

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
AUGUST 20, 2025

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

Presence Noted: Steven Dever, Assistant Law Director

Ray Reich, Building Commissioner

Dylan Minek, Planning and Community Development Administrator

Mr. Farrell opened the August 20th 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.

1. DAVID HEIN – 21298 Endsley Ave – PUBLIC HEARING –

Variance: To install a generator 4'-3" from the side property line vs. the 10' that is permitted. Per Section: 1153.15 (k)(2).

Mr. Christ introduced the variance request, and Mr. Farrell swore in the homeowner, David Hein. Mr. Hein said the need for this came from last year's blackout. The generator they have purchased is the quietest residential generator that is made. The generator will be next to the air conditioners, currently they are below grade. The generator will be a foot lower than that, so it won't be visible from the street, and there will be bushes around it as well to dampen sound. Mr. Farrell asked why it has to go in that location. Mr. Hein said there is no other place to put it in the yard. 10 feet from the rear and side property line behind the house would be their patio. Also, the gas and power lines are in that area. Mr. Hein said moving it would require tearing up their yard, but Mr. Farrell said it could be done. He also asked if Mr. Hein had spoken with that neighbor; he has.

Mr. Wolf wanted to point out that the sound levels are measured at 23 feet, which is similar to the generator they were looking at in the last meeting. In this case, he did note that there are walls around this unit. He assumes the face of the unit will face the neighbor, which is quieter, as determined in the last meeting. To meet the 70 decibel requirement of the code, he believes it may be a little hard. Mr. Wolf said he might need to increase the wall height or add an additional sound wall to meet that measurement at the property line. Mr. Wolf said the Board deferred to the Building Department last meeting to make sure the sound requirements were met.

Mr. Farrell asked if Mr. Hein had a permit for the retaining wall. Mr. Hein said no, he just dug the hole himself and put the brick wall up. Mr. Farrell said it puts the Board in a tough position when applicants do work before getting approval for it. Mr. Hein said the air conditioner retaining wall was done three years ago when the house was redone, and this is just an extension of that. Mr. Wolf said at the last meeting, there was a contractor in Mr. Hein's shoes. That contractor was unsure if they could achieve the 70 dB at the property line. So, the risk comes with installing this generator, not meeting sound requirements, and it now has to be removed, or the unit brought into compliance with the code. The dB requirement is something the Board cannot budge on. There could be other options to dampen the sound impact.

Mr. Christ said the most germane issue would be that the generator is being placed between his and the neighbor's homes. The generator is feet from the neighbor's home and their windows. Mr. Christ said Mr. Hein has referenced the air conditioners and that this will be quieter than the air conditioner; however, no one wants to hear a generator all night long. Putting the generator here and not meeting code will not satisfy him. Mr. Christ said there will be a wall for the noise to bounce off of, it will be contained and that noise will bounce off of it. All that sound is right there at the neighbor's house and at their windows. Mr. Christ said this will impact Mr. Hein's neighbor directly. There are plenty of places to put it in the yard behind the house. Behind the house is much more reasonable, in his mind, than between the two homes. Mr. Christ said, unless Mr. Hein presents something to mitigate the sound significantly different than right now, he cannot see how he can look favorably at this.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist that are peculiar to the land or structure involved, the applicant indicated that he doesn't have another location, and yet, in his opinion, other locations would have less of an impact on the neighbor. Regarding whether the property in question will yield a reasonable return, he does not believe that it applies. The variance is substantial and is not the minimum necessary to make reasonable use. He does think that the essential character of the neighborhood will be substantially altered because it is introducing a sound towards the front of the house and adjacent to another neighbor. He believes the neighboring property would suffer substantial detriment. 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 it applies. He does believe that special conditions exist because of the actions of the owner, because the owner is proposing this location, and this will create the special condition. He does believe that the predicament can be obviated by some method other than a variance; there are other possible locations. He believes that the spirit and intent of the Code will not be observed, and substantial justice will not be done by granting the variance because it will confer 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 doesn't believe it would. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to David Hein, 21298 Endsley Ave, to install a generator 4'-3" from the side property line vs. the 10' that is permitted. Per Section: 1153.15 (k)(2). The applicant has presented his practical difficulties as he sees them, with locating the generator. Mr. Christ said in his opinion, this is not sufficient, and that is for the rest of the Board to consider individually. Mr. Wright seconded.

