



NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
NOVEMBER 21, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, NOVEMBER 21, 2024, AT 7:00 PM FOR A VARIANCE TO ALLOW A TATTOO USE WITHIN AN ENCLOSED BUILDING WITHIN 500' OF A CHURCH AND A SCHOOL VS. TATTOO USE NOT PERMITTED WITHIN 500' OF A CHURCH AND/OR SCHOOL) PER SECTION: 752.02(A)(C). MATTHEW PONTIUS / SALON SUITES FOR, 19360 DETROIT 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 KATHRYN KERBER AT KKERBER@RRCITY.COM OR BY CALLING 440-331-0600 EXT. 2598.

Notices sent to:
See attached list

Variance: To allow a tattoo use in an enclosed building within 500' of a church and a school vs. Tattoo use not permitted within 500' of a church and/or school. Section: 752.02(a)(c).

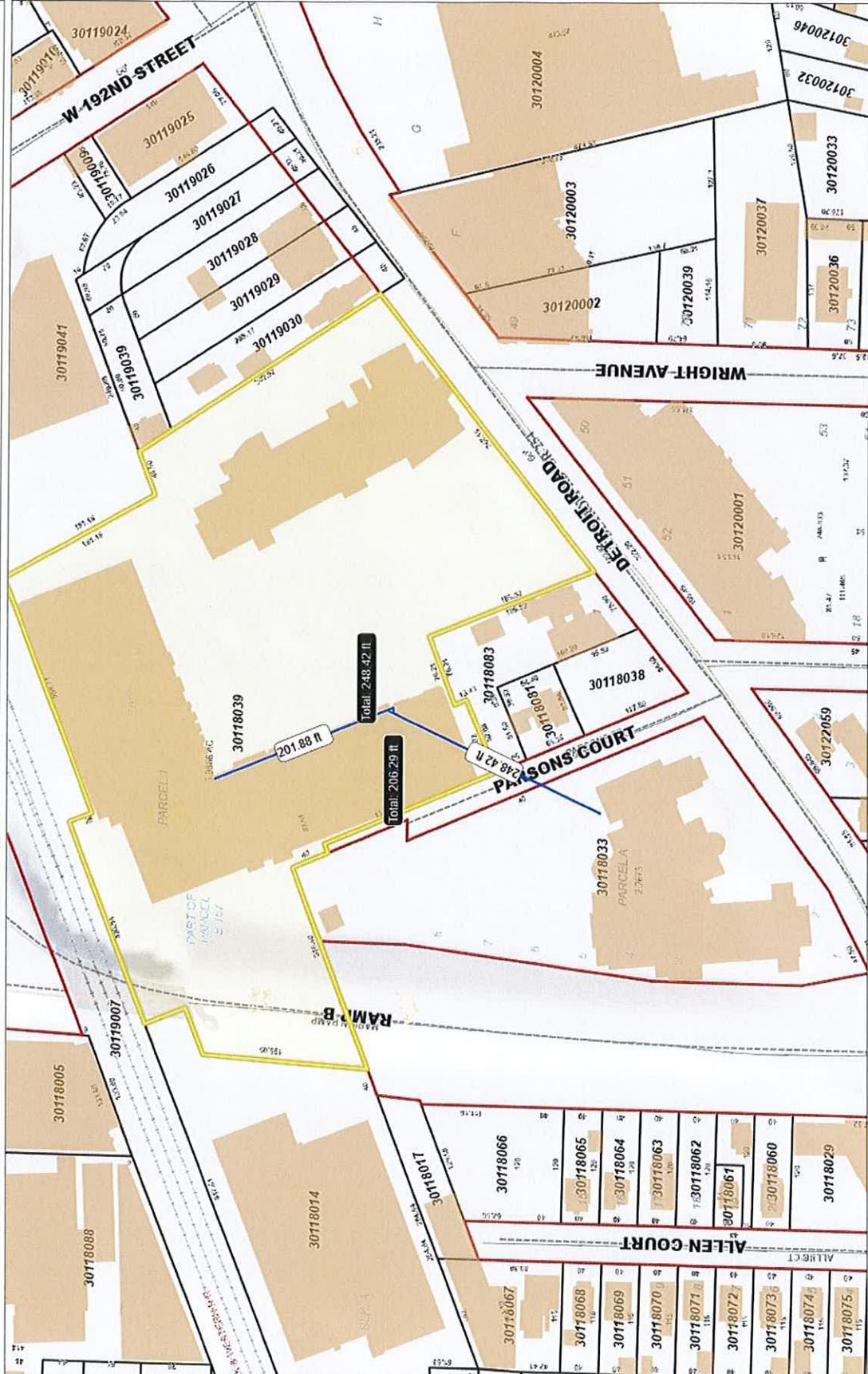
JRW/RR, LLC
22720 FAIRVIEW CENTER DR #150
FAIRVIEW PARK, OH 44126

Anna M Smith April W Sampson
12550 LAKE AVE UNIT 611
Lakewood, OH 44107-1575

19360 Detroit (4)

ROCKY RIVER METHODIST CHURCH
19414 DETROIT RD
ROCKY RIVER, OH 44116

TIA ROCKY RIVER LLC
2503 E BROAD ST
COLUMBUS, OH 43209



Date Created: 5/29/2024

Legend

- Municipalities
- Right Of Way
- Platted Centefline
- Parcel
- Buildings - 2017

1:1,200



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 not be available in the desktop version of the application.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

200 0 100 200 Feet

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

PLUMBING FIXTURE SCHEDULE (VERIFY ALL SELECTIONS BEFORE ORDERING)

FIXTURE	PLUMBING CALCS					DESCRIPTION. SEE INSTALLATION MANUAL	CW	HW	WASTE	VENT
	CW UNITS	HW UNITS	TOTAL UNITS	TOTAL	DFU FIXT.					
SB-1 (30)	0.75	0.75	1	30	2	60	1/2"	1/2"	2"	1-1/2"
*HS-1 (30)	0.75	0.75	1	30	2	60	1/2"	1/2"	1-1/2"	1-1/2"
*L-1 (4)	0.75	0.75	1	4	2	8	1/2"	1/2"	1-1/2"	1-1/4"
