

City of Rocky River

Department of Planning and Community Development
Attention: Rocky River Board of Zoning and Building Appeals
21012 Hilliard Blvd.
Rocky River, OH 44116
Email: dminek@rockyriverohio.gov

Re: Letter of Support for Variance Request by Holly and Josh Gibson – Driveway Setback Adjustment at 19416 Argyle Oval

Dear Members of the Board,

We are writing in support of Holly and Josh Gibson's variance request to replace their existing gravel driveway with a concrete driveway that slightly encroaches into the 3-foot side yard setback. As nearby residents and invested members of the Rocky River community, we believe this is a modest and reasonable request that aligns with the intent of the zoning code and enhances the safety, functionality, and visual appeal of the property.

1. Historical Use & De Facto Conditions

The existing gravel driveway has been used by multiple prior owners in substantially the same footprint, extending near or even up to the property line. The applicants are not asking to expand beyond what has long existed—they are simply requesting to formalize that footprint using permanent, safer, and more functional materials. This reflects not a change in use, but an improvement to a long-standing condition.

Per **Section 1133.17(c)** of the Rocky River Zoning Code, a variance may be granted where "the literal enforcement of this Development Code will result in practical difficulty or unnecessary hardship." In this case, enforcing the full 3-foot setback would require significant reconfiguration of a functioning layout that has existed for decades, with no benefit to surrounding neighbors or the public.

2. Minimal Impact and Substantial Justice

The requested variance is **not substantial** and in fact maintains the same spatial relationship between properties that has existed for many years. Under **Section 1133.17(c)(1)(C)**, the Board is required to evaluate whether the variance is the minimum necessary to make possible the reasonable use of the property. Here, the Applicants are not seeking any expansion, merely to replace existing gravel with concrete for safety and utility.

Further, under **1133.17(c)(1)(I)**, the Board is asked to consider whether "the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance." Given that the proposed project enhances safety, improves stormwater control through a proper drain system, and maintains existing setbacks in practice, granting the variance clearly serves the spirit of the law.

3. Safety, Livability & Public Interest

The Gibsons are a young family with two small children. As anyone who has lived in this part of Ohio knows, **gravel driveways are extremely difficult to maintain during our long winters**. Snow removal is ineffective and unsafe, and the uneven surface poses a tripping hazard for children playing or riding

bikes. Installing a permanent driveway is a reasonable and necessary improvement that will enhance the safety and comfort of their home without diminishing the use or value of any surrounding property.

Moreover, the proposed driveway includes a **proper drainage solution**, unlike the current gravel drive, which lacks stormwater control. This supports the public interest by reducing water runoff risks and further aligns with **Sections 1153.17(C)(E) and (H)** regarding adverse impact and alternative solutions.

4. Neighborhood Character & Property Values

This proposed improvement will elevate curb appeal—not just for the Gibsons' home, but for the entire block. In a historic neighborhood with aging infrastructure, it's vital we encourage thoughtful investment that honors the spirit of our community while modernizing where appropriate. A well-designed concrete driveway is a material improvement over a loose gravel drive and will **likely increase adjacent property values**—not diminish them.

Importantly, we see no basis under **1133.17(c)(1)(D)** to conclude that the essential character of the neighborhood would be altered or that neighboring properties would suffer substantial detriment. This is a modest, reasonable improvement that aligns with common practice in Rocky River.

5. Fairness and Precedent

There are many homes in Rocky River—especially in older areas like Argyle Oval—where driveways encroach into setbacks due to original designs that predate the zoning code. To deny this application while such conditions exist throughout the city would create an inconsistency in enforcement and **unfairly penalize applicants who are simply trying to improve their property responsibly**.

We respectfully urge the Board to approve the Gibsons' variance request. Their proposed improvement meets the legal standard for a variance under Rocky River's Development Code, supports safety and neighborhood values, and reflects the kind of responsible homeownership this city should encourage.

Thank you for your consideration and your continued service to our community.

Sincerely,

Your Friendly Tangletown Neighbors