

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
DECEMBER 4, 2025

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

Presence Noted: Ray Reich, Building Commissioner

The Board of Zoning and Building Appeals has two variance standards that they use to evaluate every variance request. Depending on the variances requested, it is either an (Use) Unnecessary Hardship Standard or (Area) Practical Difficulties Standard. Each standard has a specific set of questions that the applicants must answer, and the Board must consider when looking at each request. The Secretary, or acting Secretary, will read through these questions and answer them to the best of their ability. The Board Members can agree with the evaluation of the Secretary or can give their own opinion to be considered.

In the case of the December 4, 2025, meeting, every variance that was voted on used the (Area) Practical Difficulties Standard. The questions for the (Area) Practical Difficulties Standard are as follows:

- 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).
- 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).
- 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).
- 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).
- E. Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.
- F. Explain whether the property owner purchased the property with knowledge of the zoning restrictions.
- G. Explain whether special conditions or circumstances exist as a result of actions of the owner.
- 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).
- 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).

- 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.
- 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.

As the Secretary reads these Practical Difficulties for the variance requests, the letters for the questions will be referenced. Refer to the letters listed above during their evaluation of the Practical Difficulties.

Mr. Farrell opened the December 4th 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. JACQUELINE AND CHAD VARANESE – 257 Arundel Rd – PUBLIC HEARING

Variance: To install an air conditioning condenser 7' 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 Jacqueline and Chad Varanese, the homeowners. Mr. Varanese said they are remodeling their house, and they want to move the existing condenser over 3 feet to make room for a generator. He said they have lost power quite a few times. The generator will be 10 feet away from the property line, which complies with the code requirement. Mr. Farrell asked if they had looked at any other locations where they potentially would not need another variance. Mrs. Varanese said they did, and they provided the photos in the submission package to show that there is no good alternative. There are stairs and a covered patio in the rear of the home. On the other side of the home, the variance request would be even more significant. Mr. Farrell pointed out that there was a letter of objection from the neighbor to the south. Mr. Varanese wanted to point out that the new home needed a variance to come 13 feet closer to their property, and they had no objection to that. Mrs. Varanese said their condenser is just being shifted over a few more feet, and the property owner to the south chose to be closer to their property and position their patio in that direction.

Mr. Harpster asked if they considered leaving the condenser where it is and then mounting the generator. Mrs. Varanese said that the size of the house and the recommendations they were getting, the generator could not be mounted. They were told about different code requirements, such as the distance from the house and windows. Mr. Farrell said there is an existing window where the generator is being proposed. Mrs. Varanese said the generator technician proposed that location, so that window is not an issue. Mr. Varanese said they are going to be planting arborvitae along the property lines. Mr. Harpster asked what the distance is from the rear corner of the house to the property line. Mrs. Varanese said maybe 8 feet, the property tapers in as you go towards the rear. Mr. Farrell said it looks closer than that based on the aerial map that was submitted.

Mr. Farrell said the generator will only run periodically for routine maintenance and for power outages. Whereas the condenser will run more consistently. He said it might make more sense to keep the condenser where it is and put the generator closer to the property line. Mr. and Mrs. Varanese said they have no problem doing that; it would be cheaper for them anyway. Mr. Christ said they will still need a variance for the generator. Mr. Farrell said the point is that the generator won't run as often. They can look at a variance for either one and then verify that the generator can go in that location. Mr. Wright would agree to leave the condenser unit away from the neighbor and put the generator on the south side. Mr. Christ said the generator is behind the house, which is important to him. It prevents the echo chamber from being between the houses. He said it is set back from the rear corner of the house, so he is not bothered by this request. Mr. Farrell also said decibel readings will still have to comply with the requirement at the property line.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has pointed out the closeness of the corner of the house to the property line, and they are locating the generator and condenser behind the house. They will be a sufficient distance away from the property at a minimum of 7 feet.
- B. He does not believe that will apply.
- C. It is not substantial and is the minimum necessary to locate both units.
- D. He does not believe that it will, since it is behind the house.
- E. It is not any closer to the clearance between the house and the property line, so it will not.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. It cannot.
- I. He believes that it will.
- J. He does not believe that it will.
- K. He believes that it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Jacqueline and Chad Varanese, 257 Arundel Rd, to install an air conditioning condenser 7' from the side property line, vs the 10' that is permitted. Per Section: 1153.15 (k)(1). Or to revise that, under consultation with the Building Department, where the condenser remains at the greater distance, and the generator can be located a minimum of 7' from the property line. The applicant has indicated their practical difficulties, and this is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

