

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
SEPTEMBER 11, 2025

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

Presence Noted: Michael O'Boyle, City Councilman
Steven Dever, Assistant Law Director
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 September 11, 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 September 11th meeting of the Board of Zoning and Building Appeals at 7:00 p.m. He explained the meeting protocol and said that the Board has had the opportunity to visit the sites and review the applications. He said that anyone who is present and interested in any of the agenda items should come forward when the item is called so they can be sworn in if they wish to speak.

Mr. Christ moved to approve the Board of Zoning and Building Appeals meeting minutes from August 14, 2025, as presented. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

- 1. ERIC AND JACKIE WEIDEMER – 21468 Avalon Dr – PUBLIC HEARING –**
Variance: To expand a structure occupied by an existing non-conforming use vs no such building shall be enlarged or expanded to increase the non-conforming use. Per Section: 1139.05 (c)(2).
Variance: To expand an existing non-conforming boathouse with a gross floor area of 845 square feet vs a maximum of 250 square feet of gross floor area permitted for boathouses. Per Section: 1153.15 (i)(2).

Mr. Christ introduced the variance requests, and Mr. Farrell swore in the architect, Chad Costello. Mr. Costello said they want to expand the existing boathouse from 814 to 845 square feet. They took out the second floor as the Board requested, so there are no sleeping quarters.

Mr. Wolf asked if Mr. Dever had any comments, as it would help him. Mr. Wolf said that when he thinks of zoning provisions, a certain portion of rebuilding or enlarging might be handled one way. However, when it is a total makeover of a space, the code may address it differently. Mr. Wolf wants to know what is considered expansion versus demolition. Mr. Dever asked if there was going to be any habitation in the space. Mr. Costello said no. Mr. Dever said he spoke with Mr. O’Shea, and he believed that it is within the discretion of the Board, if they choose to grant the variances as they are proposed. It is an expansion or rebuild on an existing foundation.

Mr. Farrell said there was a question about the usage, but based on this, the usage would not change. Another concern that was brought up last time was with safety services. Mr. Reich said

they can address fire suppression, residential suppression using the water lines, if that is something the Board would like. It is farther than 250 feet off the road, so it would already be part of the plan review for the Fire Department to determine whether they want the boathouse suppressed or if they can access it. Mr. Wolf said there are a couple of areas, this is one, where the City Council and Planning Commission need to address what the policy of the city is. Whether it's 250 square feet or 800 square feet, it is not the BZA's responsibility to implement policy for the city. Zoning is meant to bring things into conformance with the zoning ordinances, other than in unusual circumstances. Mr. Wolf said you can get items on the Planning Commission's agenda just as easily as you do this agenda.

Mr. Farrell said this is not a boathouse. Mr. Reich said the use already exists. It is a lawful nonconformance. As long as they do nothing structurally or remove any barren walls, he could allow them to do anything they want down there because it exists in the use that they are asking. There will be structural changes, that's why it's here. Mr. Wolf said that when you do a big overhaul, most zoning ordinances would say you need to come into conformance with the ordinance. Mr. Farrell said that's why they are here, that is one of the variances. Mr. Farrell said to him, expanding an existing structure by 30 square feet is reasonable. His concern is a second residence on the property. Mr. Farrell acknowledged that Mr. Costello said it would not have habitation space or be a second residence. Mr. Farrell asked about the occupancy definition and what is considered occupancy. Mr. Reich said there is no good definition for that.

Mr. Wright said his only concern is from a life-safety perspective. He asked Mr. Reich, when this goes to the Fire Department for review, will they look at it to see if it's a dry system or a wet system? Mr. Reich said that is correct, and most likely, if it is more than 250 feet off the street or doesn't have access from the road, the Fire Department would request that there be a suppression system fed off of the domestic water supply rather than running a separate fire line. That would all be hashed out during the plan review. Mr. Wright said as long as it goes to the Fire Department for review, then it satisfies his questions and concerns.

Mr. Christ said the building looks to be twice as big, vertically. He considers height when it comes to the variance as well. To him, it looks like they are adding 10 feet to the height, so it is almost like they are doubling the size, volumetrically, of the existing structure. Mr. Christ does not believe that this is a replacement; this is not swapping out what was already there. Mr. Costello said that when the city came and did the sewer easement repair, they lost their access to the boathouse. So, the access to the boathouse is from above, and that is what is driving the extra height. The homeowners need to be able to access the boathouse. Mr. Christ asked if that is what is driving the whole boathouse to be that 20 feet tall. Mr. Costello said the boathouse is not 20 feet from the Avalon side, where the height is measured per the definition in the code. Mr. Christ said, however he wants to argue this, the volume is still twice as big as what is currently there. Mr. Reich said the code requires a height of 15 feet to the peak and not to the mean at the front of the structure. The height in the submission to the mean is 14 feet, which has been addressed, and was going to be dealt with after the decision tonight.

Mr. Christ also said there is no road here. Mr. Reich said the road is on that side, though. Mr. Christ would make the argument that the frontage would be from the lakeside, much like along the river the height has been discussed from the riverside. Mr. Christ said they are enlarging or expanding this by almost a factor of two, regardless of how he argues the height. He sees that as

an impactful change. It might only be 30 additional square footage, but the volume is almost twice as big. Mr. Christ said they do not need that height for the whole building; it is a major expansion.

Mr. Farrell asked Mr. Reich about the height and if it needs to come back for another variance. Mr. Reich said they discussed that, or possibly adjusting the height so it wouldn't need a variance. Mr. Farrell said a big part of this discussion is the volume, so the height is important. How do they plan on reducing the height? Mr. Costello said they would possibly bring the ridge of the roof down to the 15-foot requirement. There was some discussion about the height requirements for a boathouse and other accessory structures. Mr. Reich said the maximum height for a boathouse is 15 feet to the highest point. Mr. Wolf asked if that was from the Avalon side or the lakeside. Mr. Reich read the ordinance, "No part of the structure shall be higher than the average grade of the front yard or have a maximum height of fifteen (15) feet, whichever is lower." Since the property drops significantly in the rear, the maximum height it can be is 15 feet. Since the front of the house is measured from Avalon, the front of the structure is measured from the Avalon side as well.

Mr. Christ said that if he were just to interpret this building, since there are three sides of the building facing the lakeside, he would argue that is where the height should be measured from. Withstanding that, the variance is still for shall not be enlarged or expanded. Mr. Reich said that is the variance they need to look at. Can it be enlarged or expanded, the rest of it can be worked out with the applicants. Mr. Christ said that he would agree with Mr. Wolf's comment that this needs to go to the Planning Commission or City Council for a change, so they can have some sort of understanding of what they are trying to see. Mr. Reich said the ordinance is not a new ordinance; it goes back some time. Mr. Christ said, and how many boathouses with boats have they approved since then. Mr. Reich said he couldn't tell him that, but he did provide the Board with the meeting minutes of the next-door neighbor's boathouse that had a similar situation. Mr. Christ said he never saw them. Mr. Wright said he did.

