

## NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS  
ON  
JANUARY 12, 2023

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JANUARY 12, 2023 AT 7:00 PM FOR A VARIANCE TO CONVERT AN OFFICE BUILDING TO A MULTI-FAMILY APARTMENT BUILDING WITH 7% OF THE ONE-BEDROOM UNITS HAVING 573 SQ. FT. AND 639 SQ. FT. VS. 750 S.F. MINIMUM GROSS FLOOR AREA PER DWELLING UNIT REQUIRED (SECTION 1157.07(f)) AND A VARIANCE TO CONVERT AN OFFICE BUILDING TO A MULTI-FAMILY APARTMENT BUILDING WITH 3,700 SQ. FT. OF ADDITIONAL STORAGE SPACE VS. 9,000 SQ. FT OF ADDITIONAL STORAGE SPACE REQUIRED (SECTION 1157.19(a)) FOR WESTGATE APARTMENTS, 20325 CENTER RIDGE RD.

BEFORE REACHING A DECISION, THE BOARD WILL GIVE THOSE IN ATTENDANCE AN OPPORTUNITY TO BE HEARD.

PLANS SHOWING THE PROPOSED LOCATION ARE ON FILE IN THE BUILDING DIVISION OFFICE AND ARE AVAILABLE FOR REVIEW VIA E-MAIL OR IN-PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT [kstraub@rrcity.com](mailto:kstraub@rrcity.com) OR BY CALLING 440-331-0600 EXT. 2037.

Notices sent to:

Saxton House Condo Association c/o: Dorothy O'Neill, 3167 Linden Rd, Apt. 610 and by posting a notice in the lobby of Saxton House  
Parkwest Bldg. Co., Ltd.  
Summit Health Land Holdings Ltd.



Date Created: 12/7/2022

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel



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**1157.15 LANDSCAPING AND SCREENING REGULATIONS.**

Visual screening and landscape buffers shall be provided for all lots in non-residential districts in accordance with the provisions set forth in Chapter 1185, Landscaping and Screening Regulations.

**1157.17 REQUIRED DESIGN STANDARDS.**

(a) Sidewalks. Sidewalks shall connect each building entrance to the parking area serving that building, to other buildings on-site, to recreational facilities that are provided as part of the development and uses, as appropriate, on adjacent lots and to any public sidewalk.

(b) Building Location. To provide a sense of enclosure and definition to an existing public street, the front wall of the principal structure(s) shall be parallel to such existing public street(s) or to its tangent, if the street is curved. There shall be at least one (1) entrance facing such public street and the principal windows of the building(s) shall also face this public street. The Architectural Review Board may grant an exception to this standard where necessary due to the shallow depth of the parcel, the shape of the parcel, the location of mature trees or other significant environmental features, the location of historical buildings/structures, the proximity of residential uses, or other similar circumstances.

(c) Contextual Building Separations. To create contextually appropriate separations between buildings, principal buildings should be placed on the site to mirror the existing building separations or those found on the nearest block face in the surrounding neighborhood. These separations maybe accomplished by the space between buildings; architectural features, such as columns or pilasters; varying the front setback of connected buildings; creating a courtyard that breaks up the mass of the principal building; and/or altering the roofline of connected buildings.

(d) Character. For all newly constructed principal buildings, the design, scale, and building materials shall be residential in character and reflect the character desired by the City's Master Plan for the area surrounding the proposed development.

(e) Screening Mechanical Equipment. All ground mounted mechanical equipment shall be screened as set forth in sub-section 1185.13, Screening of Accessory Uses. All roof top equipment shall be enclosed in building materials that match the structure or which are visually compatible with the structure.

**1157.19 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards:

(a) General Storage Space. In addition to the floor area requirements as set forth in Section 1157.07(f), at least ninety (90) square feet of general storage space shall be provided for each single-family attached dwelling unit and each multi-family dwelling, not less than seven (7) feet high.

(b) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional, or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard and shall comply with the minimum parking setbacks set forth in Schedule 1157.11 and shall be screened in accordance with the provisions set forth in Chapter 1185, Landscaping & Screening Regulations.

(f) Gross Floor Area of Dwelling Units. The gross floor area for each multi-family dwelling unit in the R-4, R-5, and R-6 Districts shall not be less than that set forth in Schedule 1157.07 (f).

