



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, **April 27, 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 of variances to **Chapter 1270 "Residential Districts"** and **Chapter 1286 "Nonconforming Uses"** of the City of North Royalton Zoning Code. Request is being made by Paul Burlij, on behalf of Oksana Kraus, property owner, for a residential addition at 9989 State Road, also known as PPN: 489-17-014, in Residential R1-A District zoning. The variances being requested are as follows:

- Variance #1:** Codified Ordinance Section 1270.08 "Front Yards of Developed Blocks." Code requires a minimum front yard setback of 130.75 feet based on the average setback distance of existing buildings within 100 feet on either side of the subject property. Request is for a front yard setback variance of 99.57 feet to construct an addition to the existing residential structure on the property.
- Variance #2:** Codified Ordinance Section 1270.07 "Required Yards to be Maintained." Code states that a yard of less than the required dimensions shall not be further reduced in any manner. Request is for a variance to further reduce a front yard of less than the required dimensions by 3.58 feet.
- Variance #3:** Codified Ordinance Section 1286.06(a) "Extension Prohibited." Code does not permit the enlargement or structural alteration of a nonconforming building except to make it a conforming building. The existing residential structure does not conform to the front yard setback requirements of the R1-A zoning district. Request is for a variance to enlarge the existing nonconforming building and increase the nonconformance by an additional 3.58 feet.

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: [Board of Zoning Appeals Website](#)

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 April 26th 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

11545 Royalton Road • North Royalton, Ohio 44133 • ph 440.457.5652 • irussell@northroyalton.org

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:

9989 STATE ROAD

Address

ANIZA KRAUS

Occupant, Business or Tenant (if applicable)

PPN: 489-17-014

Permanent Parcel Number

R1-A

Zoning District

Ward No.

HOA Name: _____

Letter of Approval Rec'd: Yes or No

Letter of Denial Rec'd: Yes or No

2. Property Owner:

OKSANA KRAUS

Name

N/A

Name of Business (if applicable)

6800 TOBIK TRAIL

Address

440-845-3151

Phone

PARMA HT., OH 44130

City, State and Postal Code

OKSANAKRAUS@gmail.com

Email (electronic mail)

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

PAUL BURLIJ

Name

E.A. CONSULTANTS LLC

Name of Business (if applicable)

4655 WILLIAMSBURG CT.

Address

440-552-9027

Phone

MEDINA, OH 44256

City, State and Postal Code

pburlj@gmail.com

Email (electronic mail)

For Office Use Only

3/13/2023

Date Application Submitted

4/27/2023

Meeting Date Assigned

\$ 75

Application Fee

Check # 2486

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

BZA--23-06

Identification Number Assigned

IR

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.

① THE OWNER OF SAID PROPERTY WANTS TO ADD A SINGLE STORY ADDITION SO THAT SHE COULD MOVE IN WITH HER DAUGHTER. BECAUSE THE ADDITION IS CLOSE TO THE ADJACENT SIDE PROPERTY LINE AND THE GRADE DROPS OFF BEHIND THE PROPOSED ADDITION, A FRONT SETBACK VARIANCE OF ~~18.57~~ FEET IS NEEDED. 99.57' PB

② TO EXPAND A NON-CONFORMING BUILDING WHICH DOES NOT MEET TO CODE REQUIRED SETBACK.
6. Description or the nature of the variance(s) requested and the corresponding Section(s) from the City of North Royalton Code of Ordinances. PB

① PER THE NORTH ROYALTON CODE OF ORDINANCE THE FRONT SETBACK REQUIREMENT FOR THE PROPERTY IS ~~52~~ FEET. THE PRESENT DWELLING HAS A ~~130.75~~ 35.01' FOOT SETBACK AND THE PROPOSED SETBACK FOR THE ADDITION IS ~~99.57~~ 31.43' FEET. A VARIANCE OF ~~18.57~~ FEET IS NEEDED. 99.57' PB

1270.08

② 1286.06(a) – THE EXISTING BUILDING DOES NOT CONFORM TO THE 50' SETBACK AND REQUESTING

A VARIANCE 3.58 FEET TO THE NEW ADDITION & EXPANSION OF THE NON-CONFORMING BUILDING. PB

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.

Paul Burlig / Paul Burlig
Applicant Signature, Printed Name and Title ARCHITECT

3.07.2023
Date

Orsana Kraus / ORSANA KRAUS
Property Owner Signature, Printed Name and Title OWNER

2-7-2023
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: 9989 STATE ROAD, N. ROYALTON

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;

PRESENTLY THERE IS AN EXISTING DWELLING THAT
WAS BUILT IN 1863 THAT IS IN USE BUT THE SIZE IS
INADEQUATE BY TODAY'S LIVING STANDARD.

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

99.57 FB
A MINIMUM VARIANCE OF 18.57 FEET IS NEEDED
TO MAKE POSSIBLE THE REASONABLE USE OF
THIS LAND.

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 ESSENTIAL CHARACTER OF THE NEIGHBORHOOD
WOULD NOT BE ALTERED NOR WOULD IT SUFFER ANY
DETIMENT AS A RESULT OF THE VARIANCE HOWEVER
ADJACENT PROPERTY VALUES WOULD INCREASE.

