



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, **January 19, 2023** 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 John Tamer, on behalf of Jack and Joanne Peak, who is seeking a variance from the required 10-foot side setback for an attached garage addition at 4860 Persimmon Lane also known as PPN: 489-18-006, in Residential (R1-A) District zoning. The variance being requested is as follows:

Variance #1: Codified Ordinance Section 1270.05 "Schedule of Area, Yard and Height Regulations." Applicant is proposing to construct a 510 square foot attached garage. Request is for a variance of 7 feet from the required 10-foot side setback to allow the garage to extend to within 3 feet of the property line.

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](https://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 January 18th 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

David Smerek, 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:

Address: 4860 Persimmon Lane Occupant, Business or Tenant (if applicable): JACK & JOANNE PEAK
PPN: 489-18-006 Permanent Parcel Number Zoning District: R1-A Ward No.:
HOA Name: Royal Valley Hov
Letter of Approval Rec'd: ☒ Yes or No
Letter of Denial Rec'd: ☐ Yes or No

2. Property Owner:

Name: JACK & JOANNE PEAK Name of Business (if applicable): N/A
Address: 4860 Persimmon Lane Phone: 440-334-0748
City, State and Postal Code: North Royalton, OH 44133 Email (electronic mail): JEPEAKS88@GMAIL.COM

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

Name: JOHN TAMER Name of Business (if applicable): TAMER CONSTRUCTION INC.
Address: 6134 STATE RD. Phone: 440-886-4700
City, State and Postal Code: PARMA, OH 44134 Email (electronic mail): JOHN@TAMERCONSTRUCTION.COM

For Office Use Only

Date Application Submitted: 11/10/2022 Meeting Date Assigned: 12/15/2022 Identification Number Assigned: BZA-- 22-15
Application Fee: \$ 7500 Payment Information (date, check number, cash, etc.): Cheq Received by: J.R.

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 proposing to add a front facing 2-car garage to the existing home and converting the old garage into a large accessible laundry room and the ~~existing~~ remaining existing area to a multi purpose area and room to build a future accessible entry ramp to meet ADA requirements. Instead of considering moving, The Peaks decided they want this to be their "forever" home and want to make improvements that will make it possible for them to stay

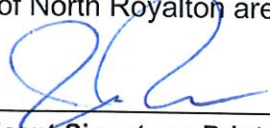
6. Description or the nature of the variance(s) requested and the corresponding Section(s) from the City of North Royalton Code of Ordinances.

Sideline Setback VARIANCE SECTION 1270-05


The sideline setback is currently 10'. The new addition setback would be 3' so we are requesting a 7' VARIANCE because of the shape of the lot and how the existing structure is positioned on the lot

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.

 / John Tamer, President
Applicant Signature, Printed Name and Title

11/8/22
Date

 / Jack E. Peak
Property Owner Signature, Printed Name and Title

11/7/2022
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: 4860 Persimmon Ln.

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;

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

IF the existing garage is converted, this new addition would be the
minimum requirement of a 2 CAR GARAGE

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;

This would not alter the character of the neighborhood as there
are several front facing garages on the street & in the neighborhood

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

This would not adversely affect and government services

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;

I do believe the provision was always in place

- 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;

The existing lot is in a cul-de-sac & has slight irregularities.

The existing house is positioned on the lot at an angle to the lot's side lines
so it lined up with the front & rear lines

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

This is the only option to gain the space needed for accessibility
and we are keeping the new addition to a minimum size.

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

This will not create a nonconforming lot.

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

There are no special conditions created as a result of the owner.

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

The spirit & intent will be observed and we are keeping the
size of the new structure to a minimum width of an
attached 2-car garage (22')

shawnpaul.royalvalleyhoa <shawnpaul.royalvalleyhoa@gmail.com>

Fri, Nov 11,
2022 at 9:02
AM

To: John <john@tamerconstruction.com>

Good morning John,

I discussed your request with the architecture committee regarding the side line setback variance for the Peak addition. The board has to take into consideration the interests of all parties and in so doing the board grants your variance request so long as the neighbor adjacent to the addition gives written consent that they also approve. Let me know if the the board can be of any further assistance.
Thanks John.

