



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, **May 25, 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"**, of the City of North Royalton Zoning Code. Request is being made by Rocco DeCesare, on behalf of Angelo DeCesare, property owner, for an attached covered patio at 4239 Brookhaven Drive, also known as PPN: 486-25-036, in Residential R1-A District zoning. The variances being requested are as follows:

Variance #1: Codified Ordinance Section 1270.05 "Schedule of Area, Yard, and Height Regulations." Code requires a 50-foot rear yard setback in the R1-A zoning district. Request is for a variance of ~~49 feet~~ 11.6 feet from the required rear yard setback to construct an attached covered patio ~~34.07 feet~~ 38.4 feet from the rear property line.

Variance #2: Codified Ordinance Section 1270.07 "Required Yards to be Maintained." Code states that every required yard shall be open and unobstructed from the ground upward. Request is for a variance to construct an attached covered patio that projects ~~49 feet~~ 11.6 feet into the rear yard setback.

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 May 24th 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:

4239 BROOKHAVEN
Address

PPN: 486-25-036
Permanent Parcel Number

Occupant, Business or Tenant (if applicable)

0 R 1-A
Zoning District Ward No.

HOA Name: PINE HILL SUBDIVISION
Letter of Approval Rec'd: Yes or No
Letter of Denial Rec'd: Yes or No

2. Property Owner:

ANGELO DECESARE
Name

5700 BOODMAN DRIVE
Address

NORTH ROYALTON OHIO 44133
City, State and Postal Code

Name of Business (if applicable)

440. 668 7761
Phone

Email (electronic mail)

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

ROCCO DECESARE
Name

5700 BOODMAN DRIVE
Address

NORTH ROYALTON OHIO 44133
City, State and Postal Code

DECESARE HOMES INC.
Name of Business (if applicable)

216. 570 0396
Phone

DECESARE AND SONS INC @ AOL.COM
Email (electronic mail)

For Office Use Only

03/31/2023
Date Application Submitted

\$ 75.00
Application Fee

04/27/2023
Meeting Date Assigned

Check # 7826
Payment Information (date, check number, cash, etc.)

BZA--23-08
Identification Number Assigned

I.R.
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.

BECAUSE THE COVER PARIO IN THE REAR BEYOND
SET BACK BY ~~18'~~ 11'6" RD

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

1270.05 VARIANCE FOR SET BACK

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.

Rocco De Cesare / Rocco DECESARE 3/30/2023
Applicant Signature, Printed Name and Title OWNER- Date

[Signature] ANGIE DECESARE 3/30/2023
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: 4239 BROOKHAVEN

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;

this would I NEED FOR THE VARIANCE FOR PARK

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;

I LOST SOME THE FRONT SET BACK BECAUSE THE RIGHT WAY -
OFF THE STREET

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

NO

- 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 -

APPLICATION - Revised -

Original approved by SEC

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

ANGELO DE CESARE
4739 BROOK HAVEN
N. Royalton Ohio
44133

Sublot No.: 55 BROOK HAVEN
NORTH ROYALTON OHIO 44133

Builder/Homeowner: DE CESARE HOMES
5700 BOND MAN DRIVE
NORTH ROYALTON OHIO 44133

Description of Building Plans:

2 1/2 WALLS SIDE FRONT & DRY KIT
SIDE WALLS VINYL SIDING BACK WALL VINYL SIDING
BLACK FREEZE BOARD ED BUTTER
BACK COVER PORCH 15X18 INSULATE GARAGE DOORS
PELLA WINDOWS & DOORS EXTERIOR BLACK