<b>Schedule 1157.07(f)</b> <b>Gross Floor Area Requirements for Dwellings</b>	
	<b>Minimum Gross Floor Area</b>
(1) Multi-family Dwellings	
A. One bedroom	750 sq. ft.
B. Each additional bedroom	150 sq. ft.

(g) Projections into Required Setbacks. Projections into required setbacks shall comply with the regulation in Section 1153.13.

#### **1157.09 HEIGHT REQUIREMENTS.**

Buildings and structures shall comply with the following height regulations:

- (a) The maximum height for principal buildings or structures in the Multi-family Districts shall not exceed:
  - (1) R-4 -36 feet
  - (2) R-5 - 50 feet
  - (3) R-6 - 100 feet
- (b) The maximum height of accessory building or structures shall not exceed fifteen (15) feet.

#### **1157.11 OFF-STREET PARKING REGULATIONS.**

Off-street parking areas shall conform to the regulations of Chapter 1187 and to the parking requirements set forth below:

- (a) Schedule 1157.11 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted. The area within the parking setbacks shall remain unobstructed by structures except as otherwise permitted in this Code.

<b>Schedule 1157.11</b> <b>Minimum Parking Setbacks</b>	
	<b>Multi-family Districts</b>
(1) Minimum Setback from Street ROW	10 feet
(2) Setback from Side and Rear Lot Lines	10 feet

# **ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS**

## **INSTRUCTIONS TO APPLICANTS**

**MEETINGS:** 2nd Thursday of each month at 7:00 P.M. in Council Chambers of Rocky River City Hall.

**DUE DATE FOR SUBMITTALS:** 2 weeks (14 days) prior to the scheduled BZA meeting. Late or incomplete submittals will not be forwarded to the Board for inclusion on the upcoming agenda.

**WHO MUST ATTEND:** A representative, including the property owner, must be present at the BZA meeting for all variance requests.

**APPLICATION FEE:** Residential Variance - \$100.00 first variance + \$35.00 each additional variance  
Commercial Variance - \$150.00 first variance + \$35.00 each additional variance request.

**SUBMISSION REQUIREMENTS:** Please provide **11 stapled sets** of the following:

- 1) **Appropriate Building Permit Application** for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.); **Check representing Application Fee.**
- 2) **Fully completed Variance Application.** Begin with a written narrative describing exactly what project you would like to do and why it is necessary to do so. Please refer to the Typical Variance Sheet for guidance on which standard (Practical Difficulty **OR** Unnecessary Hardship) applies to your request – only complete questions under the appropriate heading.
- 3) **Detailed site drawing** – see attached example, showing all existing structures on the subject property, as well as structures on properties directly adjacent to the location of the subject of your variance request (i.e., line of neighbor's house, driveway and garage closest to the addition you are proposing). Proposed structures must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled. **PLEASE STAKE THE PROPERTY TO SHOW FOOTPRINT OF ADDITIONS, SHEDS OR LOCATIONS OF A/C CONDENSERS, etc.** Site plan should show lot coverage by building calculation (existing and proposed).
- 4) **Elevation drawings** (for pergola, garage, addition or any exterior alteration). Show what all sides of the finished project will look like. Submit a photo example of proposed fences and sheds. Show height of structure on the elevations. *Additions will require existing and proposed interior floor plans for the floors that are affected.*
- 5) **Photographs** of your property and adjacent properties. Label each photo for clarity.
- 6) **Support letters** from surrounding property owners, if available.
- 7) **Any other information as may be requested** by the Building Department or Board Members.

All documentation or other information shall be delivered to:

**Rocky River Board of Zoning & Building Appeals, City of Rocky River Building Department, 21012 Hilliard Blvd., Rocky River, Ohio 44116. Call 440-331-0600 ext. 2037 with questions.**

*(Applicants may not communicate with or present information relating to their variance request to any Board member directly. Communications must be submitted to the Building Department for delivery to the Board.)*

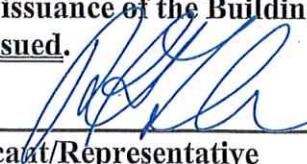
**I, (the owner/applicant) understand that upon the granting of my variance request from the BZA, a separate Permit Application fee will be due prior to the issuance of the Building Permit. I will not begin construction until the Building Permit has been issued.**



12/01/2022

Property Owner

Date



Applicant/Representative

12/01/2022

Date

BZA Application Fee: \$185.00

Date Paid: 12/01/2022

**CITY OF ROCKY RIVER**  
**21012 Hilliard Blvd., Rocky River, Ohio 44116**  
**Telephone (440) 331-0600 — Fax (440) 895-2628**

