



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, **September 28, 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 Mo Al-Rajabi, on behalf of Michael and Lauren Vonderhaar, for an accessory shelter located at 5261 Brookhaven Drive, also known as PPN: 486-23-046, 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." Code requires that accessory buildings be located 20 feet from any dwelling. Applicant is requesting a variance of 15 feet to place an accessory shelter, defined as a type of accessory building, 5 feet from the dwelling.

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 September 27th 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:

5261 Brookhaven Dr

Address

PPN: 486-23-046

Permanent Parcel Number

Michael & Lauren Vonderhaar

Occupant, Business or Tenant (if applicable)

R1-A 6

Zoning District Ward No.

HOA Name Pine Hill Homeowners

Letter of Approval Rec'd: Yes or No

Letter of Denial Rec'd: Yes or No

2. Property Owner:

Michael & Lauren Vonderhaar

Name

5261 Brookhaven Dr

Address

North Royalton, OH 44133

City, State and Postal Code

n/a

Name of Business (if applicable)

440-724-9112

Phone

lauren.r.vonderhaar@gmail.com

Email (electronic mail)

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

Mo Al-Rajabi

Name

8700 Akins Rd #3

Address

North Royalton, OH 44133

City, State and Postal Code

Precision Corporation

Name of Business (if applicable)

216-210-0807

Phone

mo@precisioncorporation.com

Email (electronic mail)

For Office Use Only

08/28/23

Date Application Submitted

\$ 75.00

Application Fee

09/28/23

Meeting Date Assigned

Check # 1322

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

BZA-- 23-18

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.

Installing a stamped concrete patio with permanent 12'x12' pavilion over the patio. We would

like the patio to align with the back of our home and thus the pavilion structure will be located 5' from the edge of our house (see attached design image). Without the variance the pavilion would need to be built very deep into our yard and away from our home. Our desire is to establish shade over a patio built close to the home in order to minimize the size of the patio

to 1. preserve green space in our yard so we can continue to enjoy the grass and 2. save cost

on amount of concrete needed as well as built the patio on area of our lawn which is the

flattest (the grade changes significantly the further away you get from the house).

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

Section 1270.12(a) requires accessory buildings to be built no less than 20 feet from the

dwelling. As the proposed pavilion is considered an 'accessory building' and will be built 5 feet

from the dwelling we are requesting a variance of 15 feet.

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.

Mo Al-Rajabi
Applicant Signature, Printed Name and Title

8/28/23
Date

Lauren Vonderhaar
Property Owner Signature, Printed Name and Title

8/28/23
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, Lauren Vonderhaar (name) of n/a
(company, if applicable), hereby certify that I/we are the OWNERS
(owner(s), executor(s), etc.) of 5241 Brookhaven Dr. (property address or
permanent parcel number) and further verify that MO Al-Rajabi, Precision Corp. (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.

Lauren Vonderhaar
Signature

8/28/2023
Date

Before me, a Notary Public in and for said county, personally appeared Lauren Vonderhaar
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 North Royalton,
Ohio on this 28th day of August, 2023

Irene Scanlon
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: 5261 Brookhaven Drive

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 as we can still use the property as our residence; however, without the variance the pavilion would need to be built very deep into our yard. Our desire is to establish shade over a patio built close to the home in order to minimize the size of the patio to 1. preserve green space in our yard and 2. save cost on amount of concrete needed.

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

The 15' foot variance is minimum necessary in order to reasonably place the patio/pavilion space close to our home and next to existing deck.

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 it would not - the pavilion will not be visible from the street and other homes on the street have similar structures in place. The design of our pavilion would be consistent with the character of the neighborhood.

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

No it would not - as it is located behind our home it would not impact any 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;

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;

~~The grade of our lawn changes significantly the further away you get from our home -~~
extending a patio and pavilion structure further out would cause additional expense.

- 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

emailed 8/31/23

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.: 5261 Brookhaven Drive SL36

Builder/Homeowner: Michael & Lauren Vonderhaar
Contractor: Precision Corporation

Description of Building Plans:

Installation of a stamped concrete patio (450 sq. feet), 12' x 12' foot pavilion over said patio, small stamped concrete walkway from driveway to existing deck (45' sq. feet), grill wall and seat wall along the edge of patio and mulched landscape beds (see attached image for plans)

Square Feet: 495 (450 patio + 45 walkway)

Date Submitted: 8/22/2023

Submitted By: Lauren Vonderhaar

For Architectural Review Committee Use

Approved: yes

Rejected: _____

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

NO OBJECTION FROM HOA TO LOCATING PAVILION 5 FEET
FROM REAR OF HOME IF CODE REQUIRES A GREATER DISTANCE:
CITY BOARD OF ZONING APPEALS WILL BE REQUIRED. HOA HAS
NO OBJECTION TO BZA REQUEST.

