

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
APRIL 16, 2026

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

Presence Noted: Lisa Havemann, City Councilman
Steven Dever, Assistant Law Director
Ray Reich, Building Commissioner
Dylan Minek, Planning and Community Development Administrator

The Board of Zoning and Building Appeals has two variance standards that it uses 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 April 16th, 2026, 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 April 16th 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 March 12, 2026, as presented. Mr. Harpster seconded.

5 Ayes – 0 Nays
APPROVED

- 1. TRACY AND PATRICIA SMITH – 21247 Maplewood Ave – PUBLIC HEARING –**
Variance: To construct an attached rear screened-in porch with a side setback of 4'-6" vs the 6'-3" that is permitted. Per Schedule: 1153.07 (1)A

Mr. Christ introduced the variance request, and Mr. Farrell swore in Mike DeShane, Archadeck of Cleveland. Mr. DeShane said the screened-in porch is 12 feet by 12 feet. The variance allows them to keep it that size, and the 2 feet will make a big difference. The screened-in porch will be 6 inches in from the wall of the house, so the existing house is 4 feet from the property line. Mr. Farrell asked if the condenser would be moved. Mr. DeShane said that it has already been moved by the HVAC company, and it is on the side of the house.

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 had indicated the practical difficulties with the existing house's side setback already being less than what the code requires, and this is actually increasing that slightly.

- B. He does not believe that will apply.
- C. They have set it back slightly more than the existing house, which is not substantial and is the minimum necessary.
- D. He does not believe that it will.
- E. He does not believe that it will.
- F. He does not believe that will apply.
- G. He does not believe that they do.
- H. Since this is not increasing the nonconforming use, this cannot be obviated through some other method since the existing is already less.
- I. He believes it would.
- J. He does not 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 Tracy and Patricia Smith, 21247 Maplewood Ave, to construct an attached rear screened-in porch with a side setback of 4'-6" vs the 6'-3" that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated the practical difficulties with the fact that the existing house is already closer to the property line, which will increase the setback, and is a reasonable solution to provide the addition that they want. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

2. UNIVERSITY HOSPITALS – 20914 Center Ridge Rd – PUBLIC HEARING –

Variance: To install a second wall sign on the east side of the building, vs only one wall sign permitted at this location. Per Section: 1193.05 (a)(1) and (2).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Brian Denamen, Signarama. Mr. Denamen said they had already gone through Planning and Design Board reviews, and both were in support. Mr. Minek confirmed that the size of the signs complies; it is just to have the secondary signage on the east elevation. Mr. Denamen said the signage on the east elevation helps to serve the westbound traffic due to the angle of the street and the building. He said that angle also makes the signage on the south elevation visible to eastbound traffic. Mr. Harpster asked if it was important to have it on that elevation. Mr. Denamen said yes, the parking lot and entry are to the east of the building, so if you are going westbound, it is important to see the signage before you get to the building, and if you are going eastbound, you can see the signage before passing up the entrance. Mr. Denamen said driving down Center Ridge, it was hard not to find a business without signage on that elevation. Mrs. Martinez asked if they had thought about a monument sign. Mr. Denamen said he was not sure, but there would most likely need to be a setback variance to be able to place one. Mr. Christ said his concern is whether drivers are seeing the sign soon enough, or if there is something else that needs to be there to let drivers know the entrance is there. Mr. Denamen said he does not have his sight chart with him; he said the signage is big enough, and nothing is obstructing it, so there should be enough time to see the sign and react.

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. Although this is a new building, the orientation to the parking and the entrance to the building are on the east side, and this will be critical for identifying that entrance for patients and others coming to this facility.
- B. He does not believe that will apply.
- C. He said the sign is reasonable for the type of facility that it is.
- D. He said that since it is a commercial district along Center Ridge, he does not believe that it will alter that.
- E. He does not believe that it will.
- F. He does not believe that is germane to the issue.
- G. Although the owner has chosen how to site the building, he thinks having an entrance to the parking is reasonable. He does not believe that will mitigate this requirement.
- H. With this configuration, 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.

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

Mr. Christ moved to grant a variance to University Hospitals, 20914 Center Ridge Rd, to install a second wall sign on the east side of the building, vs only one wall sign permitted at this location. Per Section: 1193.05 (a)(1) and (2). The applicant has indicated their practical difficulties with locating a sign that will properly identify the front entrance of the building to the parking and will serve as a secondary means of identification to people traveling west on Center Ridge. This is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

3. BRIAN AND MEGHAN HENNIES – 19749 Telbir Ave – PUBLIC HEARING –

Variance: To construct a two-story rear addition with a side setback of 4' vs the 5' that is permitted. Per Schedule: 1153.07 (1)A.