*L-2 (0)	0.75	0.75	1	0	2	0	1/2"	1/2"	1-1/2"	1-1/4"
EWC-1 (1)	0.5	0.5	0.5	0.5	1	1	1/2"		1-1/2"	1-1/2"
WB-1 (2)	2	2	3	6	3	6	1/2"	1/2"	3"	2"
WC-1 (3)	10		10	30	4	12	1"		4"	2"
UR-1 (1)	5		5	5	2	2	3/4"		2"	1-1/2"
FMS-1 (1)	2	2	3	3	3	3	3/4"	3/4"	3"	2"
FD-1 (3)					2	6			3"	2"
TOTAL				108.5		158				

* PROVIDE ADJUSTABLE TEMPERATURE CONTROLLED MIXING VALVE ON ALL SINK/LAV FIXTURES.

City of Rocky River

21012 Hilliard Boulevard Rocky River, Ohio 44116

APPLICATION FOR **NON-RESIDENTIAL** PLAN APPROVAL

Submit one application per building or structure; **All** sections must be completed.

APPROVALS DATES:

Planning Comm: _____

Board of Appeals: _____

Design & Review: _____



Application Date: 10-30-2024

Intent Sign Date: _____

<p>1 PLAN SUBMISSION:</p> <p>Plan review will commence once all below plan copies are submitted.</p> <p>Have 2 paper and 1 digital plan(s) been submitted for plan review?</p> <p>Yes: ___ No: <input checked="" type="checkbox"/> To be sent by: _____</p>	<p>2 TYPE OF PROJECT:</p> <p>___ New Building Construction</p> <p>___ Building Addition</p> <p><input checked="" type="checkbox"/> Alteration</p> <p>___ Repair/Maintain/Replacement</p> <p>___ Change of Occupancy</p> <p>___ Request Existing Bldg C of O</p>	<p>3 PHASED PLAN REVIEW:</p> <p>___ Foundation</p> <p>___ Framing:</p> <p><input checked="" type="checkbox"/> Other: Applying for zone variance _____</p> <p>___ Other: _____</p> <p>___ Other: _____</p> <p>___ Other: _____</p>
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4 APPLICATION RELATED INFORMATION:

- Is this project being submitted as a result of a previous preliminary plan review? No ___ Yes
- Is this application being submitted as a result of a Notice of Violation or Adjudication Order that you received?
 No ___ Yes, please provide the adjudication order number: _____

