

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
MAY 9, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, MAY 9, 2024 AT 7:00 PM FOR THE FOLLOWING VARIANCES:

WXZ DETROIT RD. DEVELOPMENT

19340 – 64 Detroit Rd.

PUBLIC HEARING

Variance: To construct a new parking lot with a 7.5' parking setback at the east property line vs. 10' parking setback required

AND

Variance: To construct a new parking lot with a 6.75' parking setback at the west property line vs. 10' parking setback required

Section: 1167.11(a)(2)

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 VIA E-MAIL OR TO VIEW IN PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. YOU MAY ALSO VIEW THE PLANS BY VISITING THE CALENDAR ON THE HOME PAGE OF THE CITY WEBSITE (www.rrcity.com) AND CLICKING ON THE MEETING LISTED FOR THIS DATE. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT kstraub@rrcity.com OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:
See attached list

30118038	JRW/RR, LLC	22720 FAIRVIEW CENTER DR	#150	FAIRVIEW PARK	OH	44126
30122059	19415 EBENEZER LLC	19620 DETROIT RD		ROCKY RIVER	OH	44116
30120001	HOM FAMILY LIMITED PARTNERSHIP	20668 CENTER RIDGE RD		ROCKY RIVER	OH	44116
30118081	Anna M Smith April W Sampson	12550 LAKE AVE	UNIT 611	Lakewood	OH	44107-1575
30118033	ROCKY RIVER METHODIST CHURCH	19414 DETROIT RD		ROCKY RIVER	OH	44116
30118039	TIA ROCKY RIVER LLC	2503 E BROAD ST		COLUMBUS	OH	43209