2 Ayes – 3 Nays (Wolf, Wright, Christ)
DENIED

Mr. Wolf asked Mr. Dever if the applicant came back with information about sound levels and some way of attenuating, would that be enough of a change to the application. Mr. Dever said

no, the noise ordinance relates to the proper issuance of the permit. Mr. Dever said it is something for the Board to consider under the practical difficulties as far as the location of the generator. Independent of the decision made by BZA, the Building Department has to make sure that the noise ordinance for the city is complied with. Mr. Hein asked if he would come back with a solution to abate the sound, that is the primary concern of the Board. Mr. Farrell said yes, that is the concern of the Board.

2. ADAM JEZESKI AND JYODI PATEL – 19859 Beach Cliff Blvd – PUBLIC HEARING –

Variance: To construct a 2-story addition with a side setback of 4'-3" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in the architect, Jerry Salwan, and the homeowner, Adam Jezeski. Mr. Salwan said they are building a two-story addition with a basement to house mechanicals in the same location of the existing enclosed porch. The addition will be larger than the existing by 6'-8" and all of that will be towards the south. Mr. Salwan said they will be keeping the building line on the east consistent with what is already there. The second floor will be for the primary bathroom and closet. Mr. Wolf said that although the setback is the same as the existing enclosed porch, they are going from one-story to two-story, so they are adding more mass. There was a discussion between the Board and the Building Department on whether the setback should be from the overhang or the exterior wall. Mr. Farrell said they had been doing it from the wall; now this one is noticed from the overhang. They can do it from the overhang since that is the way it was noticed, but it needs to be cleared up before the next meeting.

Mrs. Martinez asked if they had looked at the option of not needing a variance. If they looked at moving the addition behind the house. Mrs. Martinez wants to know what brought them to the variance and the limiting factors. Mr. Salwan said that in the existing master bedroom there are windows on the south side. Also, with the massing of the garage behind the house and then adding the addition back there as well, it would've been an unpleasant condition. Architecturally, it is more pleasant on the east side of the house. Mr. Wolf said, from a Planning perspective, anytime something is removed, it is an opportunity to bring it more into compliance. Mr. Wolf also appreciated the quality of the plans.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist that are peculiar to the land or structure involved, the applicant has indicated that this is the existing setback on the portion of the house that extends on the first floor, and this is maintaining that. Regarding whether the property in question will yield a reasonable return, he does not believe that it will apply. The variance is not substantial and is the minimum necessary since it matches the existing setback, and the architect has indicated why it is the minimum

necessary to fit the desired architectural configuration. He does not think that the essential character of the neighborhood will be substantially altered since they are maintaining the front of the existing house and extending it upwards. The delivery of government services will not be adversely affected, since it is an existing setback. Whether the owner purchased the property with knowledge of the zoning restrictions, he does not believe that it 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, since this is existing and they are maintaining that. 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 would. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Adam Jezeski and Jyodi Patel, 19859 Beach Cliff Blvd, to construct a 2-story addition with a side setback of 4'-3", which maintains the existing wall location, vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated the practical difficulties with providing the minimal addition above for the master bedroom, and this is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

3. BOCCIA RESIDENCE – 60 Buckingham Rd – PUBLIC HEARING –

Variance: To enclose the second-floor covered porch that was previously approved for lot coverage at 32% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

WITHDRAWN

4. SEAN AND ANDREA O'NEILL – 2689 Wagar Rd – PUBLIC HEARING –

Variance: To retain widening the driveway with gravel vs the concrete that is required. Per Section: 1111.09 (c).

Variance: To retain widening the driveway up to the side property line vs the 3' setback that is required. Per Schedule: 1153.15 (2).

