



# City of North Royalton

Mayor Larry Antoskiewicz

## Board of Zoning Appeals

David Smerek Building Commissioner

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### 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 25, 2024** 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 Mitchell Hengst, on behalf of Keith and Brandy Fertal, for a new home located at 17373 Bennett Road, also known as PPN: 485-09-025, in Rural Residential (RRZ) 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 96 feet based on the average setback distance of existing buildings within 100 feet on either side of the subject property. Applicant is requesting a variance of 21.5 feet less than the minimum front yard setback to construct a home 74.5 feet from the right of way.

**Variance #2:** Codified Ordinance Section 1270.19(b) "Dwelling Unit Area Requirements." Code requires that 1.5 story homes with a basement in the R1-A district have 1,100 square feet of ground floor area and 1,250 square feet of total area. Applicant is requesting a variance of 171 square feet to construct a home with 929 square feet of ground floor area.

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 January 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  
January 11, 2024



# 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:

17373 Bennett road

Address

PPN: 485-09-025

Permanent Parcel Number

Occupant, Business or Tenant (if applicable)

RRZ

Zoning District

Ward No.

HOA Name: NA

Letter of Approval Rec'd: Yes or No

Letter of Denial Rec'd: Yes or No

### 2. Property Owner:

Keith & Brandy Fertil

Name

12912 Sprague Road

Address

Parma, Ohio 44130

City, State and Postal Code

Name of Business (if applicable)

(216) 407-3597

Phone

Keith71@cox.net

Email (electronic mail)

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

Mitchell Hengst

Name

27217 Forsythia Drive

Address

Columbia Station, Ohio 44028

City, State and Postal Code

Name of Business (if applicable)

(440) 221-2983

Phone

mitch.hengst@gmail.com

Email (electronic mail)

### For Office Use Only

12/7/23

Date Application Submitted

1/25/24

Meeting Date Assigned

BZA--24-02

Identification Number Assigned

\$ 75.00

Application Fee

Cash

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

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.

The reasons that the variances are proposed are due to the limitations that the creek setbacks, road setbacks, and soil evaluation have placed on the preliminary septic plan. These setbacks have caused a very limited and exact location for the septic zones, which has then limited the house to an exact location and size that cannot be altered.

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

Setback Variance 1270.08: I am requesting a 21.5-foot variance. The average setback of the neighboring homes is 96 feet, whereas this home would have a 74.5-foot setback from the road. This request is necessitated by the proximity of the creek and the constraints of the septic system, which limit the building's location. There are other homes within 5 properties though that have shorter setbacks.

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Square Footage Variance 1270.19: My proposed plan includes a first floor of 929 square feet in a 1.5-story home, while the code requires a minimum of 1100 square feet for a 1.5-story home. I am requesting a 171 square foot variance for the first floor. This variance is sought due to site limitations. The total square footage of the proposed plan is 1,483 square feet, which is over the minimum requirements for total square footage.

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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.

Mitchell Hengst  
Applicant Signature, Printed Name and Title

12/01/23  
Date

Brandy Fertal  
Property Owner Signature, Printed Name and Title

12/14/23  
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, Brandy Fertal (name) of \_\_\_\_\_  
(company, if applicable), hereby certify that I/we are the owner  
(owner(s), executor(s), etc.) of 485-09-025 (property address or  
permanent parcel number) and further verify that Mitchell Hengst (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.

Brandy Fertal 12/14/23  
Signature Date

Before me, a Notary Public in and for said county, personally appeared Brandy Fertal  
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 14th day of December, 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: 17373 Bennett Road

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;  
No, without these variances, the overall footprint of the home would be far too small for any feasible construction that would meet the minimum square footage requirements.

B. Whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structure;  
The variances proposed are the minimum to make reasonable use of the 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 square footage variance is unlikely to be visually noticeable to the surrounding community, as it closely aligns with the minimum requirements. The setback variance should be acceptable to the community, considering that four nearby properties have even shorter setbacks than 74.5 feet.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage collection);  
As far as i know, the variance would not adversely affect the delivery of 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;  
None known. This property is vacant land and there should be no existing conditions.

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 unique condition for this property is the location of the creek, which has imposed ~~limitations on potential construction due to setback regulations.~~

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

Without the granting of these variances, the property would not be usable as a residence due ~~to the square footage minimum requirements.~~

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

The size and area of the property will not be altered from the original boundaries on record.

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

The owner has not improved the property at all besides it being cleared of trees.