Mr. Farrell asked about the 15-foot height requirement. Mr. Costello said they can lower it 2-3 feet to meet that requirement. Mr. Reich said that all can be addressed after the fact. Without the first variance getting approved, the rest of these variances are null and void. Mr. Wolf said he would not interpret the height of the boathouse at the front of the hillside; to him, it would be all the way around at finished grade. Mr. Reich said anyone aggrieved by a decision of the Zoning Administrator can bring it to this Board so that can be argued later on. Mr. Wright said from his perspective, there are four elevations: a front, a rear, and two sides. Mr. Wright said what governs is the front of the building, and that is what faces south. Mr. Farrell said some don't interpret it that way. Mr. Wright said he is reading what the code said; it is not an interpretation. Mr. Reich said if the height came for a variance, the code would be sent to the Law Department for a determination, before it comes before the Board.

Mrs. Martinez asked Mr. Costello if he was to lower the height of the structure would it make the space smaller on the second floor. Mr. Costello said it would only lower the knee wall height. Mr. Farrell said it would affect the volume, but the second floor is a loft, so it isn't really a second floor. Mr. Costello agreed and said that the loft is used for access from the stairs. Mrs. Martinez said the loft is included in the 845 square feet. Mr. Farrell said he is not sure that it is.

Mr. Farrell said the loft is 150 square feet, and asked if the current boathouse has a loft. Mr. Costello said it does, on the lakeside.

Mr. Christ asked again if this should go to the Planning Commission since it is affecting the whole lakefront, versus this Board looking at a variance. Even if they do not plan on changing the code, the Planning Commission would be able to pass judgment on the reasonableness as a planning item along our lakefront. Mr. Reich said the Planning Commission has no power to grant variances; it would end up back at this Board anyway. Mr. Christ said they would be evaluating this relative to planning for the city, along the lakefront. Mr. Reich said he doesn't believe this falls into what their capacity is; however, if that's how the Board wants to go, they can look into that. Mr. Reich said they have never sent a single-family item, whether it's on the river or the lake, to the Planning Commission for a review. Mr. Dever said it's their discretion; they can table this and send it to the Planning Commission. Mr. Farrell asked who should decide about the usage. Mr. Reich said it would be this Board. The Design and Construction Board of Review will look at the design of the boathouse. Mr. Costello said this Board is the body that voted on the neighbor's boathouse for the same variances.

Mr. Farrell wanted to make it clear that just because it was granted once does not mean it is automatically granted in this case. Some of the members from that approval are not on the Board anymore. The previous Law Director, during that review, was telling the Board to look at the usage. Mr. Farrell said this is not a boathouse, neither one of the structures are boathouses. Mr. Farrell said you cannot get a boat in there, and it is more like a second habitable space. That is the main question or concern of the Board: the usage of this space. Should the Board be granting variances for a usage they are not comfortable with? Mr. Reich said the reason they are seeing it as a boathouse is that it exists already, and there really is no other way to define it. Mr. Christ asked when they say it's a nonconforming use, and yet we are saying it's not habitable. However, the spaces they are indicating are for habitation. Mr. Reich said there is already a habitable building down there, so it's a lawful nonconformance. The way the code is written, you cannot remove structural, barring parts of that building to expand or enlarge it. That is what this Board is voting on, either allowing them to expand the nonconforming use while removing structural, barring components, or not. Can they do it or not, it is that simple; the rest can be ironed out after the fact.

Mr. Christ said the discussion today started with Mr. Costello saying this space would not be habituated. Mr. Christ said that the bathroom would go away, the HVAC would go away, and the bar would go away. Mr. Christ said that is why he asked what the definition of habitable space was. Mr. Reich said there is no definition. Mr. Wolf said it feels like they are trying to invent policy on the fly, and that is not his role. He feels this is like fences; they have guidance on fences, and then they have margins in which they flex based on unusual circumstances. Mr. Wolf said they are allowing a complete rebuild except for the footing of the structure. Mr. Wolf is not saying it's wrong, but it is not what the ordinance is saying that we should be permitting on the lakefront. Mr. Wolf wants to know what the Planning Commission and City Council think is acceptable on the lakefront. Is habitable space okay on the lakefront? Is 800 square feet okay? Do we care about the height of these structures? Do we care about views down to the water?

Mr. Farrell agreed with Mr. Wolf's comments. The Board should table this so they can find someone to speak on the policy and usage of this structure. Not necessarily what it is going to

look like. The Board is not comfortable voting on this. Eric Weidemer, the homeowner, came forward for some clarity. What is the Board stuck on, is it the habitable space? Mr. Wiedemer said they kept the height lower than their neighbor's boathouse. This is not a slippery slope; there are only three existing nonconforming structures, and they just need to renovate their structure. Mr. Farrell said they are not renovating the structure; they are rebuilding it. Mr. Wiedemer said it is a major renovation, and all of the neighbors have been supportive of it. Mr. Farrell said this Board has had a discussion for 45 minutes and has come to the consensus that they are not comfortable voting on this or allowing any more of these structures to be built along that lake. Mr. Wiedemer said there wouldn't be because there are only three existing structures along the lake. Mr. Farrell said he might be able to do it, but it is not for this Board to decide if they can have a habitable, new structure, down along the lake.

Mr. Wiedemer bought this property because he thought he could do this renovation. Mr. Wolf can sympathize with Mr. Wiedemer; they have been in front of this Board twice now. However, this is the point of the zoning ordinances. To give homeowners and the community some level of certainty. Mr. Wiedemer said his certainty came from the adjacent neighbor's boathouse.

Mr. Dever said this item will be tabled, and they will refer to the Planning Commission and the Law Department, and they will try and give parameters to this Board so they can feel comfortable deciding on these variance requests. Mr. Farrell added they would like clarity on who should decide on boathouses, or similar structures, down on the lakefront. It is not this Board's duty to decide if a structure like this should be on the lakefront.

Mr. Christ moved to table the variance requests for a period of 90 days. This shall be referred to the Planning Department and the Law Department to discuss the appropriate usage of an existing lakefront structure that is nonconforming in usage, nonconforming in area, and nonconforming in height. Mr. Wolf seconded.

5 Ayes – 0 Nays
TABLED

2. MOHAMED NAEM – 1839 Wynwood Dr – PUBLIC HEARING –

Variance: To construct a pool house and covered patio with a height of 12' vs the 10' that is permitted. Per Section: 1153.09 (b).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Kate Adams, New Vista Enterprises; Brandon Young, Young Design Studios; Greg Wolf, architect; and Dr. Mohamed Naem, the homeowner.

Mr. Young said they were able to reduce the number of variances from four, when they submitted in July, down to just one. The height of the pool house in that original submission was just over 15 feet. Mr. Young said they were able to lower the height to 12 feet. So, it still needed a variance, but it's not as substantial. With the roof slope, they did the minimum that they could do without it being a flat roof. Mr. Young said the goal was to get some natural light into the space while still providing privacy. Mr. Farrell asked Mr. Reich if it was a gable roof, could it go to 15 feet at the peak. Mr. Reich said no, that is for garages. Garages, at their highest points, can

be 12 feet for a flat roof and 15 feet if it's a gable roof. For all other accessory structures, the maximum height allowed is 10 feet.