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

THE VARIANCE WOULD NOT ADVERSELY AFFECT
ANY GOVERNMENTAL 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;

YES, IT IS A RELIEF TO THE 50 FOOT SETBACK
REQUIREMENT THAT WAS INACTED 100 YEAR AFTER
THE EXISTING DWELLING WAS BUILT.

- 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;

YES, AS NOTED IN THE APPEALS APPLICATION pg. 5 -
ITEM 5, THE GRADE BEHIND THE PROPOSED ADDITION
DROPS DOWN CAUSING AN UNDOE FINANTIAL
BURDEN ON THE OWNER.

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

HOT WITHOUT CAUSING A FINANTIAL BURDEN
ON THE OWNER

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

THE EXISTING DWELLING IS ALREADY NONCONFORMING.

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

NONE WHATSOEVER.

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

DEFINITELY.

CITY OF NORTH ROYALTON BOARD OF ZONING APPEALS APPLICATION

1264.08(e)(3) - REASONS FOR GRANTING VARIANCES

Address of subject property: 9989 STATE RD., N. ROYALTON

No variance shall be granted to allow for the expansion or substitution of a lawful non-conforming use unless the board finds that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required and such hardship must be demonstrated by clear and convincing evidence as to all of the following criteria:

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

A. Whether the applicant's current non-conforming use has been reduced, modified, or eliminated;

NO, THE CURRENT NON-CONFORMING USE HAS NOT BEEN REDUCED, MODIFIED OR ELIMINATED.

B. Whether the applicant's non-conforming expansion or substitution use variance is reasonable for the zoned area. (A material or significant expansion or substitution is not reasonable);

YES, THE NON-CONFORMING EXPANSION IS REASONABLE FOR THE ZONED AREA.

C. Whether other non-conforming parcels are located within the zoned area; YES, 5 LOTS.

- 9366 STATE RD. - 22.00' SETBACK
- 5561 BUNKER - 29.50' "
- 10302 STATE RD - 38.00' "
- 10789 STATE RD - 38.19' " & 8943 STATE RD - 41.00' SETBACK

D. Whether the expansion or substitution of the non-conforming use is less detrimental to the zoned area than the existing non-conforming use of the property;

IT IS LESS DETRIMENTAL THAN 2 PROPERTIES
• 9366 STATE RD by 9.43' • 5561 BUNKER by 1.93'

E. Whether the expansion or substitution of the non-conforming use is immaterial, nominal, or a minimal addition or expansion of the use (20% or less expansion is considered minimal);

ASKING FOR 11% INCREASE TO THE EXISTING SETBACK.

F. Whether the essential character of the neighborhood would be altered or whether adjoining properties would suffer any greater detriment as a result of the expansion or substitution of the non-conforming use;

THE ESSENTIAL CHARACTER WOULD NOT BE ALTERED

PAGE 1 OF 2

THIS AND OTHER FORMS ARE AVAILABLE ON NORTHROYALTON.ORG

REV 03-30-2023

AND ADJOINING PROPERTY VALUES TO THE LEFT SIDE AND ACROSS THE STREET WOULD INCREASE.

G. Whether the expansion or substitution of the non-conforming use would adversely affect the delivery of governmental services (e.g. water, sewer, garbage collection);

NO GOVERNMENTAL SERVICES WOULD BE
AFFECTED.

H. 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;

YES, THE SPECIAL CONDITION THAT EXISTS
IS THAT LESS THAN 20 FEET BEHIND THE
STRUCTURE THE GRADE DROPS OF \pm 20 FEET.

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

YES, IT WOULD BE.

J. Whether the proposed expansion or substitution will create a new or different non-conforming use;

NO, THE USE WILL STAY THE SAME.

K. Whether the expansion or substitution of the non-conforming use will create a nuisance or a threat to public safety.

THERE WILL BE "NO" NUISANCE OR
THREAT TO PUBLIC SAFETY.



Cuyahoga County GIS Viewer



Date Created: 3/28/2023

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

TOGRAPHICAL SURVEY MAP

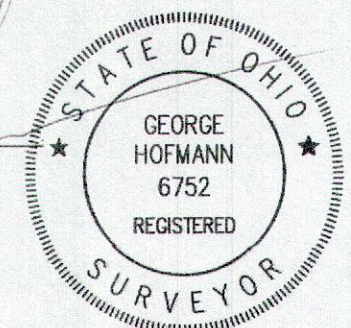
MADE AT THE INSTANCE OF
OKSANA KRAUS
FOR PROPOSED ADDITION

ORIGINAL ROYALTON SECTION No. 20
NOW IN THE CITY OF NORTH ROYALTON, COUNTY
OF CUYAHOGA, STATE OF OHIO

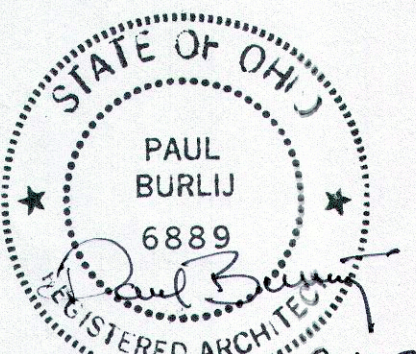
HOFMANN-METZKER, INC.

