



City of North Royalton

Mayor Larry Antoskiewicz

Community Development, Building Division

Dan Kulchytsky Building Commissioner

11545 Royalton Road, North Royalton, OH 44133

Phone: 440-582-3001

Fax: 440-582-3089

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

1. This request is made for the following property:

9988 DELSY DRIVE

Address

Occupant, Business or Tenant (if applicable)

PPN: 481-16-017

Permanent Parcel Number

R1-A

Zoning District

Ward No.

HOA Name: NOT APPLICABLE

Letter of Approval Rec'd: Yes or No

Letter of Denial Rec'd: Yes or No

2. Property Owner:

THOMAS & MARILYN KIRK

Name

Name of Business (if applicable)

2861 TIMBERWOOD DRIVE

Address

216-346-9953

Phone

BROADVIEW HEIGHTS, OHIO 44147

City, State and Postal Code

marilyn.kirk1@gmail.com

Email (electronic mail)

3. This request is being made by the following responsible party **Owner** / Authorized Representative):

THOMAS & MARILYN KIRK

Name

Name of Business (if applicable)

2861 TIMBERWOOD DRIVE

Address

216-346-9953

Phone

BROADVIEW HEIGHTS, OHIO 44147

City, State and Postal Code

marilyn.kirk1@gmail.com

Email (electronic mail)

For Office Use Only

Date Application Submitted

Meeting Date Assigned

\$

Application Fee

BZA --

Identification Number Assigned

Payment Information (date, check number, cash, etc.)

Application Fee Received by

Other Application Fee Information

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

4. Board of Zoning Appeals review: (please check all that apply)

Type of Variance:

- ☒ **Area Variance NRO 1264.08(e)(1)** – complete sections 5, 6, 7 and questions relative to area variances
- ☐ **Use Variance NRO 1264.08(e)(2)** – complete sections 5, 6, 7 and questions relative to use variance
- ☐ **Riparian and/or Wetland Setback Variance NRO 1492.11** – complete sections 5, 6, 7 and questions relative to riparian setback and complete waiver
- ☐ **Administrative Appeal NRO 1264.04** – complete Notice of Appeal (pg. 13)

5. Narrative statement establishing and substantiating the justification for the variance pursuant to Section 1264.08(e) – reason the variance is needed.

Parcel number 48116017 is located within a **riparian setback** which prohibits any structure from being within the riparian area. Fire burnt down original house on this parcel, and a new home is to be constructed. The request is for a variance to allow for relief from the requirement that new buildings shall have a minimum side yard setback of 10'. An 8' left side yard setback is proposed.

6. Description or the nature of the variance(s) requested and the corresponding Section(s) from the City of North Royalton Code of Ordinances.

North Royalton Code section 1270.05 - Schedule of Area, Yard, and Height Regulations

The request is for a variance to allow for relief from the requirement that new buildings shall have a minimum side yard setback of 10'. Requesting 2' variance on the left side yard due to **riparian setback** present on property. Proposed left side yard setback is 8' from west property line. This would allow the front setback to comply with City ordinance 1270.08 to align with adjoining property's front setback of 70'. This would also keep the structure clear of the **riparian setback**.

The Board of Zoning Appeals or its agent(s) is hereby authorized to enter upon the property for which this variance is sought, without further notification, to inspect said property. Any such inspection shall be conducted between the hours of 9 a.m. and 5 p.m. on any day of the week, including weekends.

I further understand that any misrepresentation of data or facts or violations of the Ordinances of the City of North Royalton are cause for refusal, suspension or revocation of this license if issued.

Thomas J. Kirk I, THOMAS J. KIRK
Applicant Signature, Printed Name and Title

8/23/2021
Date

Marilyn Kirk, MARILYN KIRK
Property Owner Signature, Printed Name and Title

8/23/2021
Date

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

7. Written Authority Form (complete this form if you are unable to be present at meeting).
(submit original – do not fax or email)

I, _____ (name) of _____
(company, if applicable), hereby certify that I/we are the _____
(owner(s), executor(s), etc.) of _____ (property address or
permanent parcel number) and further verify that _____ (name
of representative) is authorized to represent my/our interests and make decisions on my/our behalf
when appearing before the North Royalton Board of Zoning Appeals.

Signature Date

Before me, a Notary Public in and for said county, personally appeared _____
who acknowledged that he or she did sign the foregoing instrument and the same is his or her free
act and deed.

In testimony whereof I have hereunto set my hand and official seal at _____,
Ohio on this _____ day of _____, 20____

Notary Signature

Seal:

State of Ohio
County of Cuyahoga

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

QUESTIONS RELATIVE TO AREA VARIANCES

Address of subject property: 9988 Delsy Drive, North Royalton, OH 44133

The Board of Zoning Appeals shall review each request for a variance to determine if such request complies with the purpose and intent of this Zoning Code and the Master Plan, and the applicant can demonstrate that the literal enforcement of this Code will result in practical difficulty or, in the case of a use variance, unnecessary hardship.

The following factors shall be considered and weighed by the Board in determining practical difficulty:

(Please provide any relevant responsive information, including sketches, drawings, photographs or other exhibits.)