Variance: To install an air conditioning condenser with a side setback of 5' vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Brian Hennies, the homeowner and architect. Mr. Hennies said they are proposing a two-story rear addition on a lot with a width of 40 feet. He said the existing house sits closer to the property line than what they are proposing, but they did not want to take it to the required 5 feet because it would compromise living space. It starts to encroach on the first-floor opening. Mr. Hennies said that if they were to adhere to the 10 feet for the condenser, it would be in the middle of their backyard. He said that pushing it behind the addition will keep it farther away from the neighbors to the east than the

current condenser's location. Mr. Harpster asked how far the addition stepped back on the east. Mr. Hennies said it will be stepped back by a foot. Mr. Harpster asked why they don't slide the condenser down towards the middle of the property and still keep it close to the house. Mr. Hennies said they do have some liberty on where they can move it, they just didn't want it in the middle of any grass or play areas. Mr. Christ appreciates him at least putting it behind the house, and he can understand why he would want to preserve the backyard space.

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 that the existing house is already closer than the dimensions that they're going to provide, and the air conditioner will be behind the house.
- B. He does not believe that will apply.
- C. He does not believe either is substantial and believes both are the minimum necessary.
- D. Since it is behind the house and maintains a compact area, he believes it will maintain that.
- 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. Since it is nonconforming along this side of the property, he does not believe that it can.
- I. He believes it will, particularly with the way they have increased the setback and have put the air conditioner behind the house.
- J. He does not 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 Brian and Meghan Hennies, 19749 Telbir Ave, to construct a two-story rear addition with a side setback of 4' vs the 5' that is permitted. Per Schedule: 1153.07 (1)A. The applicant is actually increasing the setback greater than the existing setback. The addition is relatively compact, so that will mitigate the appearance, and this is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Brian and Meghan Hennies, 19749 Telbir Ave, to install an air conditioning condenser with a side setback of 5' vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated their practical difficulties with a very narrow dimension on the side of the house. Putting the condenser behind the house is a positive, and since it is a very narrow back yard, this is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

4. MAUREEN FOLEY – 20042 Laurel Ave – PUBLIC HEARING –

Variance: To install an air conditioning condenser with a side setback of 3'-4" vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Jeremy Tinney, Stack Heating. Mr. Tinney said they will be adding air conditioning to the house. The condenser will be on the left-hand side of the house and face the fence and neighbor's garage. He said there are no homes in the direct vicinity of this condenser, and the condenser meets the 70 decibel code requirement. Mr. Harpster said the condenser should go to the rear of the home. Mr. Tinney said his recommendation to the homeowner was to keep it 3 feet from the electric meter. Mr. Christ said he does not like utilizing the adjacent neighbor's property for their own mitigation of variation. However, this is adjacent to a garage, and the neighboring houses face an entirely different direction, so in this case, he thinks this is absolutely reasonable.

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 that the configuration of the existing house and the adjacent house is turned, and therefore, this is actually at the rear yard setback of the adjacent house. There is a garage and fence in the way that helps to mitigate and screen this condenser.
- B. He does not believe that will apply, but adding air conditioning certainly will.
- C. He does not believe that it is substantial and believes it is a reasonable answer.
- D. With the location behind fences and the garage, he does not believe that it will.
- E. He does not believe that it will.
- F. He does not believe that will apply.
- G. He does not believe that they do.
- H. With the current location of the house on the property, 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.

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

Mr. Christ moved to grant a variance to Maureen Foley, 20042 Laurel Ave, to install an air conditioning condenser with a side setback of 3'-4" vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated the practical difficulties with locating an air conditioner with the current location of this house. The condenser is mitigated by the existing fence and the existing adjacent garage. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

5. PETE AND ALLIE DROUHARD – 20695 Morewood Pkwy – PUBLIC HEARING

Variance: To construct a two-story rear addition, increasing the lot coverage to 29.6% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Kelly Christy, French Creek Builders, and Pete and Allie Drouhard, the homeowners. Mr. Christy said they are here for a minor lot coverage variance. He said the architect did a great job not to disturb the front elevation or interfere with the side or rear setbacks. He said the goal is to turn this starter home into a forever home. Mr. Harpster said the lot width, being 45 feet, is very narrow, and they were able to do a lot with that space, so what they are proposing is acceptable. Mrs. Martinez and Mr. Wright agreed with that. Mr. Christ said it is a very narrow and compact addition; he has no issue with it either.

