




City of North Royalton

Mayor Larry Antoskiewicz

Board of Zoning Appeals

David Smerek Building Commissioner

BZA 22-09.1


PUBLIC HEARING LEGAL NOTICE

Pursuant to Section 1264.05 of the City of North Royalton Zoning Code, **Notice** is hereby given that the **Board of Zoning Appeals** of the City of North Royalton, Ohio, will hold a public hearing on Thursday, **October 20, 2022** at 7:00 p.m. local time in the Council Chambers at City Hall, 14600 State Road.

The Public Hearing will be heard on the question of granting variances from **Chapter 1270 "Residential Districts"**, of the City of North Royalton Zoning Code. Request is being made by Andriy Stodolskiy for a **proposed accessory structure at 11665 W. 130th Street**, also known as PPN: 481-25-007, in Residential (R1-A) District zoning. The variance being requested is as follows:

Variance #1: Codified Ordinance Section **1270.12 (a) "Size, Location, Setbacks and Height for Accessory Buildings and Private Garages"**. Request is for a variance to allow for an accessory building to project into a front/side yard in front of rear wall of the Main Building. The applicant is proposing to construct an 800 sq. ft. accessory structure.

Hearings for each variance will be taken in order as set forth in agenda. Hearings generally take approximately ten (10) minutes. All applicants and anyone wishing to be heard on a variance request should be present at the start of the meeting. Plans and specifications and other documentation are on file at the Building Division, City of North Royalton Service Center, 11545 Royalton Road, for review by interested parties.

You can view the meeting live by entering the following link on your phone or computer or you may attend the meeting in person at North Royalton City Hall.

Link: Northroyalton.org/boardofzoningappeals

If you would like to be heard on the subject of this application but do not wish to attend the meeting in person, please fill out and submit the attached Public Hearing form with any documents or photographs and return it to the Building Department no later than September 16th at 12:00 p.m. local time. PLEASE NOTE: THE PUBLIC HEARING FORM MUST BE NOTARIZED IN ORDER TO BE READ INTO THE RECORD.

BOARD OF ZONING APPEALS
NORTH ROYALTON, OHIO

Ian Russell
Board of Zoning Appeals Secretary
City of North Royalton, Ohio

1270.12 SIZE, LOCATION, SETBACKS AND HEIGHT FOR ACCESSORY BUILDINGS AND PRIVATE GARAGES.

(a) Private Garages and Accessory Buildings permitted in the R1-A, R1-B, and RRZ Districts per section 1273.01(d), shall meet the requirements of the following table:

| | |
|--|--|
| <i>Each residential lot is permitted one (1) attached or detached Private Garage based on the size of the dwelling:</i> | |
| <i>Dwelling size</i> | <i>Max. total square footage</i> |
| <i>Up to 1800 sq. ft.</i> | <i>800 sq. ft.</i> |
| <i>1800 – 4000 sq. ft.</i> | <i>1,000 sq. ft.</i> |
| <i>Over 4000 sq. ft.</i> | <i>1,200 sq. ft.</i> |
| <i>Each residential lot is permitted one (1) Accessory Building and one (1) Accessory Shelter that, combined, shall not exceed the following requirements:</i> | |
| <i>Lot Size</i> | <i>Max. total square footage</i> |
| <i>Up to ½ acre</i> | <i>600 sq. ft.</i> |
| <i>½ acre to one (1) acre</i> | <i>800 sq. ft.</i> |
| <i>One (1) to three (3) acres</i> | <i>1200 sq. ft.</i> |
| <i>More than three acres</i> | <i>2000 sq. ft.</i> |
| <i>Accessory Building Location</i> | |
| <i>Interior lot</i> | <i>Behind rear wall of the Main Building¹</i> |
| <i>Corner lot</i> | <i>Behind rear wall of the Main Building and observe the actual setback created by the adjacent main building of the abutting lot.¹</i> |
| <i>Accessory Building setback from:</i> | <i>Distance</i> |
| <i>Any dwelling</i> | <i>20 ft.</i> |
| <i>Any other Accessory Building</i> | <i>10 ft.</i> |
| <i>Side property line</i> | <i>5 ft.</i> |
| <i>Rear property line</i> | <i>5 ft.</i> |
| <i>Accessory Building Height</i> | <i>Max. height</i> |
| <i>Wall height</i> | <i>10 ft.</i> |
| <i>Overall height</i> | <i>20 ft. or the overall height of the main building, whichever is less.</i> |

1. Except that an Accessory Shelter of not more than 100 sq. ft. may be permitted in the front yard or side yard if it is entirely unenclosed.