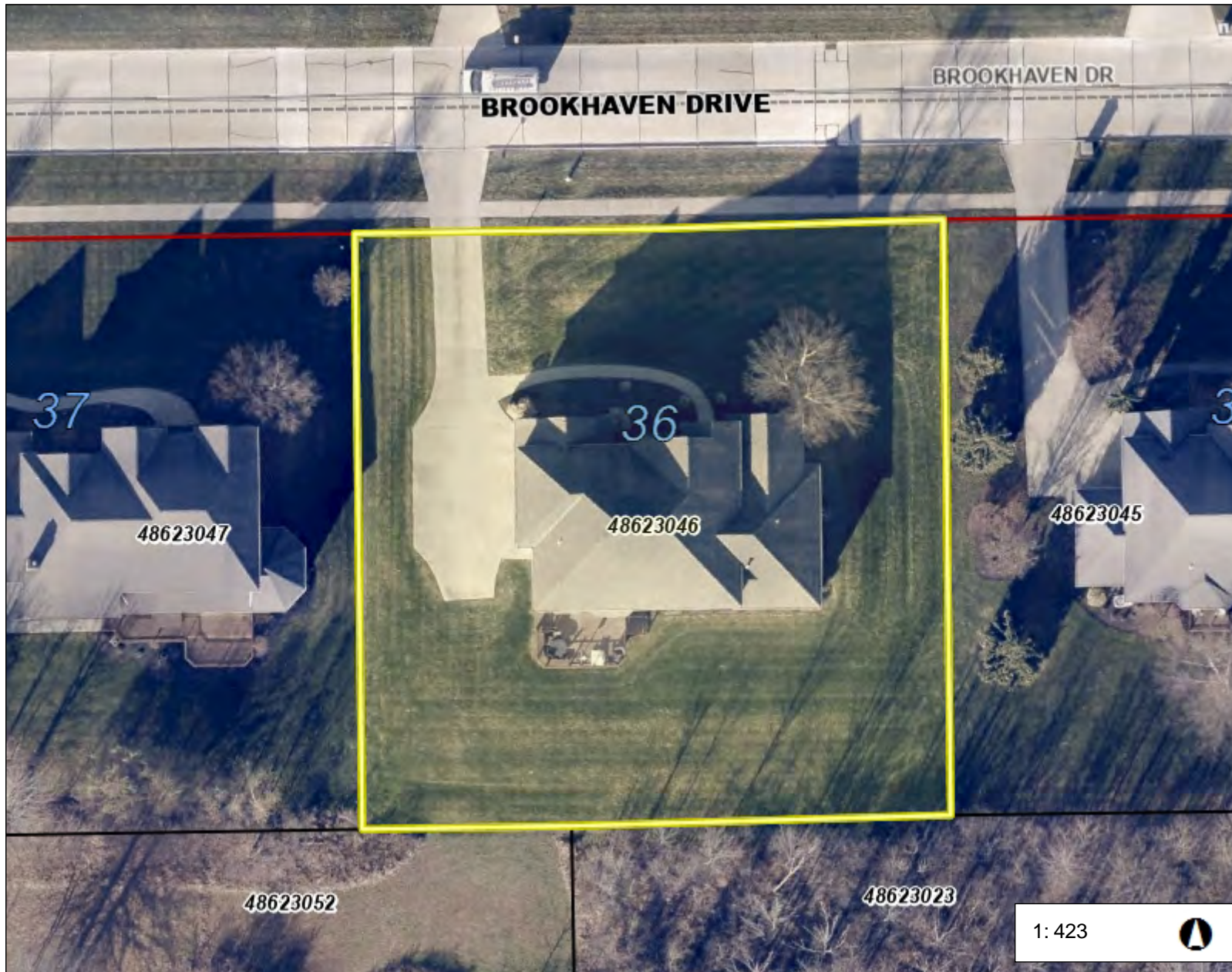
By: S. [Signature]