A. Whether there can be any beneficial use of the property without the variance;

Yes, but because of the limitations of the lot, the size of home would be minimal.

B. Whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structure;

The requested variance does not go above the minimum necessary.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

No.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage collection);

No.

E. Whether the variance sought is for relief from a zoning provision which was enacted after the creation of an existing condition or circumstance to the property in question;

No.

- F. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot or adjacency to nonconforming and inharmonious uses, structures or conditions;

Riparian area is present on the lot which results in limitations on home placement in addition to zoning setback requirements. Riparian area cannot be altered.

- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

Due to the existing riparian setback, it would be difficult to obviate proposed variance.

- H. Whether the granting of the variance will create a nonconforming lot pursuant to Section 1270.16 of the Zoning Code;

No.

- I. Whether special conditions or circumstances exist as a result of actions of the owner;

No.

- J. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Yes.

LAYOUT No. 3

SITUATED IN THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING SUBLOT NO. 4 IN THE DELSEY DRIVE SUBDIVISION OF PART OF ORIGINAL ROYALTON TOWNSHIP SECTION NOS. 1 AND 10, AS SHOWN BY THE RECORDED PLAT IN VOLUME 162 OF MAPS, PAGE 31 OF CUYAHOGA COUNTY RECORDS.



NORTH

GRAPHIC SCALE



(IN FEET)

1 INCH = 20 FT.

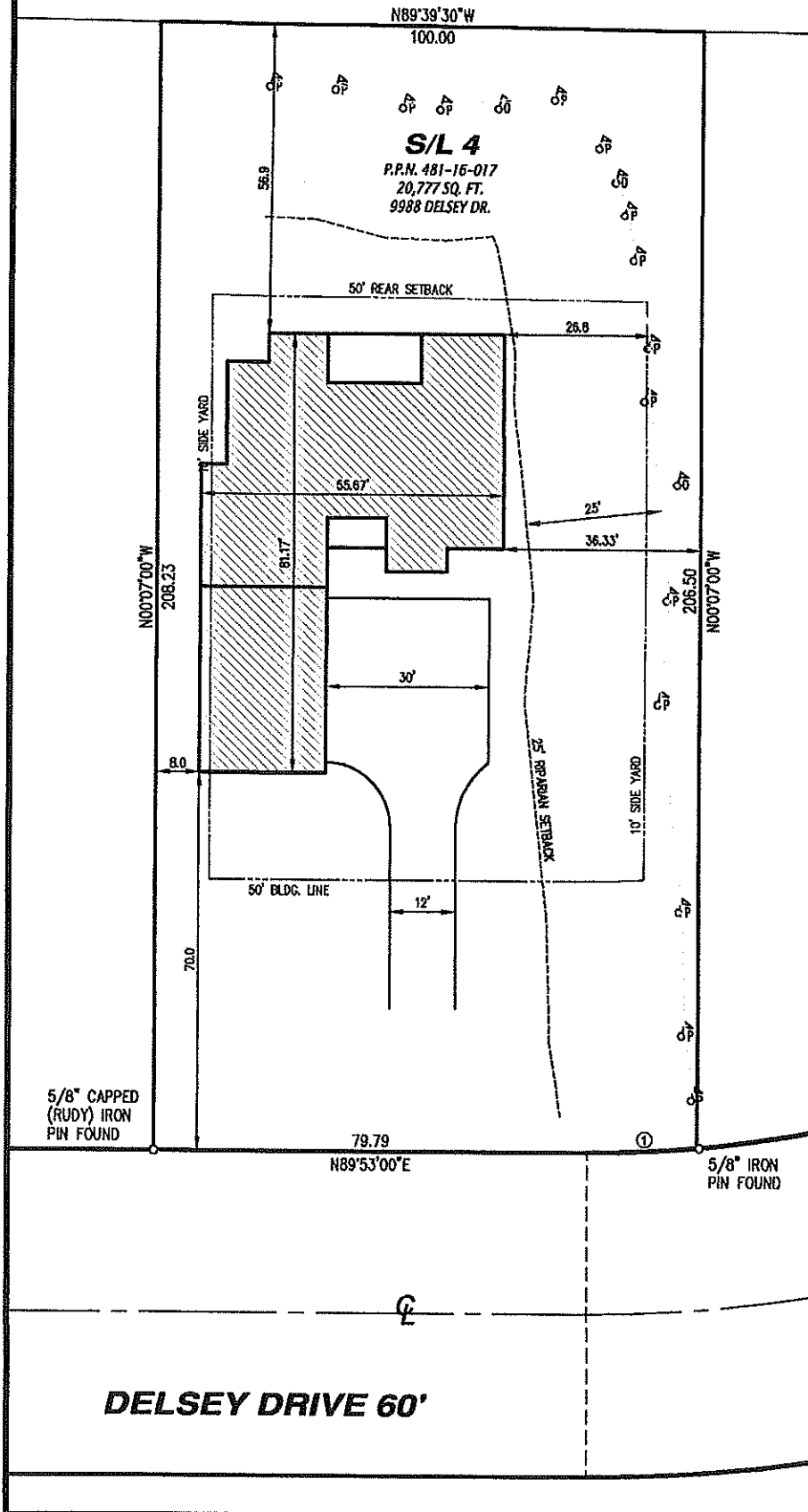
AUG. 26, 2021

ZONING INFORMATION:

DISTRICT: R1-A: ONE FAMILY
FRONT YARD SETBACK: 50 FT.
SIDE YARD SETBACK: 10 FT.
REAR YARD SETBACK: 50 FT.