Best Regards,

Shawn P. Paul
RVHA Board of Directors

4850 Persimmon Lane
North Royalton, OH 44133

Royal Valley Homeowners Association, Inc.
P.O. Box 33590
North Royalton, OH 44133-3590


RE: Variance Consent

Dear RVHA Board of Directors:

We reside at 4850 Persimmon Lane. Our next-door neighbors, Jack and Joanne Peak, who reside at 4860 Persimmon Lane, have made us aware of an addition they would like to build onto their home. We understand that the proposed addition requires a 7-foot variance from the side-yard building line nearest our property. We consent to this variance.

John & Emily Sopko

cc: Tamer Construction



11/13/22

CITY OF NORTH ROYALTON

Consolidated Sanitary Sewer District

Phone: 440-237-5010
Facsimile: 440-582-9281



11675 Royalton Road
North Royalton, Ohio 44133

October 27, 2022

Mr. John Tamer
Tamer Construction, Inc.
6134 State Road, Parma, Ohio 44134

Dear Mr. Tamer:

The North Royalton Consolidated Sanitary Sewer District (NRCSSD) has reviewed your request regarding building modifications for the property located at 4860 Persimmon Lane in North Royalton.

After reviewing the original Topographical Survey and Improvement Plan (TOPO) and making an on-site inspection (photos attached), we have determined that the existing Thirty-Foot (30') Sanitary Sewer Easement located on the northern side of the property has already been breached as the driveway and landscaping bed with retaining wall are all within the easement. With the understanding that per the City of North Royalton Codified Ordinance CHAPTER 1467 – Fences, we have determined that the existing retaining wall (per 1467.01 below) and landscape bed is considered a 'fence' and is subject to the Ordinance and is installed within the Sanitary Sewer easement and is subject to section 1467.04 GENERAL REQUIREMENTS (n) also below.

1467.01 Purpose.

The purpose of this chapter is to establish regulations controlling the use of fences (wood, vinyl, iron, steel, **masonry, stone, and any type of growing plant or shrub or other material not listed**) **balancing the property owners' interests of privacy, security, and landscape design within the property** with due consideration to the environment of the neighboring properties, the appearance of the community, and the safety of the public and the individual.
(Ord. 15-11. Passed 1-20-15.)

1467.04 GENERAL REQUIREMENTS.

(n) **Easements and Access to Utilities.**

(1) Fences in easements and those that obstruct utilities shall not be permitted without prior approval of the Building Commissioner and City Engineer.

(2) Fences placed on utility easements shall provide access to manholes, utility boxes, clean outs or other appurtenances that may be used from time to time for maintenance of the utility.

(3) When a fence obstructs access to utilities, utility easements, manholes, utility boxes, clean outs or other appurtenances, the owner shall be required to remove such fence at his or her expense without remuneration.

(4) The fence shall be removed promptly upon written notice. Whoever violates this requirement shall be assessed any costs incurred by the municipality in disposing of the fence and restoration of the site in addition to any violations as described in Section 1467.99.

(Ord. 15-11. Passed 1-20-15.)

With that being understood, the proposed alterations/additions would be built within the documented 30' sanitary sewer easement and **MAY be in conflict SHOULD** the actual 8" sanitary sewer main pipe need to be excavated for any repairs/replacement.

Therefore, the NRCSSD will not object to this proposed building alteration/addition providing the Building Department and Board of Zoning Appeals approve said project as proposed to us.

Should you have any questions or need additional information, please do not hesitate to contact the Inspector, Rusty Rosewicz at 440-237-5010, ext. 5506.

Sincerely,



Mark A. Smith, Superintendent
North Royalton Consolidated Sanitary Sewer District

Cc: Scott Shantery, Assistant Superintendent, Maintenance
Zoning
Building Department
Engineering Department