Mr. Christ introduced the variance request, and Mr. Farrell swore in the homeowners, Sean and Andrea O'Neill. Mrs. O'Neill said they are a family of five who all work and drive. The driveway space has become tight; they had their landscaper out and decided to ask for a quote on extending the existing river rock they had to the sidewalk. They installed it thinking they were replacing and improving what was already there, not breaking any rules. Mrs. O'Neill said neighboring properties between the streets of Hilliard and Center Ridge have gravel similar to what they have. Mrs. O'Neill said being three houses south of the intersection of Hilliard and Wagar makes it extremely difficult to get out of their driveway. Also, the neighbors on both sides of their property and across the street have given their support, and those letters were included.

Mr. Farrell asked if the applicants were given a copy of the letter from the Safety Service Department. They did not, so the Board gave them a copy. Mr. Farrell said the letter from Mr. Snyder highlighted his concern was the gravel abutting the public sidewalk, as it is a safety issue. Gravel can get on the sidewalk and become hazardous. Mrs. O'Neill said the driveway was professionally dug out, and the gravel wouldn't go anywhere. Mr. Farrell asked why not concrete. Mrs. O'Neill said that if they were to do concrete, they would want to replace the whole driveway, and that is a cost they could not afford at that moment.

Mr. Farrell said he doesn't want to speak for everyone, but the side setback is not a concern. That condition is seen all over the city. There is a letter from that neighbor in support of the driveway. The main concern Mr. Farrell has is approving of something that causes a safety hazard. Mrs. Martinez shares the same concerns. Mr. Christ asked when does an existing condition change. Mr. Dever said, looking at the letter from Mr. Snyder, there is an objection to gravel driveways. To his knowledge, the only gravel driveways left in the city are the ones that were grandfathered in. Mr. Dever shares his concern, and the Board has to take notice of this in their deliberation of the practical difficulties. Mr. Dever also said the homeowners have received a citation to remove what has been installed. There is a history in Rocky River of trying to get away from gravel driveways, so that is for the Board to consider when they make their decision.

Mr. Christ said the Board is typically amenable to a one-foot side setback at a minimum. Gravel can move and shift over time. They prefer the 3' side setback for a place to put snow, but they will budge down to one foot. Mr. Christ said the Board doesn't like to create the condition of the driveway on the side property line. Mr. Wolf said he guesses that before the O'Neills purchased the home, there was a rear garage, and this was added on as a modification to the house. So, he sympathizes with their situation with multiple cars on a busy road. Mr. Wolf said if this came back to him with the concrete instead of the gravel, he'd be thinking about the surface area of the driveway. Mr. Wolf said the city is trying to avoid paving the front yards of houses. Encourages them to talk to city staff about what the Board may favor. Mr. Wolf said the one thing Mr. Snyder left out in his letter is bicyclists. Gravel is extremely dangerous for bicyclists as well.

Mr. Christ said the two variances are being looked at from two different lenses. The one they are most concerned with, and the one the O'Neills should be concerned with is the gravel rather than the concrete. Mr. Farrell wanted to make sure this was not an existing nonconforming. Mr. Reich showed what the gravel looked like before; it was nowhere near the sidewalk. Mr. Wolf said just because it exists does not mean it's legal. Mr. Farrell said he would like to see concrete, and the side setback would not be an issue to him, but that is for the Board to decide. Mr. Christ asked if they should table this and have a new submission to resolve this, or are they going to enforce the removal. Mr. Dever said they have not received a citation enforcing any removal. However, the Safety Service Director voiced an objection, so it may be a matter of time. The applicants wanted to table the item and try to find some sort of resolution.

Mr. Wright moved to table the variance requests for a period of 90 days. Mr. Christ seconded.

5 Ayes – 0 Nays
TABLED

5. CRAIG AND TANYA CRAWFORD – 19502 Telbir Ave – PUBLIC HEARING –

Variance: To construct a new two-story home with a lot coverage of 38.8% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

Variance: To construct a new two-story home with a 5' side setback vs the required 7' setback as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a).

