

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

BOARD OF ZONING AND BUILDING APPEALS
ON
JUNE 13, 2024

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, JUNE 13, 2024 AT 7:00 PM FOR THE FOLLOWING VARIANCE:

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) and (c)

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.

PARCEL PIN	Name	Address	Unit	City	State	Zip
30122059	19415 EBENEZER LLC	19620 DETROIT RD		ROCKY RIVER	OH	44116
30118083	JRW/RR, LLC	22720 FAIRVIEW CENTER DR	SUITE 150	FAIRVIEW PARK	OH	44126
30120001	HOM FAMILY LIMITED PARTNERSHIP	20668 CENTER RIDGE RD		ROCKY RIVER	OH	44116
30118039	TIA ROCKY RIVER LLC	2503 E BROAD ST		COLUMBUS	OH	43209
30118038	JRW/RR, LLC	22720 FAIRVIEW CENTER DR	#150	FAIRVIEW PARK	OH	44126
30118033	ROCKY RIVER METHODIST CHURCH	19414 DETROIT RD		ROCKY RIVER	OH	44116
30118081	Anna M Smith April W Sampson	12550 LAKE AVE	UNIT 611	Lakewood	OH	44107-1575

752.02 LIMITATIONS ON LOCATION.

The location for a tattoo and body piercing establishment shall be restricted by the following provisions:

(a) Separation. No such use shall be established within five hundred (500) feet of a residential district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center.

(b) Spacing. No such use shall be established within five hundred (500) feet of another such use.

(c) Appeals. The Board of Zoning Appeals may approve an application which does not meet the regulations of this section if, after public notice and hearing, the Board determines that the proposed use, by virtue of its nature and location, will not adversely affect nearby residential areas or other protected uses listed in division (a) of this section. The Board may impose any conditions deemed necessary to prevent potential adverse impacts.

(Ord. 71-12. Passed 3-25-13.)