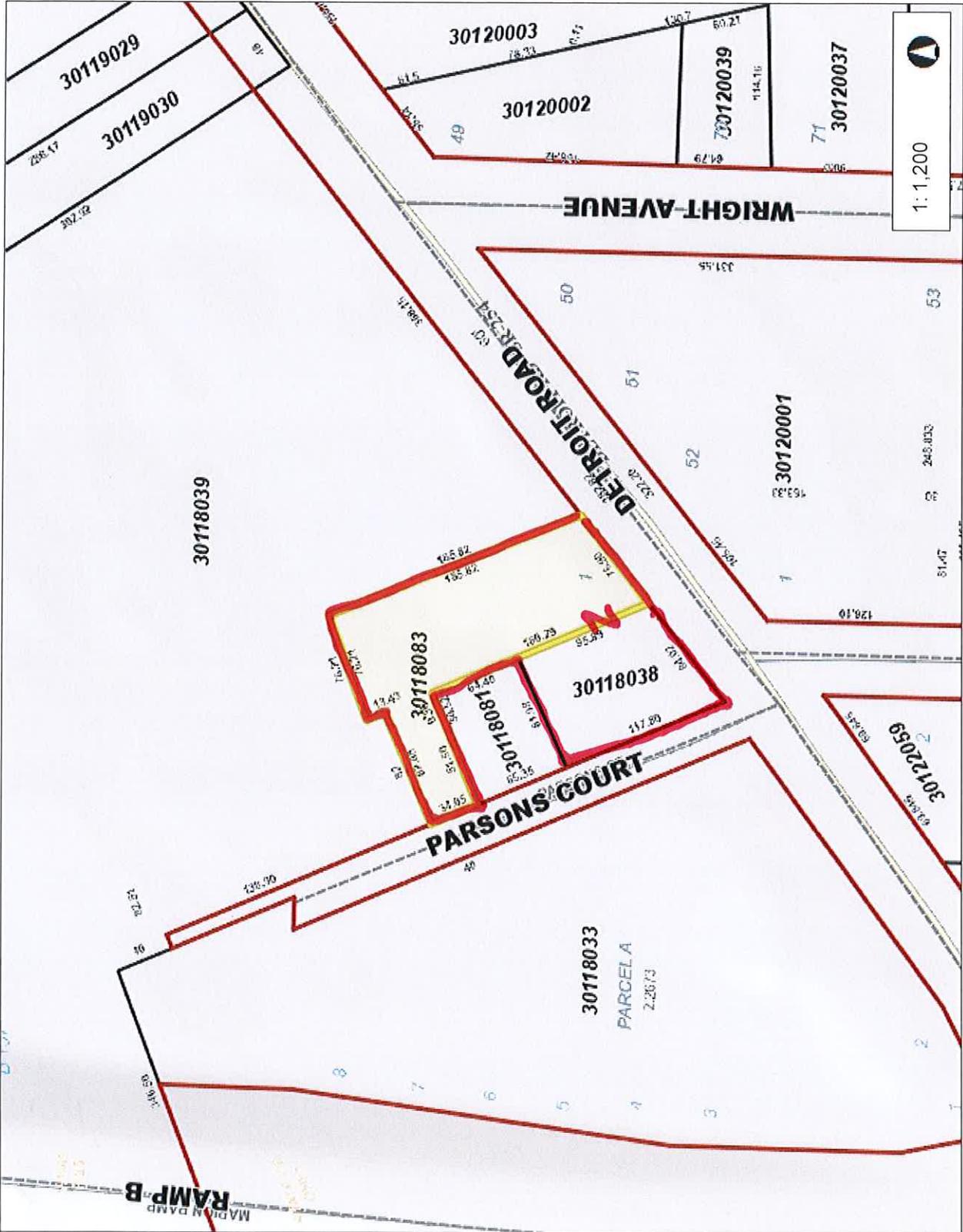
Cuyahoga County GIS Viewer



Date Created: 5/2/2024

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel



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 or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Projection:
 WGS_1984_Web_Mercator_Auxiliary_Sphere

Schedule 1167.11 Minimum Parking Setbacks		
	LB Local Business	GB General Business
(1) Minimum Setback from Street ROW	See sub-section 1167.11(b)	25 feet
(2) Setback from Side and Rear Lot line abutting nonresidential dist.	10 feet	10 feet
(3) Setback from Side and Rear Lot line abutting residential dist.	15 feet	20 feet

- (b) Accessory Parking Lots Located in the LB District. In the Local Business District, accessory off-street parking lots shall not be located between the front building line of a principal building and the street right-of-way line. Accessory off-street parking shall be located at the rear or side of the principal building. The Planning Commission may grant an exception to this requirement where necessary due to the shallow depth 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. If an exception is granted and off-street parking lots are adjacent to or abut a public street, a four (4) foot masonry wall shall be provided in addition to the Screening along Public Streets required in sub-section 1185.09 (c) and the Landscaping Along Street Frontage and Parking Setback required in Section 1185.07.
- (c) Cross Access to Off-Street Parking Lots. Parking lots shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. Permanent cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the City's Law Director and the Planning Commission.
- (d) Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required for the opening which accommodates the drive aisle, but it shall be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback shall not be required.
- (e) The area within the parking setback shall be landscaped in accordance with Chapter 1185, Landscaping and Screening Regulations.
- (f) Off-street parking spaces shall be provided in compliance with Chapter 1187, Off-Street Parking and Loading Regulations.
- (g) Loading and Service Areas.
- (1) Off-street loading and service areas shall be provided in compliance with the regulations in Section 1187.27 Off-street Loading Requirements.
 - (2) Loading and service areas in the Business Districts shall be located in the rear yard, unless the Planning Commission determines that placement in a side yard would lessen the impact on adjacent residential uses.

2. SCRAMBLERS RESTAURANT – 21810 Center Ridge Rd. – PRE-PRELIMINARY REVIEW – Change of Use to a Restaurant with Outdoor Dining in a General Business Zoning District. Mr. Tony D’Agastino, Restaurant Owner, came forward to present the plan.

Mr. Bishop said that they have already verified that the plaza is overparked, so parking is not a concern. When they return for Preliminary Review, Mr. Bishop asked the applicant to identify where the handicap spaces will be located and how many they will need. He would also like them to return with their sign package. He would like more detail on the outdoor dining area because he understands that they will not be removing the canopy that served the previous drive-thru. The applicant responded that the Architect is a little behind on this project, but he assured them that the plans will be thorough. He added that the door to access the patio from the building will be slightly in front of (south of) the former teller window, which will be bricked in.