Cuyahoga County GIS Viewer



Date Created: 11/14/2022

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel



1: 1,200

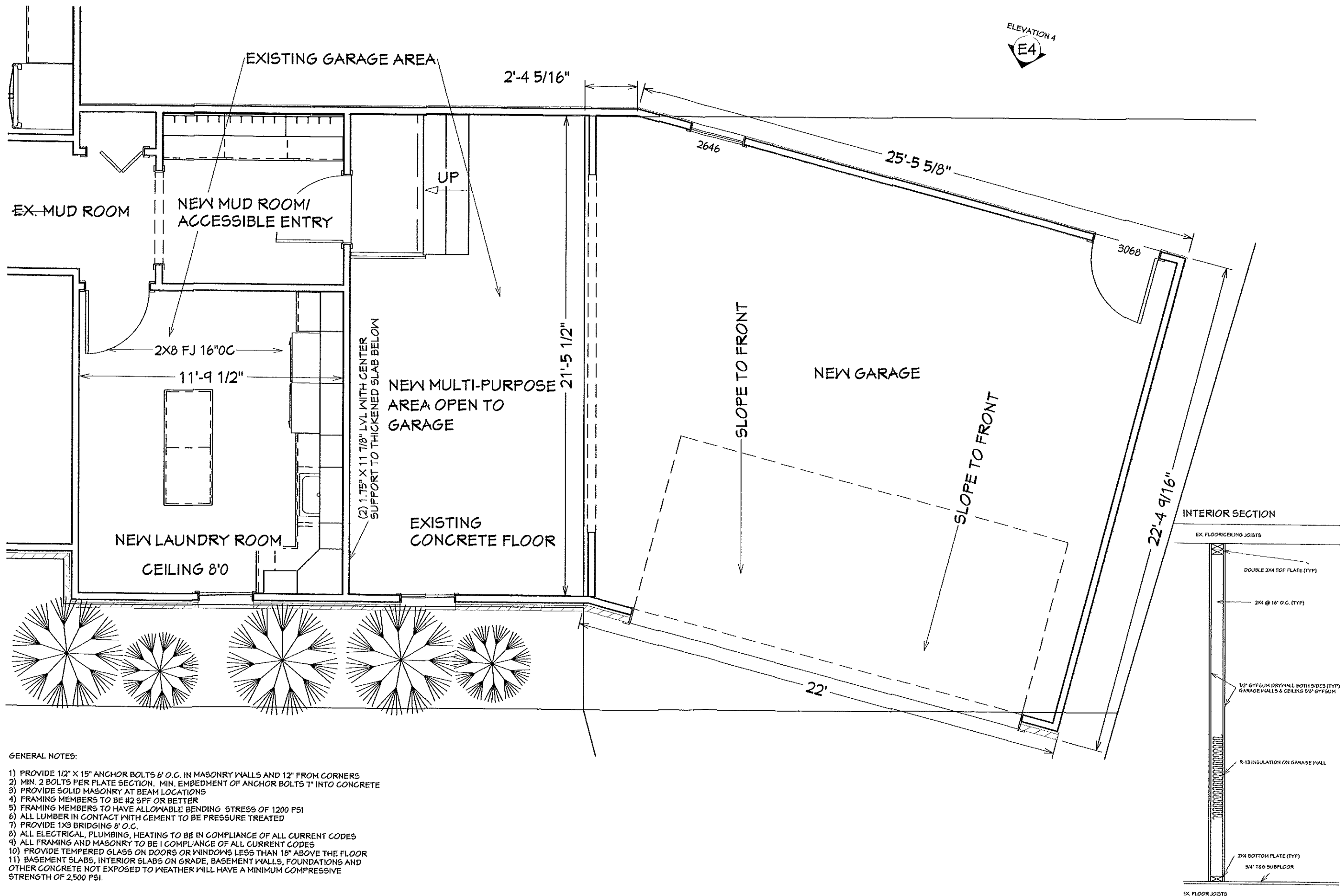


200 0 100 200 Feet

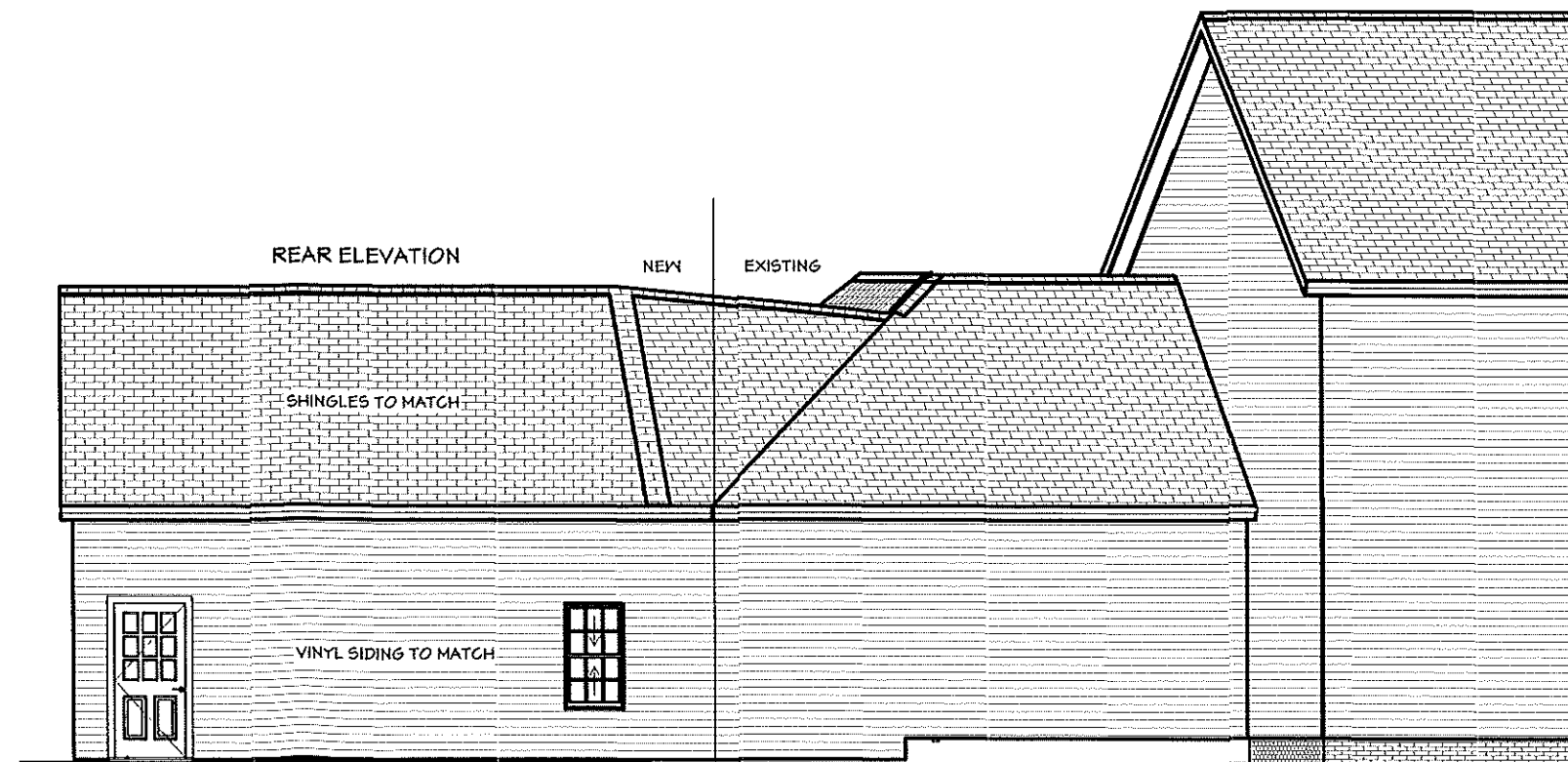
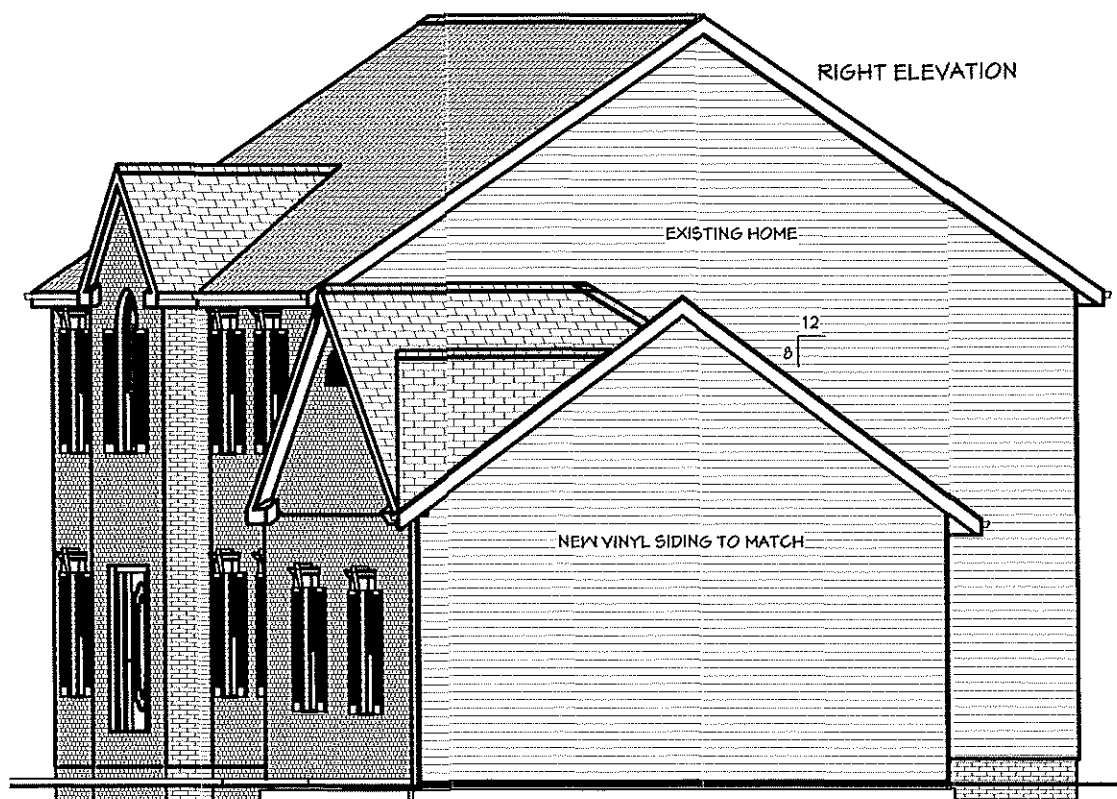