Registered Professional Surveyors
24 Beech St. - P.O. Box 343
Berea, Ohio 44017
(440) 234-7350
email: george_hm@ameritech.net

Registered Surveyor No. 6752
George A. Hofmann

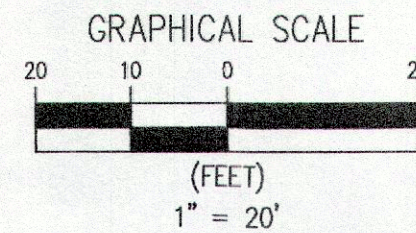
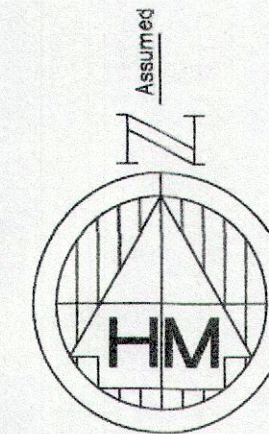


ORDER #16-157 Boundary Survey 12-13-2016
ORDER #23-002 Topographic Survey 2-13-2023
F.B. 792 PG. 145
george/kraus state road 2023.dwg
2-13-2023



SURVEY LEGEND

- calc Denotes Calculated Distance or Angle
- prev Denotes Previous Distance or Angle
- state Denotes State Distance or Angle
- obs Denotes Observed Distance or Angle
- r Denotes Record Distance or Angle
- d Denotes Deed Distance or Angle
- u Denotes Used Point, Distance or Angle
- R/W Denotes Right of Way
- Denotes Centerline
- Denotes Property Line
- Denotes Baseline
- I.P.S. Denotes 5/8" Iron Pin 30" Long Set and Capped 6752/7477
- Denotes Iron Pipe Found
- Denotes Iron Pin Found
- Denotes Existing Iron Pin Monument Found
- Denotes Drill Hole Found or Set
- Denotes Nail Found or Set
- THS Denotes Hub Stake Found or Set
- SETBACK LINE



PP 489-17-013
Timothy G. Greene
AFN 200109180877

9921 State Road

PP 489-17-014
Oksana Kraus
DV 97-09247, P. 6
9989 State Road

PP 489-17-015
Kelly Wolfe
Nicholas Wolfe
AFN 201306040364

10047 State Road

S89°30'05"E

THS 400.00 Deed - 400.30' Obs THS

1/2" I. Pin Fd
0.49'W-0.14'N

171.85'R
171.88'C
N00°00'21"W

1/2" I. Pin Fd(Bent)
Spun Base Obs
0.21'W-0.13'S

DWG. C-1

STATE ROAD 66'

100.00' Deed

32.89' Obs

3/8" I. Pin Fd
Bent (Base spun & Obs)