Dr. Naem said the whole reason they wanted the pool was for their autistic daughter, as the pool would be part of her therapy. To his knowledge, the neighbor behind their property was the only one who raised a concern, and he was not approving of anything being built in that space. He is aware that the Board said he has a right to build in that area and is grateful that the Board gave him 90 days to revisit the plans. They were able to eliminate three variances while still being pleased with the plans. Dr. Naem said the only variance they are asking for now is the height, which is 12 feet at the tallest point of the roof and slopes down to 10 feet at the lowest point. If they were to do the 10-foot requirement, the slope would take the lower part of the roof down to 7 feet. Dr. Naem said he is 6 feet tall, and he would not feel comfortable with that ceiling height. Mrs. Adams said they did add more landscaping in the rear of the yard to help with the screening between properties. Dr. Naem said they will be below grade and there will be more robust trees and arborvitaes. They will be tall enough to cover the roof. Currently, they cannot see the neighbors behind them, and they will be adding even more green screening.

Mr. Farrell appreciates them pulling it out of the rear setback. He felt it was hard to justify the hardship in that area. It also seems that they satisfied the Building Department with the height of the pool above grade. Mr. Farrell said he thinks the variance request is minimal. Mrs. Martinez asked what the difference is between the pool deck and the grade. Mrs. Adams said 12 inches. So, the 12-foot height is from the pool deck. Mr. Christopher Wolf asked if they were to add steps off the rear of the pool deck, would they need a variance? Mr. Reich said they wouldn't need stairs because they lowered the deck enough. Mr. Wright and Mr. Christ said they appreciate the effort they made to update the plans to meet the Board's concerns. Mr. Christ said he is in full support of the way the building is designed for privacy and screening, since it is a pool. The landscaping also addresses the neighbor's main concern. Mr. Christ said that for the Design and Construction Board of Review, are there any suggestions on improving the wall facing the neighbor to the north? It is a substantial wall.

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, and they are trying to provide a pool house that is of reasonable height and a reasonable accommodation to the pool, the neighbors, and the neighborhood.
- B. Does not really apply; other than, if you are adding a pool house, you need a pool to go with it.
- C. The applicant has indicated how they sized this roof and how they adjusted it to keep it as minimal as possible.
- D. This is a reasonable and minimal height difference, so he does not believe that it will change the neighborhood's appearance. From the East, there will be additional screening.
- E. He does not believe it will.
- F. He does not believe that will apply.

- G. He does not believe they do.
- H. He does not believe that it can.
- I. He believes it would.
- J. He does not believe that it would.
- K. He believes it would.

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

Mr. Christ moved to grant a variance to Mohamed Naem, 1839 Wynwood Dr, to construct a pool house and covered patio with a height of 12' vs the 10' that is permitted. Per Section: 1153.09 (b). The applicant has indicated their practical difficulties with providing the pool and the associated amenities of the pool house to fit the site and the needs for the pool. This is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays

APPROVED

3. BRAD ROBERTS – 21017 Aberdeen Rd – PUBLIC HEARING –

Variance: To construct a covered front porch with a front yard setback of 36'-3" vs the 40' 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 Brad Roberts, the homeowner, and Dave Maddux, the architect. Mr. Wolf wanted to put on record that he knows Mr. Roberts through their children's school. However, he does not see that being a conflict. Mr. Maddux said the home sits at an angle compared to Aberdeen. There is an existing porch that runs across the previous addition. They are doing an addition to the addition, so to tie it all together, architecturally, they want to wrap the porch around the front corner. Mr. Maddux said it already sits in the setback slightly, but to turn the corner, it would have to project farther into the setback. Mr. Maddux said it is a really minimal ask, and Mr. Farrell agreed. Mr. Christ felt it was de minimis.

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 practical difficulty with trying to complete the very small piece of roof to complete the original to the addition.
- B. He does not believe that will apply.
- C. This is a minimal change.
- D. It will not, and it will provide better uniformity to this project.
- E. It will not.
- F. He does not believe that will apply.
- 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 that it would.
- K. He believes it would.

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

Mr. Christ moved to grant a variance to Brad Roberts, 21017 Aberdeen Rd, to construct a covered front porch with a front yard setback of 36'-3" vs the 40' as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a). The applicant has indicated the practical difficulties with providing uniformity to the existing porch, porch roof, and addition. This is a very minimal change. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

4. CLIFF WOLFE – 19220 Frazier Dr – PUBLIC HEARING –

Variance: To construct a rear four-story addition that is 15'-8" from the rear property line vs the 25' that would be permitted. Per Schedule: 1153.07 (2).

Variance: To construct a rear four-story addition, increasing the lot coverage to 36.8% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

Mr. Christ introduced the variance requests, and Mr. Farrell swore in George Clemens, the architect; Cliff Wolfe and Maren Bean, the homeowners; Peter Nogay, the designer; and Stephan Herron, 275 Yacht Club Drive. Mr. Clemens said this is a significant addition to a very small existing residence. It is a one-story, 694-square-foot original barge house. Beyond the size of the lot, their largest practical difficulty is that there is a fall of 44 feet across 112 feet. Mr. Clemens said the home currently sits below Frazier Drive, and you go down 20 steps to access the home. There is no practical way to connect to a garage structure on the Frazier side of the home. Mr. Clemens said their goal is to be able to pull in off of Yacht Club Drive and park two cars in a reasonably sized garage. Mr. Clemens said that it goes into the rear setback because of the slope of the hill. The more they have to go towards Frazier, the more they have to dig into the hill. Mr. Clemens said they pushed it forward as much as possible. The grade is 3 feet higher than the garage floor in the rear and 11 feet in the front. Mr. Clemens said that above the garage, they were adding a couple floors of living space.

Mr. Clemens said they made it as compact as possible. It fits within the width of the existing house. They believe it is a compact solution to a very tricky problem. The new footprint is 848 square feet, so the new total footprint would be 1,578 square feet. Mr. Clemens highlighted that it is not a very large footprint. However, due to the tight nature of the lot, they are still requesting a variance to the lot coverage. Mr. Clemens also said the rear variance is a 10-foot difference. The goal is to make a more livable home for this family and create space for them to have their vehicles, which does not involve street parking.

Mr. Farrell said they try to let people know that they probably won't be able to fit a car in the driveway due to its length. Mr. Clemens said they are right at 16 feet, so they could fit a small car in that space. He said that is the goal, though, to be able to park cars in that space. Mr. Farrell said, then maybe they should revisit that space because it does not seem to be enough to achieve

that. Mr. Wolfe said people speed down that road, and it can be very tricky for people to pull out down there. Mr. Wolf said the home in their submission package, 19200 Frazier Drive, actually came to widen their driveway recently because it is so difficult to pull out onto Yacht Club Drive. Mr. Farrell said they do not want to see any bumpers hanging in Yacht Club Drive. One of the reasons they didn't want to push the garage westward is because of the hill and how much it would cost to make enough space to park there. Mr. Farrell thinks they should keep in mind that they have an extremely tight space at 16 feet.