Square Feet: 2700

Date Submitted: 5/8/2003

Submitted By: ROCCO DE CESARE

For Architectural Review Committee Use

Approved: YLS

Rejected: _____

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

CITY BZA APPROVAL REQUIRED

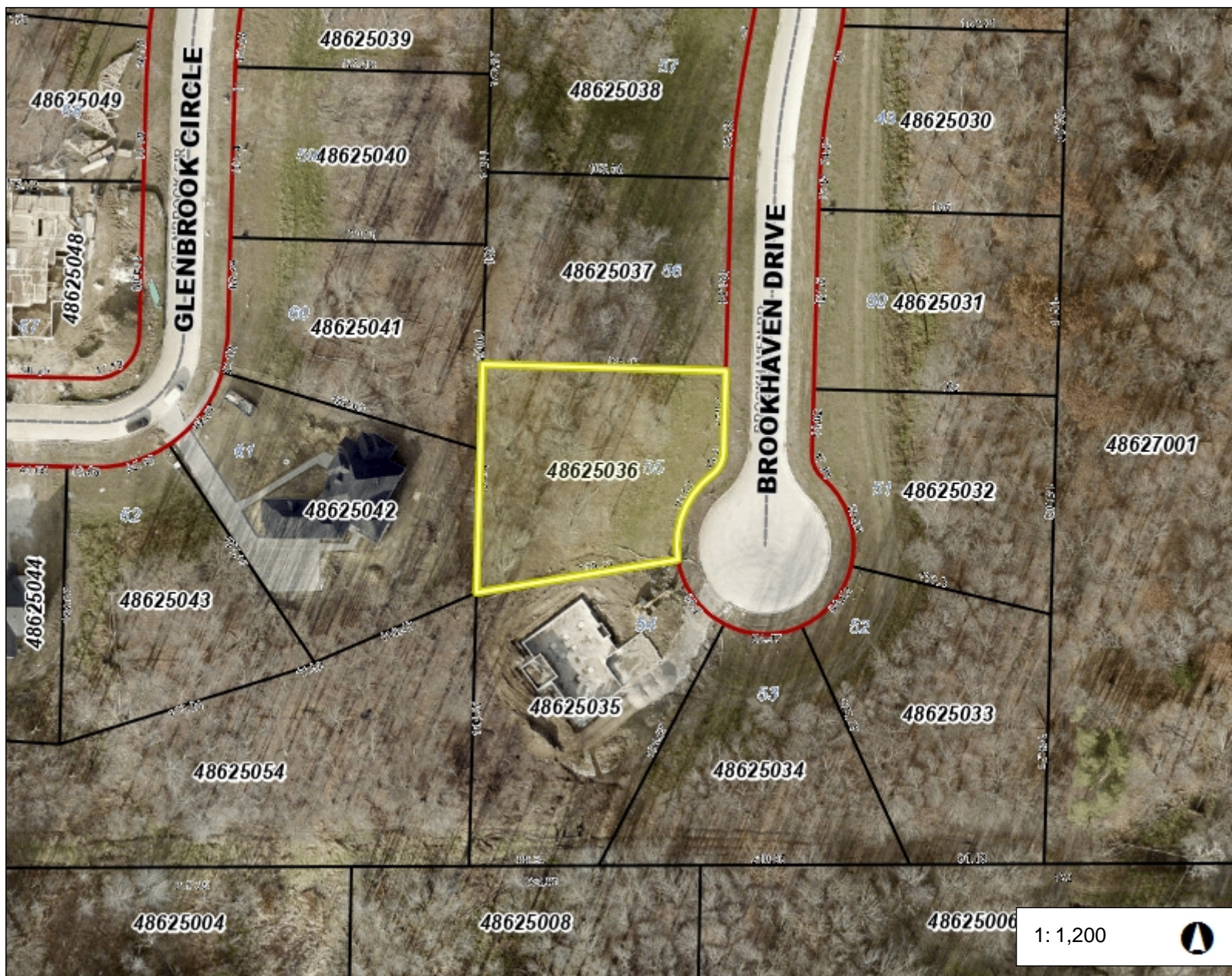
By: _____

Date

Adjoining Lot Owners Notified: Via mail 5/10/03. 4, 54, 56, 61
emailed HOA board 5/10/03



Cuyahoga County GIS Viewer



Date Created: 3/31/2023

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

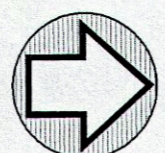
SITE IMPROVEMENT PLAN

KNOWN AS BEING SUBLT NO. 55 IN THE PINE HILL SUBDIVISION NO. 2 AS SHOWN BY THE RECORDED PLAT IN AFN 202012160253 OF CUYAHOGA COUNTY MAP RECORDS IN ORIGINAL ROYALTON TOWNSHIP SECTION NO. 16. NOW SITUATED IN THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO.