32.79' Obs

BENCH MARK
Top Hyd
Elev 1172.77
NAVD 88

CASTLE

150.00' D & U

33.01' Obs

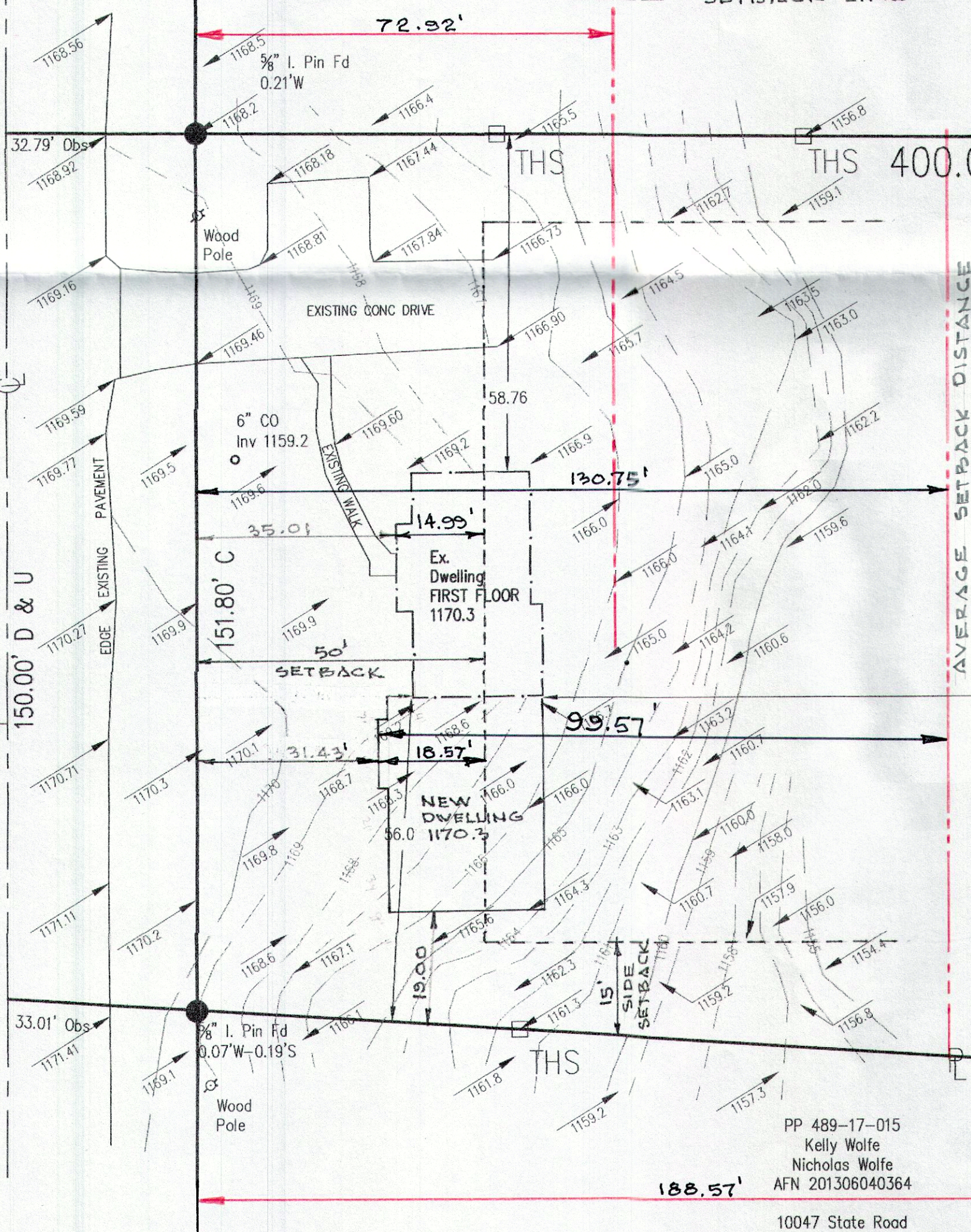
3/8" I. Pin Fd
0.07'W-0.19'S

400.66' D - 401.10' A

S86°22'28"E

188.57'

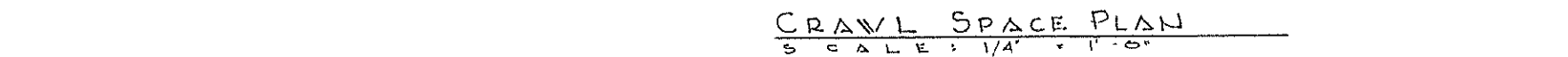
AVERAGE SETBACK DISTANCE



1. REMOVE EXISTING 2'-6 X 7'-6" DOOR AND HARDWARE AND PATCH WOOD DOOR FRAME READY FOR PAINT.
2. REMOVE EXISTING 2'-6 X 5'-6" WINDOW AND FRAME AND FRAME-IN OPENING TO FINISH WITH DRYWALL TO MATCH EXISTING WALL.
3. CUT OUT TWO OPENINGS IN EXISTING EXTERIOR WALL AND FRAME OPENINGS TO ACCEPT 2 - 2'-6" X 4'-0" WINDOWS TO MATCH EXISTING WINDOWS.
4. REMOVE EXISTING 2'-6 X 5'-6" WINDOW AND REFRAME OPENING TO ACCEPT 2'-8" X 7'-6" DOOR.
5. REMOVE EXISTING 32" X 12" BASEMENT WINDOW AND SAW CUT OPENING TO 32" X 48" TO LINE-UP WITH NEW CRAWL SPACE OPENING.
6. REMOVE A 4 FT. WIDE SECTION OF SLOPED CEILING TO LINE UP WITH A NEW BATHROOM DOOR TO ATTIC.

- PROVIDE SOUND INSULATION AT THE WASHER/DRYER INTERIOR WALLS.
- PROVIDE 2 - 12" FLOOR CABINETS AND ONE 4 FT. WALL CABINET OVER THE SINK AT THE WASHER/DRYER ROOM.
- PROVIDE RECESSED WALL BOX W/ HOT & COLD WATER SUPPLY AND DRAIN FOR WASHER CONNECTIONS.
- PROVIDE CEILING LIGHT W/ FAN AT THE LIVING ROOM, BEDROOM AND MASTER BEDROOM.