**APPLICATION FOR BOARD OF ZONING & BUILDING APPEALS**  
(Please Print or Type)

Application Filing Date: 12/01/2022 Hearing Date: 12/15/2022  
Zoning of Property General Business Permanent Parcel No. 30419009

**NOTICE OF REQUEST OF A HEARING BEFORE THE  
BOARD OF ZONING & BUILDING APPEALS**

Address of property seeking variance: 20325 Center Ridge Rd., Rocky River, OH 44116

Realty Dynamic Equity Partners

Name of Property Owner

777 W. Market St., Akron, OH 44303

Address

216-777-2084

734-787 - 4511

Telephone No.

Cell Phone No.

Robert Fridrich

Name of Applicant / Representative

10020 Aurora Hudson Rd., Streetsboro, OH 44241

Address

440-371-4593

Cell Phone No.

E-MAIL: ap@rdyne.com

E-MAIL: bobf@geisco.net

Description of what is intended to be done:

To convert a currently vacant building from an office use to a multi-family use.

Sections of the Code from which variance is being requested:

1157.07, 1157.19

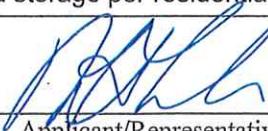
List variances requested:

1. Allowance of 7% of the total residential units to be less than the required minimum area.

2. Allowance of less than the required amount of detached storage per residential unit



Property Owner's Signature



Applicant/Representative's Signature

★ Please note that the Board members visit the subject property prior to each BZA meeting.  
Please indicate whether or not you have a dog(s) that may be outside at the time of their visits.

Yes  No

## **PRACTICAL DIFFICULTIES**

### **ALL QUESTIONS REQUIRE A COMPLETE RESPONSE**

**R.R.C.O. 1133.17(c)(1).** In order to grant an area variance, the following factors shall be considered and weighted by the Board of Appeals to determine practical difficulty:

A.) Describe what special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other land or structures in the same zoning district (i.e., exceptional irregularity, narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions).

This is an existing, out-of-date, and non-code compliant office building. The near entirety of the property sits atop an underground parking structure. Additionally, this underground parking area extends to the north beyond the property line and terminates at the Rockport Retirement Community foundation wall. The existing architectural and structural conditions limit the ability to make modifications to conform to current code standards.

B.) Explain whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance (discuss use limitations without the variance).

In modern multi-family standards, studio units are typically designed to an area of 450 sq. ft. to 600 sq. ft. whereas one-bedroom units are designed to have an area of 600 sq ft. to 800 sq. ft. With that being said, the development team concludes that the integration of studio units is critical in order to provide more valuable rentable area to the development. The existing state of this property requires costly repairs in order to return it to a quality habitable state. This in turn allows the design and construction team to better reconcile improvements and repairs within the overall budget. Additionally, this allows the development to better respond to market conditions and demographics and to better compete with surrounding properties.

C.) Explain whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures (demonstrate how much the variance request deviates from Code requirements, i.e., coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).

The residential unit mix variance requests an allowance for 7% of the total residential units to deviate from the minimum required area. Reasoning illustrated in the above question.

The storage requirement variance requests a deviation of 75.8% on the basis of existing condition restraints which limit the amount of providable area. The requirement of 90 sq. ft. per residential unit will limit rent performance and exceeds the known market tolerance by building additional space which is not anticipated on being well utilized.

D.) Explain whether the essential character of the neighborhood would be substantially altered and whether adjoining properties would suffer substantial detriment as a result of the variance (discuss the increase of value, use, and aesthetic appeal for both your property and adjoining properties, together with any negative impact to adjoining properties).

Ownership and Geis Companies do not believe the contextual character of the area will be diminished by these variances. They simply allow the team to better work within financial and existing condition constraints.

E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.

No government services will be negatively impacted by the granting of these variances.

F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.

Ownership was fully informed of all known restrictions.

G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.

Ownership has not created any special conditions or circumstances.

H.) Explain whether the property owner's predicament feasibly can be obviated through some method other than a variance (why other means and methods of property improvements or enhancements would not suffice).

The objective of these variances are to capture more valuable rentable areas in order to provide better financial efficacy to the development, which allows the team to provide community benefiting site improvements.

