



City of North Royalton

Mayor Larry Antoskiewicz

Board of Zoning Appeals

David Smerek, Building Commissioner

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, **December 15, 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 1260 "General Provisions and Definitions"**, of the City of North Royalton Zoning Code. Request is being made by Marina Kennedy, on behalf of James and Amy Toth, who is seeking a variance for the location of pool equipment at 5060 Brookhaven Drive also known as PPN: 486-24-015, in Residential (R1-A) District zoning. The variance being requested is as follows:

Variance #1: Codified Ordinance Section 1260.19(b)(1) "Swimming Pools." Applicant is proposing to construct a roughly 300 square foot pool in the rear yard with related equipment to be placed in the side yard. Request is for a variance to place the equipment in the side yard of the property.

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



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>5060 Brookhaven N Royalton OH 44133</u> Address | <u>Occupant</u> Occupant, Business or Tenant (if applicable) |
| <u>PPN: 486-24-015</u> Permanent Parcel Number | <u>R1-A</u> Zoning District |
| | Ward No. |
| | HOA Name: <u>PINE HILL HOA</u> Letter of Approval Rec'd: <u>Yes</u> or No Letter of Denial Rec'd: Yes or No |

2. Property Owner:

| | |
|---|--|
| <u>James & Amy Toth</u> Name | <u>Name of Business (if applicable)</u> |
| <u>5060 Brookhaven</u> Address | <u>216-440-7555 Jim</u> Phone |
| <u>N Royalton OH 44133</u> City, State and Postal Code | <u>jimnet1999@yahoo.com</u> Email (electronic mail) |

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

| | |
|---|---|
| <u>Marina Kennedy</u> Name | <u>Ohio Custom Pool and Patio</u> Name of Business (if applicable) |
| <u>1545 W 130th UNIT E</u> Address | <u>440-638-4142</u> Phone |
| <u>Hinckley OH 44233</u> City, State and Postal Code | <u>Marina@OhioPoolandPatio.com</u> Email (electronic mail) |

For Office Use Only

| | |
|---|---|
| <u>10/28/22</u> Date Application Submitted | <u>12/15/22</u> Meeting Date Assigned |
| <u>\$ 75</u> Application Fee | <u>BZA22-- 13</u> Identification Number Assigned |
| <u>Check 7548</u> Payment Information (date, check number, cash, etc.) | <u>I.R.</u> 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.

We are asking for a variance so that the equipment pad for the pool equipment can be placed on the east (side)of the home. We like to place the equipment as close to the services coming into the home (electrical and natural gas). By placing the pad next to the services coming into the home we do not have to run additional electrial and gas lines into the rear yard/ rear of home.

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

1260.19 states equipment shall not be located in the front or side yard.

We are asking to place the pool equipment on the East side yard of the home next to services coming into the home to eliminate the need additional electrical and natural gas to the back yard.

1260.19 Section (1)

(1) Private pools may be located in a Residential District as an accessory use to a dwelling. The pool and any accessory buildings or structures or equipment shall not be located in a front or side yard and shall be not less than fifteen feet from any lot line.

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.

Marina Kennedy / Marina Kennedy Owner 10/19/2022
Applicant Signature, Printed Name and Title Date
James Toth Owner 10/27/2022
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)

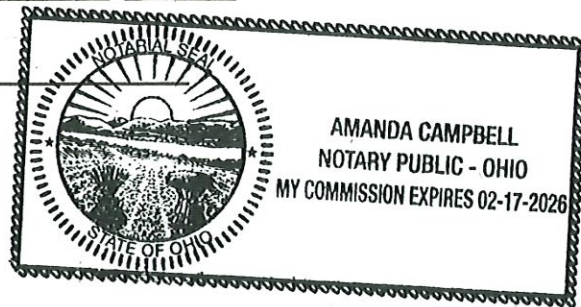
I, James Toth (name) of _____
(company, if applicable), hereby certify that I/we are the Owner
(owner(s), executor(s), etc.) of 5060 Brookhaven N Royalton OH 44133 (property address or
permanent parcel number) and further verify that Jim Kennedy (name
of representative) is authorized to represent my/our interests and make decisions on my/our behalf
when appearing before the North Royalton Board of Zoning Appeals.