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 difficulties with providing the programming relative to the current size of the property and the current house. The configuration to allow a little bit of an update to convert a minimal area house to having a few amenities is reasonable.
- B. He believes this will enhance the use of this property and its future value.
- C. He does not believe that it is substantial and relative to the programming; he believes it is the minimum necessary.
- D. With the way the addition has been located and configured, he does not believe that it will.
- 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 practically.
- I. He believes it would.
- J. He does not believe that it will.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment. Mr. Farrell said there is no air conditioning condenser on the drawings. Mr. Christy said that they will add it to the plans.

Mr. Christ moved to grant a variance to Pete and Allie Drouhard, 20695 Morewood Pkwy, to construct a two-story rear addition, increasing the lot coverage to 29.6% vs the 28% that is permitted. The applicant has created a very compact addition to the house to provide the minimal programming needed to enhance the usability and functionality. This is a reasonable solution. Per Schedule: 1153.05 (3). Mrs. Martinez seconded.

5 Ayes – 0 Nays
APPROVED

6. WXZ DEVELOPMENT – 19350 Detroit Rd – PUBLIC HEARING –

Variance: To provide 27 off-street parking spaces vs the 35 off-street parking spaces that are required. Required parking spaces are determined by the nature of Uses and the associated minimum parking requirement set forth in Schedule 1187.09. The 35 required spaces are after the 20% reduction for shared parking. Per Section: 1187.15 (a).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Dave Budge, WXZ Development. Mr. Budge said there are 26 surface parking spaces and 1 space in the garage. Mr. Farrell said that Planning was discussing different Uses in the building; however, this was approved. Mr. Minek said when it was approved, they did it based on 4 spaces/1000 sf for general retail. He said the difference is that the tenant space for the cookie shop requires 20 spaces per the ordinance. Mr. Farrell said there is no sit-down space in the cookie shop; you grab your cookies and go. Mr. Budge said he provided a Use narrative for all the tenant spaces that shows there should be a sufficient amount of parking, practically speaking. He said the Planning Commission saw that, and with the combination of street parking, was in support of a variance. Mr. Budge said the take-out restaurant requires the same number of parking spaces as a sit-down restaurant. Mr. Christ said the cookie shop requires almost twice the space that the rest of the facility does. Mrs. Martinez asked if a different type of restaurant went into that space, would they be grandfathered in. Mr. Reich said they allow like-for-like, but anything outside of the cookie counter service has to go back to Planning with a new calculation and receive a new variance. Mr. Christ said the historical nature of the area, that when different facilities like the one across the street, farther south, and around this area were discussed in the past, the city was looking at parking in this area as a problem, and that was part of the justification and the rationale for the parking garage sitting next door. He said the only thing he would suggest is keeping a good rapport with your neighbors because people will be sharing the parking in the area, and that can become an issue for the Building Department. Mr. Christ said for Mellow Mushroom, he believes they used the street parking in their parking counts, so he believes history is on their side.

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 relative to the different usages that are now in this preexisting facility that has been renovated, and that is creating a change simply because of a Use change. The Use is not relative to the parking being generated from it.
- B. He believes it will.
- C. The recognition of the existing site and existing space, and that means that the substantialness is eliminated by the evaluation, and it is the minimum necessary, since that is what can be provided on this lot.
- D. Since these are all existing parking areas, he does not believe that it will.
- E. He does not believe that it will.
- F. He does not believe that will apply.

- G. Not in terms of the entire project, only in the usages of the subspaces, and that the discussion has been that this is a reasonable solution to those revised spaces.
- 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.

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

Mr. Christ moved to grant a variance to WXZ Development, 19350 Detroit Rd, to provide 27 off-street parking spaces vs the 35 off-street parking spaces that are required. Required parking spaces are determined by the nature of Uses and the associated minimum parking requirement set forth in Schedule 1187.09. The 35 required spaces are after the 20% reduction for shared parking. Per Section: 1187.15 (a). The Planning Commission has looked through this, both through the original change in the redevelopment of this project, and in this change of usage in the zoning thereof. The Planning Commission has concluded that this is reasonable, and this Board agrees with that decision and the substantialness of that being a correct association. The applicant will work with his adjacent usages and neighbors to make sure that this does not become a problem. This is a reasonable solution. Mrs. Martinez seconded.