2. SHUBHAM GUPTA – 1975 Wagar Rd – PUBLIC HEARING –

Variance: To construct a pavilion that is 440 square feet, with 72 square feet dedicated to storage, vs the 250 square feet that is permitted. Per Section: 1153.15 (g)(2)

Variance: To construct a pavilion with storage that has a height of 14'-3" vs the 12' maximum that is permitted. Per Section 1153.15 (g)(1)

Mr. Christ introduced the variance request, and Mr. Farrell swore in Shubam Gupta, the homeowner, and Jared Kauffman, Kauffman Lawn Furniture. Mr. Farrell asked why they needed a variance. Mr. Gupta said they have an old shed in the backyard that will be removed. He said they want a small storage area and a covered structure to enjoy their backyard. Mr. Farrell asked why the allowable size does not meet their needs. Mr. Gupta said they want to have enough covered space to include the storage area and a sitting area. He said they also want to put a sauna in there. Mr. Farrell asked about the cupola-like feature on the pavilion. Mr. Kauffman said that is to allow more natural light and better airflow into the structure.

Mr. Harpster asked if there would be electricity. Mr. Gupta said yes, and that would be the only utility. Mr. Harpster asked about its location in the yard. Mr. Gupta said it is going where the existing shed is and will be no closer to the property line. Mr. Harpster asked if there was a reason why they needed to go as high as they did. Mr. Kauffman said the manufacturer created that height based on the size of the pavilion. They could get the roof flatter, but it would change the look of it. Mrs. Martinez asked what the ceiling height is. Mr. Kauffman said it should be around 10 feet, but not 100% sure. Mrs. Martinez wondered if the ceiling height could come down a bit to alleviate the height variance. Mrs. Martinez said the storage is 72 square feet, and she would estimate that the sauna is 50 square feet, so what is the need for 300 square feet, which is still over the requirement? Mr. Gupta said the sauna is going to be closer to 100 square feet, and they'll need some clearance around it. He said that with the remaining square footage, they would like space to gather and entertain.

Mr. Christ said he was trying to evaluate this as a combination. Since they are creating a gazebo, it requires a higher form from both a usage and appearance standpoint. He said this is the primary driver of the one variance. Mr. Christ said the storage is going underneath the gazebo. So, if you took the 250 square feet allowed for the gazebo and the 120 square feet for the storage, you get 370 square feet. Mr. Christ said, theoretically, they could shrink the gazebo slightly and put storage right next to it. However, he feels that having one structure is much more appealing. To him, the difference is really between 370 square feet vs 440 square feet, which is a relatively small difference. Mr. Christ said the height is only at the peak, and it drops down, so most of the building is within the 12-foot requirement. Mr. Kauffman was able to verify the ceiling height. It is 8 feet at the lowest point and goes up to 12 feet internally at the tallest point. Mr. Christ said that means it almost meets the code requirement if it weren't for the cupola-like feature. So, to him, neither variance request is excessive.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated the relatively large size of their backyard, so they can easily accommodate this combination of gazebo and storage area. They are removing the existing storage area.
- B. He does not believe that will apply.
- C. The applicant had indicated that the storage is only 72 square feet, which is pretty minimal, and that the remaining area used for the gazebo with a sauna is not excessive for their uses.
- D. They are meeting all of the setback requirements, and this is in a relatively open area.
- E. He does not believe that it will.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. He does not believe that it can.
- I. He believes that it would.
- J. He doesn't believe that it will.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Shubham Gupta, 1975 Wagar Rd, to construct a pavilion that is 440 square feet, with 72 square feet dedicated to storage, vs the 250 square feet that is permitted. Per Section: 1153.15 (g)(2). The applicant has indicated their practical difficulties with providing sufficient space for an outdoor entertainment area and incorporating the storage within that space. This is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Shubham Gupta, 1975 Wagar Rd, to construct a pavilion with storage that has a height of 14'-3" vs the 12' maximum that is permitted. Per Section 1153.15 (g)(1). This is the actual height of the gazebo itself, opposed to just the storage area. The majority of the roof of the gazebo is at or below the 12-foot requirement. Only the visual, architectural element of the center is above that. This is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

