

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
MARCH 13, 2025

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

Presence Noted: Michael O'Boyle, City Councilman

Ray Reich, Building Commissioner

Dylan Minek, Planning and Community Development Administrator

Mr. Farrell opened the March 13th 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 in 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. Farrell stated that there would be a change to the agenda. Swapping items 2 and 3 around because he felt it would flow better, and the architect had to be somewhere else.

Mr. Wright moved to approve the Board of Zoning and Building Appeals meeting minutes from February 13, 2025, as presented. Mr. Wolf seconded.

4 Ayes – 1 Abstain (Christ)

Passed

1. SUSAN UMBENHOUR – 1032 Elmwood Rd. – PUBLIC HEARING - Variances to construct a covered patio 5 ¼' from the property line vs. the 6 ¼' that is permitted. Rehab the existing garage to include rated walls 3' 7 ½" from the rear property line and 1' 3 ½" from the north property line vs. the 5' that is permitted. And to construct a mudroom connecting the detached garage to the house, increasing the lot coverage to 31.6% vs. the 28% that is permitted. Per Schedules: 1153.05, 1153.07, and 1153.15.

Mr. Christ introduced the variance request, and Mr. Farrell swore in the applicant, Susan Umbenhour, and the architect, Mark Reinhold. Mr. Reinhold said that Ms. Umbenhour wants to stay in Rocky River, but it is getting hard to go outside to get from the house to the garage. Mr. Reinhold said he is trying to keep it as modest as possible. Ms. Umbenhour revealed that she had a fall this winter and has been scared ever since. She has been wanting to do it and with this winter being so brutal, she feels this is her only option.

Mr. Farrell thinks the home to the north has a similar setup. Mr. Reinhold said that the garage and the house are extremely close, but they do not touch like they would in this case. Ms. Martinez wanted to know what parts of the project were interior and which were exterior. Mr. Reinhold said the southwest corner of the house would have a covered patio, but the rest would be interior space. Ms. Martinez also wondered how Mr. Reinhold planned on dealing with the grade change between the two structures. Mr. Reinhold said there would be some sort of pitch to the flooring in the gallery to deal with the grade change.

Mr. Wolf said he remembered that there was a conversation about whether connecting a garage to a house via a breezeway makes the garage attached or not. Mr. Reich said that a breezeway does not make the garage attached. Breezeways are not substantial enough to consider a garage attached and are excluded in the development code. Thus, the garage would still be treated as an

accessory structure. Mr. Reinhold said that he will be treating it as if it is attached. Mr. Reich said that building and development codes are different. It would have to be treated as attached according to the building code, but the development code would treat it as detached.

Mr. Christ wanted to clarify whether the covered patio is included in the lot coverage calculation and if it should be according to the code. Mr. Reich confirmed that the code would require it to be included in the calculation. Mr. Farrell confirmed, according to the drawing, that the covered patio was included in the lot coverage calculation. Mr. Christ is concerned with the lot coverage more than the setbacks. He is worried about the covered patio being enclosed down the road and does not want that to happen, he wants to make sure this variance will not include the enclosing of that space as well. Mr. Reich clarified that roofed areas should be included in the lot coverage calculation, but unenclosed structures follow different setback requirements than enclosed ones.

Mr. Reinhold said there would not be a foundation to build on, it is going to be pier pounded meaning anyone who wanted to enclose that space would have to pour a foundation and come before this Board again. Mr. Wright said that Mr. Christ could impose a condition that the covered patio never becomes enclosed. Mr. Wright said it is similar to the front porches they have allowed in the past because they are less substantial than an enclosed space. Mr. Wright said those porches usually have a stipulation from the owner saying they will not enclose the space. Thus, Mr. Christ asked Mr. Umbenhour if she intends to enclose that space, she does not.

Mr. Wright moved to close the public hearing. Ms. Martinez seconded.