5 Ayes – 0 Nays
APPROVED

7. 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.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Edward Slusarski, Cornerstone Design-Build, and Stacy Loizos, the homeowner. Mr. Christ wanted to identify that he was not a part of the mailing list, but he is an adjacent neighbor, and he will remain fair and impartial.

Mr. Slusarski said this driveway gives his clients more parking. Currently, they have a very small parking area, and they have several children. Mr. Slusarski said the aesthetics of the house support the turnaround driveway. It is a very symmetrical house, and the driveway aligns with that. To him, the U-shaped driveway is more attractive than a parking pad in front of the house. Mr. Slusarski said the most important reason for this is safety. He said several guests, and the owner himself, have been involved in accidents coming and going from the house. That section of Lake Road has a decent amount of traffic, and people are moving at a pretty good pace. Mr. Slusarski said the garage is behind the house, and the space is limited back there, so it can be hard to turn around, forcing his clients to back out onto Lake Road. The U-shaped driveway would help prevent that. Mr. Slusarski said they explored other options, such as a turnaround pad; however, it was not as attractive. He said his clients are also working with their landscaper to relandscape the front yard.

Mr. Farrell asked if they foresee this being a parking lot or more of a turnaround. Mr. Slusarski said it would be used for a turnaround, but if they have guests over, it could be used for parking. For normal day-to-day use, it would not be for parking. Mr. Farrell asked about the turning path diagram that is on the plans. Mr. Slusarski said that was the research he did to determine what would be enough space for a turnaround; the diagram is more of a minimum standard. He said they have a little more space than what the diagram shows. Mr. Farrell asked if the width of the pavement met the code requirements. Mr. Minek confirmed. Mr. Slusarski said the width of the driveway is a consistent 12 feet all the way around, which is code-compliant. Mr. Farrell said he always wonders about these because if it is being used for parking, and there is a car parked on the left-hand side, and another car is trying to exit from the back, then they will have to back out because there is no space for them to turn around. Mr. Slusarski said they might have incidents where they need to shift cars, or someone might have to back out, but the whole idea is to minimize that. Mr. Farrell asked if they couldn't do that without a turnaround pad out front. Mr. Slusarski said it's possible. Mr. Farrell understands the need to have something where they are not forced to back out; however, he is not sure if this is the best and only method.

Mr. Harpster said he was also concerned with backing out onto Lake Road, but he is also concerned with the amount of pavement in the front yard. He said the U-shaped driveway only works if there are no cars parked in it because people will still have to back out. Widening the width is the only way for these driveways to work efficiently. Mr. Harpster said his idea was to widen the driveway as it went behind the house and add a concrete pad back where the driveway turns to the garage. Mrs. Loizos said there is a patio in that space. She said it is a five-bedroom home, and all of their children will be coming home from college. They are always entertaining; they need the space to help keep people off the road. Mr. Reich asked if they would be using this driveway for parking. Mrs. Loizos said when they have guests over. She said they currently park on the street, and they have had a guest's car totaled. She was backing out of the driveway and was involved in a hit-and-run, and the driver who hit her was mentally unstable and had to go to jail. She said another guest ran into the fire hydrant. Mrs. Loizos also said there was a motorcycle that landed in her driveway with the rider ejected. With four drivers in the house and people constantly in and out, she just wants everyone to be safe. She said she spoke with the neighbor to the west, and they were supportive because it gives them some extra space. Mrs. Loizos also said, aesthetically, it will be very attractive and help raise the value of her home. Mr. Farrell said they want to make sure it's beautiful as well, and that she gets what she needs. However, their job is to make sure they thought it through and exhausted their options.

Mr. Dever wanted to remind the Board of the Duncan v Middlefield, Ohio Supreme Court case. His concern is allowing the transformation of the Lake Road area by allowing these smaller lots to have the U-shaped driveways/dual curb cuts. He said the Board should consider whether this would alter or change the neighborhood character, and whether it would impact the general view of the entire street. Mr. Dever said he is not sure if the City needs to do traffic studies or look to do what Lakewood has done and reduce the speed limit, which is something the Council should be looking at. Mr. Dever wants the Board to be aware of the possible precedent they could be setting if they keep allowing these beautiful homes along Lake Road to have dual curb cuts. He said it is ultimately the Board's discretion. Mr. Christ said he understands he is not supposed to provide testimony. However, in relation to Mr. Dever's comments, the curve that happens along Lake Road in that area creates a blind spot, and safety is a big issue here. He said there have been a handful of motorcyclists in the road; he thought he was looking at a dead body one time. Mr.