James Toth 10/27/2022
Signature Date

Before me, a Notary Public in and for said county, personally appeared James Toth
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 Medina,
Ohio on this 27 day of October, 2022

Amanda Campbell
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: 5060 Brookhaven N 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;

The pool can still be built by not placing the pool equipment pad at the side, back corner of the home. The pad would have to be relocated causing an additional run of services to the pad.

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

This is a minimum necessary for the location of the pad at the side, back corner of the home.
Rule of thumb for pool builder is to put the pad as close to the services coming into the home.

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;

The equipment pad being located at the side, rear corner of the home close to services coming into the home would not cause detriment to the neighbors or development. A fence would surround the equipment pad and privacy planting would go in for sight and sound.

Equipment pad would be 41 ft from the property line and 75 ft from the East Neighbors garage side of thier home.

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

no government services or city services would be effected by the location of the equipment pad.

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;

Relief from the zoning provision

- 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;

Special circumstances - Locating the equipment pad next to the services coming into the home is standard practice and eliminated the need to run addition services to another location on the property.

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

The equipemnt pad could be moved to the rear of the yard away from serivces coming into the home. Addition services would have to be run underground to the pad (Natural Gas and electrical) and additional privacy plantings would have to be installed.

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

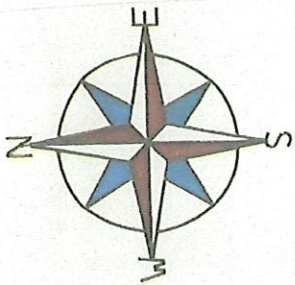
no it will not

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

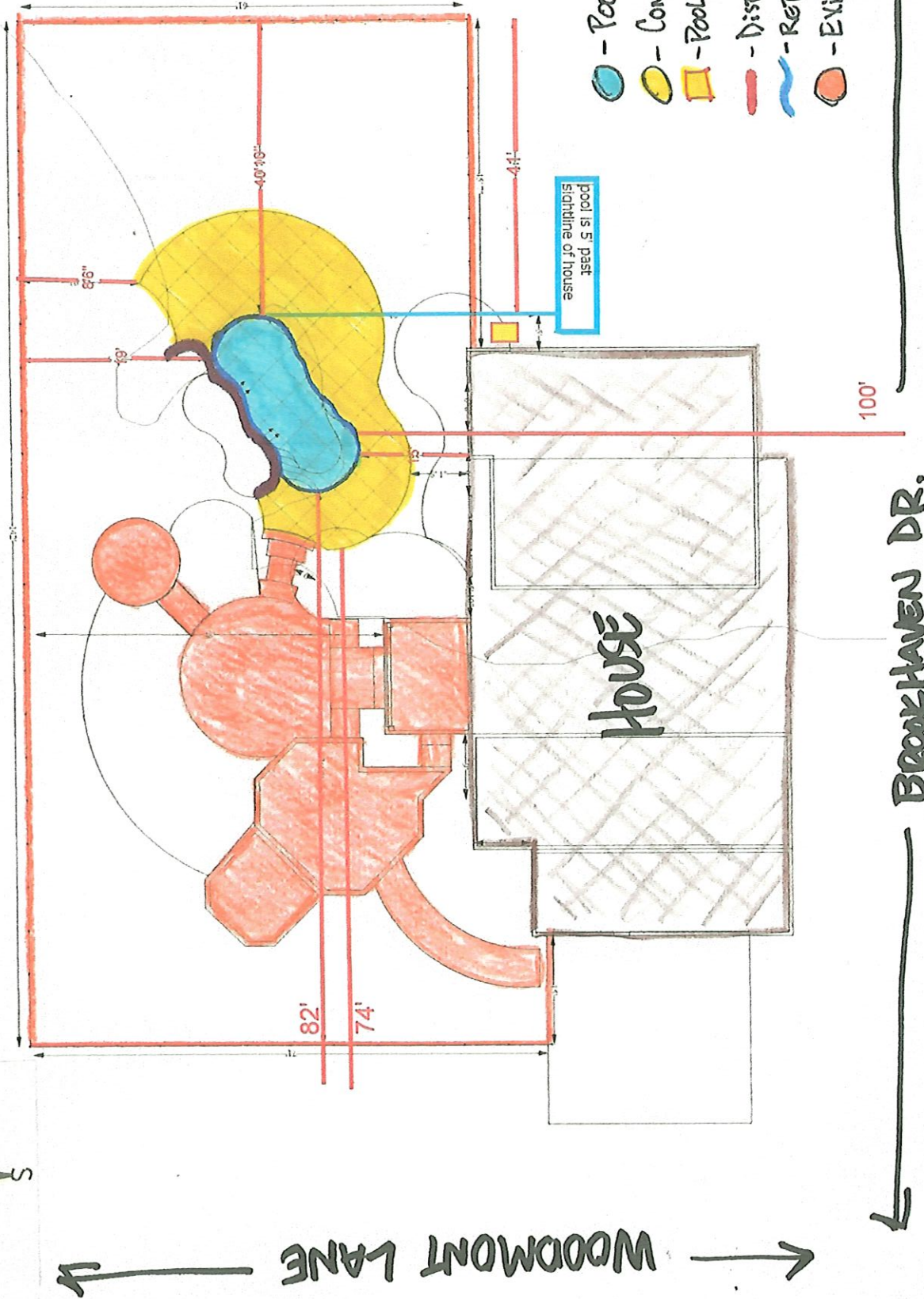
None

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

Granting the variance would eliminate the need to move the equipment pad away from the services coming into the home and running additional underground Natural Gas and electrical line to the pad located in the rear of the home/yard.



TOTM - 5060 BROOKHAVEN N. ROYALTON OH 44133
OHIO CUSTOM POOL AND PATIO / 440-638-4142



3D Representation of Pool Equipment Pad on Eastside of home

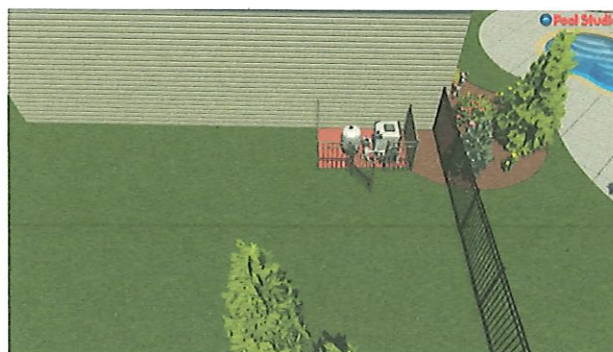
View from Neighbor on East side of property



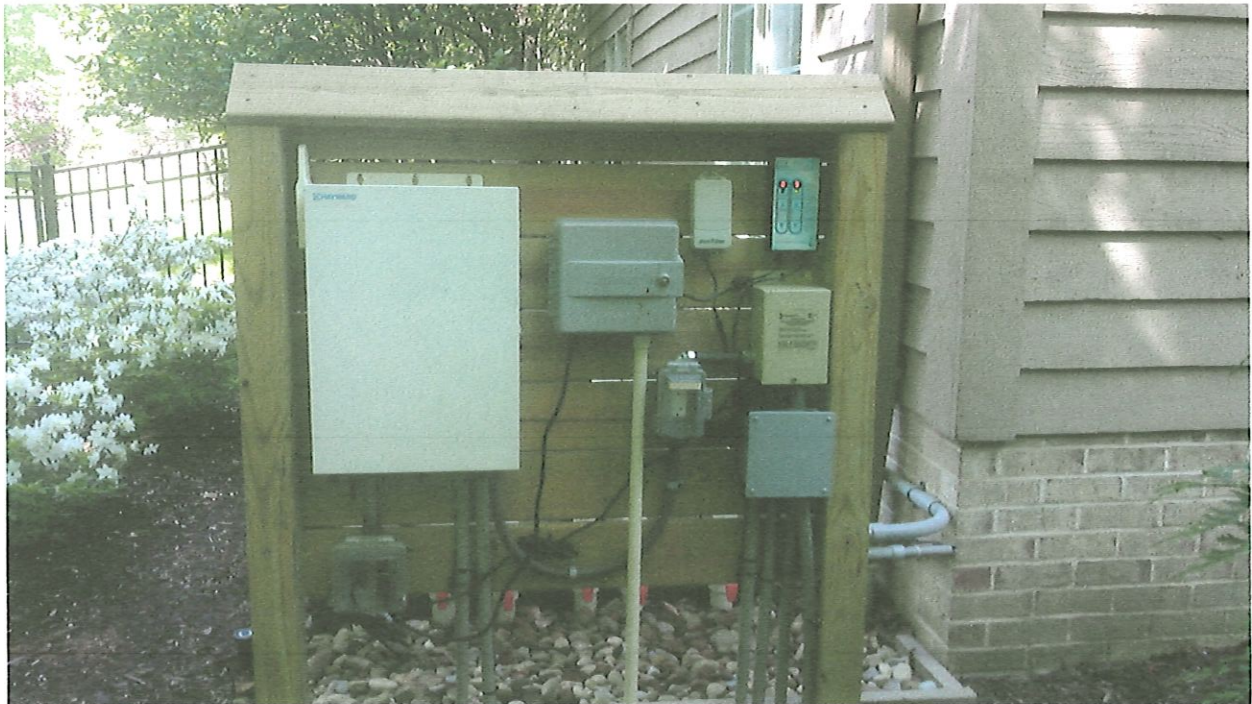
View from Brookhaven Dr.