I.) Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

These variances allow the development team to financially reconcile critical site improvements which greatly improve the aesthetic quality and activity of the site.

J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Ownership and the development team do not believe that the granting of these variances provides excessive special privilege.

K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

The basis of these requests are to respond to financial and technical challenges presented by the property. Ownership and the development team would not go as far to claim that there is a denial of rights.

**PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.**

Mr. Capka asked why they seem to have so much parking and JPMorgan Chase representative, Seth Burke, came forward to explain that they know they are over parked but there will be 13 spaces for employees inside of the branch and if they each are speaking with a client or customer, they feel it is necessary to have the additional 13 spaces. Regarding turning left out of the parking lot onto Center Ridge, he said that may be a difficult turn to accomplish. Mr. Burke said that most will go to the light on the side street to exit.

Mr. Bishop moved to open the public hearing. Mr. Capka seconded.

4 Ayes – 0 Nays  
Passed

There being nobody in attendance from the public, Mr. Bishop moved to close the public hearing. Mr. Capka seconded.

4 Ayes – 0 Nays  
Passed

Mr. Bishop moved to grant preliminary and final approval for a new commercial bank with a drive-thru as a conditional use subject to Chase Bank, 20780 Center Ridge Rd. subject to the granting of a variance for lot size. The drive-thru requires a minimum lot size of one acre and the proposed development has less than one acre. Mr. Capka seconded.

5 Ayes – 0 Nays  
GRANTED

**4. WESTGATE APARTMENTS – 20325 Center Ridge Rd. –Preliminary Review PUBLIC HEARING – Change of Use from an Office Building to a Multi-Family Apartment Building in a General Business Zoning District.** Mr. Ben Brannon and Bob Fridrich of Geis Companies came forward to discuss the project.

Mr. Brannon explained that they went to Design Board for a preliminary review and have implemented the comments they made regarding landscaping, which they submitted. The biggest adjustment they made was with regard to the Planning Commission's comment about the unit mix. They incorporated more 1-bedroom units and dissolved some 2-bedroom units. The studio unit mix is now down to 10%. They eliminated parking around the perimeter and incorporated an amenity space with a concrete curb that includes planters, a community garden, some seating areas with exterior grills, as well as a general corn hole activity location. Toward the entry to the site, they included some tree spaces and some heftier planter conditions to buffer the space from Linden Rd.

Mr. Bishop said that he thinks they may want to modify this to pre-preliminary review because it is still a little bit lacking in the presentation for a preliminary review. He said that the new landscape plan looks like it is the same submission as was given 2 weeks ago, which means that

the landscape plan has not been adjusted to the site plan showing 46 parking spaces. Mr. Bishop said that they need everything to line up so there is a record of what was agreed to. The site plan needs to match the landscaping plan, etc. Mr. Brannan said that their original submission was the landscape plan that is in the packet and they submitted the revised site plan for this review following the Design Board comments. Mr. Bishop said that the site plan lacks dimensions on the drive lanes and the parking distance to the building wall. He said that they should strike the comment on the site plan that says, "Parking layout and organization is existing and to remain," because that is not what they are doing. He asked if they are creating a front entrance because Design Board implied that they would like to see more of a statement at the front of the building but he does not see that they have done that. Mr. Brannan said that they decided to add a pretty lengthy concrete curb and eliminated some parking spaces around it to make it more architecturally prominent. They haven't proposed a cladding to the main entry but they would like to hear the opinions of the Commission before they go further there. Mr. Bishop suggested that they really should want to rebrand the building from office to residential. A residential building should have some type of statement at the front so people know it is clearly a residential building, which is the Commission's goal. He asked if they will be doing with the door at the west corridor because it looks like it's an egress door and he doesn't know what the intent of it would be. Mr. Brannan said that it would be a means of access to the amenity court and not a secondary entrance. He said they typically get a rendering of what the details of the elevations are going to look like.