5 PROJECT/BUILDING LOCATION: (OBC 107.2.2)

Building Name MY SALON Suite Street Address 19360 Detroit Rd Suite A-102 Rocky River, OH 44116

Street Address _____ Sublot No. _____ Lot Size 5,900

Permanent Parcel Number _____ Estimated Time of Completion _____

<ul style="list-style-type: none"> ▪ Is this project/building located in a flood plain? ▪ Has flood plain administrator been contacted for requirements? 	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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6 BRIEF DESCRIPTION OF THE SCOPE OF WORK COVERED UNDER THIS APPLICATION: (OBC 107.2.1)

Applying for a zone variance to accommodate a new member at MY SALON Suite that provides a form of tattoo. According to RR 752.02 Limitations on Location- no use for tattoo should be within 500' of church or school. Our location is within 500' of both which is why we're applying for a zone variance. The artist would have a room within our walls, not visible to the outside. I have permission from the school and church to gain attempt gaining approval for the variance.

Total Estimated Cost \$ _____

Total Square Footage of all Levels and Areas of Construction His suite is about 150 sq. ft. **SQ. FT.**

7 BUILDING OWNER INFORMATION:

Name of owner TIA Holdings LLC Attention: Alex Alahakoon

Street Address 6827 N High St Suite 200 City Columbus State Ohio Zip 43085

Phone No. 614-896-6103 E-mail alex@tia-holdings.com

8 APPLICANT INFORMATION: (Owner or designated representative) (OBC 107.2)

Applicant MY SALON Suite Attention: Matthew Pontius

Street Address 29495 Wolf Rd City Bay Village State OH Zip 44140

Phone No. 614-507-8090 E-mail mpontius@mysalonsuite.com

9 REGISTERED DESIGN
PROFESSIONAL INFORMATION: ___ Architect ___ Engineer ___ Certified Fire protection system designer
 Designer _____ Reg. /Certificate No.: _____
 Street Address _____ City _____ State _____ Zip _____
 Phone No. _____ Fax _____ E-mail _____

10 BUILDING CODE INFORMATION:
 (Information applies to construction area in a mixed use groups building, or the entire building if a single use group building)
 Current use group(s) Salon professionals Construction Type of Project _____ Construction Type of Building _____
 Occupancy Description: _____ **Method of Demonstrating Energy Code Compliance 2012 IECC** ___ **2010 AHRAE 90.1** ___

11 GENERAL BUILDING INFORMATION: (The following information applies to the **entire building** not just construction area.)
 (OBC 107.2.3.)

- Building Information:
 Use group(s)? _____ Mixed use groups? ___ No Yes ___ Separated ___ Non-separated
 Construction type? _____ Building height (FT)? _____ No. of stories? _____
 Occupant load? _____ Storage height (FT)? _____ Storage aisle width (FT)? _____
- List USE GROUP below for mixed use building.

<input type="checkbox"/> Hair Stylists
<input type="checkbox"/> Estheticians
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
- List Occupancy Type for associated use group below.

<input type="checkbox"/>
- Fire Protection Systems: (Enter the type of system such as NFPA 13, NFPA 72, etc., if known. Enter "N/A" if not applicable)
 Building sprinkler system? Yes Sprinkler demand @ base of riser (PSI)? _____
 Limited area sprinkler system? _____ Type 1 hood suppression? _____ In-Rack sprinkler system? _____
 Building fire alarm system? Yes Fire detection system? _____ Smoke detection system? _____

12 CERTIFICATION: (OBC 107.2.5)
 I certify that I am the ___ Owner Owner Authorized Agent
 All information contained in this application is true, accurate, and complete to the best of my knowledge. All official correspondence in connection with this application should be sent to my attention at the address shown above.

Signature 
 Print Name: Matthew Pontius Date _____

13 THE AREA BELOW IS FOR OFFICIAL USE ONLY:

Fee Description	Amount	Deposits
PLAN REVIEW		
Permit Fee		
Other Fees		
Sub-Total	\$	\$
B.B.S. +3%		
Curb Crossing		
Street Cleaning		
Curb Cut		
Sewer Tie In Fee		
Total Fees	\$	
Date Received _____	Estimated Cost _____	
Check Number _____	Permit Number _____	
Processed By _____		

Notes:

**CITY OF ROCKY RIVER
21012 HILLIARD BOULEVARD
ROCKY RIVER, OH 44116**

PHONE: (440) 331-0600

FAX: (440) 895-2628

License Application Notice

This is your application for a license for the period January 1 thru December 31.