3. TED AND STACY LOIZOS – 21755 Lake Rd – PUBLIC HEARING –

Variance: To construct a turnaround driveway with two curb cuts on a lot that has a width of 65', vs two curb cuts shall be permitted for a lot with a width of 90' or wider. Per Section: 1153.15 (l)D

WITHDRAWN

4. PAUL FOWERBAUGH – 4194 Wooster Rd – PUBLIC HEARING –

Variance: To install a side yard fence with a height of 6’ vs the 5’ that is permitted. Per Section: 1153.15 (j)(2)

Variance: To install a 6’ rear yard fence that has 25% transparency for the last foot vs the 50% transparency that is required. Per Section: 1153.15 (j)(3)

Mr. Christ introduced the variance request, and Mr. Farrell swore in Paul Fowerbaugh, the homeowner. Mr. Farrell asked what the style of fence is going to be. Mr. Fowerbaugh said it will be a wooden, shadow box fence. Mr. Farrell asked why they are not matching their fence on the other side of the property. Mr. Fowerbaugh said that is a little too expensive. He had pictures of the style of fence, and he distributed them to the Board members. Mr. Christ asked what the height of the fence that was taken down was. Mr. Fowerbaugh said it was 4 feet between the houses and was 5 feet in the back.

Mr. Farrell said in Rocky River, fences are always an issue. A few years back, the city had come up with some approved styles. Board on board at 5 feet is allowed, but that top foot needs to be 50% transparent to go up to 6 feet. He is curious why that won’t work. Mr. Fowerbaugh said he does not like the look of that fence, it does not appeal to him. So, he wanted the opportunity to ask for permission for this type of fence. Mr. Fowerbaugh said this runs straight along the property line and does not go out towards the street on either side. There is a gated area on the back side. Mr. Harpster asked why he just doesn’t go 5 feet all the way instead of the 6 feet. Mr. Fowerbaugh said his preference is the 6 feet. He said they have a step-down patio and their neighbor has an elevated deck, so the extra foot gives them that level of privacy they were looking for. Mr. Harpster wondered if they could raise the ground at the property line to match the concrete, then they could raise the entire fence up to help with that privacy. Mr. Fowerbaugh said the neighbor’s driveway is right there, so they don’t want to affect that.

Mrs. Martinez asked if they had spoken with the neighbor next door. Mr. Fowerbaugh said yes, and they have no issue. He said he provided their letter of support in his submission. Mr. Farrell acknowledged having that letter. Mr. Christ said he usually does not support raising the height of a fence, especially if someone chooses to build an elevated patio. However, he said Mr. Fowerbaugh’s patio is not excessively elevated, yet the neighbor’s deck is much higher. So, he understands Mr. Fowerbaugh’s point of view. It’s his minimal height versus his neighbor’s excessive height. Mr. Christ said it makes sense why he is asking for the extra privacy.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated their practical difficulties relative to the existing house layouts of both their property and their neighbor’s property to the north, which are the two properties affected by this fence. Both have elevated recreational seating areas; the applicant’s is minimal; however, that will make a significant impact on the enjoyment and privacy of that space. The applicant is limited on the amount of space they have.
- B. He does not believe that will apply.

- C. He believes he has answered that already. It is not substantial and is the minimum necessary to achieve the desired privacy and appearance.
- D. He does not believe that it will, since there was an existing fence in this space.
- E. He does not believe that it will.
- F. He does not believe that applies.
- G. He does not believe that they do.
- H. He does not believe that it can.
- I. He believes it would.
- J. He does not believe it will.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Paul Fowerbaugh, 4194 Wooster Rd, to install a side yard fence with a height of 6' vs the 5' that is permitted. Per Section: 1153.15 (j)(2). This will be a shadow box or board-on-board fence, and the height will be maintained at a maximum of 6', which will allow for a visual conformity to the fence. While also providing the necessary privacy. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Paul Fowerbaugh, 4194 Wooster Rd, to install a 6' rear yard fence that has 25% transparency for the last foot vs the 50% transparency that is required. Per Section: 1153.15 (j)(3). For the same reasons as the first variance. Mr. Wright seconded.