Date: 8/31/23

Adjoining Lot Owners Notified: Mailed 9/30/23 8/22/23
HOA via email 8/22/23



Cuyahoga County GIS Viewer



Date Created: 9/8/2023

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel

70 0 35 70 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

Cuyahoga County
Enterprise GIS
PUTTING CUYAHOGA COUNTY ON THE MAP

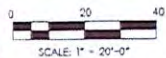


TABLE OF ELEVATIONS

FINISHED FLOOR	- 1185.25
TOP OF BLOCK (HOUSE)	- 1184.25
GARAGE FLOOR	- 1181.25
TOP OF BLOCK (GARAGE)	- 1182.58
BASEMENT FLOOR	- 1176.59
TOP OF FOOTER	- 1175.92
BOTTOM OF FOOTER	- 1175.00
45 COURSE BASEMENT	- 1174.52

* 3 STEPS FROM GARAGE FLOOR TO FINISH FLOOR

NOTES:
IF "BUILDING PERMIT" NOT APPLIED FOR WITHIN 90 DAYS "APPROVAL" FOR THIS TOPO SHALL EXPIRE.

TOPOGRAPHIC SURVEY MAP AND SITE IMPROVEMENT PLAN

CITY OF NORTH ROYALTON, CUYAHOGA COUNTY, OHIO

NAME OF OWNER:
NAME OF SUBDIVISION: PINE HILL SUBDIVISION - PHASE I
VOLUME PAGE S/L 36
NAME OF BUILDER: EDGEWOOD HOMES, INC.
HOUSE NUMBER: 536 BROOKHAVEN DRIVE
P.P.N. PART OF 486-16

ALL UTILITY TRENCHES AND OPEN EXCAVATIONS WITHIN THREE (3) FEET OF PAVED AREAS SHALL BE COMPLETELY BACKFILLED WITH CDOT #57 LESTONE PREMIUM BACKFILL.

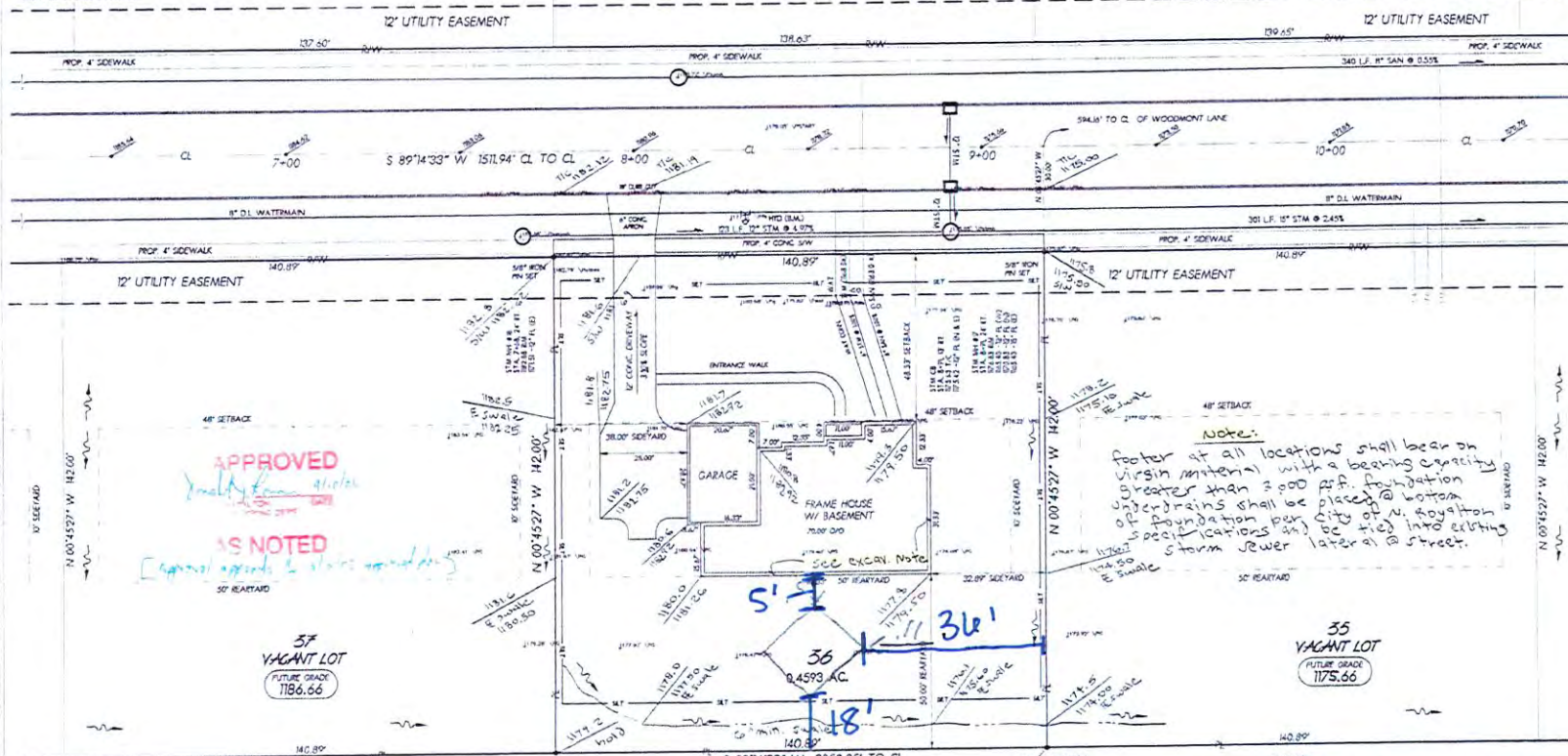
FIELD SURVEY OF SUBJECT PARCEL COMPLETED IN FEB. 2006
BY ERIC NELSON, PROFESSIONAL SURVEYOR NO. 7428
PROPERTY CORNERS AS SHOWN ARE TO BE SET UNDER DIRECTION OF SAME.