Mr. Farrell asked if the home is on any historic register. Mr. Wolfe said it is old, but it is not on any registry. Mr. Clemens said they are adding to it so it can maintain its integrity as a structure. They will not be exceeding the height of the existing structure. Mrs. Martinez wanted to know if the highlighted section on the kitchen floor plan was included in the calculation. Mr. Clemens said it is; that highlighted area is an overhang on the deck. Mr. Wolf said this is a part of the city that he has struggled with. The guidance in the code for height and lot coverage is different than what is being requested. Mr. Wolf said this is not as bad as others; there is a step back rather than the four-story masses they have seen before. He may not agree with the requests because of his perspective on the lots, but he did recognize the amount of work they have put into this.

Mr. Wright would echo what was previously stated. He appreciates the work that has been done with the plans. However, similar to Mr. Farrell, he does not think there is enough space behind the garage to park a reasonably sized car back there. The size almost dictates that it has to be a smaller car. Even if it is a few extra feet, it doesn't have to be the full 25 feet. Just so there is enough room to get a larger vehicle in that space. Mr. Christ said houses are supposed to have garages, and clearly, the applicant is challenged right now with parking. Mr. Christ said the garage is nothing extraordinarily large. If he were to take the existing house and add the garage to it for the lot coverage, it would be about 33%. He understands the 11 feet at the front of the garage. However, he believes they need to move the garage towards the hillside to get a few more feet on the driveway because he believes it would be a conflict of space. Mr. Christ said in terms of the lot coverage, they just do not have the width to go with the house; they aren't asking for a huge house.

Mr. Wolf asked what the visibility would be like pulling out of the garage. Mr. Clemens said they are trying to grade the driveway up to reach the garage, but it won't be significant. If they are pulled out going forward, it shouldn't be a problem. If they reverse it will be pretty tricky. The visibility will improve as it gets closer to the street. Mr. Clemens said it will be very similar to the property down the street that is shown in the submission package, 19330 Frazier Drive. Mr. Christ said that if they push the garage in slightly, they need to study the floor-to-floor height. There needs to be more space on the Yacht Club Drive side. Mr. Clemens said they are pretty early on in the design process. They are trying to see what would be allowed. Regardless, they will be over the lot coverage and less than 25 feet into the rear setback. There is no way for them to avoid either of those. Mr. Clemens said they are not trying to make this look amazing architecturally, and then being denied.

Mr. Herron came forward to speak. He lives across the street from this project on Yacht Club Drive. Mr. Herron had a question about the zoning process. It seems there is a lot of attention on the application and the precedent of other properties. Mr. Herron said this would be setting a new precedent. It is going setback to setback, so it is one long building. Mr. Herron said the

previously approved projects have had setbacks of 40 feet off of Yacht Club, including the recently approved 19332 Frazier Drive house. Mr. Herron said the standard has been set at 40 feet. Mr. Farrell is not sure he would agree with that. Mr. Herron is concerned about the precedent this will set, going from setback to setback, one long house. Instead of doing what 19332 and 19340 Frazier Drive did, and come two stories off of Frazier and put a garage on the Frazier side. Instead, they are putting the garage on the Yacht Club side, but they are not doing what 19330 Frazier Drive did, where they built a house down below. 19330 Frazier Drive has a large yard between the home and Frazier. Mr. Herron said if they approve these variances, the Board is creating a new precedent for this hillside. Mr. Christ said this hillside is so differential, there is no precedent being set. The Board also does not consider precedent; it is on a case-by-case basis.

Mr. Herron said his objection is to the lot coverage area. He thinks it's fine to keep the same design standard that has been set on Frazier. Mr. Christ said then the current house would have to be demolished, and that is not for this Board to say. Mr. Herron understands that it would be very expensive to do so. Another concern Mr. Herron had was water flow. There was mention of traffic; however, he is not that concerned. With a new driveway apron, the water that lands on that will flow directly onto his driveway. Since there is insufficient stormwater drainage on the road to capture the runoff. Mr. Herron would like the Board to specify that there is a storm drain that will take 2-3 inches an hour off of whatever driveway they have before it hits the street. Mr. Reich said they would need to talk to the city engineer about that. Mr. Farrell said there are rules about that, correct. Mr. Reich said yes, but he is looking at the Google map, and there is a 24-inch storm drain right at the property line. They could possibly tap into there with a trench drain, but it is right at Mr. Wolfe's curb. Mr. Herron said if there is a storm drain there, that is enough, then that's great. However, he wants to be very careful with the water because it will rush right onto his property.

Mr. Herron asked about the timeframe of the project, especially with the home at 19332 Frazier Drive being built as well. Mr. Reich said it could be nice to have them done at the same time, so it is less of an inconvenience for Mr. Herron, rather than one after the other. Mr. Herron said it is pretty tight back there. Mr. Farrell said Mr. Herron said that the home at 19332 was more toward the Frazier side, so he is not sure if they will be working down on the Yacht Club side as much. However, that is something both parties will work out.

Mr. Farrell said he made some good points. The ones on the Frazier side had height issues, and now they are having a rear setback issue off of Yacht Club. They are maintaining their side setbacks; however, the Board is not comfortable with the rear setback. Which will lessen the lot coverage if they can adjust that setback. Mr. Farrell is not concerned with the volume of traffic on Yacht Club; it's more about whether they can fit a car in that space. Mr. Clemens said adding two more feet would make a substantial difference. Mr. Wolf said that is where the logic for the 20-foot setback comes from, so there is space to park a car. He wondered if they could do a parking platform off of Frazier Drive. Mr. Clemens said that the way the house sits, the platform would overpower the home and be a lot on that slope.

Mr. Farrell wondered if they could just push the garage floor back and have the home overhang, so they wouldn't really lose living space but gain more driveway depth. Mr. Reich said the setback would be the farthest wall back. Mr. Farrell said they need the extra space. Mr. Clemens

agreed because he wants his clients to be as safe as possible. Mr. Herron said he is okay with the project as long as it is the same as the home at 19330 Frazier Drive. Mr. Wolfe said the home at 19330 Frazier has 15 feet from their garage to the curb. Mr. Wolfe said what Mr. Clemens suggests is 17-18 feet, and he thinks they can do that.

Mr. Farrell asked the Board members if they were ready to vote on the variance requests. Mr. Wright said, if they can alter the 15'-8" so it's greater, he feels the Board would be ready to vote. Mr. Clemens said they are ready to accept that stipulation. Mr. Christ said that it is determined by whether there is an overhang, because if there is an overhang, then what they are requesting does not change. Mr. Wright said they can make that a condition that the lower-garage level would have to be whatever distance they agree on, and the rest of the floors could go to the 15'-8" that is being requested. He is okay with all the other floors, except the garage level.

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. This sits on a steep hillside between two existing streets.
- B. This is applicable; the same constraints on the geography will also affect the return.
- C. As the Board has discussed, he does not think it is substantial. Other than the absolute number, because the garage addition alone is pushing the area variance.
- D. He believes this will provide an addition and an upgrade to the neighborhood, rather than any detriment.
- E. He does not believe it will.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. As indicated by the slope and height, he does not believe that it can be.
- I. He believes it would.
- J. He does not believe that it would.
- K. He believes it would.