Christ said he understands reducing the speed. However, with the sightlines in the area, he is not sure that would be enough to improve safety.

Mr. Farrell said the Board is trying to see if there are any other solutions that would solve the issue at hand. He is not sure if anything that has been discussed thus far would achieve the safety they desire. Mr. Slusarski said the driveway is only 8-9 feet wide, so there is only room for one car to get between the house and the property line. Mr. Farrell said they obviously cannot expand the driveway between the house and the property line, but he wonders if the piece in front of the house could be expanded. Mr. Slusarski said they explored that option, and they could add 2-3 parking spaces. However, aesthetically, it would look more like a parking lot in front of the house, where doing the U-shaped driveway would add to the appearance of the house. Mr. Farrell said the lot width minimum could have been geared to the aesthetics of the neighborhood, and having a U-shaped driveway would look more appropriate on a lot that is 90 feet in width or greater.

Mr. Reich asked what the width of the driveway is that runs along the house as it meets the turnaround. Mr. Slusarski said he is not sure of the dimensions. Mr. Reich said he does not want a parking lot in that space. Mr. Slusarski said it is to be able to turn cars around as they back out from behind the house. Mr. Reich asked what the width is; can they fit three cars side by side in that space? He said this will ultimately end up on his desk, so he wants some clarity on what that area will be used for. Mr. Slusarski said that it is not a parking area; it is to help with the flow. Mr. Reich said they could reduce that, so there is not so much concrete in the front. Mr. Slusarski said they could. He estimates that it might be 30 feet wide. Mr. Reich said a driveway width in the City is only allowed to be 20 feet. Mr. Christ asked if that was something that could be handled later on. Could the submitted something on a larger scale that shows they can only fit two cars in that area, so one car could be parked and another could maneuver out safely. Mr. Christ said a parking pad in front of the house would be a separate variance. Which would essentially be the same amount of concrete that they are proposing now. However, the parking pad would require that all vehicles back out of the driveway. Mr. Christ said that might be the only place they can maneuver, but he understands the City does not want to see three cars next to one another. Mrs. Loizos assured the Board that there is not enough space for three cars to park next to one another. Mr. Slusarski said it may be 30 feet at its widest, but it immediately narrows down. He said that is so they can turn smoothly when they are backing out. Mr. Reich asked if they could keep it closer to 20 feet. Mr. Slusarski said yes.

Mr. Farrell wondered if this is something that should be addressed by the Planning Commission or the City Council, as it relates to Mr. Dever's comments. He said everyone along Lake Road wants an easier way to enter and exit their properties. He is still not convinced that the U-Shaped driveway is the best or only way to achieve this. Mr. Slusarski said aesthetically it is more appealing than a slab of concrete in the front yard, which, if he understood correctly, would still need a variance(s). Mr. Minek said that it is correct. Mr. Christ said the code requires the accessory parking to be between the driveway and the property line. However, when there is no space between the driveway and the property line, then applicants try to put in front of the house, which requires a variance. Mr. Christ said when they do that, they end up with 28 feet of concrete, and here they have 24 feet. He said that is essentially what they are asking for, a two-car wide driveway with an accessory parking space. Mr. Farrell said accessory parking spaces

have to return to the driveway before the street. Mr. Reich said they can be 18 feet long and must return to the driveway in 30 feet.

Mr. Farrell asked if they had to be 12 feet wide. Mr. Slusarski said it could be narrowed down. The 12 feet is just a comfortable width for a driveway. The existing driveway is 8 or 9 feet in that area, and when you get out of the car, you most likely will have to step into the grass. Mr. Christ said the example diagram that showed the minimum necessary showed 11 feet at the curve.

Mr. Farrell asked Mr. Dever if they were overstepping their jurisdiction. Mr. Dever said no. The Board has the discretion, and they should use the standard evaluation. He just wanted to bring that case to the Board's attention because if they go down this path, they will have to entertain these one after another. He said each one of these is a legitimate concern; however, the historic character of Lake Road does not support this. Mr. Dever said you will not find this in Lakewood or Bay Village. He said this is one of the factors the Board should consider, under *Duncan v Middlefield*, about the potential impact on the neighborhood character. He raised that to the Board, but it is ultimately their discretion.