CERTIFICATION

THESE PLANS ARE HEREBY APPROVED FOR CONSTRUCTION

STEVEN M. SOKOL, REG. ENG. NO. 56987
FEBRUARY 12, 2006

APPROVED FOR 13
COURSE BASEMENT
BROOKHAVEN DRIVE (60' RM)



Notes:
Footer at all locations shall bear on virgin material with a bearing capacity greater than 3,000 p.s.f. Foundation underpinnings shall be placed to bottom of foundation per City of North Royalton specifications and be tied into existing storm sewer later at a street.

**35
VACANT LOT
FUTURE GRADE
1175.66**

NOTES:

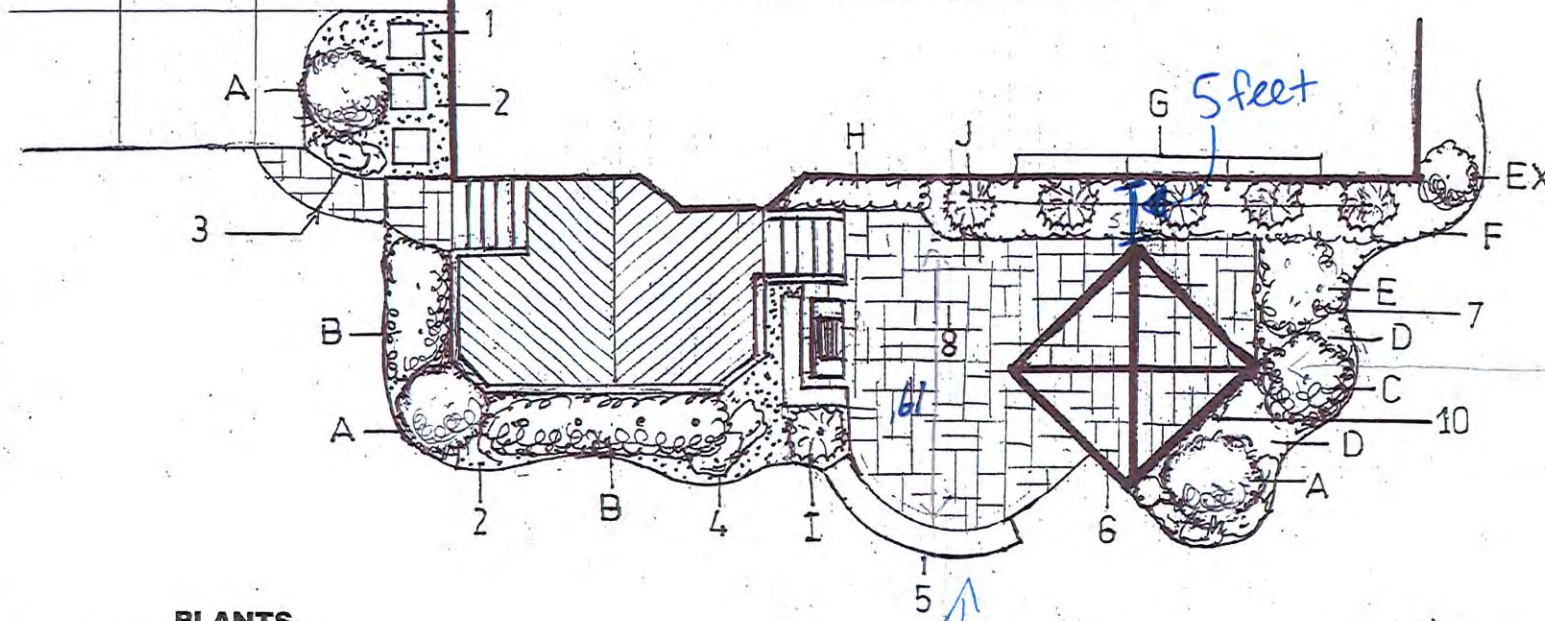
1. ALL EROSION AND SEDIMENT CONTROLS SHALL BE IN ACCORDANCE WITH CHAPTER 188B OF THE CITY OF NORTH ROYALTON CODED ORDINANCES AND THE OHIO RAINWATER AND LAND DEVELOPMENT MANUAL. THESE CONTROLS SHALL BE INSTALLED PRIOR TO EARTH DISTURBING ACTIVITIES.
2. STABILIZE ALL AREAS OF DISTURBANCE & LEFT DORMANT AND ONCE FINISHED GRADE HAS BEEN ESTABLISHED.
3. A MAXIMUM SLOPE OF 3:1 SHALL BE UTILIZED UNLESS OTHERWISE SHOWN ON THE PROPOSED IMPROVEMENT DRAWINGS.
4. NO GRADING IS TO BE PERFORMED OFF-LOT WITHOUT THE PREVIOUSLY GRANTED WRITTEN CONSENT OF THE SUBJECT LANDOWNER.