Cuyahoga County GIS Viewer



Date Created: 5/29/2024

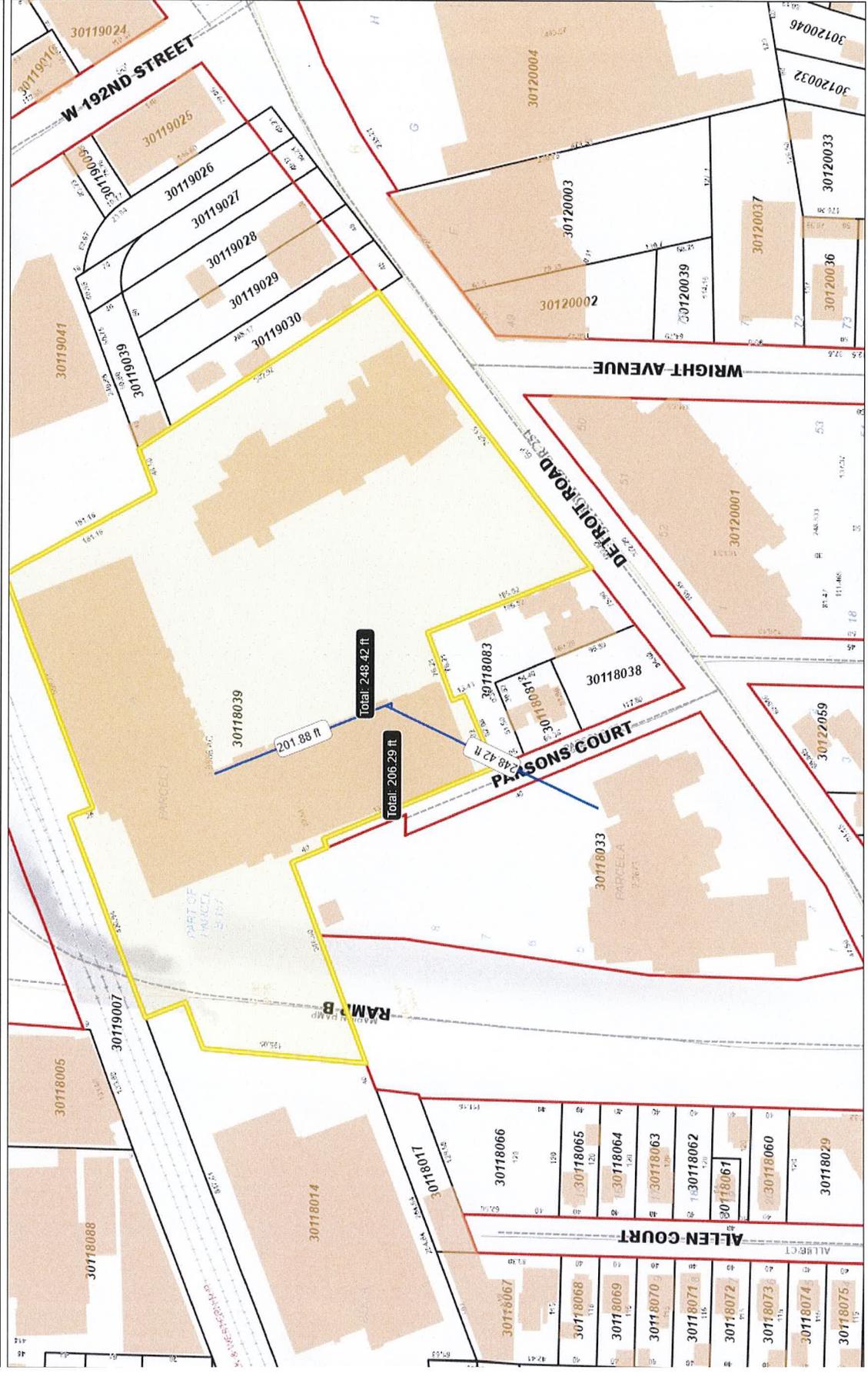
Legend

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

1:1,200



Cuyahoga County
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Projection:
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Zone Variance Application for MY SALON Suite

MY SALON Suite is the latest concept in beauty services bringing together a collection of independent beauty professionals in one luxurious location. We offer private individual suites for highly qualified - established beauty service professionals, who are ready to make an investment in themselves and their own success. Upon entering MY SALON, you will feel as if you've stepped into an exclusive, upscale beauty plaza. We strive to create a sense of ownership and pride for the professional, so that they can focus and give their clients the personal attention they deserve.

We are applying to obtain a zone variance for a potential tenant to offer fine line tattooing in an interior suite, not visible to the public. The variance would allow this individual to offer her unique service within 500' of a church and school.

The intended use of this space is to provide a fine line tattoo service for those looking for a way to express art and individuality. Fine line tattoos have become popular over the last few years, especially among females, due to their small and dainty nature. The granting of the variance will not have any material adverse effect on the rights of surrounding property owners due to the specific nature of the business. Because of the limited number of tattoo artists who specialize in fine line tattoos, this is a sought-after service and will bring many people in from surrounding cities, ultimately increasing awareness of adjacent business. 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 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. The following safety precautions will be followed by the artist:

- Standard precautions and aseptic techniques (hand hygiene, use of protective equipment, safe needle practices, safe handling of contaminated equipment and/or surfaces)
- The use of sterilized items and single use needles
- Cleaning and disinfection of the procedure area before and after each procedure
- Record keeping of each body art procedure for a minimum of 2 years
- Proper disposal of waste
- Providing aftercare instructions following each procedure

Please see pictures below for references.



The store front will remain the same. The location of the fine line tattooing will occur in an interior suite pictured further down.



Once you enter the space there's a hallway too access suites offering a variety of services. Some have a window, and some do not. The tattoo suite will not have a window.



This is the room where the fine line tattoo service would be offered.



Church view from south side of building



School view from east side of building

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.

			5-29-2024
Property Owner	Date	Applicant/Representative	Date

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)</i> ; Detached Garages: <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 fine line tattoo artist will also benefit from revenue gained from her 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).

Character of nearby businesses will not be altered. Fine line tattooing has become popular over the last few years, especially for females of all classes and race due to their small and dainty nature. The artist seeking a suite to operate her business would have an interior suite that can't be seen from the exterior of the building so there would be no aesthetic change to the location. Providing the variance would bring new clients to the area to bring awareness to surrounding businesses.

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 fine line 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. This is a specialized form of tattooing that is in demand. 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 girl wishing to operate her fine line tattoo business will also enjoy the fruits of her labor, in an excellent part of town, bringing a trending 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 niche with her own fine line 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.



THE

GODDARD SCHOOL®

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The Goddard School. 19336 Detroit Road, Rocky River, OH 44116 | 440-925-5999 | Goddardschool.com

To Whom It May Concern,

We have no concerns about anyone using tattoo tools or being involved in the tattoo process in our immediate vicinity. Please consider this our approval to allow tattooing near us.

Thank you,

Cera Flynn

Goddard School
440-925-5999

Kate Straub

Subject: FW: Tattoo

From: Dan Bogre <Dbogre@RRUMC.org>

Sent: Thursday, May 30, 2024 8:56 AM

To: Kathryn E. Kerber <kkerber@rrcity.com>

Cc: mpontius@mysalonsuite.com

Subject: Tattoo

Good Morning Kate,

This is Rev. Daniel F. Bogre. I am the senior pastor at Rocky River United Methodist Church located at 19414 Detroit Road. We are adjacent to the Beachcliff Market Square property, which is just east of the church. Matt Pontius, the owner of Salon Suites, has asked me to email you about the tattoo salon suite he is offering to someone who has applied to rent one of his spaces. After talking with Matt, he has assured me that it is not one of your "typical" tattoo parlors. It is more of a make-up and salon type tattoo business. I am not 100% clear what that means, however he assured me that it would be a good thing for Salon Suites and the overall businesses located at Beachcliff Market Square adjacent to us. I have gotten to know Matt and I trust him based on what I have already seen come together at that location. Therefore, I am letting you know that Rocky River United Methodist Church is giving our approval to move ahead with the tattoo business as Matt has explained it to me. If this is not enough to keep his project moving forward, please do not hesitate to reach out to me at 440-331-7676.

Peace and Blessings,

Rev. Daniel F. Bogre

Senior Pastor

Rocky River United Methodist Church