Mrs. Loizos asked what the concern was. Is it the U-shaped driveway itself, is it the width, or is it both? Mr. Farrell said it starts with the fact that she needs a variance. The way the code was written requires a 90-foot minimum lot width. He said they are now looking at the grounds to grant this variance on a narrower lot. This is how the conversation about the amount of concrete gets brought up, and is there any way to minimize the amount of concrete? Mr. Farrell said they are also looking at setting a precedent. He said that is not supposed to happen; however, once one person does something, a person with a similar issue wants to do it also. Mr. Farrell said it is not an every lot concern, but once it gets started, it will have to come in front of the Board, and they are trying to create a record of the best way to handle this. Mr. Dever said to his knowledge, the code tried to prevent dual curb cuts because it creates conflict points for pedestrians. Doing dual curb cuts down the entire street would have a major impact on pedestrians and cyclists, and, to his knowledge, was the main reason for the minimum lot width. Mr. Christ understands he is not supposed to testify, but that is how he got hit by a car. They were in a rush and backing out of their driveway on Hilliard. Mrs. Loizos said this area of Lake Road is a blind spot. People come around the curve so fast, and you can't see them. She understands it is Lake Road, but she is trying to make it safer.

Mr. Farrell said he has no problem voting on this if there is no legal issue. Mr. Dever said there are no legal issues with that. Mr. Harpster asked what Board they would take this concern to. Mr. Farrell is not sure. Mr. Christ said that one of their questions/rationale they are to look at tonight is the alteration of the neighborhood character that is already part of their evaluation. However, he said, if it is about setting a precedent along the Lake Road corridor, then that is something that needs to be looked at by the City Council, the Planning Commission, the Design and Construction Board of Review, and this Board. Mr. Christ said someone is going to have to go along Lake Road and determine how many of the lots are not 90 feet in width and how many are. Determining an acceptable range for lots to have these. Mr. Christ said there are two issues of safety at hand. One regarding pedestrian safety with more curb cuts, and the other regarding driver safety with backing out. Mrs. Loizos understands pedestrian safety; however, they would be pulling out forward, which means they could see the pedestrian sooner.

Mr. Christ said one of the questions is the width of the driveway. He said maybe the straight section of the driveway could be less than 12 feet, and as it comes to the curve, it expands to 12 feet. Mr. Slusarski said that it is possible; the diagram he provided had a similar condition. Mr. Farrell said it could possibly be 10 feet on the straight portions and then go to 12 feet at the curve. He said in the back of his mind, he still feels like this is a Planning Commission/City Council decision. He asked Mr. Reich what type of timeline that would take. Mr. Reich said that would take a lot of time. There would be traffic and speed studies that are needed. He also said there is a Lake Road project that will reduce the width of the road to possibly slow down traffic.

Mr. Harpster asked if they could explore putting in more driveway to the south of the driveway, where the patio is. Mrs. Loizos said they just spent \$40,000 to put that patio in 4 years ago. In its current configuration, there is not enough space back there to turn a car around without doing at least a three-point turnaround maneuver. She said they would have to remove the entire patio to make that space happen.

Mr. Reich asked about the west drive aisle. He said it appears to be pushed to the east compared to the current driveway. Mr. Slusarski said that is correct, and the whole idea around that was to center it with the front of the house. Mr. Reich said there appears to be a storm basin in that space. He asked how that is affected by this design. Mr. Slusarski said they were aware of that, and they were either going to modify that catch basin or keep the drive aisle to the west. Mr. Reich asked if they were to keep it towards the west, would the point where the turnaround meets the straight section get bigger or smaller? Mr. Slusarski said it would actually be smaller.

Mr. Farrell said that if they are to make a vote tonight, he would suggest they reduce those in/out drive aisles to 10 feet. It can still be 12 feet at the curved part in front of the house. He said it might have to stay close along the west property line, making it off-center from the house. Mr. Farrell said no one is going to notice the difference. Mr. Wright said his main concern was the catch basin. Mr. Farrell understands, and that is why they will be keeping closer to the west property line and shrinking the width. Mr. Harpster said he does not feel like they will get their turnaround. He said they will be able to do it with one car, but once there are two or more cars, they will have to shuffle cars around. Mr. Farrell said to let them figure that out. Mr. Harpster said it is almost like they need width for two cars. Mr. Christ said almost no turnaround driveways in the City have enough width for that, because the code prohibits that. Mr. Farrell said they would have the same problem with shuffling cars even if the lot were 90 feet wide.