4 Ayes – 1 Nays (Wright)
APPROVED

5. ANDREA BARTHELDS – 347 Argyle Rd – PUBLIC HEARING –

Variance: To install a side yard fence with a height of 6' vs the 5' that is permitted. Per Section: 1153.15 (j)(2)

Variance: To install a side yard fence that has 0% transparency vs the 25% that is permitted. Per Section: 1153.15 (j)(2)

Variance: To install a rear yard fence that has 0% transparency for the first 5 feet and 50% for the last foot, vs 25% transparency for the first 5 feet and 50% for the last foot that is permitted. Per Section: 1153.15 (j)(3)

Mr. Christ introduced the variance request, and Mr. Farrell swore in Andrea Barthels, the homeowner, and Bob Lewis, Northeast Ohio Fence. Mr. Farrell asked why they need a fence that requires a variance. Mrs. Barthels said she would like a 6-foot privacy fence for some privacy in the northeast corner of the lot. She said her backyard is only 7 feet wide, so the only spot she has for outdoor enjoyment would be this northeast corner. She said the existing fences are unsightly. Mrs. Barthels said the neighbors agree that the privacy fence would be an upgrade. She said she would love to get a vinyl fence because it is low-maintenance. Mr. Farrell wanted to clarify that she is calling it a privacy fence because she wants 0% transparency. Mrs. Barthels said that is

correct. She said the fence would be 0% transparent for the first 5 feet and then 50% transparent for the top foot. The last foot would be decorative and rod iron to match the fence on the other two sides. Mr. Lewis said it would run adjacent to her two neighbors. However, she would not be in any setbacks. To him, Mrs. Barthels and her neighbors are the only ones who will be able to see this fence. Mr. Farrell wanted clarification on what the request is. Mr. Lewis said it would be the black dashed line in the submission packet. Mr. Reich asked, from that back corner to the west is 52 feet, and from the corner to the south is 46 feet. Mr. Lewis said that is correct.

Mr. Farrell asked why she needs the 0% transparency. Mrs. Barthels said because it is low-maintenance and more aesthetically pleasing. The neighbor's garages are close to the fence, so it would not be visible to many people, and the neighbors think it will be an upgrade to the area. Mrs. Barthels said she would like a little more outdoor private space. Mr. Harpster wanted clarification on what the rear yard is and what the side yard is. Mr. Reich said the rear yard would be north of the house, not within the corner yard side setback to the west, and the side yard would be east of the house.

Mrs. Martinez asked if they had looked at any vinyl fence options that met the transparency requirements. Mr. Lewis said you can get a 6-foot board-on-board fence, vinyl fence; however, you can't find one with the lattice tops. They only make them solid with the lattice tops. Mr. Lewis said numerous customers have requested this fence in the city and have been denied. Mr. Farrell said he thinks that is because there are other options. Mr. Lewis said he cannot find a board-on-board vinyl fence with a lattice on top. Mr. Christ asked why they don't just space the boards. Mr. Lewis said they can't do that because the panels are premade. Mr. Lewis said a semi-private vinyl fence is not permitted per the Rocky River ordinances either. They can't do a 6-foot fence in that style because of the transparency requirements for the last foot.

Mr. Christ said there are two issues here. He said no one has an issue with the openness that they have at the top of the fence; it is more than 50% so it will not be an issue. The concern is for the lower section of the fence, since it is basically solid. Mr. Christ said it is essentially a privacy fence, and there are requirements in the code for a privacy fence. This fence is going on the property line, and there should be some openness. Mr. Christ understands Mr. Lewis is saying they cannot get that style of fence, but he found some online, so he knows it's possible. They are not saying it needs to be board-on-board; there just needs to be some spacing. Mr. Christ asked why they cannot alter the panels of the fence to increase the transparency since they are tongue and groove. Mr. Lewis said they can't, that's how they come, and they can't even ask the manufacturer to do that. Mr. Christ said they need to look for another fence, in his opinion.