A. All structures combined shall not exceed the basic footprint of thirty-five percent of the lot. Such footprint shall be permitted to be split to accommodate the maximum use of the lot.

B. Accessory structures and Private Detached Garages commonly associated with R1-A and R1-B Districts are not permitted in a cluster development in accordance with Section 1270.33(d)(4)F.

C. Swimming pools, whether in-ground or above-ground, shall be permitted regardless of size providing such pool does not exceed the thirty-five percent lot coverage inclusive with all other accessory structures.

Section 2. Chapter 1270, Section 1270.12, Paragraph (a) of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 1270 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend Chapter 1270 Residential Districts, Section 1270.12 Yards for Accessory Buildings and Uses, Paragraph (a) of the Codified Ordinances of the City of North Royalton in order to clarify and update language contained in these sections and to simplify the code for the benefit of the public.



City of North Royalton

Mayor Larry Antoskiewicz

Community Development, Building Division

Dan Kulchytsky Building Commissioner

11545 Royalton Road, North Royalton, OH 44133

Phone: 440-582-3000

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

1. This request is made for the following property:

| | | | |
|-------------------------|-----------------|--|-------------------------------------|
| <u>11865 W. 130th</u> | | Occupant, Business or Tenant (if applicable) | |
| Address | | | |
| <u>PPN: 481-25-047</u> | <u>R-1A</u> | HOA Name: <u>N/A</u> | |
| Permanent Parcel Number | Zoning District | Ward No. | Letter of Approval Rec'd: Yes or No |
| | | | Letter of Denial Rec'd: Yes or No |

2. Property Owner:

| | |
|-----------------------------|----------------------------------|
| <u>Andrzej Stodolski</u> | |
| Name | Name of Business (if applicable) |
| <u>Same</u> | <u>(216) 544-2585</u> |
| Address | Phone |
| | |
| City, State and Postal Code | Email (electronic mail) |

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

| | |
|-----------------------------|----------------------------------|
| <u>Andrzej Stodolski</u> | |
| Name | Name of Business (if applicable) |
| <u>Same</u> | |
| Address | Phone |
| | |
| City, State and Postal Code | Email (electronic mail) |

For Office Use Only

| | |
|--|--------------------------------|
| <u>10-20-22</u> | |
| Date Application Submitted | Meeting Date Assigned |
| <u>\$ (see 22-09)</u> | <u>BZA 22-09.1</u> |
| Application Fee | 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.

I'm requesting for new Accessory - garage building and I have said before the reason why I need or can't have this Accessory building on the back is because ~~for~~ grading ^{of slope} and creek is too close to place it on a back (800 sq. ft.) Structure

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

I'm asking of variance to C.O. 1270.12 in order to build Accessory structure on a side of the house

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.

Burner Audrey Stodolsky
Applicant Signature, Printed Name and Title

9.26.22
Date

/
Property Owner Signature, Printed Name and Title

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: _____

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

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

minimum

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;

none

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;

Creek runs by BACKED

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

NO there no other location

- 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;