Mr. Farrell asked the members if they could vote for this or if it should be tabled. Mr. Wright said he would stick with the 90 feet that the code requires and not support the variance. Mr. Christ said he is looking at it from a safety standpoint. He appreciates the 90-foot requirement; however, when safety comes into play, he is usually going to err on the side of acceptance. Mrs. Martinez said that she would like to see the driveway thinner as it comes in and reduce the amount of overall concrete. She said the Board has been assuming that everyone will enter and exit the same way. However, if people enter at opposite ends, then they are in the same predicament that they are currently in. Mrs. Martinez said that she would not like to see this configuration up and down Lake Road. She said coming out of the driveway face forward is much safer. Mr. Farrell said, regardless of how they vote, this needs to go through the proper channels to know what is appropriate for them the next time this arises. Mrs. Martinez said she is inclined to grant the variance from a safety standpoint. Mr. Harpster asked if Mr. Slusarski was

comfortable making a design to fit the requirements Mr. Farrell laid out. Mr. Slusarski confirmed.

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. In this situation, this can be considered general to the Lake Road area. However, there are some other localized traffic conditions with curves in the immediately adjacent area that, in some ways, increase the hazards to safety. As such, that is probably what the Board members are to evaluate when it comes to the decision-making relative to safety and what is special in this situation.
- B. He believes this would enhance the property from an ownership standpoint. The question would be whether there is a detriment to the neighborhood. That will be D of these factors.
- C. They will reduce the width of both the entrance and exit lanes to 10 feet to minimize. The “throat” will be looked at by the Building Department to make sure that the space is no wider than two cars. It should be used for cars to pass forward and back between the side and the garage. They will be minimizing the concrete to minimize the appearance.
- D. He believes they are looking at safety, and with that, this does not significantly change the character of the neighborhood by minimizing its size. The 65-foot width versus the required 90 feet is reasonable for them to consider. This will ultimately be each Board member’s decision.
- E. He does not believe that it will. If anything, it may make it easier for regular city services.
- F. He does not believe that will be critical to the Board’s decision.
- G. He does not believe that they do.
- H. The Board has discussed numerous options, and the configuration of the existing house and land is driving this. Which makes it difficult to find an alternate solution that either provides less concrete or more safety. This will be the Board’s consideration.
- I. He believes it would. Each Board member will have to consider that.
- J. As indicated relative to the rationale of the code, this is something that each Board member will be considering relative to this in terms of safety and whether this is creating a condition that is more detrimental in the long run.
- K. In his opinion, it would because the ingress and egress ability of a property should be of considerable importance to a resident and to this Board in terms of their evaluations.

Mr. Christ said he tried to make these factors represent each member. If there are any comments, additions, and/or deletions, the members should speak now. To the best of his ability, he tried to represent the variability in each member's decision. If any members want to register any specific ones when they vote, they can do so.

Mr. Christ moved to grant a variance to Ted and Stacy Loizos, 21755 Lake Rd, 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. The applicant has indicated their practical difficulties relative to the configuration of the property and the traffic on Lake Road. The presented plans will be modified to reduce the primary drive lands to 10 feet

maximum, and the turnaround area, to accommodate the turning of a car, can remain at 12 feet. This is consistent with the minimums required per the diagram submitted. They will review the “throat” transition into the existing driveway to the back of the house with the Building Department to maintain a minimum travel area for vehicles to safely traverse into and out of that area. The west lane will need to be adjusted to accommodate the existing catch basin on Lake Road. This is a reasonable solution. Mr. Harpster seconded.

4 Ayes – 1 Nays (Wright)

APPROVED

8. SHANE PETERSON – 21580 Lake Rd – PUBLIC HEARING –

Variance: To construct a two-story rear addition with a side setback of 3’-8” vs the 8’ that is permitted. Per Schedule: 1153.07 (1)A.

Variance: To install two air conditioning condensers with a side setback of 1’-2” at its closest vs the 10’ that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Kirk Hartung, the architect, and Shane Peterson, the homeowner. Mr. Christ said he received a notice for this application, but he will remain fair and unbiased in his evaluation.