Variance: To construct a new two-story home with a 22'6" rear setback vs the 25' that is permitted. Per Schedule: 1153.07 (2).

Variance: To construct a new two-story home with an air conditioning condenser 4' from the side property line vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in the architect, Jill Brandt, and the homeowners, Craig and Tanya Crawford. Also, the neighbors, Edward and Lorraine McCafferty, 19507 Telbir Avenue.

Mrs. Brandt said they are proposing a new single-family residence that is approximately 2,200 square feet with an attached garage. The goal with this house is to have some age-in-place features so the Crawfords can stay in their home as long as possible. Mrs. Brandt said those features include the attached garage, a full bathroom on the first floor, and a laundry room on the first floor. Regarding the variances they are requesting, Mrs. Brandt said the lot coverage is because it is a small, narrow, corner lot. She does not believe the size of the house or garage is excessive; it is just a small lot. Mrs. Brandt said the setback is not excessive, the property is more than 18' from Rockland, and the 2' does not make a huge difference. Mrs. Brandt stated that, regarding the rear setback, they are aligning the house with the Rockland side, and there is a slight skew in the squareness of the property. The amenities, like the first-floor laundry, bathroom, and attached garage, push it into that setback. Finally, the air conditioner location would be best on the Rockland side of the house. It would be far enough from the street and would not directly impact any neighbors, and a fence would be added to act as some sort of screening. Mrs. Brandt said it is an average-sized house that they would see in this neighborhood and in Rocky River. Yes, the garage is attached, but that is an important amenity for the Crawfords so they can age in place. They have also added a lot of detail to make the home feel like it belongs in the neighborhood.

Mr. Farrell wanted to clarify that there was no need for a height variance. Mrs. Brandt said there wasn't that the diagram should've been included. It was, and Mr. Christ asked the Building Department to verify that a height variance was not needed. Mr. Minek confirmed that the height is 24'-6" to the mean of the roof, and there are two dormers, but that did not affect the height requirement. Mr. Farrell said the obvious concern is the lot coverage; they have never seen one this high. Mrs. Martinez said she would agree that the main concern is the lot coverage. However, they had added a front porch, which is in keeping with the neighborhood, and turned the garage so it doesn't face the street, both of which are positive from a planning perspective. Mrs. Martinez asked about in Mrs. Brandt's explanation she mentioned a deck. Mrs. Brandt said it is where the stairs are off the mudroom and will not be covered, and won't contribute to the lot coverage. Mrs. Martinez is not sure where they would trim the house down. Mrs. Brandt agreed, and that was their argument because it is not like they are asking for excessively large spaces.

Mrs. Martinez said the lot coverage concerns here, but the room sizes are the minimum necessary to achieve their desired goals.

Mr. Crawford said on the Rockland side, there is no sidewalk, so there is a large chunk of green space that is actually not considered in the lot coverage calculation since it is city property. This is unique to this property compared to others in the neighborhood. Mr. Crawford said the appearance of the lot is 50-55' when they only have 40' of frontage. There is more green space relative to this lot than any other interior lot on the street. Mr. Wright said that this is in their favor. If it were an interior lot, it would feel much more significant. Mr. Wright said basically, the city is giving them land that no one else will be able to use. Although he has never seen a lot coverage this high, he agrees with Mrs. Martinez that he doesn't see anywhere they could trim the house down. Mrs. Brandt said they have seen homes in the city where their lot coverage is being calculated using unbuildable land or the water line, and that contributes to the density. In this case, there is land that cannot be built on, but actually makes it feel less dense.

Mr. Wolf said it is a very small lot, and none of the bedrooms or rooms are excessively large, or have a bathroom in every bedroom. Mr. Wolf said that what they would've done in the past to meet lot coverage requirements would've been to have the laundry in the basement, or there was no mudroom, or no master suite. What would've been nice was to have the setbacks on the adjoining dwellings on the other two streets. Mr. Wolf said one way of not taking up as much coverage would be to turn the garage face on and build over top of it. Mrs. Brandt said that would only add mass because they have the minimal space they need on the first floor to be functional.