5 Ayes -0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist which are peculiar to the land or structure involved, the garage is sitting on some unusual foundation, since changing that can't happen since the house and garage are where they are. Trying to mitigate a fall situation and a safety situation raises the majority of this issue. Regarding whether the property in question will yield a reasonable return, he does not believe this applies. The variance is not substantial and is the minimum necessary. He does not think that the essential character of the neighborhood will be substantially altered, nor will the adjacent property owners be negatively affected. It will change the appearance of the rear of the home, but the property will still be in line with the neighbors that surround them. 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 because of the actions of the owner. He does not believe that the predicament can be obviated by some method other than a variance, the only way to get from the house to the garage is to do this addition. 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. Does the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties, he believes it does. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant variances to Susan Umbenhour, 1032 Elmwood Rd. to construct a covered patio 5 ¼' from the property line vs. the 6 ¼' that is permitted. Rehab the existing

garage to include rated walls 3' 7 1/2" from the rear property line and 1' 3 1/2" from the north property line vs. the 5' that is permitted. And to construct a mudroom connecting the detached garage to the house, increasing the lot coverage to 31.6% vs. the 28% that is permitted. Per Schedules: 1153.05, 1153.07, and 1153.15. The applicant has indicated the practical difficulties, this is a reasonable solution to afford the necessary access, particularly in the winter weather. The numbers are a reasonable request as well. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

2. ADVANCED AESTHETICS – 1156 Linda St. – PUBLIC HEARING – Variance for a required parking reduction of 3 spaces. 64 spaces are required after the 20% reduction for shared parking, and there are only 61 available parking spaces. Per Sections: 1187.09 and 1187.15

Mr. Christ introduced the variance request, and Mr. Farrell swore in the business owner, Mary Pat Gallagher, and the landlord's lawyer, John Grauer. Mr. Grauer recapped what happened when they went to Planning Commission and what was submitted in the packets. Mr. Grauer said that the Planning Commission wanted to see an overhead view of the parking spaces with them accurately labeled so they could be verified. Mr. Grauer said they believe that these 61 spaces have been verified in what has been submitted. 58 spaces that are already painted and 3 restricted spaces that need to be painted. Mr. Grauer said that they except how many spaces they were required to have and how many spaces they needed to verify so that is what they are doing today, they do not want to go through another parking calculation. Mr. Grauer said that the building was converted from a lumber yard a long time ago, and the building has big open spaces within those that are unusable. They believe that the parking lot will never fill up above capacity, the study the landlord conducted showed that the parking lot is usually only a third of the way full in the heat of the day.

Mr. Farrell's only question was about the ADA spaces. There are two ADA spaces, which he thinks is all that is required. Mr. Farrell believes one of those spaces should be van accessible as well. Mr. Reich agrees and says he will look into that when it comes to the Building Department. Mr. Wright wonders if the Code addresses electric cars yet, Mr. Reich said it does not. Mr. Christ said there has been documentation of issues with parking spaces at one time because of adjacent to the west usage. Mr. Christ said that the tenant is moving so they may run into that issue again because the current tenant resolved it with signage. He also said that he noticed tenants closest to the restaurants across the street have signage prohibiting people from using their parking spaces who are not patrons. Mr. Christ thinks that signage could help clear up parking issues that may arise. Mr. Grauer thinks that the landlord would be happy to put up signage if that became an issue. He said that every tenant in the building has submitted letters, and they have plenty of parking space. Mr. Christ said it is more of a question to be aware of, that this issue could arise.