Mr. Farrell said they are proposing the clay color, which helps tone down the fence some. He said the nice thing about the fence is how transparent it is above the 5 feet. Mr. Farrell said they discuss fences all the time. They are here to somewhat defend the fence ordinances that were approved.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. He does not believe the applicant has made any indications that there is anything particular other than it is in a corner. The fence is two lengths of the yard.
- B. He does not believe that will apply.
- C. The applicant said it is not. Yet, he thinks the Board is wrestling with the fact that 0% transparency is substantial.
- D. It's been noted that this will be a clay colored fence versus a white fence, which might mitigate the appearance.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. He believes that it can be obviated without a variance.
- I. He believes that is for the Board to decide based on the fence that is requested.
- J. He believes that is for the Board to decide.
- K. He does not believe that it would. There are other options.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Andrea Barthels, 347 Argyle Rd, to install a side yard fence with a total height of 6' vs the 5' that is permitted. Per Section: 1153.15 (j)(2). The applicant has indicated their practical difficulties with trying to provide a uniform fence that will exist on both the side and the rear yard. This would be a reasonable solution to provide a uniform fence in both areas. Mr. Wright seconded.

5 Ayes – 0 Naves
APPROVED

Mr. Christ moved to grant a variance to Andrea Barthels, 347 Argyle Rd, to install a side yard fence that has 0% transparency vs the 25% that is permitted. Per Section: 1153.15 (j)(2). This would apply to the first 5 feet of the fence, as the top foot would have a transparency greater than 50%. The applicant has indicated their practical difficulties. Mr. Wright seconded.

2 Ayes – 3 Naves (Martinez, Wright, Christ)
DENIED

Mr. Christ moved to grant a variance to Andrea Barthels, 347 Argyle Rd, to install a rear yard fence that has 0% transparency for the first 5 feet and 50% for the last foot, vs 25% transparency for the first 5 feet and 50% for the last foot that is permitted. Per Section: 1153.15 (j)(3). The applicant has indicated their practical difficulties. Mr. Wright seconded.

2 Ayes – 3 Naves (Martinez, Wright, Christ)
DENIED

6. MATT KNICKERMAN AND CANDICE REDER – 1992 Wooster Rd – PUBLIC HEARING –

Variance: To construct a new two-story attached garage with a side setback on the first floor of 1' and the second floor of 3' vs the 8' that is permitted. Per Schedule: 1153.07 (1)

Variance: To construct a new two-story attached garage with a rear setback of 8'-3" vs the 25' that is permitted. Per Schedule: 1153.07 (2)

Variance: To install an air conditioning condenser 7' 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 Matt Knickerman and Candice Reder, the homeowners. Mrs. Reder said on the north elevation, they keep the garage where it is and then stepped the second floor 3 feet back. Mr. Farrell asked if they are planning to keep the existing wall. Mrs. Reder said they'd like to because it would help with their construction costs. She said there was a conversation last meeting about moving the garage west and/or south. Mrs. Reder said the west would encroach on the neighbor's backyard. Right now, they are at 8 feet, which would be the required setback if this were their side yard. Mr. Farrell said he likes that setback. Mrs. Reder also said moving it towards the south means it would start to encroach on the street. She said their children's play area would shrink, and it would create an awkward, unusable strip of land north of the garage. To the north is a multi-family residential property, and the space is used to walk from the home to the garage; they do not recreate in that space. She said the garage already exists in that location, so that is why they feel like it is reasonable to keep it in that location.

Mr. Farrell asked how they are going to maintain that 1-foot space between the garage and the north property line. Mrs. Reder said they will weed-whack it. Mrs. Farrell asked if there is an existing fence. She said that from the east side of the property to the garage is a rod iron fence. Then, west of the garage, there is a chain link fence, and she is not sure whose fence it is. Mr. Farrell said the 1 foot off the property line is not a condition that they want to keep in the city. He wonders why he can't shift the garage over 2 feet toward Riverview. Mrs. Reder said the issue is that it starts getting closer to the property to the west. Mr. Farrell said he is only talking about two feet; it is not going to change that setback greatly. Mrs. Reder said the other concern is the first-floor bathroom; they would like to keep a full bath on the first floor. Mr. Farrell said they could flip the long side of the bathroom; there is some extra space before the kitchen window.