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

Mr. Christ moved to grant a variance to Cliff Wolfe, 19220 Frazier Dr, to construct a rear four-story addition that is 15'-8" from the rear property line vs the 25' that would be permitted. Per Schedule: 1153.07 (2). With the condition that the garage wall itself would be a minimum of 18' from the rear property line to maintain a reasonable parking area. Mr. Wright seconded.

4 Ayes – 1 Nays (Mr. Wolf)
APPROVED

Mr. Christ moved to grant a variance to Cliff Wolfe, 19220 Frazier Dr, to construct a rear four-story addition, increasing the lot coverage to 36.8% vs the 28% that is permitted. Per Schedule: 1153.05 (3). The applicant has indicated the practical difficulties with the slope, where they can configure the new addition to the existing house and Yacht Club Drive. This is a reasonable

solution to provide on-site parking. The Board has increased the distance so there is sufficient space to park the car behind the house. Mr. Wright seconded.

4 Ayes – 1 Nays (Mr. Wolf)
APPROVED

5. DAVE KEEHAN – 2121 Valley View Dr – PUBLIC HEARING –

Variance: To construct a front addition with a front yard setback of 25'-6" vs the 40' as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a).

Variance: To construct a screened-in front porch with a side setback of 6' and two window wells with side setbacks of 2' and 1'-11" vs the 8' that would be permitted. Per Schedule 1153.07 (1)(A).

Mr. Christ introduced the variance requests, and Mr. Farrell swore in Mark Reinhold, architect; Mr. and Mrs. Keehan, the homeowners; Michael King, 2101 Valley View Drive; Liz Harmath, 2133 Valley View Drive; and William Mullen, 18396 Edgewood Drive.

Mr. Reinhold said there is an outdated garage. The front addition is needed because there are only two access points to the rear yard, so it makes it hard for heavy machinery to get back there. The rear already had a successful addition in the past. Mr. Reinhold said that is why they decided to do the addition in the front. Adding a new garage out front and some aging-in-place amenities to make it more livable. Mr. Reinhold said the screen porch is to balance the house out, architecturally. Mr. Reinhold said his clients are a blended family, and they need a lot of bedrooms; the only other space that was available is the basement. They need to add window wells for egress windows. The window wells will only be partially above grade, an inch or so. Mr. Farrell wanted to clarify that Mr. Reinhold only gave the Board two floor plans, but there is a third floor plan, the basement, that they are planning to add bedrooms in. Mr. Reinhold said that is correct.

Mr. Reinhold said the reason they are coming out front is two-fold. Valley View Drive, down on this end, is a pretty steep road. So, they have to widen the retaining wall that is out front to make enough room for a wider garage door. Mr. Farrell said there is no floor plan for the garage/basement level. Mr. Reinhold apologized and thought he provided enough information. Mr. Farrell said he did he is just trying to wrap his mind around what is going on. Mr. Reinhold said on the north side is a two-story addition with a bigger garage for modern cars on the first floor on the second floor is an aging-in-place bedroom. The third floor does not gain any additional space. On the south side is a single-story screened-in porch addition. Mr. Reinhold said that was done to try and prevent the garage-dominated designs that we see in communities to our west. Mr. Reinhold said that both additions would have low-sloped roofs, and the railing on the north side can be placed anywhere; it could be at the edge.

Mr. Wolf said it would've been helpful if the basement floor plan had been included as well. He also said that it is a pretty substantial reduction in the front yard, so it would've been nice to see an aerial view. Mr. Wolf appreciated the plans that were submitted. He likes to see the outlines of the neighboring houses so he can see the setbacks of the neighborhood, because he likes some stepping in the setback, rather than every house sitting at 40 feet. Mr. Wolf said it looks like the

houses already do that step back. Mr. Reinhold said the road curves and the homes follow that curve. Mr. Wolf said if he were to give it a quantitative measure, it would be plus or minus 20% of that prevalence setback. When comparing it to the house to the north, it seems much greater than that. Mr. Farrell said he would agree. The house to the north lines up pretty close to where the existing house is sitting. Mr. Reinhold said it is pretty close, and the 24-foot garage and bedroom addition would project out in front of that garage. The screened-in porch on the south side does not project as far forward compared to the neighboring home.

Mrs. Martinez said the bedroom is 24 feet by 24 feet, which is an extremely large bedroom. Have they considered making that smaller to minimize the volume? Mr. Reinhold said there is some flexibility in the height of that room. They need to maintain a certain height, but it could drop down 6-8 inches. Mr. Christ asked about the roof pitch on that side. Mr. Reinhold said there is a small pitch to the roof, but there is also a flat roof deck above that does not come out to the edge. There is a hip roof over the front door and a flat roof over the screened-in porch. Mr. Christ said he would echo Mr. Wolf's comment that they did not show the house to the north, and this addition is completely in front of that addition. He is not sure this change is favorable for the neighbor to the north; it is quite a large change.

Mr. Farrell asked if there was any consideration to put the addition on the rear of the home. Mr. Reinhold said there was quite an expensive addition added to the rear of the home, which has a lot of windows; they don't want to disturb that, so they are here with this plan. Mr. Farrell asked what the cathedral room is on the top floor of that addition. Mr. Reinhold said that this is the current primary bedroom, and they will use that, but the bedroom that is being added is for future use, so they can age in place. Mr. Christ said that the entry and sunroom could stay there, but maybe the future primary bedroom could be added somewhere else, and the garage addition would just be one story.

Mrs. Keehan said they have seven kids in total. They have one child in college who comes to visit, one in the military who comes to visit, a handicapped child, and an aging mother; they have a very large family. Mrs. Keehan said she and her husband work from home intermediately. The main reason they need the primary suite is in case the aging mother or handicapped son needs to come home to be taken care of. Mrs. Keehan said they want a space that is nice for either of them. The two kids who come home from college and the military need the basement bedrooms. Mrs. Keehan said they want to build a forever home. They need the garage addition since the existing garage does not have enough space, and the ceiling is too low. Mr. Christ said he is not saying they can't do the garage, but he is challenging the architect to find a different location for this primary suite. Mr. Reinhold said, through the process of elimination, this is the best location for this primary suite addition.

Mr. Farrell asked about the rear deck on the second floor. Could that become the bedroom? Mr. Reinhold and Mrs. Keehan said that it wouldn't be handicap accessible then. That is why they need the bedroom on the first floor. Their son can't always walk, and the same goes for their aging mother. Mr. Farrell said the Board is studying this because it is a 2-story addition that projects 24 feet in front of the home. Mr. Christ said a 24-foot by 24-foot bedroom is extremely large. Mr. Reinhold said they are amenable to pushing the second story back. Mr. Christ said, architecturally, he will let the architects on the Board decide that; however, he is trying to

prevent a two-story shadow from being cast on the property to the north and their view from being obstructed.