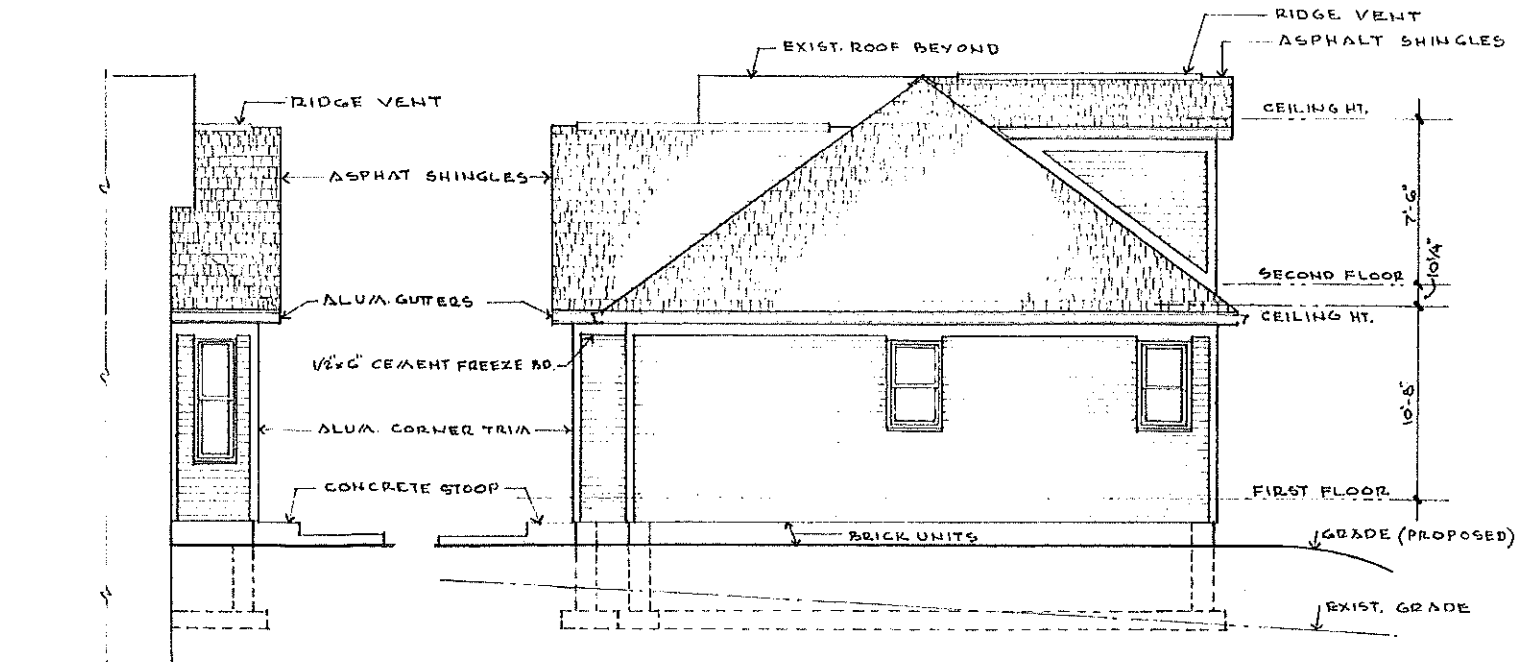
- PROVIDE 2 - 12" X 24" ALUMINUM OPEN AIR VENTS WITH INSECT SCREENS AT THE FRONT TWO HOUSE PEAKS.
- PROVIDE RIDGE VENTS AT THE ROOF AREA. PROVIDE ADDITIONAL ROOF VENTS ON THE EAST SIDE OF THE HOUSE AS NEEDED.
- PROVIDE TWO EXTERIOR HOSE BIBBS. ONE ON THE WEST SIDE AND ONE ON THE EAST SIDE.
- TIE-IN EXISTING ABOVE GROUND DOWNSPOUTS INTO THE NEW HOUSE FOOTER DRAINS.
- NEW ALUMINUM SIDING SHALL MATCH THE EXISTING HOUSE STYLE AND COLOR EXCEPT THE NEW HOUSE TRIM COLOR SHALL BE A LIGHT TAN COLOR AS APPROVED BY THE ARCHITECT.



- C-1 SURVEY
- A-1 FLOOR PLANS & GENERAL NOTE
- A-2 2ND FLOOR PLAN & ELEVATIONS
- A-3 ELEVATIONS
- A-4 SECTIONS & DETAILS