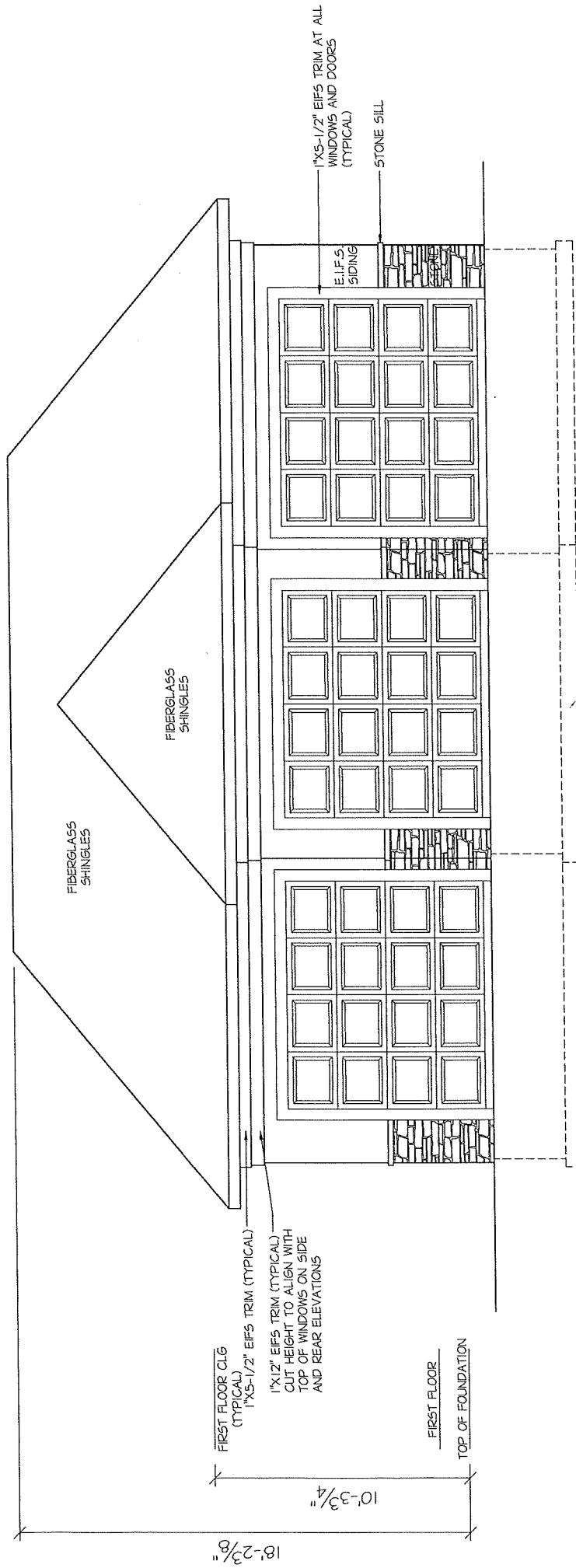
NO

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

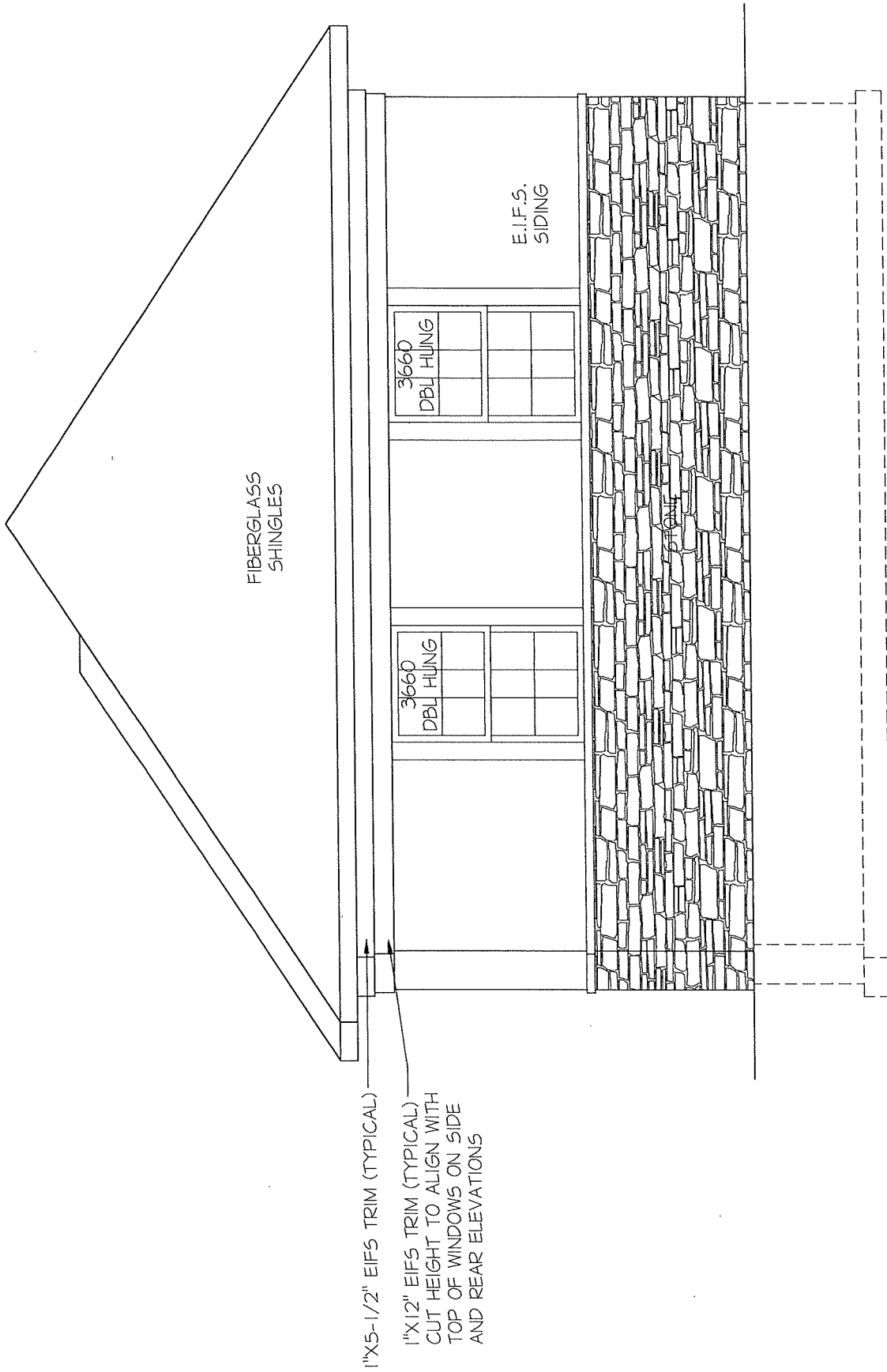
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INFORMATION