Mr. Christ said the space they on the first floor could be better on the second floor to alleviate the lot coverage. He understands the aging-in-place argument, but if there is space needed for a bedroom on the first floor, then maybe the family room becomes that space, and the office is on the second floor. Maybe the laundry is on the second floor because the is more convenient today. Mrs. Brandt said the goal is to build the house once and not need to make any modifications or additions to it. Mr. Christ said the expectation with a new build may be a little higher when it comes to meeting the code requirements. The mudroom, first-floor full bath, and office contribute a lot to the lot coverage. Mr. Christ said they can't depend on the city-owned greenspace to make the lot coverage feel less than it is; there is no guarantee that the city won't come in and add a sidewalk to widen the road. Mr. Christ said they need to think about this a little more and maybe build over the garage. Maybe the office goes upstairs, and that family room will need to be converted if a bedroom is needed downstairs. Mrs. Brandt said more work would be needed to convert the family room, rather than the office, to a bedroom. Mr. Christ said they would need a closet in there, so some work would need to be done. Mrs. Brandt said there is a closet. Mr. Christ said not a master sized closet. Mrs. Brandt agreed, but all they have to do is throw a bed and some nightstands in there, and now it's a bedroom.

Mr. Crawford said there are barely any homes in the neighborhood that have a garage underneath, and the home is built on top of them. Also, in terms of the porch, that is aesthetics and not a necessary living space. In terms of the side lot on Rockland, there have been neighbors who have asked for sidewalks down that strip of road, and they have been told that it will never happen. Mr. Christ asked what the current lot coverage is for the existing home, but the applicants and the architect were both unsure. Mrs. Brandt said the 10% they are over amounts to

just over 500 square feet. Mr. Christ said they could build 900 square feet and just about meet code without looking at the porch. Mrs. Brandt said there are a lot of ways to fill the footprint of a house; one of the ways is massing. If they took the house and just went up two stories, they would have a totally different house than a front porch that addresses the street, which has an open rail. There is a one-story mudroom and garage. These features translate to a very different aesthetic and a very different way to fill a space or a lot. Mr. Christ is not disagreeing with that. Mr. Christ said that what they are trying to achieve is positive.

Mr. Farrell asked if the neighbors wanted to speak. Mr. and Mrs. McCafferty looked at the plans and think the home will be a nice addition to the neighborhood. Much better than what is currently there. It will fit within the character of the neighborhood rather than some of the other homes that have been built there. Mrs. Crawford said the neighbors who surround them are all supportive of the project. Mr. Farrell said they must have been comparing this home to the one on the other side of Rockland. Mr. Farrell said that when he did rough math, the lot coverage was 29%, which is much lower than what they are asking for tonight. However, the conversation he has heard tonight might change his opinion. Mr. Brandt said the other property has a front-facing garage and a minimal entrance porch. The feel and massing of the property is much different than what this one will be.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud.

Whether special conditions or circumstances exist that are peculiar to the land or structure involved, he doesn't believe there are any, since this will be a new open site after demolition. The only thing is that it's a narrow lot, but that does not preclude the use of appropriate sizing. Regarding whether the property in question will yield a reasonable return, he believes that it can provide that. He doesn't believe that it needs to have this significance of a difference in lot coverage. Whether the variance is substantial and is the minimum necessary, that is for each Board member to decide. He believes that it may be considered substantial. He agrees that the room spaces are relatively minimal, but it is a question of how they can be utilized and converted. Whether the essential character of the neighborhood will be substantially altered, the applicant has indicated that they are trying to design a home that fits within the character of the neighborhood, and he believes they are achieving that. However, that is for the Design Board to look at. 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 it applies. He does not believe that special conditions exist because of the actions of the owner, except that they are providing a new residence on an existing site, and so it becomes a green site. Whether the predicament can be obviated by some method other than a variance, at least 3 of the variances are the minimum necessary, and the question will be the lot coverage variance. Whether the spirit and intent of the Code will be observed, and whether substantial justice will be done by granting the variance, that is for each Board member to decide. Whether the granting of the variance will confer any special privilege on the applicant, that again is for each member to decide. Does the literal interpretation of the provisions of the Code deprive the applicant of