Mr. Christ asked Mr. Reich what triggers the use of medical rather than office. Mr. Reich said that the applicant put on the original application that it was medical, a physician oversight. Mr. Christ said that almost all the office buildings he has worked on are medical. These types of businesses are classified by the state as office use. Mr. Christ wants to know who classifies this,

the City or the applicant. Mr. Reich said since it's a commercial property it should be the architect.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist which are peculiar to the land or structure involved, the applicant has indicated the history of this facility as originally a lumber yard to multi-uses. This is just one more change in a small area of the total facility. Regarding whether the property in question will yield a reasonable return, he believes this is a part of their argument. They need this variance to allow for the usage change so they can yield a reasonable return. The variance is not substantial and is the minimum necessary. He does not think that the essential character of the neighborhood will be substantially altered. The parking lot is already paved, they are just adding a few more spaces. 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 because of the actions of the owner. He does not believe that the predicament can be obviated by some method other than a variance, within reason it cannot. 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. Does the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties, he believes it does. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Advanced Aesthetics, 1156 Linda St. for a required parking reduction of 3 spaces. 64 spaces are required after the 20% reduction for shared parking, and there are only 61 available parking spaces. Per Sections: 1187.09 and 1187.15. The applicant has indicated the practical difficulties, they have done a traffic count and have verified the number of available parking spaces. Also providing additional parking spaces to get to the required 61 spaces. The Building Department will review any special requirements for handicapped parking. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

**3. JOHN AND TANA CARNEY – 19488 Beach Cliff Blvd. – PUBLIC HEARING -
Variances to construct a new single-family home with a west setback of 26' 1" vs. the 35'
permitted and a north setback of 12'8" vs. the 25' that is permitted. Per Section: 1153.07**

Mr. Christ introduced the variance request, and Mr. Farrell swore in the applicant, John Carney, and the architect, Chuck McGettrick. Mr. Carney said their home is getting too big for them and they need their bedroom on the first floor. The house that is currently on the lot got burnt in a fire, originally thought about renovating but too much damage was done. Mr. Carney feels that the project looks very similar to other new constructions in the area and the neighbors are in support of the project.

Mr. Wright said that this variance request is not something new, they see this in the corner lots throughout the city. Mr. Farrell said that it looks like they are compliant with the front setback, but the home will still stick out past where the home on the east side does. Ms. Martinez wanted to know if the portion of the home that is outside the setback is single-story. Mr. McGettrick said it'll have attic space but will not be livable space. Mr. Christ recognizes the special conditions of the lot and likes how the home meets the neighbors. The only comment he has is that the backyard is extremely small now. Mr. Christ also said that it is important to know where the exterior appliances are going to go. Mr. McGettrick said they are not a hundred percent sure where they are going yet but he would imagine underneath the range in the kitchen on the east side of the property.

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

5 Ayes – 0 Nays
Passed

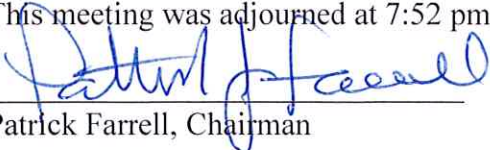
Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist which are peculiar to the land or structure involved, as noted, this is a corner property that has rather severe setbacks from both streets and have located these relatively appropriately to the neighbors to the north and the east. Regarding whether the property in question will yield a reasonable return, he believes this is accommodating a new structure very well within the area, so it will result in a reasonable return. The variance is not substantial and is the minimum necessary because the home is relatively in line with both neighbors. He does not think that the essential character of the neighborhood will be substantially altered, again because they are locating things in line with the neighbors. 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 because of the actions of the owner. He does not believe that the predicament 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. Does the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties, it would reduce the buildable area which would deprive them of rights enjoyed by others. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant variances to John and Tana Carney, 19488 Beach Cliff Blvd. to construct a new single-family home with a west setback of 26' 1" vs. the 35' permitted and a north setback of 12' 8" vs. the 25' that is permitted. Per Section: 1153.07. The applicant has indicated the practical difficulties of rebuilding on an existing corner lot. They have also indicated how they have accommodated that and how they have respected the neighbors on the north and east side, this is a reasonable solution. The Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

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This meeting was adjourned at 7:52 pm.



Patrick Farrell, Chairman



Craig Wright, Acting Secretary

Date: _____