Overhead view



Equipment Pad Configuration



APPLICATION

PINE HILL SUBDIVISION
ARCHITECTURAL REVIEW COMMITTEE
PINE HILL HOMEOWNERS ASSOCIATION, INC.
C/O 5866 BROADVIEW ROAD, CLEVELAND, OH 44134
TELEPHONE NO. (216)351-7210

Sublot No.: 11

Builder/Homeowner: James Dennis & Amy Heston Toth
5060 Brookhaven Drive
North Royalton/Ohio/44133

Description of Building Plans:

Per attached .pdf document. We will be installing a private pool (12X25). The pool will include a concrete
deck/patio around the pool. The pool heaters and filters will be located in the northeast corner of the house
and a privacy fence will hide the equipment. A fence will be installed in the back and side yard to provide
the necessary security. We will also place pine trees for additional privacy.

Square Feet: Pool (300) Pool with patio apprx (725)

Date Submitted: 09.13.2021

Submitted By: James and Amy Toth

For Architectural Review Committee Use

Approved: Yes

Rejected: _____

Modification Required: SUBJECT TO ALL CITY BUILDING, ENGINEERING AND
ZONING CODES.

5200 - 9/21/21
By: _____ Date

Adjoining Lot Owners Notified: Via mail 9/13/21



H&M
LANDSCAPING
A LANDSCAPE DESIGN / BUILD FIRM
The Finest Landscaping & Lawn Care Services in the Greater Los Angeles Area

REVISED 06/09/13
09/13/2021
DATE 06/30/2021
JOB NUMBER 100
DRAWN BY DPN
CHECKED BY DPN
SCALE 1" = 3' - 0"
SHEET 1



1545 West 130th Street Suite E Hinckley OH 44233

440-638-4142 Marina@OhioPoolandPatio.com

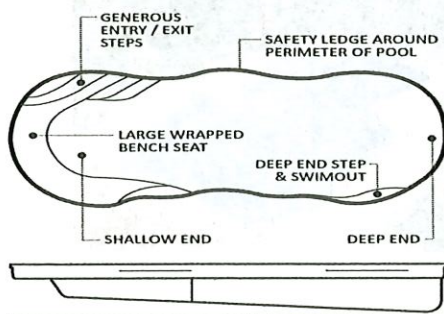
October 14, 2022

Jim and Amy Toth
5060 Brookhaven
North Royalton Ohio 44133

Description of project:

- **Leisure Pool** Leisure Riviera 26 - 12'4" x 26'7" depths range from 3'11" to 5'4" in depth Fiberglass pool shell. This pool will be equipped with 2 LED low voltage underwater lights. This pool is manufactured in Knoxville TN at the Leisure Pool US factory; this pool is manufactured with carbon fiber which has the highest compressive strength of all reinforcing material. This is the same material found in automobiles and airplanes.
- Pool deck material will be an integrally colored broomed finished concrete. Concrete subgrade to consist of a minimum of 4" compacted crushed stone, wire mesh reinforcement pulled up into middle of slab. Saw cut and light broom finish. Concrete slab to consist of 6.0 sac 4000# psi 6x6x10 Pool deck will be approximately 702 sq. feet.
- The pool will feature a natural sandstone coping with a color coordinated concrete pool deck.
- In-deck Solar Cover -solar blanket can be extended or retracted in less than a minute without a large reel sitting on your deck surface.
- Anchor Defender Mesh Winter Safety Pool Cover are made from a heavier tight-weave poly fabric that blocks up to 98% of sunlight.
- Retaining Wall: 85 Facial feet of 6" THICK poured concrete retaining wall covered with Dutch Quality - Fawnwood manufactured stone veneer applied to finish pool side and natural sandstone caps to match the coping around the pool.
- Customer has existing fence installed by other