Mr. DeMarco said that Ms. Straub verified that this site is overparked, so he is fine with parking. He asked if the exterior seating area will be implemented when the restaurant opens or if it will be a future phase. The applicant responded that he hopes that they will open at the same time. Regarding seating, the applicant said that there will probably be a maximum of 6 tables outside, which would be an additional 24 seats, but the patio is only used on a weather-permitting basis.

Mr. Allen asked about the landscaping on the east side (south) of the drive-thru. The applicant said that they want to address the landscaping up, and he will have more detail when their Architect finishes the landscaping plan. They do not intend to remove pavement for landscaping, but they will be using planters which will also serve as barriers. Mr. Allen said most of his focus will be on the outdoor seating area, as well.

Mr. Coyne said that he thinks that a lot of thought should be put into the exterior from a beautification standpoint as well as for functionality and that should be emphasized to the Architect.

Mr. Bishop said that they don’t vote on anything at this point of the project. The applicant thanked the Commission for their time and input.

3. WXZ DEVELOPMENT – 19340-64 Detroit Rd. – PUBLIC HEARING – PRELIMINARY REVIEW – Development Plan Review for Retail Space including a new Retail Building in a Local Business Zoning District. Mr. David Budge of WXZ Development came forward with Tom Liggett, Architect.

Mr. Bishop asked Mr. Liggett to correct the square footages to align all of the way through because there is some discrepancy. One of the sheets doesn’t match on the gross square footage. He wants to have a good record of the exact square footage. It was confirmed that this project needs 24 spaces. Mr. Bishop instructed them to add the handicap spaces into the count.

Discussion was had about a retaining wall along the south edge of the west parking lot. Mr. Budge said that they are not planning to install a retaining wall because they are mounding the landscaping. Mr. Bishop said that the Code says that if parking is located between the right of way and the building setback, then a 4' tall masonry wall must be installed to screen the parking. In this case, he said that the retaining wall can be used as the 4' masonry wall to the south and then explained how they can complete it. Mr. Budge said that they have a 4' mound from the parking lot level and another 1.5' above that in hedges with trees on both sides so the parking will be completely obscured. He would like to avoid having to install a retaining wall along the length of the parking lot. More discussion was had relating to the need for a retaining wall. Mr. Bishop said that if they all agree to use the mound rather than a masonry or retaining wall, they will need to wrap the corner and bring the landscaping around to screen parking from both street sides since this is a corner lot.

Mr. Bishop said he thinks the bench is not what he is envisioning so they can just leave it out of the plan unless they can propose something a little more inviting. His vision of that area included the retaining wall which would be easier to delineate a more interesting space tucked in there to enhance the new building on that very visible corner.

Mr. Budge said that the building has stayed the same since the first meeting. He asked about the need for a parking setback variance in the back since they shifted the whole parking lot to the east and they moved the loading to directly next to the building. It was discussed whether Planning Commission can ask them to enhance the parking setback with landscaping without the need for a variance. It was determined that they will need to get a variance for a parking setback in the northeast portion of the parking lot in the back.

Mr. Bishop said that the church is using the corner parking lot constantly and Mr. Budge said they will need to talk to the church about parking there because Saturday and Sunday will be their busiest days for the retail there.

Mr. DeMarco said he is not sure he likes how the landscaping at the corner was resolved. He thinks that having a discontinuous hedge row or breaking it up somehow and really emphasizing the corner with landscaping will help soften it. He said that the rendering feels very stark there and he encourages them to look at that again. He said that if the mound is left, it will do its job of blocking the parking sufficiently, but he does not like how the hedgerow is shown right now. The hedgerow is acting like a fence but breaking that up would be his preference, and the other Commission members agreed.

Regarding the back parking, Mr. DeMarco said that they can encourage the applicant to landscape the buffer yards. Mr. Bishop said that they need a 2.5' parking variance on the east side and a 2 $\frac{3}{4}$ ' parking setback variance on the west side. Mr. DeMarco said that he wouldn't want to sacrifice the space in the drive aisle so he would rather they have relief on the setback with maybe some low landscaping primarily at the east side parking bank. He added that the west boundary between the applicant and the accountants' property is pretty dense and the wall will help.