The application is to be returned to the Building Department of the City of Rocky River together with a check for the amount of the fee listed below by no later than December 31. Please make check payable to the City of Rocky River. Please enclose self-addressed stamped envelope with your application.

Barber Shops \$50.00
Beauty Salons \$50.00

Restaurants \$50.00
Food Service \$50.00
Tattoo Shop \$50.00

License Application

Date: 6-19-24

Name of Business: My Salon Suite

Address of Business: 19360 Detroit Rd Rocky River, OH 44116

Name of Building Owner or Agent: Matt Pontius

Address of Building Owner or Agent: 19360 Detroit Rd Rocky River, OH 44116

Name of Occupant or Operator: David Guativa Tel No: 419-285-6566

Address of Occupant or Operator: _____

Nature of Occupancy: (Check appropriate category below) Tattoo Shop

Barber Shop Beauty Shop Restaurant Food Service

License to be mailed to:

Name: Matt Pontius Tel. No. 614-507-8090

Address: 19360 Detroit Rd Rocky River, OH 44116

City: Rocky River State: OH Zip: 44116

Signed: _____



Circle One

(Owner)

(Agent)

(Occupant)

(Operator)

An inspection of your premises may be made before issuance of your license.

For office use only:

License No: _____

Date issued: _____

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.

_____	_____		10-18-2024
Property Owner	Date	Applicant/Representative	Date

BZA Application Fee: \$150 _____

Date Paid: _____

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: 5-29-2024 Hearing Date: _____
Zoning of Property General Business Permanent Parcel No. _____
District _____

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

Address of property seeking variance: 19360 Detroit Rd Suite A-102 Rocky River, OH 44116

Name of Property Owner	Matthew Pontius Name of Applicant / Representative
Address	19360 Detroit Rd Rocky River, OH 44116 Address
Telephone No.	440-490-6000 Telephone No.
Cell Phone No.	614-507-8090 Cell Phone No.

E-MAIL: _____ **E-MAIL:** mponcius@mysalonsuite.com

Description of what is intended to be done:
Obtain a zone variance for a tattoo artist to occupy a suite within the walls of MY SALON Suite, within 500' of a church and school.

Sections of the Code from which variance is being requested:
752.02 LIMITATIONS ON LOCATION

List variances requested:
To have such use for a tattoo establishment within 500' of a church and school

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

TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
<ul style="list-style-type: none"> • Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code 	<input checked="" type="checkbox"/>	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • Rear, side & front setbacks 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Coverage (>28%) 	<input type="checkbox"/>	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • Width 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Distance from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Circular if lot width is <90' 	<input type="checkbox"/>	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
<ul style="list-style-type: none"> • Area allowed (maximum sq. ft.) 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Front setback 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Lot width <100' 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Number of items of information 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • On side of building 	<input type="checkbox"/>	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
<ul style="list-style-type: none"> • Height or Openness 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Front Yard (in setback) 	<input type="checkbox"/>	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i>		
<u>Note:</u> <i>Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
<ul style="list-style-type: none"> • Height 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Square footage 	<input type="checkbox"/>	(Area) Practical Difficulties
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
<ul style="list-style-type: none"> • In side or rear yard <10' from property line or in front yard 	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: <i>(Complete Building Permit Application)</i>		
<ul style="list-style-type: none"> • < the number of spaces required 	<input type="checkbox"/>	(Area) Practical Difficulties
<ul style="list-style-type: none"> • Setback from property line 	<input type="checkbox"/>	(Area) Practical Difficulties

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).

We're within 500' of a church and school

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).

Yes, MY SALON Suite will benefit from having another tennant to occupy one of it's rooms and collect rent. The tattoo artist will also benefit from revenue gained from his clients.

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 code says we need to be further than 500' from church and school to host tattoo services. MY SALON Suite is about 200' from the church and 250' from the school. Both have given permission for the service to be present.

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).

The variance would result in the opening of a skilled and experienced tattoo artist's studio suite within the walls of the existing MY SALON Suite property. The essential character of the neighborhood would not be substantially altered as a result of the variance. Adjoining properties would not suffer detriment as a result of the variance.

