular, narrow, and shallow lot shape due to its proximity to the Rocky River, with gentle sloping that limits usable backyard space for accessory structures. These topographic and geometric conditions are unique to riverside lots and not typical of standard rectangular parcels in the district. This peculiar configuration creates practical difficulty in fitting a functional pavilion within the strict 250 sq. ft. limit.

- 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 the variance, the backyard would remain underutilized, limiting family gatherings and outdoor recreation on this riverside property. A 250 sq. ft. pavilion would be too small for practical use, reducing the property's overall enjoyment and value.

The variance is needed to allow reasonable beneficial use comparable to other residential properties in the district.

- 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 requested variance for 313.28 sq. ft. represents only a 63.28 sq. ft. (25.3%) increase over the 250 sq. ft. limit, which is not substantial.

This modest additional area is the minimum necessary to provide functional seating and accessibility.

Further reduction would make the pavilion impractical for its intended family use.

- 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 proposed pavilion will blend harmoniously with the residential neighborhood and enhance the property's aesthetic appeal without altering the area's essential character. It will increase property value and outdoor usability for both the applicant and potentially neighboring homes through improved landscaping integration.

No substantial detriment to adjoining properties is anticipated, as the structure will be screened and maintain appropriate setbacks.

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

The variance will not affect delivery of governmental services.

It will not obstruct access for emergency vehicles, trash pickup, or maintenance.

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

The property was purchased without specific awareness of the 250 sq. ft. accessory structure limitation.

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

No special conditions result from actions of the owner. The challenges stem entirely from the lot's preexisting irregular shape, slope, and riverside location. The proposed pavilion addresses these inherent site constraints.

- 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).

Alternatives such as a smaller design, temporary structures, or ground-level patios do not provide adequate sheltered space or functionality.

Relocation within the yard is limited by the lot's narrowness and topography. A variance is the only feasible way to achieve reasonable use.

- 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).

Granting the variance upholds the zoning intent of balancing development with property enjoyment while allowing minor adjustments for unique lots.

The pavilion will enhance livability and aesthetics for the property and neighborhood. It promotes substantial justice by enabling equitable use without compromising code principles.

- 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.

The variance addresses lot-specific hardships not shared by most properties in the district.

It does not confer special privilege but ensures fair treatment for uniquely constrained sites.

- 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.

Strict literal enforcement would unfairly deprive the applicant of the common right to a functional outdoor accessory structure enjoyed by neighbors with standard lots. Many properties in the district have adequately sized structures.

Denying this request would create unequal treatment under the code.

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.)

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

- 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.

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

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

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.

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