POOL



CONCRETE

Pool deck will be integrally colored broomed concrete pool deck surrounding pool - 702 sq ft - Concrete subgrade to consist of a minimum of 4" compacted crushed stone. Concrete slab to consist of 6.0 sac 4000# psi 6x6x10 wire mesh reinforcement pulled up into middle of slab. Saw cut and light broom finish.

COPING



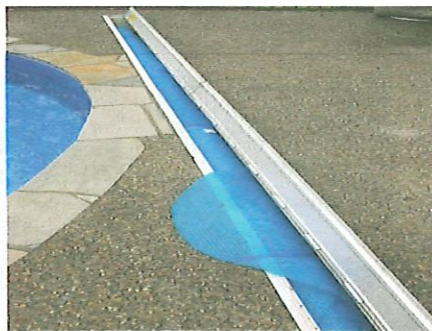
Height 2 1/4" Depth 12" Length 24" to 30"

Natural Sandstone Coping is the finishing touch to any pool landscape project. Color-coordinated finishes in coping add the grand finale to complete the pool edges and more. They say good design is found at the core, but great design is in the details

POOL SOLAR COVER

Clear Deck – In Deck Solar System

- Unlike conventional above ground blanket systems that are bulky and cumbersome to operate, ClearDeck allows for 1-person effortless operation
- ClearDeck is neatly concealed underground when lid is closed, allowing you to enjoy the beauty of your backyard
- Self-draining and easy to clean inside the ClearDeck – just spray and go!
- Eliminates tripping hazards when stowed underground and not in use.

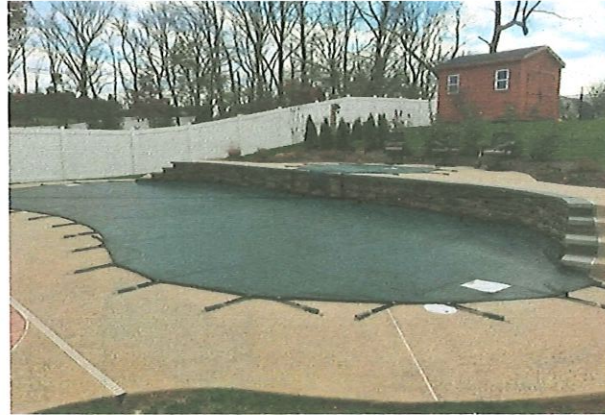


POOL WINTER COVER

Defender Mesh Safety Pool Covers are made from a heavier tight-weave poly fabric that blocks up to 98% of sunlight. By blocking nearly all UV rays, the patented fabric inhibits algae growth and minimizes debris entering the water to present a clean-to-pristine pool upon opening in the spring. Because of the tight-weave, chemical loss is reduced from pool water.