Mr. DeMarco thanked the applicant for the efforts they have made and for going to the Design Board for their feedback. He is thankful they took into account the conversation they had last month regarding the perimeter parking and potentially eliminating that because it does a lot to give some buffer between this building and the other buildings. He said that this still feels a little bit forced in his opinion. The east and the south property sides seem pretty soft because there is a less dense use to the south and to the east. However, to the north, there is basically a curb from one parking lot to the next. He asked if it is their intent to detach from the nursing home property to the north. Mr. Brannan said that they feel they are separating themselves from the property to the north with the amenity area. Mr. DeMarco said that he feels like there is more that they can do with adding detail to the curbing area so they can understand exactly what it is and not just the intent of what it is. It still feels to him that it is still going to be pretty open between this property and the northern property. He said that the Design Board minutes say that they want this to be a pedestrian friendly location and destination and he feels like they are not there yet. He appreciates all of the softening they have done close to the street but creating the focal entry point that Mr. Bishop mentioned is hugely important for this building, given the condition it is in and the design of what it was. The question is how do you draw people to the site? At this time he does not know that it feels like they are doing that. He echoes Mr. Bishop's comments regarding consistency across the plans because if they are going to have a public hearing, the people who need to see this have not seen the site plan yet. A brief discussion was had relating to how they can bring relief to the façade because it is very flat. Mr. Fridrich said that in order for this project to check the economic feasibility box as they look at rentable interior space, they need to maintain the exterior as it is and not cut into it.

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Mr. Allen requested that the applicant be sure that the project narrative is revised as they make other revisions so it fits in with the consistency piece. He asked questions about the raised curbing and the applicant responded that it one continuous curb all of the way across. The 4' fence on the north side would sit on top of the 6" curb. Mr. Allen added that he is not sure that a see-thru aluminum fence provides the screening that they are probably looking for. He inquired more about the lower level floor plan for clarification, as well as the amenity area.

Mr. Capka asked if there will be any connection of the site to other walking areas around it or other means of tenant exercise. A path on the east side from Center Ridge to the neighborhood behind them was explained. He would like to see more detail about how to connect the amenity areas to the rest of the building. Regarding the ground floor and site plan, he would like more detail on the pergola and seating area.

Mr. McAleer said that he agrees with the comments and thinks that a more residential feel is very important. He likes what they have done with the perimeter but it seems a little disconnected from the building itself and he would like to see more detail on that.

Mr. Bishop said that he would call this a pre-preliminary review and he feels they are not quite at the preliminary stage. They don't have enough to offer a public hearing, because for the public to review this, they would have needed to have the time to review it but it is not complete. He suggested that they table this meeting and they do the public hearing next time. He said that there are a lot of unknowns and those things need to be clearly shown. He said that the last time they met there was a different presenter and there was a push to do this very quickly. He said that the applicant is investing a lot of money and there is a lot of competition for this project coming up. He does not think they are too far away from doing this the right way and urged them not to force the timetable. Mr. Fridrich said that the owner will not give any extensions on this deal beyond the end of August. Their attempt to date has been to see if this plan can be considered acceptable and can be viable. They will do their best to take all of the input and quantify it to the ownership so he can decide if he will proceed or not by the end of the month.

Mr. Bishop said that they have come a long way in the 4 weeks since this was first before them. They made suggestions to the applicant regarding unit mix last time and the applicant ended up being able to make them work. They are about 85 – 90% there and the seller should know that. Discussion was had relating to having a special meeting date and the fact that notices must go out 7 days in advance.

Mr. Bishop moved to table the preliminary review of this project. Mr. DeMarco seconded.

5 Ayes – 0 Nays  
TABLED

**5. SEAN KENNEDY – 19933 Lake Rd – Pre-Preliminary Review – New Office Building.**  
Ms. Julie Trott of Vocon is present with Sean Kennedy, the property owner and with Krueger Group, the Construction Managers.

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He thinks it breaks up a huge wall of brick and makes the feel of two individual buildings rather than a massive brick building. Mr. Bishop said that he wonders if they are being penalized because it is an office building and not a residential building. This complies with the code in terms of what the use is, so they should be neutral on that and treat whether it is residential or commercial equally regarding height and all of the other things.

Mr. Capka said that they received a letter from one of the residents relative to the noise potential on the second floor. Ms. Trott said that they brought a cut sheet of the product they are proposing called Roofscreen, which has a mineral wool backing to the mechanical screen material to help mitigate sound. It has a perforated back and it absorbs the sound to mitigate its effect on the surrounding areas. She said that it would be faced with a ribbed metal panel, which would be the visual from the residential and the insulation would be on the interior of the enclosure. Mr. Capka asked if the east elevation has changed at all from the previous submission. Ms. Trott said that they have shifted the doors to the south side of the maintenance area but they are still on the same elevation.