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

Granting the variances would still uphold the intent of the zoning requirements, given the ~~resemblance to existing homes in the vicinity.~~

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# Cuyahoga County GIS Viewer



Date Created: 12/28/2023

## Legend

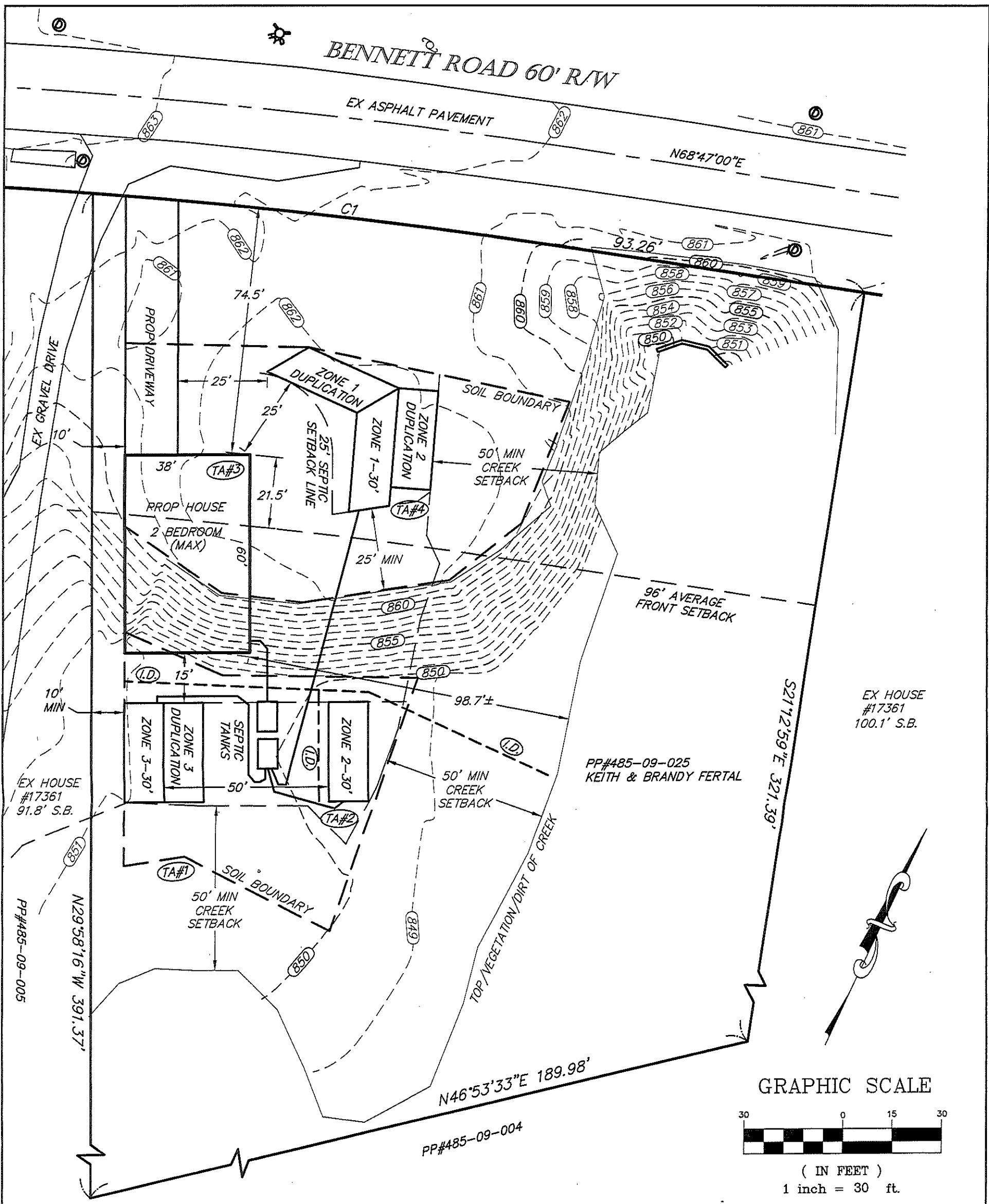
- Municipalities
- Right Of Way
- Platted Centerline
- Parcel

282 0 141 282 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



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	142.72'	1879.86'	71.40'	142.69'	S66°36'30"W	4°21'00"

DATE OF SURVEY  
MAY 22, 2019

(I.D.) = INTERCEPTOR DRAIN  
(B#) = SOIL BORING LOCATION  
TAKEN BY DANIEL KING DATED: 9/16/2023

SEPTIC CALCULATIONS  
2 BEDROOM HOUSE = 240 GPD  
LLR = 2.7 - PER SOIL REPORT  
LENGTH NEEDED = 240 GPD / 2.7 LLR = 89'  
DESIGNED: 3 ZONES @ 30' = 90' TOTAL