rights commonly enjoyed by other properties, again, the same reasoning. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Craig and Tanya Crawford, 19502 Telbir Ave, to construct a new two-story home with a lot coverage of 38.8% vs the 28% that is permitted. Per Schedule: 1153.05 (3). The applicants have indicated their practical difficulties with providing a new home on an existing narrow lot, and they have indicated the difficulties associated with that, for providing for both current and future optimization of the house. There are some positives, as the porch is included in the lot coverage area, and oftentimes, we don't include the porch area when it's being added to a house. You can build the house and add the porch next year and be in the same situation. The other item that was pointed out is the adjacent green space that occurs along Rockland, which is not their property but could be considered as contributing to the space. Mr. Wright seconded.

3 Ayes – 2 Nays (Christ, Wolf)
APPROVED

Mr. Christ moved to grant a variance to Craig and Tanya Crawford, 19502 Telbir Ave, to construct a new two-story home with a 5' side setback vs the required 7' setback as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a). The applicants have indicated their practical difficulties with the consideration of the existing Rockland streetscape, the greenspace, and the house setback. This is a reasonable dimension to use. Mr. Wright seconded.

4 Ayes – 1 Nays (Wolf)
APPROVED

Mr. Christ moved to grant a variance to Craig and Tanya Crawford, 19502 Telbir Ave, to construct a new two-story home with a 22'6" rear setback vs the 25' that is permitted. Per Schedule: 1153.07 (2). The applicants have indicated their practical difficulties; this is a relatively minor difference from what is permitted and is a reasonable solution to accommodate the spaces they are utilizing. It also maintains the front setback on Telbir; this is a reasonable solution. Mr. Wright seconded.

4 Ayes – 1 Nays (Wolf)
APPROVED

Mr. Christ moved to grant a variance to Craig and Tanya Crawford, 19502 Telbir Ave, to construct a new two-story home with an air conditioning condenser 4' from the side property line vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicants have included the air conditioner and indicated that there is a difficulty with locating it north of the garage and to the west of the home, to maintain the lot free space that they currently have. This is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

6. JEAN VOVOS – 247 Elmwood Rd – PUBLIC HEARING –

Variance: To install an accessory parking space directly in front of the dwelling, separate from the driveway, vs between the driveway and the nearest side lot line that is permitted. Per Section: 1153.15 (1)(4).

Variance: To install an accessory parking space separate from the driveway, creating a second curb cut vs the one curb cut that is allowed. Per Section: 1153.15 (1)(4)D.

Variance: To install an accessory parking space that is 26'-1" wide vs the 8' that is permitted. Per Section: 1153.15 (1)(4)B.

Variance: To install an accessory parking space that is 19'-10" long vs the 18' that is permitted. Per Section: 1153.15 (1)(4)B.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Kevin Turk from Ground Works, the homeowners, Jean and Greg Vovos, and a neighbor, Bill Bishop, 21300 Avalon Drive. Mr. Turk said he is the lead designer for the Vovos to design an additional parking space since they have a lot of teenage drivers. Mr. Turk said they have a unique lot, as it is between two roads, and the driveway is in the rear yard. They originally wanted a circular driveway, but they changed that because they did not have the lot width. Mr. Turk said they wanted to make space for two vehicles with a walkway up to their home. There will be vegetation surrounding the parking spaces to block the view of any vehicles that park in that space. There will also be a small retaining wall, since there are some elevation changes in the yard. Mr. Turk said they will use brick to match the home for the retaining wall.

Mr. Farrell asked if the 850 square feet was accurate. Mr. Turk said yes, that includes the apron and everything. Mr. Farrell asked about the height of the retaining wall; is that how much they plan to cut out of the yard, the 24 inches? Mr. Turk said it will vary; the 24" is the average. The retaining wall may be higher in the back, could be 32" around there, but it will slope back down. Mr. Turk said they plan to regrade the front yard. Mr. Turk said they did explore options for parking off of Aberdeen, but the topography is much harder than it is here in the front yard. There is a retaining wall in the rear that ties into the foundation of the home, and it would be a serious undertaking to add parking space. Mr. Turk said the Vovos have to call the police department to park on Elmwood because overnight parking is not allowed. Also, deliveries have a hard time finding where to go; this would help alleviate that.