Mr. McAleer said he does not have any questions, but he has comments to support what they are requesting. He thinks that being able to see what has been requested tonight in terms of more information will help him support the argument for the height variance. Mr. DeMarco asked if they could take the aerial underlay off of their site plan and put it on the survey page. Mr. Bishop said that he would like to say that he did not agree with much of the comments from the Design Board. Maybe some things were valid but also some things were not, particularly the comment on height because it was made without fact and the things that were said needed to be supported by facts. Mr. McAleer said that he agrees with Mr. Bishop and said he likes the way this building looks. Mr. DeMarco said that it is good they had the Astor Place BZA minutes because they got almost a 50% variance for height and this is not asking for nearly that much. Mr. Bishop said it is also unfortunate that they went to the first meeting and it seemed to go very well, which is the whole idea of doing a pre-preliminary review. Then to come back to a preliminary review and seeing something substantially different in comments defeats the whole idea of a pre-preliminary. The idea is not to go deeper and deeper into the project and then to be thrown for a loop.

Mr. Bishop moved to table this preliminary review again to give the applicant the opportunity to clean up all of the things that were discussed and get the things in line that they have talked about. Mr. Capka seconded.

4 Ayes – 0 Nays  
TABLED

**3. WESTGATE APARTMENTS – 20325 Center Ridge Rd. – PUBLIC HEARING –**  
**Preliminary Review – Change of Use from an Office Building to a Multi-family Apartment Building in a General Business Zoning District.** Mr. Ben Brannon and Mr. Robert Friedrich of Geis Construction, came forward to present the plan.

Mr. Brannon said that the most significant changes is the addition of significant green landscaping, particularly on the northern edge of the site where they added a 10' green buffer, as well as at the entry point where they changed the location of the signage and expanded the green beds and did the same at the south edge of the site. They modified the floor plan of the building itself, per their architectural team's surveys. They created a more efficient stacked plan and reduced the number of studios from what they previous showed to 6 studio units. As they dove into the issue of how they technically address the green roof condition, they discussed a serious of landscape foliage items that can withstand this condition. They are proposing an 8" soil condition so they need a set of plants that can survive there year round for their evergreen variety. He said that the rendering set accurately represents what they would like to do. They also have a preliminary site lighting layout they have included that shows the photometrics and the positions of the fixtures they would like to incorporate.

Mr. Bishop thanked the applicant for getting done what they were originally told could not be done. He said that they went way beyond what this Commission was actually suggesting and he commended them on that. All of the one and two bedrooms exceed the code for square footage, but they are required to have a variance for the 6 studios. However, Planning Commission is supporting variance requests for up to 10% of the unit mix for studios and they are well below that. They also have the requirement for a storage variance based on our current code, but they have been suggesting lesser storage square footage, primarily tied to studios and 1 bedrooms at 50 sq. ft. per unit. This project has many one-bedroom units above the minimum requirement of 750 sq. ft. and some are almost 950 to nearly 1,000 sq. ft. Their units are so much larger and he is not even convinced that they will need that much storage. Most of the units they have been seeing are right at 750 sq. ft., which is where the 50 sq. ft. per unit comes in. Mr. Bishop asked if they are renting these spaces for an additional cost and Mr. Brannon said that they would be a rented commodity. Mr. Bishop said that there is adequate parking and everything else is in compliance, so they just need the two variances for the studio units and the storage. Their request is substantially below what other people have received, so there is precedent for the variances.

Mr. Brannon said that they will go before the Design Board on Monday and they have addressed their initial comments which were similar to this Commission's comments.

Mr. DeMarco said he agrees that this applicant has come a long way and that this looks like a very nice project. He likes the unit mix better and would support the variance for storage and for the studios because of the minimal percentage of those. He really likes what they did with the landscaping and how they disconnected from the nursing home property to the north with landscaping. He likes the renderings and his only concern is that they won't look this beautiful when everything goes into the ground on day one. If there is a way, at least along the north line, to select plantings that will be at a taller or fuller height when they are installed on day one, it would be great. He likes the monument sign in the front because it gives the building a good street presence and shows that this is no longer a decrepit looking office building and helps the fact that they are converting it to something more premium. He urged them to work with Design Board to try to reinforce that on the building itself to show that is the building entry. Mr.

Brannon said that the branding for the sign cannot be finalized today. Mr. Bishop said that they can handle that as a later approval.