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

There would be no affect on governmental services. The artist is fully certified in all required by the state of Ohio including First aid, Blood Pathogen Prevention, and is ready to obtain approval from the Board of Health if approval is granted.

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

I learned of the zoning limitations after I opened the salon in July of 2023.

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

There are no special conditions in place.

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).

There are no other methods to gain the variance.

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).

It would provide a driven and well educated entrepenur the oportunity to bring a trendy service to the area, bringing more commerce to the area for other business owners.

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.

I'm not aware of how granting the variance would give any special privilege to us, that's denied by the regulation to other buildings in our district. We're a multi-use facility with a variety of services offered.

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.

If there was another business in our district wanting to offer tattoo service outside of 500' of the location limitations they could.

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.

UNNECESSARY HARDSHIP STANDARD

ONLY ANSWER THESE QUESTIONS IF YOU ARE REQUESTING A VARIANCE FOR ANY FUNCTIONAL, LAND OR BUILDING USE NOT SPECIFICALLY PERMITTED IN EITHER A PARTICULAR ZONING DISTRICT, OR OTHERWISE NOT PERMITTED BY THE DEVELOPMENT CODE. (See Typical Variance Sheet for guidance.)

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

In order to grant a use variance, the Board of Appeals shall determine that strict compliance with the terms of this Code will result in unnecessary hardship to the applicant. **THE APPLICANT MUST DEMONSTRATE SUCH HARDSHIP BY CLEAR AND CONVINCING EVIDENCE** that the criteria in Rocky River Codified Ordinances, sub-section 1133.17(c)(2) is satisfied.

R.R.C.O. Chapter 1133.17(c)(2)A. Please demonstrate hardship with the following:

- i.) Explain how the variance requested stems from a condition that is **UNIQUE TO THE PROPERTY AT ISSUE** and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original building, etc.)

The variance request in the General Business District is stemmed from the desire to have a tattoo artist lease space within the walls of MY SALON Suite, a space in the Beachcliff Market Square that leases individual rooms to various beauty professionals that specialize in hair, skin, etc. According to 752.02 LIMITS ON LOCATION, the location for a tattoo and body piercing establishment shall be restricted by seperation and spacing of more than 500' from school and church. We're within 500' of the Goddard School to the North and Rocky River United Methodist Church to the Southwest.

- ii.) Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents.

Granting a variance for fine line tattoo to operate in our salon will not affect adjacent property owners. There are no competitors nearby and if anything, more commerce will be brought to nearby property owners.

- iii.) Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.

There will also be no material adverse effect on the public health or safety of the city due to the many safety precautions in place in order to operate and run a tattoo establishment. The artist is trained and certified by all required by Ohio.

The artist has received proper training and has records of course completion as well as a First Aid and Bloodborne Pathogen Prevention certification. The establishment and artist will remain compliant with the Health Department by obtaining yearly approval from the Board of Health and adhering to any and all inspections.

iv.) Explain how the variance will be consistent with the general spirit and intent of the Code.

Tattooing is already allowed in the General Business District of Rocky River. The variance will only shorten the 500' range from a church and school. I have permission from both the school and church to host a tattoo business within the salon.

v.) Explain how the variance sought is the minimum that will afford relief to the applicant.

By providing the variance, the applicant will be able to fill one of many suites still vacant, and needing leased for me to run a successful business. The gentleman wishing to operate his tattoo business will also enjoy the fruits of his labor, in an excellent part of town, bringing a service to the area.

R.R.C.O. Chapter 1133.17(c)(2)B. If applicable, explain what further evidence you would like the Board of Appeals to consider, as follows:

i.) Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

Not applicable

ii.) Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.

If the hardship is not created, two groups will be affected. I, the owner of the salon will not be able to lease one of vacant suites. Then a certified entrepreneur that's driven to create a tattoo business within our walls will not be able to operate.

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.

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
JUNE 13, 2024

Members Present: Farrell, Wright, Christ, Harpster, Wolf

Presence Noted: Raymond Reich, Building Commissioner
Steven Dever, Assistant Law Director
Kate Straub, Planning and Zoning Coordinator

Mr. Farrell opened the June 13, 2024 meeting of the Board of Zoning and Building Appeals at 7:00 p.m. He explained the meeting protocol and said that the Board has had the opportunity to visit the sites and review the applications. He said that anyone who is present and interested any of the agenda items, should come forward when the item is called so they can be sworn in if they wish to speak.