U.S. Patent No. 6,886,187 – 98% shade

Manufactured to meet ASTM F1346-91 Safety Standards



RETAINING WALL

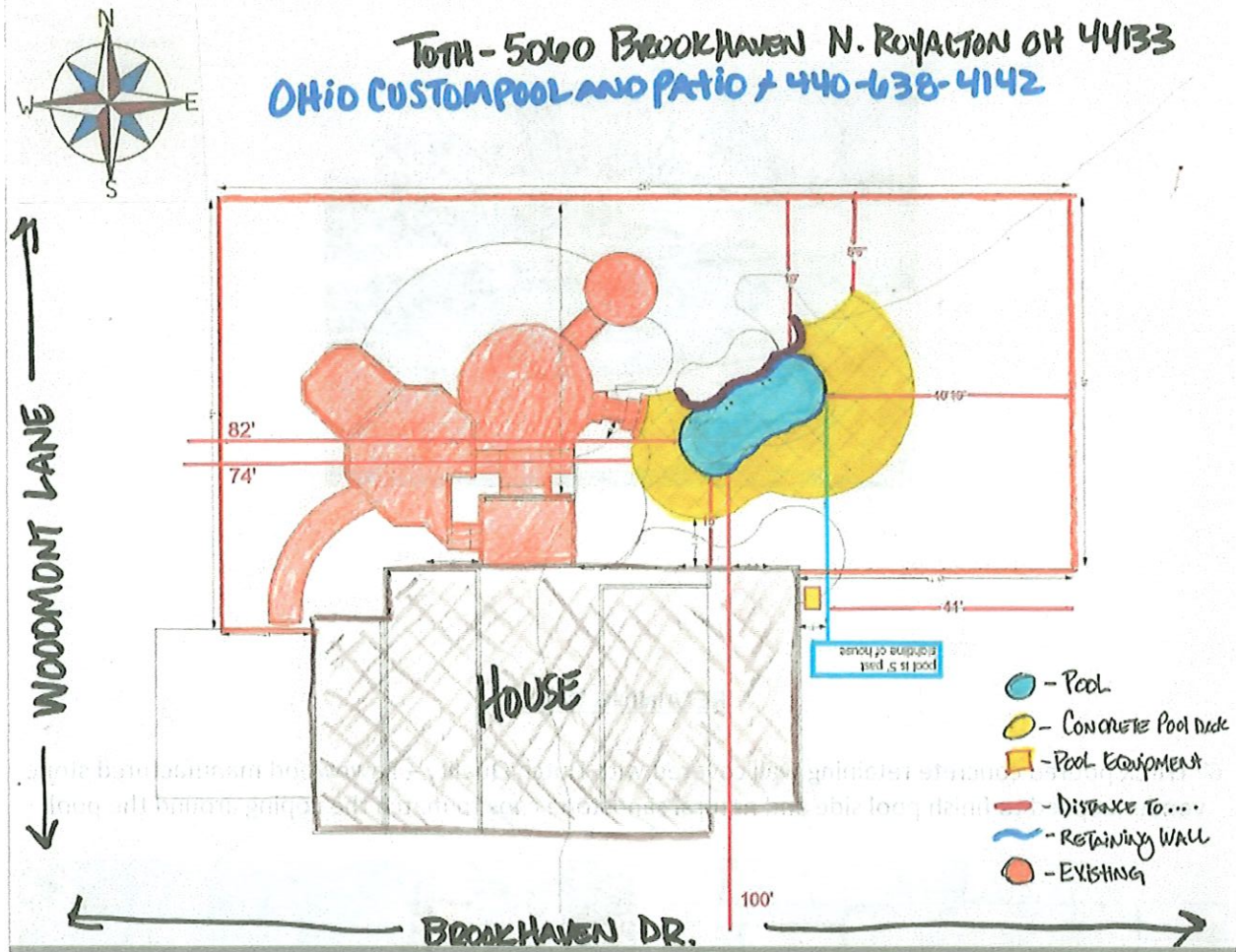
6" THICK poured concrete retaining wall covered with Dutch Quality – Fawnwood manufactured stone veneer applied to finish pool side and natural sandstone caps to match the coping around the pool.



FENCE

Existing and will not be provided by Ohio Custom Pool and Patio

SITE PLAN



3D Images







To: North Royalton Board of Zoning Appeals

From: James and Amy Toth

Re: Request to install a built in Pool at 5060 Brookhaven Drive North Royalton Ohio

We are requesting BZA approval for our project to install an inground pool in the backyard of our property located at 5060 Brookhaven Drive in the city of North Royalton. We are looking to add the pool for recreational purposes for our family.

We have worked with a landscape architect and our representatives from Ohio Custom Pool & Patio to determine the best location for the pool. Because of the corner layout of our house and to cause minimum disruption to existing landscaping it was determined that the best location would be on the east side of our property. We have decided on a smaller pool and went with a free flow design rather than traditional rectangular to minimize extension into the side of our backyard. This also allows us to maintain the 15 ft requirements from the outside of our house and covered patio.

We have installed 4-foot aluminum fence for security and safety around the perimeter of the back yard. We have received the variance and approvals to install the 4-foot fence along the west side of our property.

Working with the landscape architect we will install the necessary plantings to provide privacy to our neighbors on the east and south side of our property.

Thank you for your consideration in reviewing our request

James and Amy Toth



Cuyahoga County GIS Viewer



Date Created: 11/14/2022

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel



200 0 100 200 Feet

Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