Mrs. Reder referenced a handful of other variances that were approved for other two-story garages. Mr. Farrell said that each variance is looked at on a case-by-case basis. He feels the solution is to shift the garage over 2 feet towards the south to keep the entire structure 3 feet from the property line. Mr. Harpster agreed. He also agreed that the bathroom could be reconfigured to make sure it stays off the property line. Mr. Wright said they are essentially rotating the bathroom 90 degrees. The size of the bathroom would virtually be the same, and the mudroom and pantry would not have to change.

Mr. Christ asked about their concern on the west side of the property. Mrs. Reder said the southwest corner of the garage is the closest point to the neighbor's property, is they push the garage southwards, that distance will only get closer. Mr. Christ said that if they do not want to

move the south wall any farther south, they could put the bike/yard equipment storage space to the west, instead of to the north, as proposed. Mrs. Reder said that is the space their neighbor recreates in. Mr. Christ said he is not trying to discount their appreciation for their neighbor; however, there is an existing shed in that space. Mrs. Reder said the shed is not as significant as a two-story garage. Mr. Christ said that the west wall can step back then. Mrs. Martinez agreed with rotating the bathroom and pulling the garage forward by the 2 additional feet so it is in line with the second-story wall. She said she would be okay with it moving towards the west to achieve that.

Mr. Christ said he is appreciative of the plans and information that were submitted. However, he said the Board is seeing some reconfiguration possibilities. He suggests looking at the plans one more time and seeing the economic impact of moving those walls. Mrs. Reder said they have no problem tabling it again since it is so late in the year, and they can't break ground on it. She said she may have misunderstood, but she thought the Board wanted those 2 additional feet set back on the second floor. Mr. Christ said that could've been the case. Mr. Farrell said the 1-foot between the property line is too close, and the 3 feet, to him, is achievable. Mr. Harpster said moving it forward means they would be getting a new foundation. He said they are sinking a lot of money into an addition, and they do not want the foundation to be the weak point. Mr. Christ said that is a good point and would suggest that they ask the contractor, if they choose to save the current foundation, to dig a test hole.

Mrs. Reder asked if they are okay on the west side. Mr. Farrell said he did not see an issue with it. Mr. Christ asked Mr. Reich what the side setback is for the neighbor to the west. Mr. Reich said he does not know what the width of the lot is, but anywhere from 5 to 8 feet is the code requirement. Mr. Christ said to him, the rear setback is not as big an issue because it is the side setback for the neighbor, and he considers that when it comes to his evaluation. Mr. Farrell said the main concern is the north setback.

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

5 Ayes – 0 Nays
TABLED

7. JARED AND AVERY HASSON – 240 Argyle Rd – PUBLIC HEARING –

Variance: To construct a masonry patio with a fireplace and grill island in the front yard vs the side or rear yard, that is permitted. Per Schedule: 1153.15 and Section: 1153.15 (g)

Variance: To construct a masonry patio with a fireplace and grill island that has a 14'-10" front setback vs the required 40' front setback as shown on the setback map City of Rocky River, May 12, 1975. Per Section: 1153.07 (a)

Mr. Christ introduced the variance request, and Mr. Farrell swore in Chris Zbin, Zbin Landscaping. Mr. Zbin said the front of the house has been determined to be on the Roslyn side, even though the front door and garage face Argyle, and the address is Argyle. Mr. Zbin said there is no other good place in their yard for outdoor space than on the Roslyn side. Mr. Farrell, Mr. Harpster, Mr. Wright, and Mrs. Martinez had no comments. Mrs. Martinez highlighted the difficulties with this lot. Mr. Christ asked why the grill island has to be where it's proposed rather

than some other configuration. Mr. Zbin said the existing gas line runs parallel to the adjacent property. It is about 1 foot away from the gas main going into the house. He said the grill island is centered to the door of the house, and it makes sense aesthetically. Also, if they moved the grill, they would have to move the gas line. There are also arborvitae that are 6 feet tall at this point. Mr. Christ said those could be cut down by the next owner, or they could catch a disease. Which brings up his concern, without those arborvitae, it just becomes hardscape adjacent to the sidewalk.