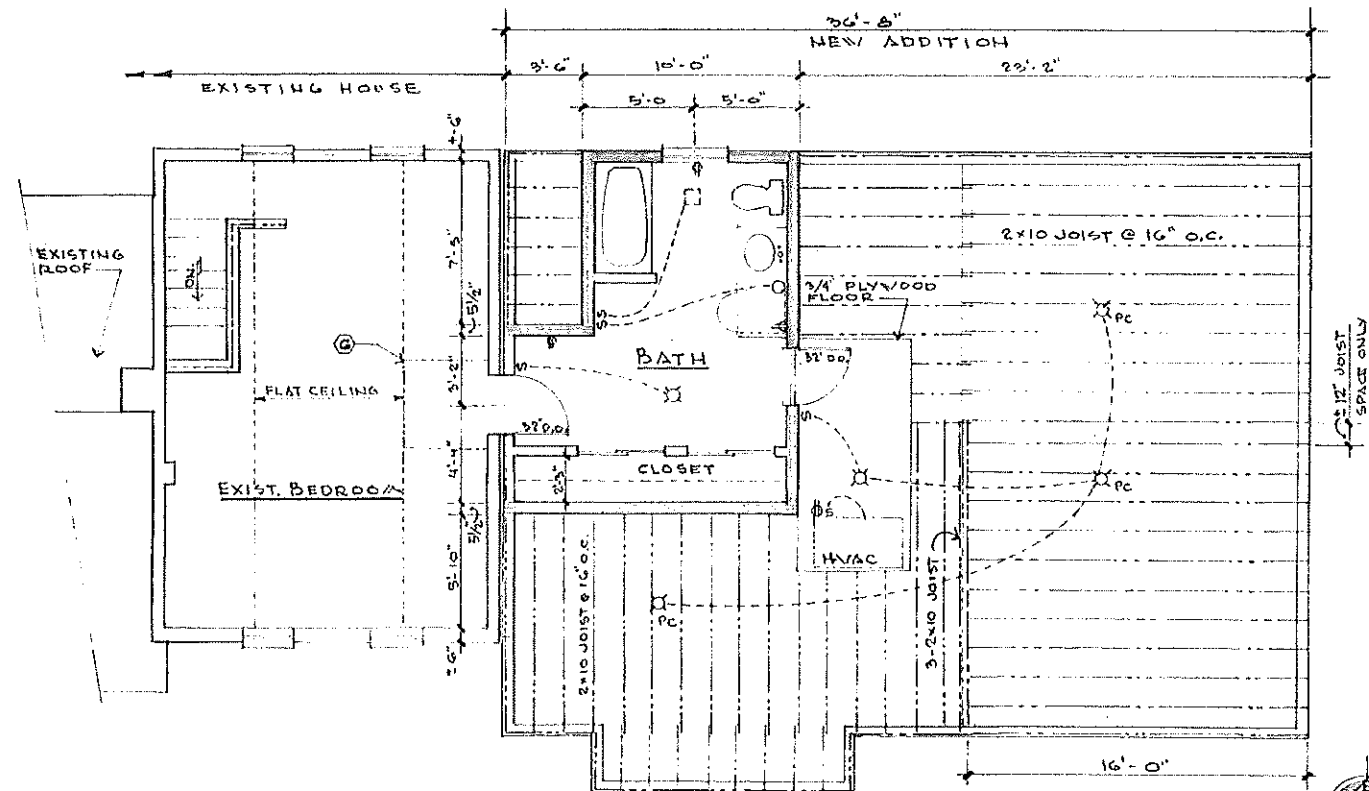
FLOOR PLANS & GENERAL NOTES

SCALE		DRAWN		CHECKED		APPROVED	
AS NOTED		P.P.		L.E.P.			
DEPT.	ARCH.	STRUCT.	MECH.	ELECT.	PIPING	EQUIP.	P.E.
INIT.							
DATE							
WORK ORDER NO. 2023-1				SHEET NO. A-1		REV. 0	



NORTH ELEVATION
SCALE : 1/4" = 1'-0"

SOUTH ELEVATION
SCALE : 1/4" = 1'-0"