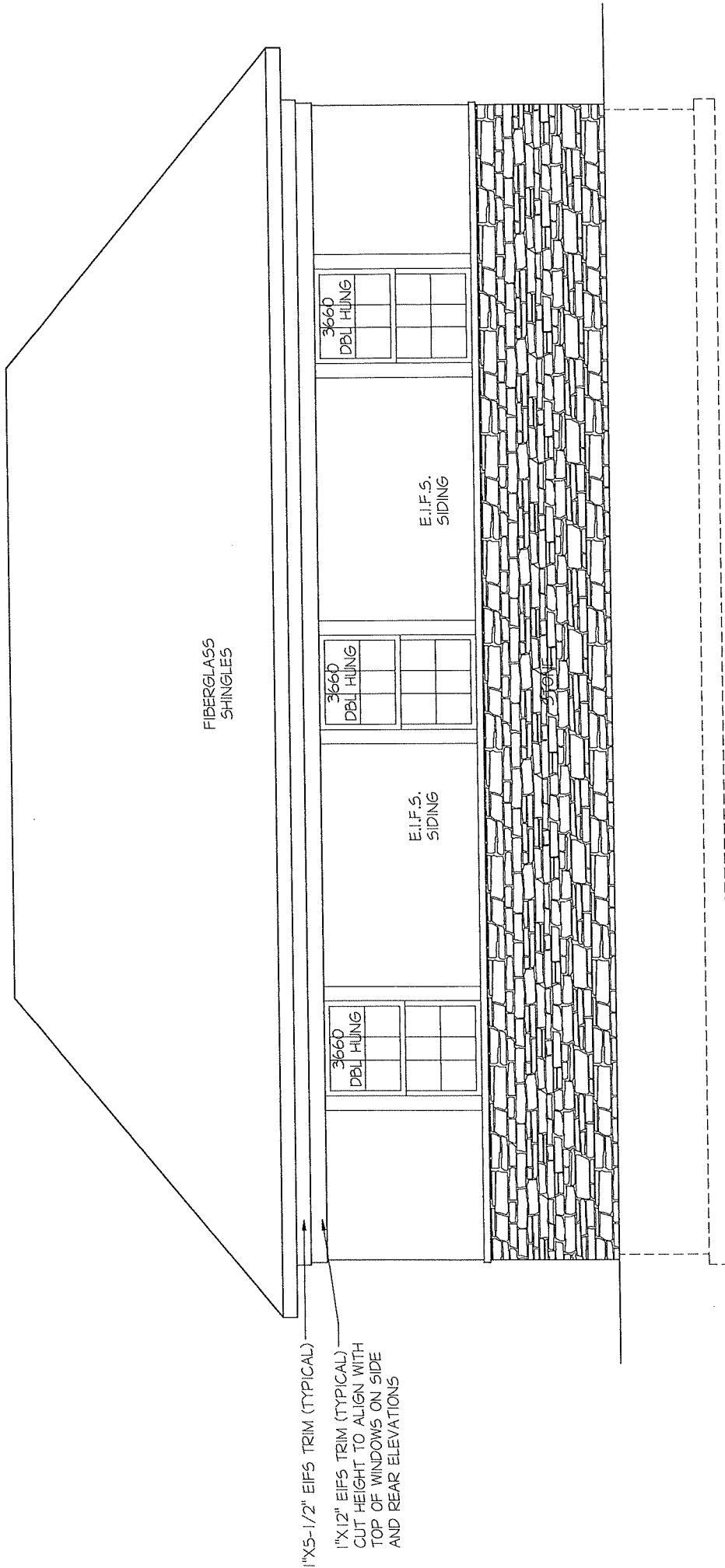
Statistics shown are approximations and were derived from U.S. Census Bureau records (where provided), school field measurements (where possible), and various phone and area not provided. All other data are estimates. The exact location of temporary facilities cannot be accurately completed and reliability dependent. The above and/or Engineer assumes no title or liability. For further information, contact the Old Dominion Production Service, Inc., at 1-800-368-2784. All other information is for reference.