REMARKS:
RM OF STORM MANHOLE LOCATED TO THE WEST OF THE SUBJECT PARCEL ALONG THE SOUTHERLY LINE OF BROOKHAVEN DRIVE. ELEV. 1182.88

A & J SOKOL Co.
ENGINEERING AND DESIGN CONSULTANT
4014 DENAVENDAH PARKWAY BRUNSWICK, OHIO 44012 TELEPHONE (330) 929-1843

CENTERLINE STATIONING, UNDERGROUND UTILITIES AND EXISTING GRADING AS SHOWN ON THE PINE HILL SUBD. - PHASE I IMPROVEMENT PLANS PREPARED BY ROLLING & HOGGEVAP, INC. IN 2003.

VONDERHAAR RESIDENCE
5261 BROOKHAVEN
NORTH ROYALTON, OHIO 44133
SUMMER 2023 / SCALE 1" = 8'



PLANTS

- A 3 BUTTERFLY BUSH
 - B 6 GREEN VELVET BOXWOOS
 - C 1 DWARF MEYER LILAC TREE
 - D 5 MOONBEAM COREOPSIS (OPTIONAL)
 - E 3 CRIMSON PYGMY BARBERRY
 - F 1 WALKER'S LOW CATMINT (OPTIONAL)
 - G 4 FIREWITCH DIANTHUS (OPTIONAL)
 - H 3 WILDBERRY CORAL BELLS (OPTIONAL)
 - I 1 BIRD'S NEST SPRUCE TRANSPLANTED
 - J 5 BIRD'S NEST SPRUCE EXISTING
- SUGGEST REMOVING DURING
 CONSTRUCTION AND TRANSPLANTING
 IN CENTER OF NEW 4' WIDE BED

PRECISION
CORPORATION™

440-843-9500

ADDITIONAL SCOPE OF WORK

- 1 2' X 2' STEPPING STONES
- 2 WASHED RIVER STONE BED
- 3 STEPS IN 45 SQ. FT. WALK
- 4 (7) 18- 24" SANDSTONE BOULDERS
- 5 12' LONG 18-24" HIGH SEATWALL
- 6 12' X 12' PAVILION
- 7 MULCHED BED
- 8 450 SQ. FT. PATIO
- 9 SCREEN WALL FOR GRILL 3' X 7' (INSIDE)
- 10 RETAIN PATIO EDGE AS NEEDED