Mr. Harpster moved to approve the Board of Zoning and Building Appeals meeting minutes from May 9, 2024, as presented. Mr. Wright seconded.

5 Ayes - 0 Nays
Passed

1. ROCKY RIVER LITTLE LEAGUE – 21600 Center Ridge Rd. – PUBLIC HEARING – Variance to construct a new concession stand with a height of 19’ – 2” vs. 15’ maximum height permitted (Section 1151.09(d)). Jill Brandt, Architect, came forward with Russ Combs, Little League Representative, to discuss the variance request.

Mr. Christ introduced the variance request and Mr. Farrell swore the applicants in. The concession stand will replace an existing, very old concession stand in the same location with a slightly wider footprint than the existing. There will still be a breezeway and there will be a large attic space that will be used for a little bit of storage, but primarily for the game announcers so they can have a better sight line for the game and can be out of the kitchen. No other changes will be made to bleachers, dugouts or fencing. The extra height gives reasonable space to accommodate the announcer’s booth. This location is in the middle of Goldwood Field and not anywhere close to residential. The games are all played during the day so there will be no lighting other than just safety lighting at the egress and possible motion detection light at the breezeway. The audio system will also remain the same. The colors and materials match what’s at Goldwood School. They are anticipating approval from the School Board.

Mr. Farrell said he does not have any issues with this proposal and Mr. Wright agreed with him. Mr. Harpster said he worked there as a coach or manager for 9 years and he has no questions. Mr. Wolf said he has spent the last 4 years at the field and congratulated them on the proposed structure.

Mr. Christ moved to close the public hearing. Mr. Wright seconded.

5 Ayes – 0 Nays
Passed

Mr. Christ reviewed the practical difficulties factors aloud. Whether special conditions or circumstances exist which are peculiar to the land or structure involved, the applicant has indicated that they do have special conditions and this is a replacement of the existing structure at a field that is very unique relative to what is required here. Regarding whether the property in question will yield a reasonable return, he does not believe that applies in this case. The variance is not substantial and is the minimum necessary, as the applicant indicated, it is very minimal relative to the existing structure with almost no total change. He does not think that the essential character of the neighborhood will be substantially altered because its positioning is distant from all surrounding properties. The delivery of government services will not be adversely affected. Whether the owner purchased the property with knowledge of the zoning restrictions, he does not believe that applies. He does not believe that special conditions exist as a result of actions of the owner. He does not believe that the predicament feasibly can be obviated by some method other than a variance. He believes that the spirit and intent of the Code will be observed, and substantial justice will be done by granting the variance without conferring any special privilege on the applicant. He believes that a literal interpretation of the provisions of the Code will deprive the applicant of rights commonly enjoyed by other properties. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Rocky River Little League, 21600 Center Ridge Rd., to construct a new concession stand with a height of 19' – 2" vs. 15' maximum height permitted. The applicant has indicated the practical difficulties. He has reviewed the area variance requirements, and this meets those completely.

5 Ayes – 0 Nays
GRANTED

2. MY SALON SUITES – 19360 Detroit Rd., Suite A-102 – PUBLIC HEARING – Variance to allow a tattoo use in an enclosed building within 500' of a Church and a School vs. Tattoo use not permitted within 500' of a church and/or school (Section 752.02(a)(c)). Mr. Matthew Pontius, Business Owner and Leah Needles, Tattooist, came forward to present the variance request.

Secretary Christ introduced the variance request and Mr. Farrell swore the applicants in. Mr. Farrell said that they have all of the submission items and have letters from the Church and from the Goddard School, who are the reason they are here.

Mr. Pontius explained that the business has about 30 individual rooms in the building that they lease out to various beauty artists, such as hair stylists, estheticians, and tattoo artists at other locations. There is no window in the room she will be leasing so there would be no visibility of her business from the outside. Ms. Needles described the small, thin, tattoos she provides, that are anywhere from 1 to 3 inches in size and which are very popular among women. She has practiced in another studio for about a year and she would like to branch out on her own. All of the licensing with the Health Department is in compliance and so is the space. There will be no signage added to the front of the building and she would not move to another suite that has a window because she needs full privacy for her clients. Mr. Pontius said he would not lease her a space with a window. Ms. Needles said that there would only be one customer at a time there for service and her hours of operation would probably be 10:00 AM to 7:00 PM.

