

21300 Avalon Drive
Rocky River, OH 44116
440/331-8090

March 12, 2026

Board of Zoning and Building Appeals
21012 Hilliard Blvd.
Rocky River, Ohio 44116

RE: Variance Request

Dear Members of the Board of Zoning and Building Appeals, Respectively,

We are the owners of the neighboring property to the west of the owner seeking a Variance at 21280 Avalon Drive. We object to the variance request. We were unable to attend the Public Hearing of September 11, 2025, as we were out of the country for nearly two (2) weeks. When we arrived home, our mail contained the Notice of Public Hearing, which had already passed. We would have objected to a 5' wall at that time. The Board of Zoning and Building Appeals approved a modified variance, allowing a 42" high wall.

Many statements made by Mrs. Clark and Mr. Sampat at the previous Hearing were inaccurate. One of the owner's representatives approached us last summer, knocking on our door without notice and with a written agreement, proposing to remove our existing pine trees and replacing them with maple trees. The proposal was unacceptable, as we were caught completely "off guard". The maple trees offered no buffering as we currently have, and we were not willing to sign any agreement without review and contemplation. The offer of new large arborvitae would have been perfectly acceptable to us and would address any concerns with ivy and privacy. The owner's representative was aware that we were open to something other than maple trees.

Mr. Sampat stated that a fence would be permitted without review, conditioned on the 25% transparency rule. The concern was with ivy and mounting the fence on the existing retaining wall, as it's on the property line. The owner's representative contacted us at the time of excavation of the retaining wall, asking to remove our existing fence from the front setback line to almost the shoreline. The fence had been damaged during the project and it was somewhat in the way of the excavation. We agreed to allow the removal of the fence with the understanding that a new fence of mutual liking would be installed in the same location at the Clark's expense.

There has been no further discussion about the replacement of our fencing and we assumed it would be addressed when the project was ready for landscaping. The fence would have provided more buffering than a 42" or 5' wall, with 25% transparency, making it Code compliant without the need for a variance. We would much prefer the fence we agreed upon rather than a wall.

Mr. Sampat makes reference to our wall on the west side of our property. Our wall was constructed previous to the 2010 Development Code and complies with all requirements at the time it was constructed without a variance. The wall is 8' off of our west property line, which was the required side yard setback at the time. The reference to our brick wall is irrelevant.

In response to the practical difficulties questionnaire:

A) This statement is not a practical difficulty. In addition, it was previously agreed that a fence would be installed on our property, which would not require installation on top of the retaining wall and provide privacy.

B) This statement is not a practical difficulty. In addition, it was previously agreed that a fence would be installed on our property which would provide privacy.

C) This is not a practical difficulty. In addition, a 5' artificial stone wall does not provide 25% transparency as required by the Code.

D) A 5' artificial stone wall is not aesthetically pleasing to us and will cause us to suffer substantial detriment by reducing natural light, as demonstrated in their application. The Code requires 25% transparency, which is essentially the height difference between a 42" and a 5' wall. In addition, there is no need to place a fence on the wall when the Clark's proceed with our previous agreement to install the replacement fencing.

H) The Clark's predicament can easily be resolved by means other than a variance as we have previously demonstrated.

(I) We believe the Clark's response to this question provides justice to only the Clark's and none to us. We do not wish to look at a 5' high dark artificial stone wall.

J) We believe granting this variance would confer special privileges on the applicant which although speculative, would be denied to others.

K) A literal interpretation of the Code would not deprive the applicant of rights commonly enjoyed by others. The Code provides many options for obtaining privacy and as previously stated, we have consented to a remedy on our property that achieves the Clark's goal.

In closing, the applicants' previous application heard on September 11, 2025 resulted in a denial and modification to the requested 5' wall. There is an alternative solution by installing the promised fence and arborvitae. Nothing has changed since September 11, 2025 and we respectfully request that you honor your previous decision. Thank you.

Sincerely,



Shelly L. Bishop



William T. Bishop