Mr. Farrell said they mentioned a circular driveway; what was the reason they didn't go with that? Mr. Turk said it would probably require more variances. With how tight the yard is, architecturally, the circular driveway would look odd with how tight the curve is. It would take up the majority of their front yard, and they would have to remove an extra tree. Mr. Farrell thinks what they are proposing is a little odd. Mrs. Martinez asked if they looked in the rear yard as well for a turnaround driveway, or was it just the front yard? Mr. Turk said no, they only looked at the front yard because of the rear yard's topography and the wall; they kind of wrote off the rear yard. Mrs. Martinez is struggling because it is quite a substantial list of variances. Mr. Farrell feels they could do something on the Aberdeen side and not have this parking in front of the house. Mr. and Mrs. Vovos said that it would eliminate their backyard. Mr. Reich shows them a street view of the Aberdeen side of the house.

Mr. Wolf asked about the street tree and the lawn tree. Mr. Turk said there would be two trees removed. Mr. Wolf also asked if the 26' is the minimum necessary. Mr. Turk said he designed the space so that if there were two cars parked, there would be enough space for deliveries and people to walk through. Mr. Christ said it almost feels like a parking lot in front of their house. Mr. Christ disagrees that they can't do anything on Aberdeen. Mr. Christ asked how many parking spaces are they looking for. Mr. Turk said two. Mrs. Vovos said they also want a driveway for deliveries and such. When people come to visit, they never know where to go; it just becomes confusing. Mr. Christ said he doesn't believe that situation creates the need for a parking lot. He believes a parking space can be added in the rear of the home. Mr. Christ said, and it's in the rear of the house, and it eliminates the need for some of the variances. Mr. Farrell agrees; it is out of character with the neighborhood.

Mr. Farrell said before allowing the neighbor to speak, he wanted to not the letter of opposition that was submitted. Mr. Bishop handed the Board a copy of the sections of the code he will be referring to for their ease. Mr. Bishop is representing Shelly Bishop as an expert witness, and they both reside at 21300 Avalon Drive. Mr. Bishop has developed and built residential subdivisions and properties for over 40 years. He has been a member of the Rocky River Planning Commission for 23 years and has been the chairman of the Commission for more than 12 years. Currently, they are working from the 2010 Development Code, and he was part of the committee that drafted the code.

Mr. Bishop said the applicant is asking for variances to the accessory parking space provision under 1153.15. The Development Code allows a parking space as an accessory to a drive; standalone parking spaces are not listed as a permitted use under 1153.03. Driveways are permitted as accessory structures under 1153.15. Any use not listed in 1153.03 as a permitted or conditional use shall be prohibited in the R-1 district and shall only be permitted upon amendment of the Development Code or Zoning Map, unless found to be a similar use. It is clear under 1153.15 what the intent of an accessory parking space is to be. The accessory parking space must be located in the front yard, adjacent to the driveway, and may not be located in front of the dwelling. There is no driveway at the front of the property. The application should not be interpreted as an accessory parking space. The accessory space must be 8' by 18' for one space. The drawing under 1153.15 clearly depicts the intent of the code by showing exactly how that space should be. Section 1153 further states that parking spaces should be compliant with 1187. 1187.21 states that off-street parking spaces, provided for any dwelling unit, shall not exceed the required spaces by more than 50%. The required spaces for a single-family home are 2. The 2-car garage meets this requirement, the code allowing for one additional parking space. Further verifying the 1153, allowing for one accessory parking space adjoining the driveway. The applicant is not seeking a variance for exceeding one space. The most logical, similar use is a parking lot as defined in 1123.02. Parking lots are not permitted in the R1 district. Restrictive parking lots are permitted as a conditional use in the R1 district. Conditional uses are approved by the Planning Commission. Mr. Bishop said the applicants' application further confirms that it is a parking lot by reference to parking spaces with an area of 26' x 20', which is a similar size to a three-car garage. Mr. Bishop said the parking area will easily allow 3 spaces to be parked there and has a separate apron for ingress and egress.