Mr. King respectfully opposes the variance for the front yard setback. His home sits at the lowest point on Valley View Drive, so it is also a full story lower than the applicant's home. Due to this unique positioning, any substantial change to the applicant's property has a disproportionate effect on Mr. King's property. Mr. King said it would have an adverse effect on the use and enjoyment of their home. It would block the already limited southern exposure that they already receive. Depriving their yard of sunlight at certain parts of the year has a negative effect on numerous plants in their yard. Mr. King said it would also block their home's limited visibility from the street. Although he can understand their need for a first-floor bedroom, the home is relatively large, and he may not be an architect, but he believes the first floor could be reconfigured to include a bedroom in its current footprint. Mr. King said the smaller garage is common in this neighborhood, much like his own home, and the size of the garage was known when the home was purchased earlier this year.

Mr. King said that, since the home was purchased recently, the hardships are actually caused by the actions of the owners. If a larger garage and first-floor primary suite were needed amenities, there was time for them to look for another property that could've met those needs. Mr. King said that claiming a hardship now, in essence, is to create a hardship by disregarding the zoning code. Even if the Board were to find that this met the hardship requirements, it still would not be the minimum necessary to make reasonable use of the property. They could do a one-story garage and fit a primary bedroom on the first floor within the confines of the existing home.

Mrs. Harmath said they appreciate the work being done on the home, and the contractors have been extremely nice. Mrs. Harmath said the plans were hard to interpret because side elevations and basement plans were not submitted. The addition of the garage plus one story encroaches on the front setback by 50%. Mrs. Harmath said this would break up the existing flow of homes in their small neighborhood, which tend to step back from the previous home as you move north, roughly following the alignment of the street. Mrs. Harmath said this is one of the goals of the front setback. The neighborhood has a unique geography and grading. That means the garage portion sits in the basement level of the home; an extension of that would not have an impact on the visual of the home. Mrs. Harmath said the first-floor bedroom would definitely appear to stick out and cast a shadow to the north. Mrs. Harmath said for these reasons she opposes the encroachment. She suggested a possible alternate location could be found to achieve the applicants' desired goals.

Mrs. Harmath said she has no objections to the screened porch. It only sits two feet over the eight-foot side setback, and it appears that the current home does as well. However, she does have concerns about the window wells. Due to the width of the homes in that neighborhood and the steep grade in the rear, it will be difficult to get large equipment into the back yards of any of the homes. Trash collection is not a concern, but access to equipment to deal with trees and fire equipment is a concern. Mrs. Harmath wonders if there is any load-bearing capacity on the window wells and if they could be temporarily covered to access the rear yard.

Mr. Farrell asked Mr. Reinhold if they could be covered. Mr. Reinhold said one of those highway steel plates would be sufficient. They already come with grates that you push up to

prevent anyone from falling into the wells. Mr. Reinhold said that the Keehans cannot go on their neighbors' properties to access trees, and the same goes for the neighbors using the Keehans' property to access their trees. They can be neighborly and grant permission, but it is not required. Mr. Farrell said she probably meant that when equipment is on her property, are the window wells strong enough to support that, due to their proximity to the property line? Mr. Reinhold said they could be built as such.

Mr. Mullen lives across the street from the home. He said he is indifferent to the variance requests. Mr. Mullen noticed that the garage is a significant variance. However, he is more concerned with the aesthetics of the property. Currently, there is brick on the front and side of the garage and at the entryway. He noticed that the porch would have wooden pillars, and he would assume that they should use brick like the rest of the home. However, Mr. Mullen said he might be speaking to the wrong Board about that.

Mr. Farrell said some of the neighbors echoed the same concerns that the Board had, mainly with the second floor over the garage. Mr. Reinhold tried to gauge the Board to see how many feet the Board may be comfortable with. Mr. Farrell said that he believes the Board does not want to have the front addition above the garage projecting into the front setback, to the extent shown. Mr. Wolf said that for him, it doesn't matter if it is one or two stories; it is the projection into the front setback that is his concern. He uses that plus or minus 20% as a guide. If the home to the north is at 40 feet, the 20% is 32 feet. Mr. Wolf said he doesn't think it has to be set back 32 feet; he is trying to wrap his mind around it.

Mr. Keehan asked if they did the garage at 24 feet and pulled the second floor back to like 15 to 18 feet, would that be more acceptable. Mr. Farrell said to him it would not be, and other Board members have shared the same sentiment. Even the one-story addition could be a problem for some of the members. Mr. Farrell asked about the elevator, which is not going to the second floor. Mr. Reinhold said there is no place for it on the second floor, and there isn't enough plate height. So, they only have it going from the garage to the first floor.

Mrs. Keehan said aesthetically, the home will be much more attractive by taking the garage upwards. The issue with the garage is not the width; it's the depth. However, there are trees between their home and their home to the north. Mrs. Keehan said she has never been able to see that home. She said they plan to add their own landscaping as well. So, the loss of light to their property will not be caused by the home but by the landscaping that is existing and that will be planted. Mrs. Keehan said that with just the garage addition, the home will be beautiful, but going upwards will make the home much more attractive. They are trying to add value to the city and neighborhood, not subtract.

Mr. Farrell understands both parties' perspectives. The Board has seen these requests before, and it is never an easy sell because the adjacent neighbors are usually the ones most affected. Mr. Reinhold said they should table the item.

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

6. CHRISTOPHER SBROCCO – 19118 Mitchell Ave – PUBLIC HEARING –

Variance: To construct a shed 3' from the rear property line vs the 5' that is permitted.
Per Schedule: 1153.15 (1).

Variance: To construct a shed 1' from the side property line vs the 5' that is permitted.
Per Schedule: 1153.15 (1).

Variance: To construct a shed with a gross floor area of 252 square feet vs the 120 square feet that is allowed. Per Section: 1153.15 (c).

Mr. Christ introduced the variance requests, and Mr. Farrell swore in Christophe Sbrocco, the homeowner. Mr. Sbrocco said he is requesting variances to construct an accessory structure that is modest in scale. The 252 square feet only represents 3% of his lot area. In combination with his house, garage, and this shed, the lot coverage would be 21%. Mr. Sbrocco said the shed is larger than what is allowed, per the code, and sits in the side and rear setbacks. The immediate neighbors, especially the one most impacted, wrote letters in support, and those have been submitted for the Board's consideration. The shed will be used for the storage of lawn equipment, seasonal tools, bicycles, sports gear, and other household items that don't fit in his existing garage. Mr. Sbrocco said the 120 square foot requirement would not fit his storage needs. He said when he purchased the property, the backyard was virtually unusable because of poor drainage. Mr. Sbrocco said he addressed this by installing a drainage system, including a six-inch storm sewer. He installed a drain field in the back yard using perforated pipes and stone bedding, with Geotech wrap to protect the system. The rear yard was regraded, so it is level; however, the grade elevation did not change at the property lines. Mr. Sbrocco said his yard has been drier and usable, and the neighbors have said the same.

Mr. Sbrocco said he is deeply committed to the city and is a strong member of the community. His goal is not to disrupt the neighborhood or to overbuild his lot. Mr. Sbrocco said the goal is to finish his backyard in a way that is functional, modest, consistent with the property, and supported by those who live around him. The shed will not appear oversized, and it will match the look of the home and the garage. It will not obstruct any views, light, or air. Mr. Sbrocco said it will allow him to reasonably use his property for the first time since purchasing it.