DEED REFERENCE: P.P.N. 486-25-036
ANGELO DECESARE

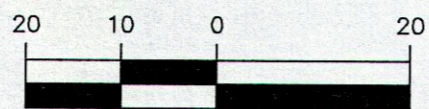
SITE ADDRESS: 4239 BROOKHAVEN DRIVE

BUILDER: _____



NORTH

GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FT.

APRIL 20, 2023

MAY 2, 2023

CONNECTIONS:

(A) = USE 5/8" TYPE "K" COPPER

(B) (C) = USE 6" PVC SDR 35 w/ GASKETS
1% MIN., 10% MAX.

PREMIUM FILL FOR ALL UTILITY TRENCHES
UNDER PROPOSED DRIVEWAY AND WALKS.



NOTES:

XXXX* PROPOSED GRADE
XXXX EXISTING ELEVATION

XXXX EX. CONTOUR

XXXX PROP. CONTOUR

INDICATES DIRECTION OF SURFACE
WATER AFTER FINAL GRADING.

BENCH MARK: TOP OF HYDRANT
FRONT OF SUBLT NO. 55
ELEVATION = 1151.91

CONTRACTOR TO VERIFY SANITARY AND STORM
CONNECTION DEPTHS BEFORE BASEMENT EXCAVATION.

THIS PLAN FOR SITE PURPOSES ONLY, REFER TO HOUSE
PLANS FOR FOUNDATION DETAILS AND DIMENSIONS.

CONTRACTOR MUST CHECK BENCH MARK WITH PAVEMENT
GRADE BEFORE ANY EXCAVATION OR WORK IS STARTED.

BUILDER/LANDSCAPER TO MAINTAIN POSITIVE DRAINAGE
AWAY FROM HOUSE.

5/8" CAPPED IRON PIN FOUND OR SET

THE GRADE AWAY FROM FOUNDATION WALLS SHALL FALL
A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.

EXTEND FOOTERS TO SOIL BEARING CAPACITY > OR =
3,000 PSF.

FOOTER TO BE A MINIMUM OF 3 FEET BELOW NATURAL
GRADE.

BUILDER AND OWNER HAVE RESPONSIBILITY FOR FINAL
GRADING AND DRAINAGE.

PINS MUST BE SET PRIOR TO ISSUANCE OF OCCUPANCY
PERMIT.