OP = ORANGE FLAGGING

OP = PINK FLAGGING



① R = 220.00
Δ = 05°16'15"
A = 20.24
T = 10.13
C = 20.23
N87°14'53"E

Prepared by:

RIMKOLE
& ASSOC. CORP.

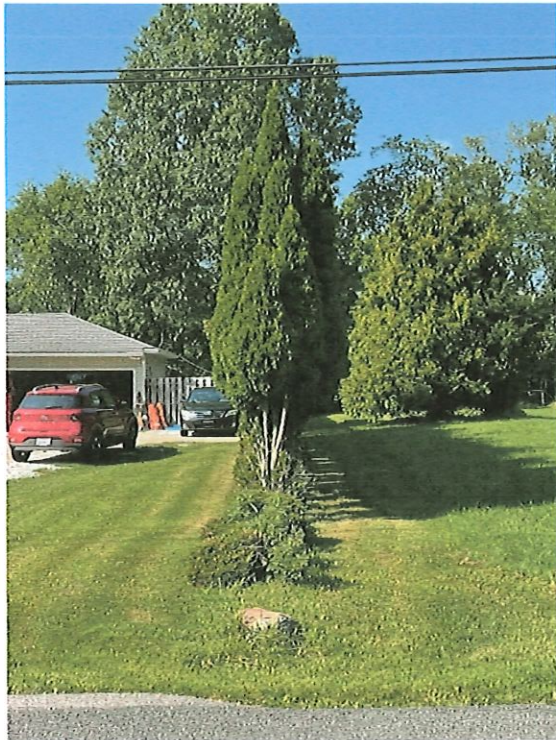
5318 Ridge Road - Cleveland, Ohio 44129
Phone 440.885.7137 - Fax 440.885.7139
www.rimkole.com
File No. 21194-4



9988 Delsy Drive looking west at approx.
Proposed front setback.



10000 Delsy Drive looking east to 9988
Delsy Drive shared property line.



10000 Delsy Drive & 9988 Delsy Drive
shared property line.



9988 Delsy Drive driveway looking west at 10000
Delsy Drive property line.



CUYAHOGA COUNTY FISCAL OFFICER

481-16-017 *Mark Chamberlain* 8/16/2021 2
F-08172021-1

KIRK, THOMAS J & MARILYN Tax Dist. 3240

Survivorship Deed LUC: 5000 EX:

Sale Amt: \$ 70,000.00 LAND: 32,000

Conv. Fee: \$ 280.00 BLDG: 0

Ohio Real Title TOTAL: 32,000



* 1 0 4 3 0 6 0 *

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICERS - 2
DEED 8/17/2021 9:20:33 AM
202108170186

GENERAL WARRANTY DEED

JASON FENOS, married to **JESSICA FENOS**, for valuable consideration paid, grants, with general warranty covenants to **THOMAS J. KIRK** and **MARILYN KIRK**, for their joint lives, remainder to the survivor of them, the following real property:

Situated in the City of North Royalton, County of Cuyahoga, and State of Ohio: And known as being Sublot No. 4 in the Emerman Corporations Delsy Drive Subdivision of part of Original Royalton Township Section Nos. 1 and 10, as shown by the recorded plat in Volume 162 of Maps, page 31 of Cuyahoga County Records and being 100.03 feet front on the Northerly side of Delsy Drive and extending back 208.23 feet on the Westerly line, 206.50 feet on the Easterly line and having a rear line of 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Tax Mailing Address: _____

Except a) such encroachments and recorded restrictions, easements and conditions, including without limitation subsurface rights, which do not materially adversely affect the Property's use or value; (b) zoning ordinances, if any; and (c) taxes and assessments which are a lien on the Property but are not yet payable.

Permanent Parcel Number: 481-16-017

Prior Instrument Reference: 202104260821

Property Address: 9988 Delsy Drive, North Royalton, OH 44133

OHIO REAL TITLE

151363

JESSICA FENOS, spouse of **JASON FENOS**, releases all rights of dower therein.

Executed by **JASON FENOS** and **JESSICA FENOS**, the 12 day of August, 2021.



JASON FENOS



JESSICA FENOS

State of OHIO
County of CUYAHOGA

This is an acknowledgment clause. No oath or affirmation was administered to the signer.

The foregoing instrument was acknowledged before me this 12 day of AUGUST, 2021 by **JASON FENOS** and **JESSICA FENOS**.



NOTARY PUBLIC

This document was prepared by:
Matt W. Trivelli
Sandhu Law Group, LLC
1213 Prospect Ave., STE 300
Cleveland, OH 44115
(216) 373-1001
2021-07-1028-151363



THOMAS E. CANCIAN
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 9/28/2023