Mr. Bishop references the practical difficulty questions. A., numerous properties in the neighborhood with similar front and rear frontages, such as Avalon near Lake Road Market and

on Morewood Parkway, where the rear of the homes abut Falmouth Drive. B., police department calls and regulations should not apply. C., the parking spaces are in the front yard, and the spaces sit in front of nearly 50% of the front elevation. The adjoining neighbor's turnaround and one additional curb cut are irrelevant; we do not know if they are grandfathered in or have their own variance. The property owner knew of the restrictions when purchasing the property, and the property owners' predicament can be obviated by some other methods without a variance. Mr. Bishop showed a diagram of what could be done. Removing a retaining wall and widening the driveway, and creating those parking spaces where the existing driveway is. I., the question is not applicable. J., the granting of the variance would confer special privileges; there are no three-car parking lots in the neighborhood, nor could Mr. Bishop find this scenario anywhere else in the city. The applicant agreed that a literal interpretation of the code would not deprive the applicant of rights enjoyed by others.

Mr. Bishop said the applicant has not demonstrated any practical difficulties or hardship. The applicant has not applied for a use variance. The applicant has not applied for a conditional use. This house is 96 years old; deliveries and parking have never been an issue. Mr. Bishop has lived at his property for over 20 years. He also wanted to mention the previously discussed removal of two trees. He thanked the Board for their consideration.

Mr. Farrell said to the Vovos that the Board shares many of the same concerns as Mr. Bishop. He asked them if they would like to respond. Mr. Vovos said he believes that the designer's solution is the most aesthetically pleasing to the environment. It's thoughtful and is grounded in the history of the house. It would not affect the neighbors on Aberdeen. He acknowledged that Mr. Bishop said their neighbor's turnaround driveway cannot be used as an argument, legally. The reality of the situation is that their neighbors do have a turnaround driveway because they are in the same predicament as them. Mrs. Vovos said she would love a turnaround. Mr. Vovos said that they are just trying to do what is aesthetically pleasing for the neighborhood. Mr. Farrell said it really is in the eyes of the beholder. Mr. Vovos said that having to remove the retaining wall of a 96-year-old house may affect the integrity of the home more than the parking spaces in the front. Mr. Farrell said they aren't saying they have to remove the entire wall, but there is something that can be done in the rear of the home to accomplish more parking.

Mr. Farrell said they can vote on it, but he does not think it is going to go well. They can have it tabled and take what was said into consideration. Mr. Farrell said look at solutions in the rear yard or possibly a turnaround in the front yard. Mr. Turk said to his knowledge, a turnaround driveway on Elmwood would require more variances. Mr. Wright said a turnaround on Elmwood could work; however, with the trees and such on Elmwood, he would recommend widening the driveway on the Aberdeen side. Maintaining the beauty of this classic front yard. Mr. Wright said he has been doing architecture for 50 years, and this is not the right solution for what their home is. He said it is one of the most beautiful homes in the neighborhood, and doing this would be a detriment in the long run.

Mr. Christ believes that they could do something in the rear yard that would not require any variances. All the variances are driven by having such a large parking space in front of the house, and separate from the driveway. They are allowed to widen the driveway feeding into a two-car garage. Mr. Wolf said it sounds like the Vovos have the same sentiment as the Board, where they do not want to create an eyesore for the neighborhood. Mrs. Vovos said they are on the same

page, and it gives them time to address their concerns and rethink how they want to approach this.

Mr. Christ moved to table the variance requests for a period of 90 days. Mr. Wright seconded.

5 Ayes – 0 Nays
TABLED

This meeting was adjourned at 9:20 pm.

Patrick Farrell, Chairman

Richard Christ, Secretary

Date: _____