

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.

Property Owner

Date

Applicant/Representative

Date

BZA Application Fee: _____

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: _____ Hearing Date: _____
Zoning of Property _____ Permanent Parcel No. _____

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

Address of property seeking variance: _____ 20325 Center Ridge Rd, Rocky River, OH 44116

Jaguar Prop Assets LLC (and its successors and assigns)

Name of Property Owner

Garrett Allen, Walter-Haverfield, LLP

Name of Applicant / Representative

1500 West Third Street, Suite 300, Cleveland, Ohio 44113-1456

Address

1500 West Third Street, Suite 300, Cleveland, Ohio 44113-1456

Address

(216) 928-2976

Telephone No.

Cell Phone No.

(216) 928-2976

Telephone No.

Cell Phone No.

E-MAIL: officefront8749@gmail.com

E-MAIL: gallen@walterhav.com

Description of what is intended to be done:

The applicant proposes to adaptively reuse an existing commercial structure into a multifamily residential building consisting of 103 luxury apartments with structured and surface parking. Due to the physical limitations of the existing building and evolving market demand, two variances are requested:

- 1) To allow 7% of units to fall below the minimum required square footage per Rocky River Code Section 1157.07(f).
- 2) To allow reduced detached storage space per unit under Section 1157.19(a).

Sections of the Code from which variance is being requested:

Section 1157.07(f) – Minimum floor area per unit
Section 1157.19(a) – Detached general storage requirements

List variances requested:

- A variance to permit approximately 7% of apartment units to fall below the minimum square footage requirements for studio and one-bedroom units.
- A variance to allow less than 90 square feet of detached general storage per unit due to structural and spatial limitations of the existing building.

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> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)		
<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).

The property is an existing, obsolete commercial building within Rocky River's OB3 zoning district. The structure presents several redevelopment challenges due to its age, brutalist architecture, and prior use. Unlike a ground-up development, this adaptive reuse effort must reconcile physical limitations such as fixed column spacing, slab elevations, and a constrained basement footprint. These conditions severely restrict layout flexibility and make full compliance with minimum unit size and detached storage requirements impractical without sacrificing the functionality or financial feasibility of the project.

- 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 the requested variances, the project will not be financially viable. Eliminating smaller units or attempting to add full-size detached storage for every unit would result in a loss of rentable area and an inefficient use of space, undermining the project's economics. This would prevent the site from yielding a reasonable return or being redeveloped into productive residential use. The variances are essential to unlock the building's potential and return it to a contributing asset within the city's commercial core.

- 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 variance is modest and well within precedent. Only 7% of the proposed units fall below the minimum unit size requirement. In contrast, prior projects in Rocky River have been granted variances for much higher proportions of substandard units, such as Brighton Chase. Similarly, the storage variance reflects a re-engineered basement layout that provides reasonably sized and functional storage for units that fall below required square footage. Both variances are the minimum needed to enable a reasonable and market-responsive redevelopment of this constrained site.

- 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 variances will not negatively affect the neighborhood. In fact, the redevelopment of a near-blighted building into high-end residential apartments will improve the surrounding area. The project enhances property values, streetscape appeal, and walkability. No adjoining properties will suffer a detriment; rather, the project will serve as a catalyst for future investment in the corridor.

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

There will be no adverse impact on governmental services. All utility and service infrastructure will be upgraded as part of the redevelopment to meet current building and service requirements.

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

Yes, the development team was aware of the zoning code at the time of acquisition. However, initial feasibility assessments indicated that adaptive reuse would require limited relief from outdated standards that do not align with modern multifamily design. The team proceeded in good faith with the understanding that variances would be pursued as part of the entitlement process.

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

No. The conditions driving the variance requests stem from the existing building's structure and the intent to preserve and revitalize it, not from any action of the current owner. The building's limitations and the need for modernization predate the current ownership.

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).

No feasible alternative exists. A full demolition and rebuild would be economically and environmentally inefficient. The adaptive reuse model allows the preservation of architectural character while delivering needed housing. Without these limited variances, the redevelopment cannot proceed.

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).

Yes. The zoning code's intent is to ensure livable, safe, and attractive housing. The project accomplishes this while reflecting modern housing demand. The spirit of the code is upheld through thoughtful design, quality construction, and amenities that exceed typical market offerings. Granting the variances allows the property to be improved in a way that benefits the city and surrounding neighborhood.

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.

No special privilege is conferred. The requested variances are consistent with prior approvals granted to other developers in the OB3 district. The Foundry's request is more modest in scope than several approved precedents, and it is driven by legitimate site constraints and market needs.

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.

Yes. Other multifamily developments in the same zoning district have been granted relief from unit size and storage requirements, enabling them to proceed. A literal interpretation in this case would deny the applicant the same flexibility and use rights already extended to others.

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 Foundry is an adaptive reuse of a pre-existing, large-scale brutalist commercial structure located in Rocky River's OB3 zoning district. Unlike nearby vacant lots or purpose-built multifamily sites, this property poses unique design, spatial, and structural constraints due to its prior commercial configuration. Elements such as fixed floor heights, structural grids, and subgrade limitations make compliance with certain modern multifamily zoning requirements - particularly unit size minimums and detached storage - unrealistic. These conditions are inherent to the building and not typical of other properties in the same district.

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

The variance will have no adverse effect on surrounding properties. On the contrary, it will eliminate an obsolete and underutilized building and replace it with a modern, attractive, and well-maintained residential asset. The enhanced landscaping, architecture, and pedestrian frontage will improve the visual and functional character of the street. No neighboring landowners will be burdened in any way by the requested relief.

- 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 be no adverse impact to public health, safety, or general welfare. All construction will comply with applicable building codes, fire codes, ADA standards, and design regulations. The proposed development will actually enhance public welfare by providing much-needed modern housing, improving an aging property, and contributing to the city's economic and tax base.

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

The zoning code seeks to ensure livable space, orderly development, and quality of life. While the variances technically seek to relax certain dimensional standards, the overall project fulfills the spirit of the Code by creating attractive, livable units that are well-designed, efficient, and in line with modern urban housing demand. In fact, the proposed unit mix and size flexibility more accurately reflect evolving household sizes and housing preferences than the Code's decades-old baseline.

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

The variance is carefully tailored to only what is necessary. Only 7% of units fall under the required square footage threshold. The revised basement plan provides storage space to the extent feasible within the existing footprint. The development team iterated multiple designs to balance code compliance, financial viability, and functionality. The result is a minimal request that affords essential relief and allows the project to proceed.

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.

Correct. Given the condition, layout, and architectural limitations of the existing structure, the property cannot support a financially viable redevelopment under a strict interpretation of the permitted multifamily use standards. Attempting to retrofit the building without any relief would result in excessive costs, unmarketable unit sizes, and inefficient use of space, rendering the redevelopment unworkable. The variances enable a practical and economically viable use of a property that would otherwise remain underutilized.

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

The hardship is not self-created. The constraints are entirely due to the physical and structural realities of the existing building, which predate the applicant's involvement. The development team inherited the site in its current form and is attempting to bring it into productive use through a thoughtful, high-quality adaptive reuse approach.

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