Mr. Farrell said he wanted to make sure the landscaping was not blocking the view for the next-door neighbor's driveway. He said it looks like, according to the landscape plan, that they are adding landscaping on the sidewalk side of the arborvitae. Mr. Zbin said they are proposing an ornamental tree, so it wouldn't block sight lines. Mr. Farrell said he is not convinced, so he asked Mr. Zbin to look into that. Mr. Zbin said he would.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated their practical difficulties with the configuration of the existing house on a very unusually shaped corner lot. There is no space west or south of this house for any recreational use. Thus, they have to be in one of the setbacks.
- B. He does believe that applies because, without some sort of variance, the ability of this house to have a recreational area is very limited.
- C. He believes they are trying to keep it to the minimum necessary, and on that basis, it is not substantial.
- D. It has been discussed that they will keep their neighbor in mind with landscaping and make sure that the neighbor has adequate sight lines.
- E. He does not believe that it will.
- F. He does not believe that applies.
- G. He does not believe that applies.
- H. He does not believe that it can.
- I. He believes it would.
- J. He does not believe that it will, as this is a response to the current siting of the house.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Jared and Avery Hasson, 240 Argyle Rd, to construct a masonry patio with a fireplace and grill island in the front yard vs the side or rear yard, that is permitted. Per Schedule: 1153.15 and Section: 1153.15 (g). The applicant has indicated the practical difficulties with trying to provide an outdoor private and social space that can be located on this property, and there are no other solutions except in one of the street setbacks. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Jared and Avery Hasson, 240 Argyle Rd, to construct a masonry patio with a fireplace and grill island that has a 14'-10" front setback vs the required 40' front setback as shown on the setback map City of Rocky River, May 12, 1975. Per Section: 1153.07 (a). For the same reasons as the first variance. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

8. SUNMART – 20045 Lake Rd – PUBLIC HEARING –

Variance: To construct a trash enclosure within the parking setback, 4' from the side property line, vs trash enclosures shall comply with the minimum parking setback of 15'. Per Section: 1167.21 (a) and Per Schedule: 1167.11 (3)

Mr. Christ introduced the variance request, and Mr. Farrell swore in Dahir and Philip Germany. Mr. Reich said the Planning Commission has identified numerous dumpsters within the city that need corrals. The dumpster location is not the issue; it is the lack of a corral. So, they are addressing these dumpsters one by one. Mr. Farrell said the corral has already been partially built. He asked if there would be gates on it. Mr. Germany said yes. Mr. Reich said the Building Department stopped them when they noticed them building the corral without a permit. Mr. Farrell said he sees no issue with the proposed corral. Mr. Christ said the entire backside of the building will be enclosed, which will prevent people or pests from walking around back there. Mr. Germany said there will be a gate on the west side fence behind the building so employees can access from that side as well. Mrs. Martinez said that this is the only logical spot for the dumpster, and this is an improvement from what is already there, so she has no issue with it.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

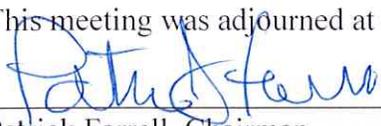
- A. Yes. This is a preexisting condition, and they are bringing it into greater conformity by enclosing it. This will secure the dumpster and the area behind the building. Making the whole area more attractive, cleaner, and more secure.
- B. He does not believe that will apply.
- C. It is not substantial and is the minimum necessary to provide the solutions the city would like.
- D. He does not believe that it will, since this is an existing storage and dumpster area.
- E. It will not.
- F. He does not believe that applies.
- G. He does not believe that they do.
- H. He does not believe that it can.
- I. He believes it will.
- J. He does not believe that it will.
- K. He believes it would. This is bringing it more into conformance.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Sunmart, 20045 Lake Rd, to construct a trash enclosure within the parking setback, 4' from the side property line, vs trash enclosures shall comply with the minimum parking setback of 15'. Per Section: 1167.21 (a) and Per Schedule: 1167.11 (3). The applicant has indicated their practical difficulties with conforming to the city's requirement for trash enclosures. This will improve an existing condition. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

This meeting was adjourned at 9:00 pm.



Patrick Farrell, Chairman



Richard Christ, Secretary

Date: _____