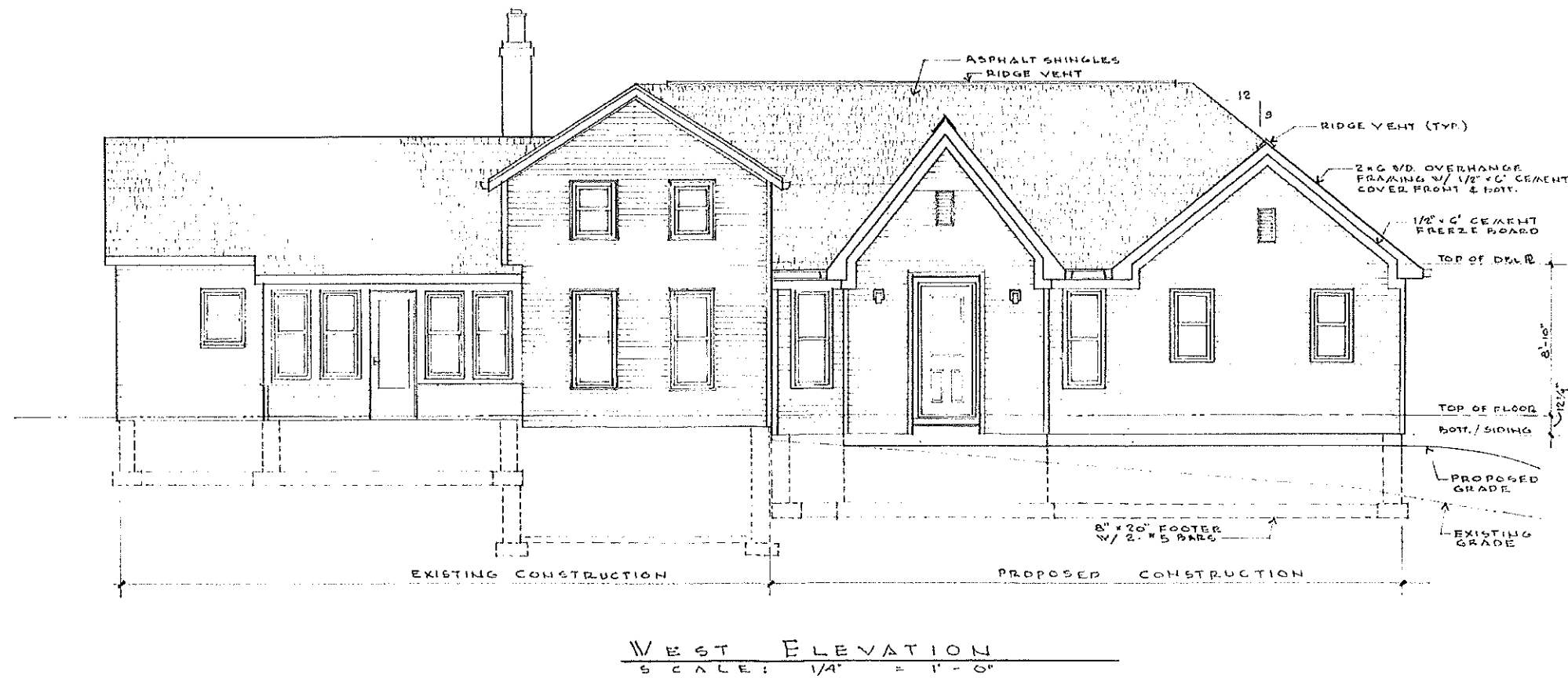
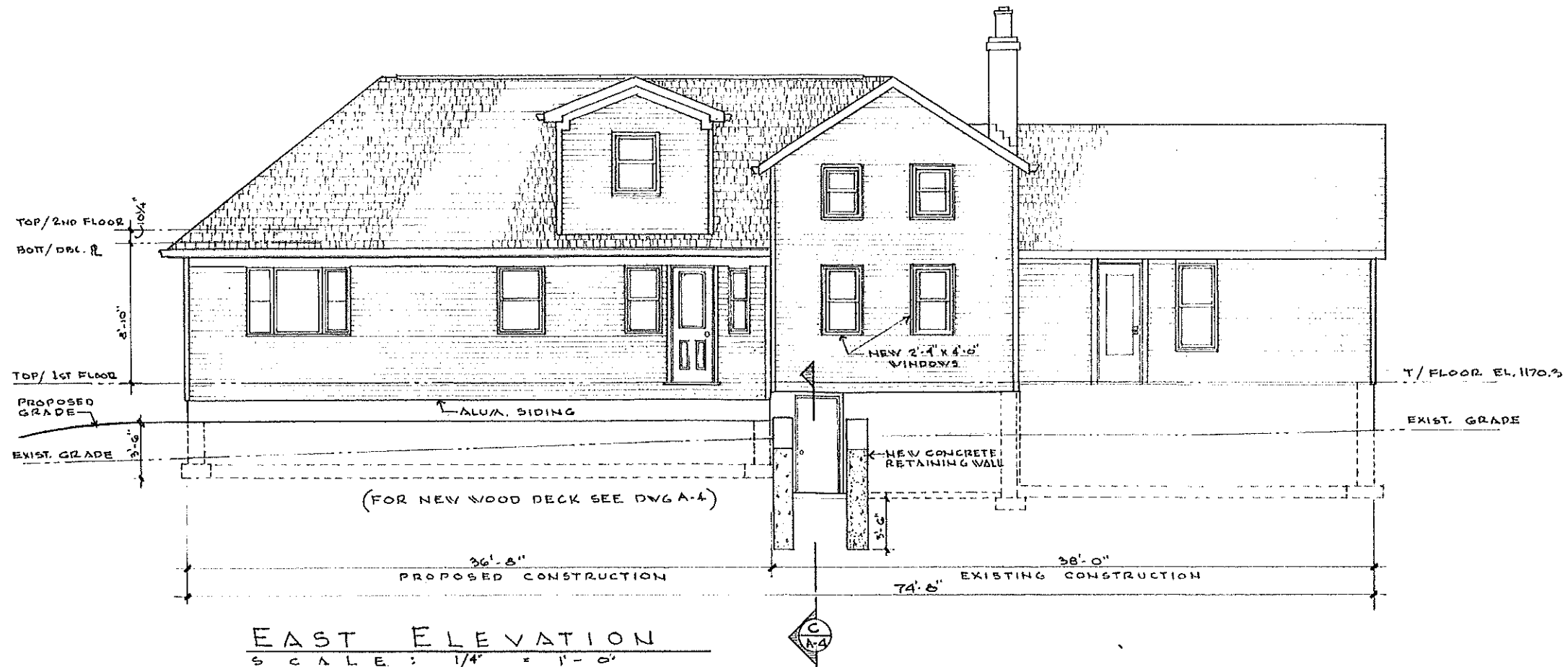
SECOND FLOOR PLAN
SCALE : 1/4" = 1'-0"

OXSANA KRAUS
9989 STATE ROAD
NORTH ROYALTON, OH 44133

2ND FLOOR PLAN/ELEVATIONS

EACONSULTANTS LLC
155 Williamsburg Court MEDINA, OHIO 44256 1 440.552.8027

SCALE		DRAWN		CHECKED		APPROVED	
AS NOTED		PB		LEB			
DEPT.	ARCH.	STRUCT.	MECH.	ELECT.	PIPING	EQUIP.	P.E.
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WORK ORDER NO.			SHEET NO.				REV.
2023-1			A-2				0