Mr. Allen asked about the staircase leading to Beachcliff Market Square on the east side of the property. He would like to reconcile what is at the top of the steps as shown on SK-6 with the landscaping plan. He said that the jog of the sidewalk seems to happen at a different point on those two plans and asked them to fix that. More discussion was had relating to making the landscaping consistent along the site.

Mr. Coyne said that more thought on the mound with the landscaping and the bench is needed but everything else has been touched on.

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

4 Ayes – 0 Nays
Passed

There being nobody present from the public to speak to this item, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

Mr. DeMarco moved to grant preliminary approval to WXZ Detroit Road Development, 19340 - 64 Detroit Rd., with the condition that they address the landscaping at the southwest corner of the site. The Planning Commission supports the variances that are required for parking setback in the northeast parking block and on the west property line. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

4. LATHER A SALON – 20000 Detroit Rd. – PUBLIC HEARING – Preliminary Review – Change of Use to a hair salon in a local business zoning district. Mr. Edward Delzani came forward to present the plan. Also present is property owner, Haley Delzani (via Facetime from vacation).

Mr. Bishop began by reviewing the interior floor plan. He asked about the processing chairs and how they operate. Ms. Delzani said that they don't put someone in a processing chair and then take another client for the styling chair. The Commission reviewed the number of styling chairs aloud with the applicant. It was determined that they only need 16 parking spaces because there are 8 chairs. It was acknowledged that there is a typo somewhere on the plan, which says that there are 9 chairs. He said that from the discussion, it sounds like all chairs will never be used at one time.

Parking spaces on the site plan were discussed. Mr. Delzani said that the applicant intends to park a car at each end of the former drive-thru. There is also a space being added where the light is being removed. Mr. Bishop said that space will be very awkward to be able to access because

BZA Application Fee: **\$150**

Date Paid: **4/25/24**

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: 4/25/24 Hearing Date: 5/9/24
Zoning of Property LB - Local Business Permanent Parcel No. 301-18-083

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

Address of property seeking variance: 19340 Detroit Road

JRW/RR, LLC
Name of Property Owner
22720 Fairview Center Drive, #150,
Fairview Park, OH 44126
Address

David Budge
Name of Applicant / Representative
22720 Fairview Center Drive, #150,
Fairview Park, OH 44126
Address

(440) 801-1690
Telephone No. Cell Phone No.

(440) 686-1468 (216) 533-8531
Telephone No. Cell Phone No.

E-MAIL: _____

E-MAIL: dbudge@wxzinc.com

Description of what is intended to be done:
Redevelop property for retail and service uses.

Sections of the Code from which variance is being requested:
1167.11 – min. parking setbacks

List variances requested:
Requesting a 3.25' and 2.50' variance from the required 10' parking setback in the rear of the property.


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 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)</i> ; Detached Garages: <i>(Complete Building Permit Application)</i>		
<i>Note: 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 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 checked="" 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).

The property was platted as a S.F. house. The narrowness of the lot does not allow for a normally dimensional parking lot for commercial uses.

- 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).

Without a working parking lot to serve potential customers, the property will need to remain as a S.F. house limiting owner's ability to use the property as a retail or service use.

- 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).

Owner is requesting a variance of 3.25' and 2.5' to accommodate reasonable drive widths and service areas in the parking lot. The requested variances are the minimum necessary to have a functioning parking lot.

- 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 reduced setbacks will not change or diminish the character of the neighborhood or how this property relates to or impacts neighboring properties.

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

Creating a slightly wider parking field would help with snow plowing, trash pick up, product deliveries, etc.

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

Owner purchased the property prior to finalization of the proposed site plan.

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

None.

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 property was originally platted as a S.F. house and then rezoned to commercial uses.

The lot as created is too narrow for most commercial uses.

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).

The proposed project would redevelop a functionally obsolete S.F. house into a viable commercial property.

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.

Granting these variances would allow owner to create a parking field consistent with Rocky River code and neighboring parcels.

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 area is under parked. Without a working parking lot, owner would be unable to redevelop the property.

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.