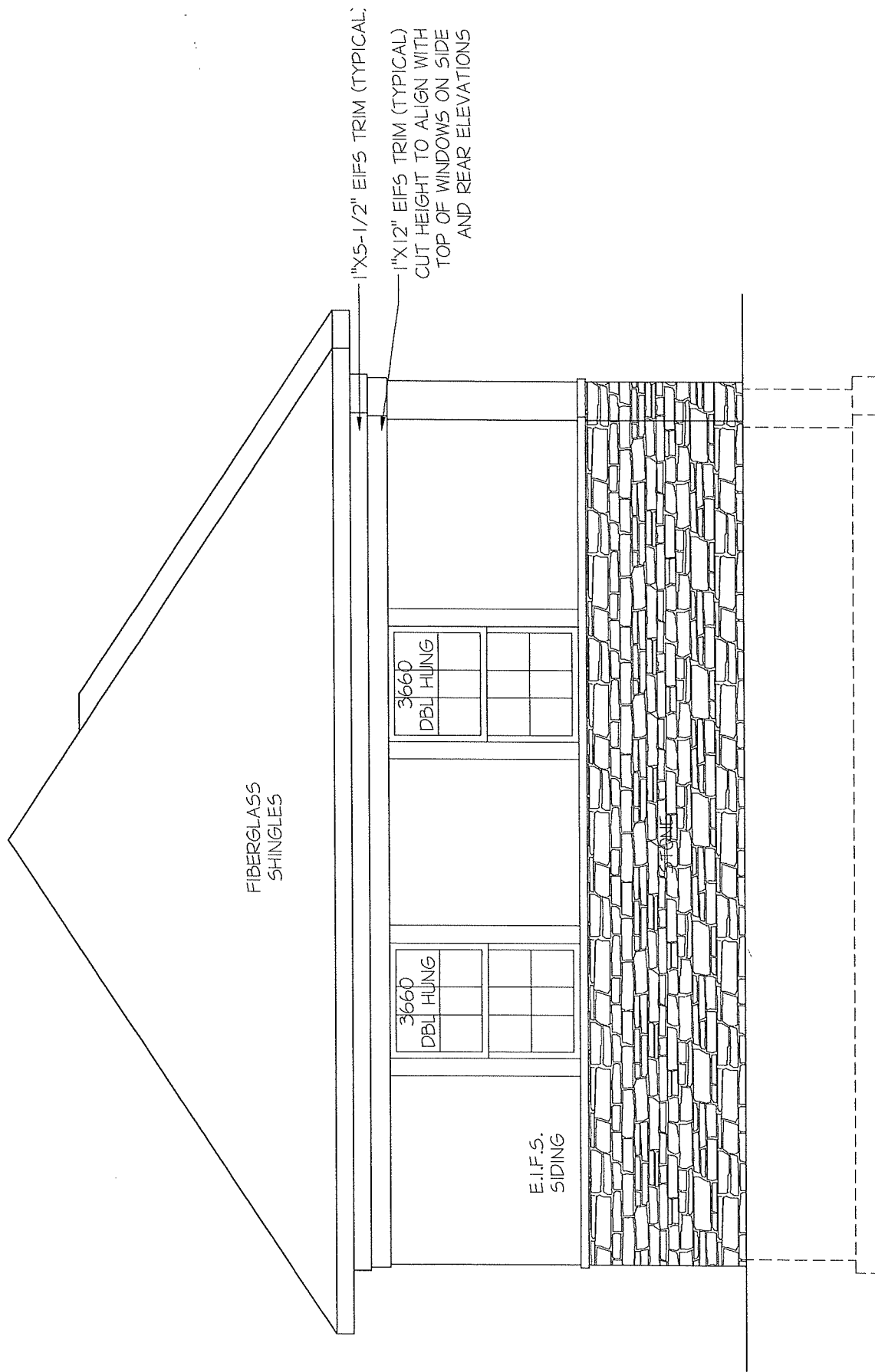
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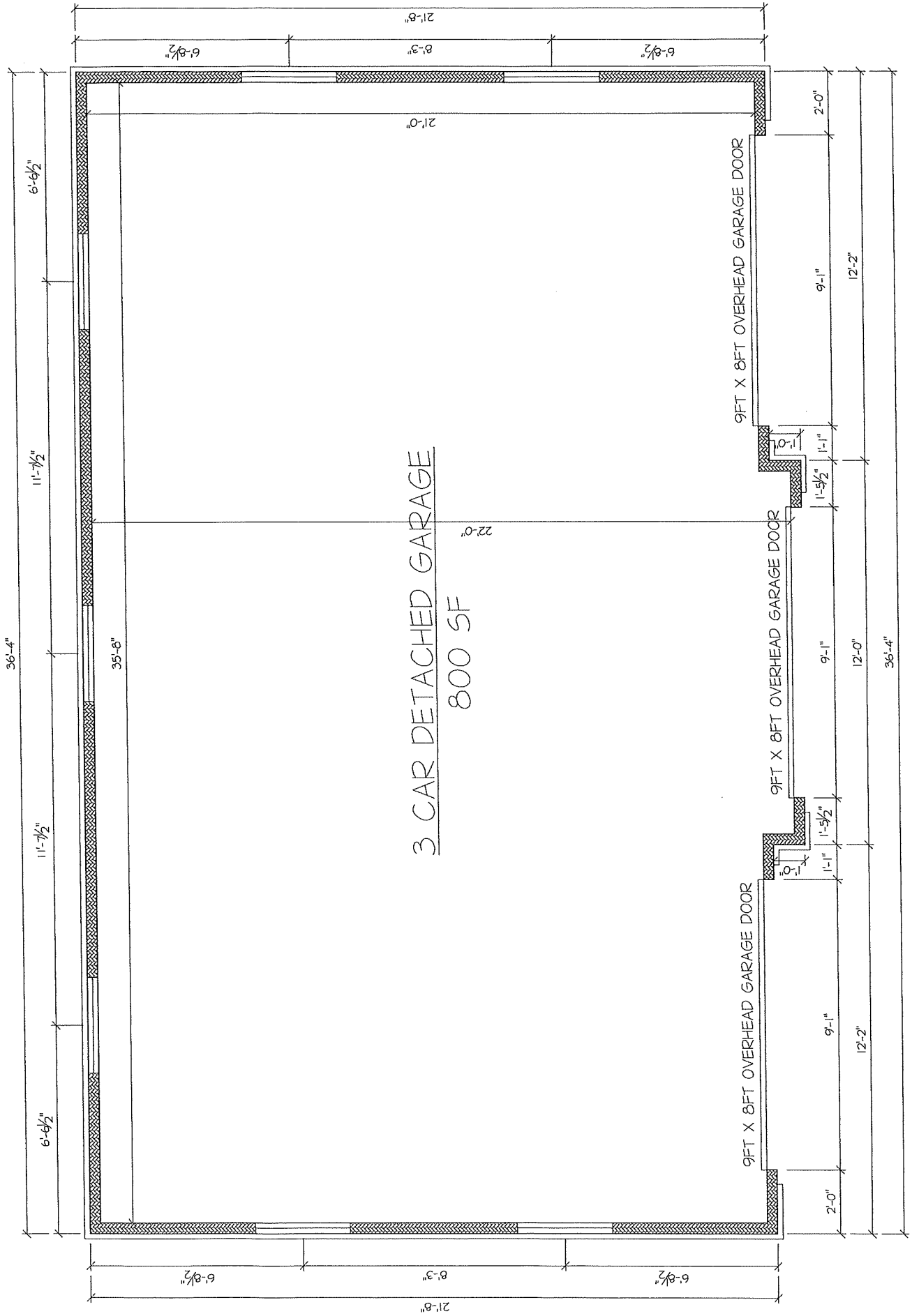
RIGHT ELEVATION
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REAR ELEVATION
"OPTION B"



LEFT ELEVATION
"OPTION B"





Cuyahoga County GIS Viewer

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