Mr. Farrell said he has one thing going for him, and that is the large lot. He said the one thing the Board is always concerned with is the rear and side yard accessible to maintain the structure. Mr. Sbrocco said that it will not be an issue; you can walk all the way around it. It might be tight in one corner, but still, it's maintainable. Mr. Farrell asked about the overhangs of the shed. Mr. Farrell said they cannot hang over the property line. Mr. Farrell asked about whether there would be any gutters. Mr. Sbrocco said the gutter would be on the rear side of the shed.

Mrs. Martinez wanted to clarify, the side with the two doors is the side that will face his deck. Mr. Sbrocco said that is correct. Mrs. Martinez asked if there was any consideration to move the shed so it wouldn't sit within the rear and side setbacks. Mr. Sbrocco said it would interfere with his backyard and how it is utilized. Also, with the drainage system that he installed, the shed would interfere with that if he were to move it. Mrs. Martinez asked Mr. Reich if this needs to be fire-rated. Mr. Reich said he was about to make a note to look that up and review that during the plan review based on the decision of the Board. Mr. Wolf said it looks like he is good on lot

coverage, but he wanted to clarify, there is a notice to remove. Did he not obtain a permit to grade or add drainage? Mr. Sbrocco said he did not. Mr. Christ said his concern has been addressed regarding the fire rating.

Mr. Christ said he is struggling because the posts that are there are not 3 feet from the rear fence or 1 foot from the side fence. Mr. Sbrocco said his neighbor's garage is on his property 6-8 inches. So, he stepped back another 6 inches, so it is a foot off the property line. Mr. Christ asked if he had checked the pins. Mr. Sbrocco said yes, he borrowed the metal detector from the city. There is a fence line in the rear of the property, which is 3 feet up until the last 2 feet, then it corners in. Mr. Christ said the fence is on his property. Mr. Sbrocco said yes. Mr. Christ said then must be another foot of property in the rear then, because it looked like he was barely 2 feet from the rear of the shed to the fence. From the right corner to the fence looked to be 2 feet, and it was less as you moved toward the other side of the fence. Mr. Christ said the city will go out and check all of this. Mr. Sbrocco said he was already aware of that.

Mr. Christ asked why can't this be 3 feet on the other side as well. Mr. Sbrocco said because of where he placed the sewer system and drain. The posts are on the west side of the drain. Mr. Christ asked what would happen if they were on the east side of the drain. Mr. Sbrocco said they would go too far into the property element, which is about 6-7 feet. Mr. Farrell said Mr. Christ is basically asking if he could move the shed 2 feet over. Mr. Sbrocco said the posts are already in the ground. Mr. Christ said they have never allowed 1 foot; they have allowed 2 feet, but they prefer 3 feet. Nothing is restricting you that doesn't fall under one of the requirements that is created by the homeowner. Mr. Christ said that is a big negative. He can accept the 3 feet in the rear if it is truly 3 feet. He understands the need for more storage space, but he is looking at more than 100% over the allowed. Mr. Sbrocco asked what the issue was with the 1-foot request. Mr. Christ said because the code says 5 feet. Mr. Sbrocco said none of the setback goals would be interfered with in this case.

Mr. Sbrocco said the main goal is to tuck the shed in the rear yard so there is enough space to use his yard effectively. All of the neighbors who are affected signed letters showing their support. Mr. Christ does not see where Mr. Sbrocco is meeting half of the practical difficulties test. There is nothing that precludes you from putting it at 5 feet, let alone the 3 feet. Mr. Sbrocco said that with the drainage lines that he put on the property, he would have to move the shed too far into his property, and he would lose the enjoyment of his property. Thus, the shed would not be built.

Mr. Farrell asked where the pipes are running in the property. Mr. Sbrocco said they go to the 5-foot setback line. Mr. Farrell said he has around 4 feet to move the shed before he hits the drainage lines. Mr. Sbrocco said the posts are already in the ground. Mr. Farrell said that is not this Board's concern. He is trying to understand the drain lines, so they sort of follow the green lines in his submission. Mr. Sbrocco said that is correct. Mr. Farrell said the shed could be moved 2 feet and not interfere with those drainage lines. Mr. Sbrocco said the 2 feet will interfere with the enjoyment of his property. Mr. Wright asked why it can't be moved to the other side of the rear yard. Mr. Sbrocco said for aesthetic reasons. The whole rear yard will be turfed, and behind the garage will be a putting green. Mr. Farrell said he believes he can still do that and still be more than 1 foot from the property line.

Mr. Farrell said he gets the feeling that he does not want to move the shed because the posts are already there. Mr. Sbrocco said that is true. Mr. Farrell said this is the issue with building something without approval in the first place. If he had gotten the permit before building it, it could've been worked out beforehand. Mr. Farrell said it puts them in a bad position as a Board. Mr. Wright said, based on the conversation tonight, if he were to increase that one foot to 24 inches, he'd be more sympathetic. Mr. Christ said it is all wide open right now. He is more inclined to say put it at 5 feet, and there is no need for a variance. Mr. Christ said if he put a drainpipe or post in the wrong spot, it is on him. Mr. Christ said he is looking at 3 feet; in his mind, that is reasonable for a wide open backyard, and he is not inclined to the 252 square feet being proposed. Mr. Christ said he would be more in favor of adding storage to his existing garage and minimizing the size of the shed. Mr. Farrell said if he moved it and made it closer to the allowable size, then he would still have room in his yard for his enjoyment.

Mr. Farrell said that if Mr. Sbrocco moves the shed, he can address the setback issues. The square footage is another issue. Mr. Farrell said it is double the size of what is allowed. M. Christ said it should be added to the house or garage, within reason. Mr. Sbrocco asked if he were to put this on his garage, it would be fine. Mr. Christ said he doesn't know the size of his current garage. Mr. Reich said a site plan would need to be submitted for review to see if variances are needed or not. The maximum size allowed for a detached garage is 600 square feet. Mr. Christ said this is much larger than what is normally brought in front of this Board. However, when they had larger ones, they wanted to see a plan of what was being proposed inside the shed. There needs to be justification.

Mr. Christ said there are two options. They can vote on it, and Mr. Sbrocco can't return for a year, or they can table it to give him time to speak with the Building Department. He can see how big his garage is and if an addition would be permitted. Mr. Christ said there could be more leeway with an oversized garage, rather than a double-sized storage shed in the corner. It will be tabled. Mr. Farrell said that when he comes back, he wants more information on why it can't be moved.

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

5 Ayes – 0 Nays

TABLED

7. MICHAEL CLARK – 21280 Avalon Dr – PUBLIC HEARING –

Variance: To construct a stone wall with a maximum height of 5' that projects 47' into the rear setback. This property is adjacent to Lake Erie, and the setback is determined by averaging the rear setbacks of the nearest dwellings on either side of the lot, but shall not be less than 25 feet. Per Schedule: 1153.07 (b).