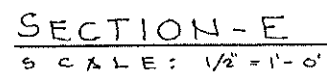
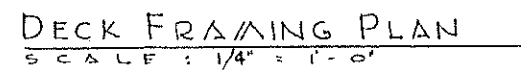
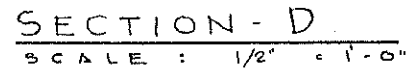


OKSANA KRAUS
9989 STATE ROAD
NORTH ROYALTON OH 44133

ELEVATIONS

EA CONSULTANTS LLC
4055 Wilmberg Court MEDINA, OHIO 44266 | 440.552.9027

SCALE	DRAWN	CHECKED	APPROVED
AS NOTED	PB	LEB	
DEPT. ARCH. STRUCT. MECH. ELEC. PIPING EQUIP. P.E.			
INT.			
DATE			
WORK ORDER NO. 2023-1	SHEET NO. A-3	REV. 0	



SCALE AS NOTED		DRAWN PB		CHECKED LEB		APPROVED	
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WORK ORDER NO. 2023-1				SHEET NO. A-4			REV. 0

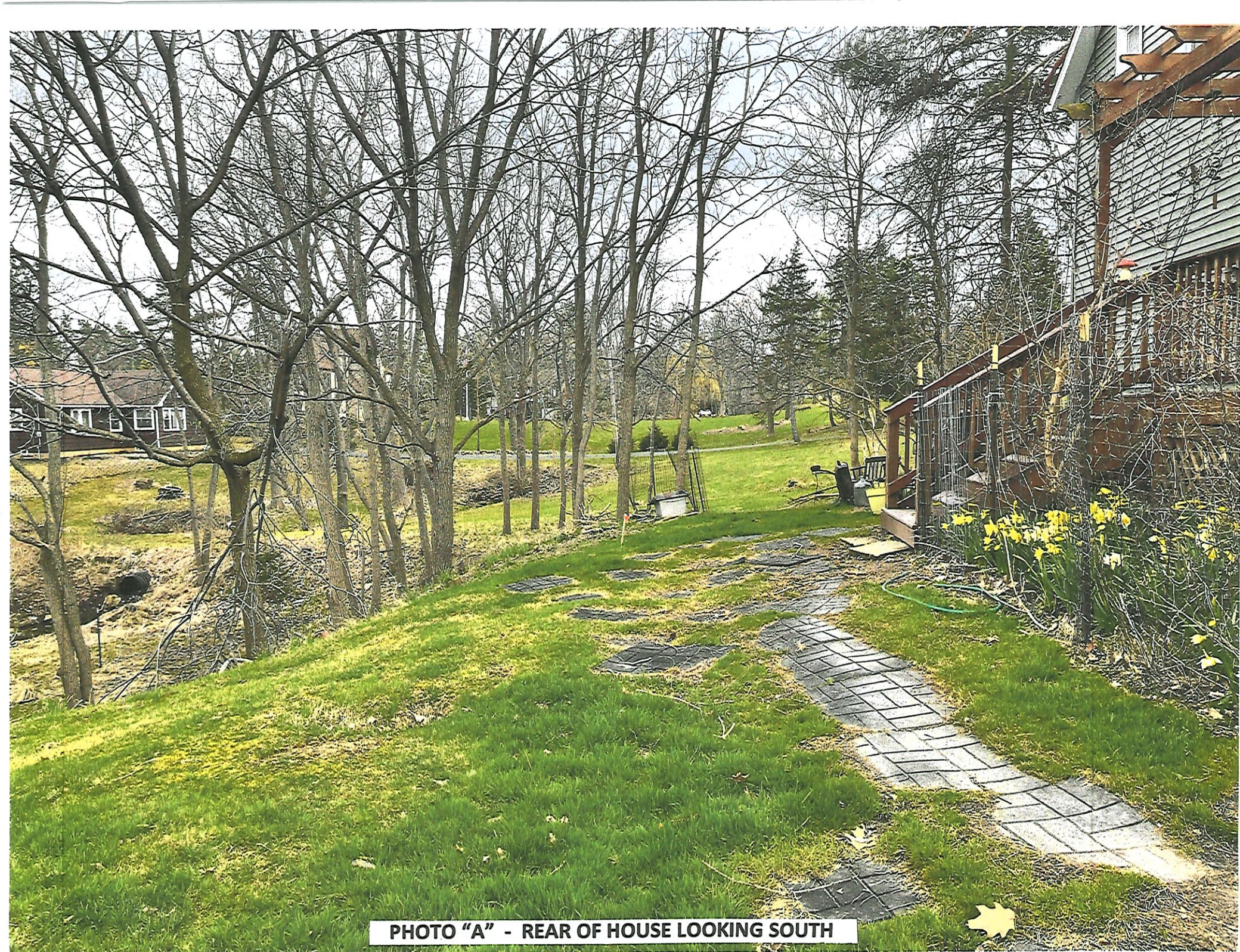


PHOTO "A" - REAR OF HOUSE LOOKING SOUTH



PHOTO "B" - REAR OF HOUSE LOOKING NORTH



PHOTO "C" - GRADE DROP-OFF @ RAVINE



PHOTO "D" - VIEW OF HOUSE FROM RAVINE