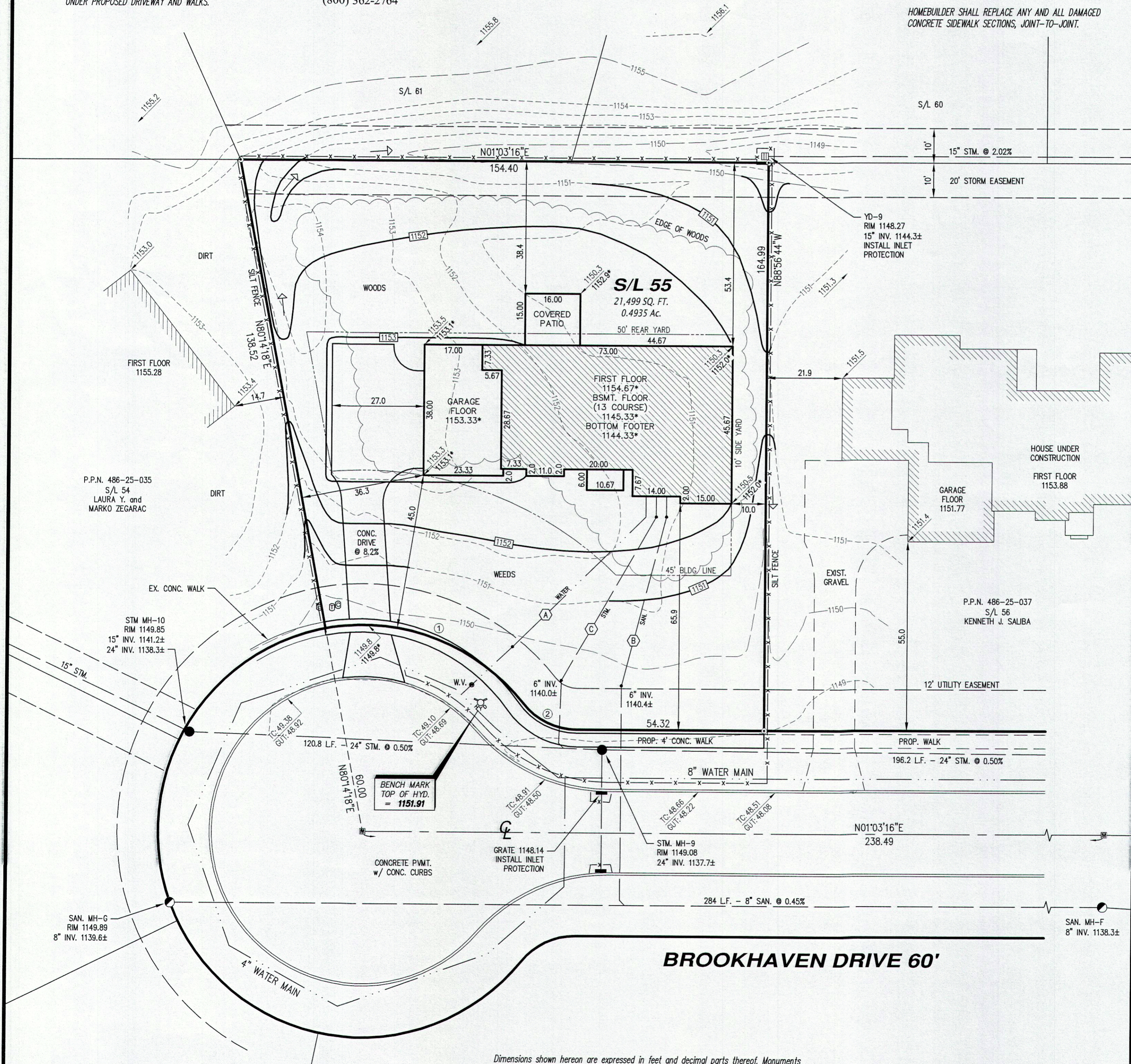
ALL EROSION AND SEDIMENT CONTROL SHALL BE IN
ACCORDANCE WITH CHAPTER 1488 OF THE CITY OF NORTH
ROYALTON CODIFIED ORDINANCES. THESE CONTROLS SHALL
BE INSTALLED PRIOR TO EARTH DISTURBING ACTIVITIES.

BUILDER SHALL STABILIZE ALL AREAS OF DISTURBANCE IF
LEFT DORMANT FOR MORE THAN 14 DAYS AND ONCE
FINISHED GRADE HAS BEEN ESTABLISHED.

IF SANITARY OR STORM SEWERS CLEAN-OUTS ARE
LOCATED WITHIN A PAVEMENT AREA (i.e. DRIVEWAY,
SIDEWALK, ETC.), THE BUILDER SHALL INSTALL A FLUSH
BRASS CAP FOR THE CLEAN-OUT.

PER SECTION 1480.01(A)(1) OF THE CITY OF NORTH
ROYALTON CODIFIED ORDINANCES, A 4 FT. WIDE CONCRETE
SIDEWALK IS REQUIRED ACROSS ENTIRE FRONTAGE OF LOT.

HOMEOWNER SHALL REPLACE ANY AND ALL DAMAGED
CONCRETE SIDEWALK SECTIONS, JOINT-TO-JOINT.



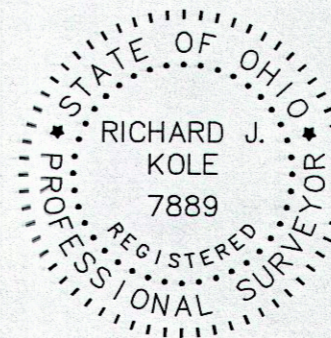
① R = 60.00 Δ = 62°08'02" A = 65.07 T = 36.15 C = 61.92 N21°18'18.92"E	② R = 20.00 Δ = 52°24'16" A = 18.29 T = 9.84 C = 17.66 N26°10'58.35"E
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Dimensions shown hereon are expressed in feet and decimal parts thereof. Monuments
were found or set as indicated hereon. Bearings shown are to an assumed meridian
and are for the sole purpose of describing the relative angular value between lines, all
of which I certify to be correct to the best of my knowledge and belief.

Richard J. Kole
Richard J. Kole, Reg. Surveyor #7889

5/2/23

Date



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www.kolesurvey.com
File No. 21158-55