Mr. Allen said he would like to echo the comments all around because this is a much better plan than when they came in. He is glad they took the comments about the landscaping on the north side and ran with them. He supports the studios and the storage space based on what they have supported in previous projects.

Mr. Capka said that one of the trees on the landscaping plan is missing from the site plan and said they might as well put it in there because the more landscaping, the better. He asked about the existing canopy with metal panel and asked if they are redoing what is there. Mr. Brannon said that the existing has a concrete base and they can easily apply a metal panel to it. They had a preliminary meeting with the Fire Department regarding access and truck weights.

Mr. McAleer said that he also wants to echo the comments and supports the variances as the Chairman has already pointed out. He understands that the signage is being worked out, but he really likes the renderings. He knows that Geis will do great work, based on their existing properties, such as The 9 downtown.

Mr. Bishop moved to open the public hearing. Mr. Allen seconded.

5 Ayes – 0 Nays  
Passed

Mr. Alvin Allen, condo owner at the Saxton House next door, came forward and said he just received the information a few hours ago from Ms. Straub. He asked about whether there is intent to put a fence on top of the retaining wall to the west or whether they will add vegetation. He also would like to know about the egress stair tower located in the northwest corner is in a bad state of repair and wonders if it will be maintained and protected from vagrants which currently is happening. Mr. Fridrich said that the corner stairway and the stairway that egresses out of the parking lot will be repaired and maintained. They will be cleaned out and security will be provided when it is an occupied apartment building. Mr. Allen said that he is excited about this project and this will improve property values for everyone. He is glad they will maintain the access to the park.

Mr. John Carney, 20664 Beachcliff Blvd., came forward and said he is a big champion of adaptive reuse, which it sounds like this is. He has worked with the Geis Companies before and he can confidently say if they are doing the project, they will do a very good job. He recommends and supports this project.

There being no further public comment, Mr. Bishop moved to close the public hearing. Mr. Capka seconded.

5 Ayes – 0 Nays  
Passed

Mr. Bishop moved to grant preliminary approval to Westgate Apartments, 20325 Center Ridge Rd., conditioned upon trying to get access to the walk path and the approval of the two variance requests, as well as final Design Board approval. Mr. Allen seconded.

5 Ayes – 0 Nays  
Approved

**4. FRAZIER NORTH (301-09-118) AND FRAZIER SOUTH (301-09-117) – PUBLIC HEARING – Request to rescind the 2016 Restrictions imposed on these parcels by the City of Rocky River Planning Commission.** Mr. John Carney, 1050 Homewood Dr. in Lakewood, is present to present the request.

Mr. Carney said he is here to ask the Planning Commission to verify that any prior restrictions placed on the Frazier lots by the Planning Commission in 2016 do not apply to his family, as the purchasers of these lots for value from a third party without any prior knowledge of such restrictions. Mr. Carney said he grew up in Rocky River and the reason they purchased the two vacant lots at 19401 Frazier Dr. was to come back to Rocky River and to build their dream home. They intend to build their family home on the south lot of Frazier Dr. (PPN: 301-09-117) and to develop and build the north lot (PPN: 301-09-11) and they have friends who are interested in moving into that location.

Mr. Carney said that due to the topography of the site, they want to be able to control the construction process for the site work and foundations to be sure that both houses are built simultaneously and correctly. Both homes will be terraced to the rear off of Yacht Club Dr.

Mr. Carney said that it wasn't until they closed on the properties and began to design the homes that they found out that there are additional setback and site restrictions placed on the property that they were not aware of when they purchased the property. These additional constraints and the inability to request variances, make it exceptionally difficult for them to build their dream home on the Frazier South site. They are not asking for any special treatment and they want to proceed following the existing Rocky River setback map which shows a 40' setback requirement from Yacht Club Dr. and a 20' setback from Frazier Dr. and they expect to be able to follow the City's process, as any other landowner would be and be able to apply for any required variances. Their due diligence did not uncover the Planning Commission restrictions contained in their minutes of their final review and there is nothing on record with the Plat Map that was approved by the City and filed for these properties with the County and the Rocky River setback map does not reflect it.

The family home that they would like to build requires the unrestricted 40' setback in order to work and said the elevations he provided in the submission reflect a flat roofline that they need to be at 30'. They feel that this is consistent with Frazier Dr. where there are multiple flat roofs versus gabled roofs. The first home on the site was built with a 34' or 35' gabled (peaked) roof and they would like to go through the process to see if their height request could be granted.