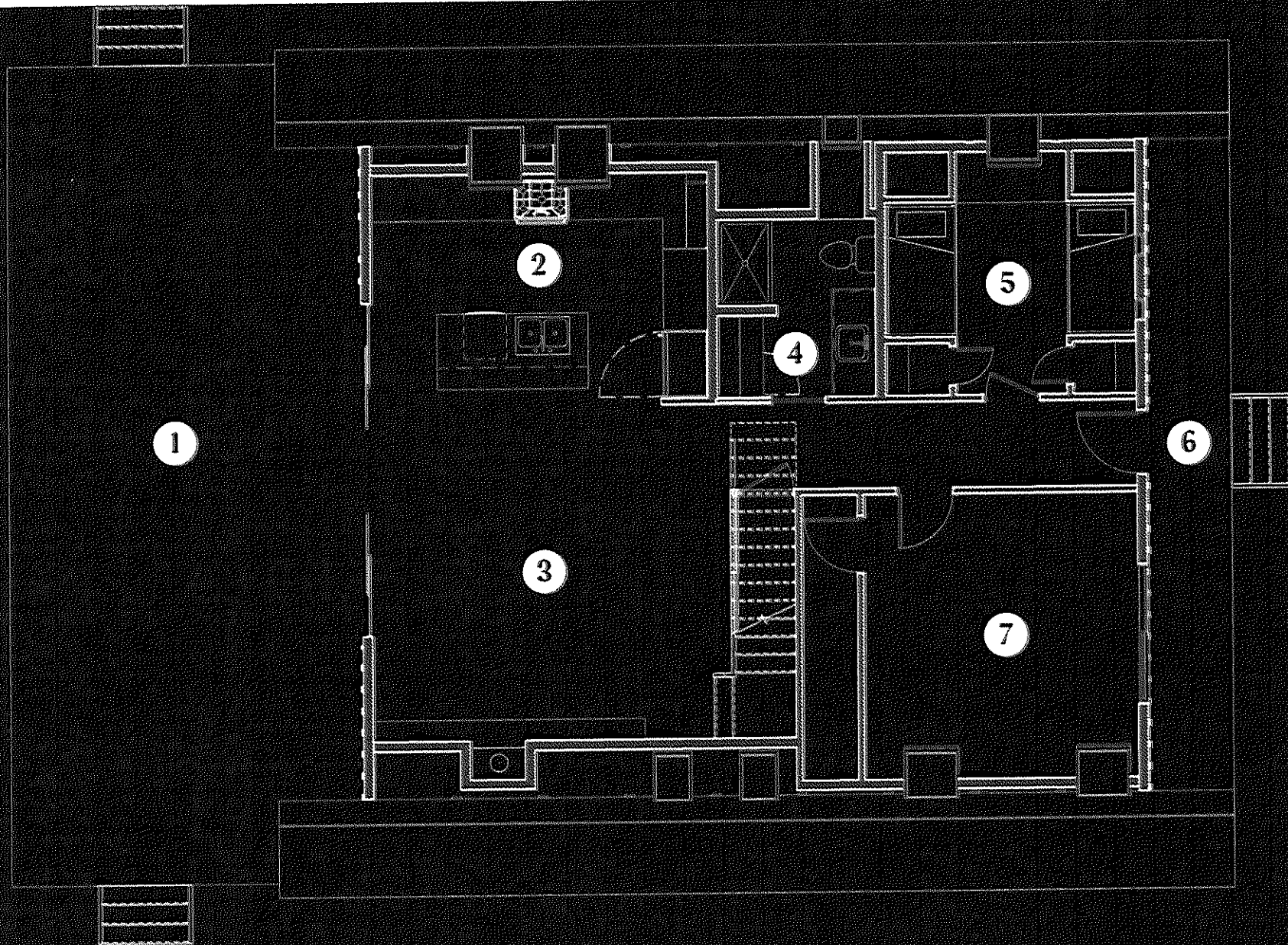
EX HOUSE SETBACKS:  
#17361 - 100.1'  
#17397 - 91.8'  
AVERAGE SETBACK: 96'

PROPOSED HOUSE  
1ST FLOOR: 929 SQ. FT.  
2ND FLOOR: 483 SQ. FT.  
FINISHED BASEMENT: 929 SQ. FT.  
TOTAL: 2,341 SQ. FT.

HORIZ. SCALE: 1"=30'	VERT. SCALE:	5425 WARNER ROAD - SUITE 12 VALLEY VIEW, OHIO 44125 440-602-9071 FAX 216-369-0259	SEPTIC DESIGN LAYOUT FOR MITCH HENGST PP#485-09-025 17373 BENNETT ROAD CITY OF NORTH ROYALTON CUYAHOGA COUNTY, OHIO		
DRAWN BY: CL	DATE: 10/23/2023	 ENGINEERING + SURVEYING Civil Engineering + Land Surveying			
CHECKED BY: SRL	DRAWING NO.: 20193461				
JOB NO.: 20193461	SHEET: 1 OF 1				
				NO.	DATE
				DESCRIPTION	BY







## FIRST FLOOR

1. DECK

2. KITCHEN

3. LIVING ROOM

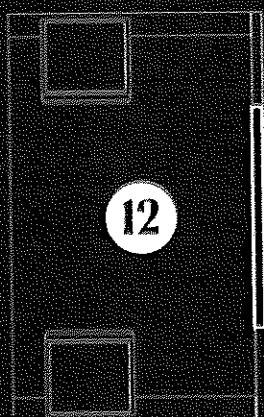
4. BATHROOM

5. BEDROOM

6. DECK

7. BEDROOM





**LOFT**

12. LOFT

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Total Square Footage

1,483

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First Floor Square Footage

929

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Second Floor Square Footage

483

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Footprint Dimensions

38' x 60'

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Roof height

31'

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Bedrooms

3

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Bathrooms

2

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Windows

45

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