Variance: To construct a circular driveway that widens to 14' at the northern curve, closest to the house, vs the 12' maximum that is permitted. Per Section: 1153.15 (I)(4)D.

Mr. Christ introduced the variance requests, and Mr. Farrell swore in Leon Sampat, the architect, and Elizabeth Clark, the homeowner. There was a discussion about the stone wall, whether it was a fence or a structure. Mr. Reich said this falls under the category of a structure, which is why it

is here for a variance. Mr. Sampat said the wall is fully within the rear setback. Mr. Reich agreed. Mr. Reich was looking for the rear setback map that was submitted when the house was built originally.

Mr. Sampat said that for the driveway variance, their civil engineer used AutoTURN on the driveway. They found that with an Amazon-sized truck pulling in the driveway, they would come off the driveway and into the lawn. Mr. Sampat said it expands at the north end to 14 feet but slims back down to the required 12 feet. Mr. Wolf and Mr. Christ asked why trucks that size would be going on the driveway. Mrs. Clark said it might not be Amazon drivers, but they have had complaints from their neighbors about construction trucks on the road, so they thought it would be nice to have a space for them to park. Mr. Christ said he would assume that construction would stop at some point. Mr. Farrell said the variance for the 14 feet is not something he thinks they need to spend a lot of time on. Mr. Christ agreed, but he doesn't think they need it. The other Board members did not have an issue with the driveway; the concern is with the wall.

Mr. Sampat said they currently have a retaining wall made out of rock.. They would like to maintain that wall for aesthetics. The neighbor's arborvitae are in poor condition with ivy growing through them, and the Clarks have offered to pay and have them removed and replaced with new, large arborvitae. Mr. Sampat said there was no resolution met between the Clarks and the neighbors. Thus, why they decided to go with the variance. Mr. Sampat said if they were to put a fence there, they would not have to be here; they would just need to do 25% transparency. However, with the ivy, they would have ivy growing on it and through it, and it would be ivy that they can't maintain. Mr. Farrell said that the ivy could grow on top of the wall. Mr. Sampat said a board-on-board fence at 25% transparency would have ivy growing in and out of it. He also said that the neighbor has a wall as well, which he didn't measure, but has to guess it is at least 6-7 feet tall. What they are proposing is 5 feet from grade; however, from their patio and their neighbor's patio, the height would only be 4 feet. Mr. Sampat said the goal is to have more privacy when the Clarks are in the pool.

Mrs. Clark said they have exhausted a lot of options, and she doesn't want to go through everything for the sake of time. However, numerous landscapers told her that landscaping would not be able to go there because the ivy would kill anything that is planted there. So, they needed to have the arborvitae and ivy removed completely and start over. Mrs. Clark said they offered with their own money and move the arborvitae to their side so they could maintain them in the future. However, their neighbor wanted to choose the type of tree, and the tree they wanted had too big a bulb to fit on their property. Mrs. Clark understands a fence is probably a more appropriate ask; however, her concern is the ivy coming through the fence and killing any landscaping she has planted in front of the wall. The fence allows the ivy to come through easily and kill her plants; her landscapers have warned her about it, and the wall on the previous house had the same issue. Without them being able to maintain the ivy, the stone wall is their best solution. Mrs. Clark said she does understand that it doesn't make everyone happy and that it is a significant ask.

Mr. Christ asked about the previous wall. Mrs. Clark said there was a wall in the same location as the previous house. Mr. Sampat said that the wall was not as tall as this one. Mr. Christ asked about lowering the height. Mrs. Clark said each rock is 18 inches. They talked about two rocks,

and the landscapers said it was best to do three rocks with the ivy. Mrs. Clark said they could be okay with the 36 inches; however, in terms of privacy, she is not sure that would provide much. Mr. Farrell said they need some sort of railing. Mr. Reich said they do not. Mr. Reich said he asked the state to define a walkable area, and it is not a garden or a hedgerow.

Mr. Wolf asked what the distance is from the proposed pathway to the wall. Mr. Sampat said it is 7 feet from the house to the face of the rock wall. Mr. Wolf is asking about the landscaping between the proposed walkway and the wall. Mr. Sampat said there is no landscaping; it would be concrete up to that wall. Mr. Wolf said his question was going to be why can't they plant landscaping on their side of the wall to give them some screening. Mr. Sampat said the yard slopes down significantly. Mr. Wolf said they want to screen the pool, which he understands; however, they are asking the neighbor to accommodate along their property. Mr. Christ asked about the railings on the pool deck. Mrs. Clark said there will be railings. Mr. Christ asked why they don't make them solid. Mrs. Clark said that they would have to be back here because those would be in the setback as well. What they are proposing is glass.

Mr. Farrell said what about the 36 inches. Mr. Reich said to remember about the cap, so it would be the height of the blocks plus the cap. Mr. Sampat said the cap is 6 inches. Mr. Farrell said 42 inches, so that would be 2 blocks, and a cap. Mr. Christ said that is a lot better than 5 feet. Mr. Farrell said the 42 inches versus the 5 feet does not affect privacy that much. Plus, they would not be ruining their neighbors' views as much. Mr. Wolf said the appearance of the tall wall is on the Clark's side. So, the neighbor is only experiencing the 42 inches and not the entire wall. Mr. Sampat said that it is correct, and the arborvitae that are already there are taller than that.

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; the code calls for setbacks relative to adjacent houses, and this was also a preexisting wall with a slightly lesser height. This does have special conditions and circumstances
- B. He does not believe that will apply
- C. As discussed, the adjustment is to 42 inches, and this changes it from substantial to the minimum necessary to provide reasonable use and reasonable privacy
- D. Since there was a previous wall at 2 feet, this slight addition will not substantially change the character
- E. It will not
- F. Does not apply
- G. Does not apply
- H. It can not
- I. He believes it would
- J. He does not believe it would
- K. He believes it would; the privacy of a pool area is normally paramount

The other Board members agreed with Mr. Christ's assessment. Roughly all of these apply to the driveway width request.

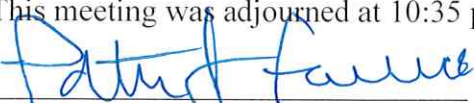
Mr. Christ moved to grant a variance to Michael Clark, 21280 Avalon Drive, to construct a stone wall with a maximum height of 42” that projects 47’ into the rear setback. This property is adjacent to Lake Erie, and the setback is determined by averaging the rear setbacks of the nearest dwellings on either side of the lot, but shall not be less than 25 feet. Per Schedule: 1153.07 (b). The applicant has indicated the practical difficulties with providing a reasonable privacy area and providing a division between the backyards accordingly. This is where the existing wall was. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Michael Clark, 21280 Avalon Drive, to construct a circular driveway that widens to 14’ at the northern curve, closest to the house, vs the 12’ maximum that is permitted. Per Section: 1153.15 (l)(4)D. The applicant has indicated the practical difficulties with trying to provide a driveway, per their civil engineer, using software that indicates the required width for a small delivery vehicle, delivery services, and/or services. This is a reasonable increase in width along an annular space along the house. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

This meeting was adjourned at 10:35 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 10/09/2025