Ms. Straub said that this is a use variance, so the questions they answered pertain to Unnecessary Hardship. The Assistant Law Director said that this was added to the Code in 2011 and there is always concern about where they will be located in relation to schools and churches. Assistant Law Director asked if there is the potential for all of the units in the building to accommodate this use and Mr. Pontius responded that he would be willing to cap it at one or two separate businesses. Building Commissioner Reich said that each new tattoo artist would have to go through this same process.

Mr. Harpster said that he feels City Council put together the Ordinance to include the limitations and he thinks they should follow them. Mr. Farrell said that he is not sure that this would be considered a “tattoo parlor.” And asked if someone could be totally inked up in her space. Ms. Needles said that she would not provide sleeve tattoos and showed the Board an example of the “fine line” only size of the tattoos she would provide.

Mr. Christ pointed out that they are approving an application and he would like clarification as to whether they are to treat this as if it is only that individual and her ownership or business name with this variance. The applicant is Ms. Needles said that her business name is “Line By Line Tattoo Studio.” Ms. Straub said that she sends the Health Department a letter naming the business name and address and saying that this specific tattoo operation is permitted at this address. Mr. Christ said that he then thinks it is for the specific individual and business.

Mr. Wright moved to close the public hearing. Mr. Christ seconded.

5 Ayes – 0 Nays
Passed

Mr. Christ said that he thinks that he sees this as much less problematic because it is located in a plaza than if it was located in someone’s home in a neighborhood.

Mr. Christ reviewed the unnecessary hardship factors aloud. The variance requested does stem from a condition that is unique to the property at issue and not ordinarily found in the same zoning district. As stated by the Building Department, the only issue here is proximity

to schools and churches. As a result, that triggers the need for the variance and the location is configured such that it becomes a unique setup. The granting will not have any material adverse effect on the rights of adjacent property owners or residents because the configuration of it will not affect anyone surrounding this property. The sublease is relative to the property owner's limitations by his contract. Granting of the variance will not have any material adverse effects on the public health, safety and general welfare, this business must meet state and city requirements that address this issue. The variance will be consistent with the general spirit and intent of the Code, since this is permitted, other than the location proximity. The variance sought is the minimum that will afford relief to the applicant and this use variance will be geared towards only this applicant. The fact that the applicant may submit evidence and consider whether it can be put to other economic use does not apply here because their use to provide services to the City is paramount. Mr. Christ said that the hardship condition is not created by actions of the Applicant.

Mr. Christ moved to grant a variance to My Salon Suites, 19360 Detroit Rd., Suite A-102, to the business user of Line By Line Tattoo Studio to allow a tattoo use in an enclosed building within 500' of a church and/or school vs. Tattoo use not permitted within a 400' of a church and/or school. The applicant has indicated their use requirements and the only requirement comes under a special provision in the Code and the affected type of adjacent properties have indicated that this is acceptable and as the Board has looked at the property as being unique with the configuration of being 3-sided within a separated area to a street. This is a reasonable use variance request. Mr. Wright seconded.

4 Ayes – 1 Nay (Harpster)
GRANTED

3. SHAWNA WALTER – 3315 Higley Rd. – PUBLIC HEARIN – Variance to construct a new front porch with a 33' – 2" front setback vs. 40' front setback required (Section 1153.07(a)). Mr. John Faile, Architect and Ms. Shawna Walter, property owner, came forward to discuss the variance.

Secretary Christ introduced the variance request and Mr. Farrell swore the applicants in. Mr. Faile explained that this front porch received a front setback variance, but they have since found out that the property line is 1' closer than what they represented when they were here two months ago. The next-door neighbor is a surveyor and he decided to do his own measurement. They now know the true location of the front property line and they are here today to adjust their variance to a 33' – 2" setback vs. last month's 34' – 2" they received. He explained the curve of the front yard and the effect it has on the setback, which they start breaching somewhere in front of the steps and is at its smallest in the northwest corner of the porch.

There were no concerns expressed by the Board members.

Mr. Christ moved to close the public hearing. Mr. Wright seconded.