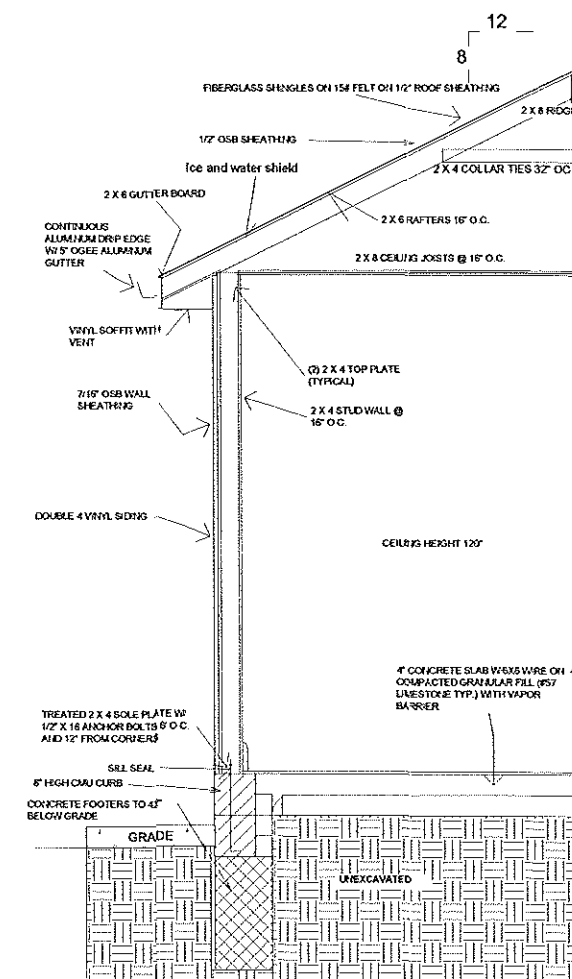
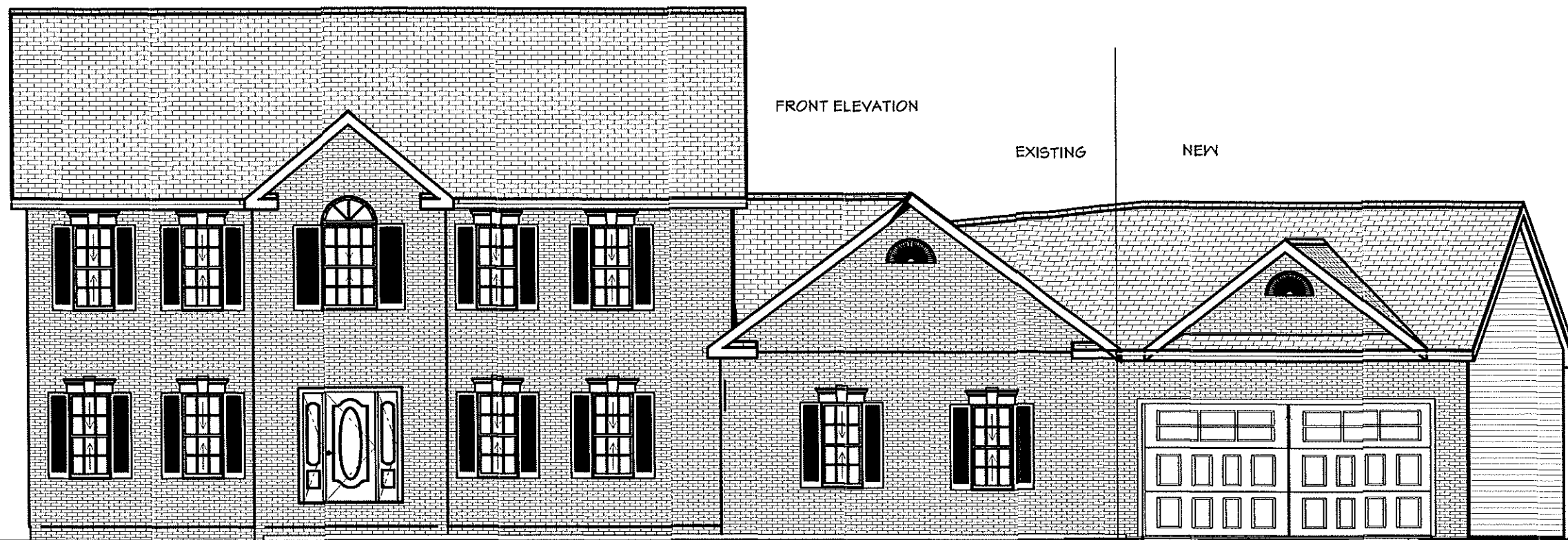
Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere

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



- GENERAL NOTES:
- 1) PROVIDE 1/2" X 15" ANCHOR BOLTS 6' O.C. IN MASONRY WALLS AND 12" FROM CORNERS
 - 2) MIN. 2 BOLTS PER PLATE SECTION. MIN. EMBEDMENT OF ANCHOR BOLTS 7" INTO CONCRETE
 - 3) PROVIDE SOLID MASONRY AT BEAM LOCATIONS
 - 4) FRAMING MEMBERS TO BE #2 SPF OR BETTER
 - 5) FRAMING MEMBERS TO HAVE ALLOWABLE BENDING STRESS OF 1200 PSI
 - 6) ALL LUMBER IN CONTACT WITH CEMENT TO BE PRESSURE TREATED
 - 7) PROVIDE 1X3 BRIDGING 8' O.C.
 - 8) ALL ELECTRICAL, PLUMBING, HEATING TO BE IN COMPLIANCE OF ALL CURRENT CODES
 - 9) ALL FRAMING AND MASONRY TO BE IN COMPLIANCE OF ALL CURRENT CODES
 - 10) PROVIDE TEMPERED GLASS ON DOORS OR WINDOWS LESS THAN 18" ABOVE THE FLOOR
 - 11) BASEMENT SLABS, INTERIOR SLABS ON GRADE, BASEMENT WALLS, FOUNDATIONS AND OTHER CONCRETE NOT EXPOSED TO WEATHER WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2,500 PSI.



TAMER
Quality Home Remodeling

SHEET TITLE:
ELEVATIONS/WALL SECTION

GARAGE ADDITION FOR:
The Peak Residence
4860 Persimmon Ln.
North Royalton, OH 44133

Tamer Construction Inc.
6134 State Road
Parma, OH 44134
PH: 440.886.4700

DATE:
11/9/2022

SCALE:
1/8" = 1'

SHEET:
A-2