Mr. Hartung said there is currently a first-floor rear porch at the northwest corner of the house, which is covered by the roof of the second story of the home. It currently has a wall already built on the west side of the porch. They will remove that wall and build a proper wall on the west and north sides of the porch, enclosing the space and creating a home office. Mr. Hartung said above that on the second story, they are proposing a dormer addition to create a second-story full bathroom and laundry room. He said they would be maintaining the existing nonconforming setbacks of the home. Mr. Hartung said the existing home does not have air conditioning, so they are removing the existing boiler system and replacing it with forced air. They are doing two separate systems, one in the basement and one in the attic. He said they are doing that to prevent the disturbance of the first floor of the home. Mr. Hartung said they are constrained by the size of the property and the amount of things going on in the rear of the home. He said the existing porch steps that are going down to the backyard will remain, there is an existing small planter bed, there is an existing back porch that will remain, and then they are adding a bedroom in the basement, which requires egress windows, in addition to the two existing window wells. All of this limits where they can put the units, so they are looking to place them behind the chimney on the west side of the house. Mr. Hartung said they realize the request is much smaller than required. However, they believe they are maintaining the intent of the code because the condensers still align behind the back corner of the neighboring home, and they are 22 feet from the neighboring home, much less than the 18 feet the code calls for.

Mr. Christ said utilizing the neighbor’s property to mitigate your situation is troublesome to him because it’s the neighbor’s property and not their own. To him, the fact that it is behind the house is more of an appropriate argument. Mr. Christ said the neighbor has the right to build on their property, up to their setback. Mr. Hartung said that Mr. Peterson did speak with all the neighbors, especially the ones to the West, and they signed a letter in support. Mr. Christ said to him, the stronger argument is the fact that the backyard is so small and there is no other place to

put it. Mr. Peterson said his main concern with them in the backyard is safety for their future children. He does not want the children to have access to a possible electrical shock, refrigerant, or anything else that could cause harm. Mr. Peterson said they would keep the children out of the front yard anyway because of how busy Lake Road is, so it will be a small, enclosed backyard safe for children. Mr. Christ said he appreciates that, but there are other ways to achieve that. They could put fencing around the units, and that would prevent access for children. He said the backyard is so small, and that is the point he is focusing on.

Mr. Harpster asked if he could read to him the four items between the existing patio and the driveway. Mr. Hartung said, starting at the property's driveway, going from right to left, there are entry steps to the back door, then a new egress window well, then existing window wells and a raised planter bed with a tree growing in it, and then two steps down from the existing rear patio. Mr. Farrell asked if they had spoken with the neighbor to the west. Mr. Peterson said he spoke with them verbally, and they wrote a letter in support, which was included in the submission package.

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. Regarding the addition, it maintains the existing setback. It is turning a covered area under the main house into an enclosed area for utilization as a conditioned and closed space. Regarding the air conditioning condensers, the geometry of the property and the adjacent homes to the east, west, and north all create a very limited area for the location of these condensers.
- B. He does not believe that will apply.
- C. He believes, as part of the special conditions, that's exactly the same rationale here; it is not substantial, and it's the minimum to make possible use. Particularly since the side setback already exists.
- D. Since this is to the rear of the house, behind the chimney, he does not believe this will affect any part of the public side of the property, and it will only affect the neighbor, who has an existing garage and existing driveway there.
- 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. Since this is an existing portion of the house being enclosed, there is no way to achieve this without totally altering the home. The air conditioners are a result of the existing geometry of the site.
- I. He believes it would.
- J. He does not 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 Shane Peterson, 21580 Lake Rd, to construct a two-story rear addition with a side setback of 3'-8" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated the practical difficulties with providing these spaces, and this is a reasonable solution that maintains the existing house setback. Mrs. Martinez seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Shane Peterson, 21580 Lake Rd, to install two air conditioning condensers with a side setback of 1'-2" at its closest vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated the practical difficulties with the consideration of the existing site and the limited space to relocate these to any other location. This is behind the house to the west and behind the chimney. The condensers will need to be screened by vegetation, and he suggests adding a fence to help screen and protect the unit, but that is the applicant's discretion. Mrs. Martinez seconded.

5 Ayes – 0 Nays
APPROVED

9. PATRICK AND JENNIFER DURKIN – 20875 Endsley Ave – PUBLIC HEARING

Variance: To construct a first and second floor rear addition with a side setback of 4'-8" vs the 6'-3" that is permitted. Per Schedule: 1153.07 (1)A.

Variance: To construct a first and second floor rear addition, increasing the lot coverage to 34.2% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Mike McGettrick, the architect. Mr. McGettrick said his clients are proposing to add a small 6-foot two-story addition and a larger one-story addition, which will include a new back patio. The additions will be comprised of a new great room, mudroom, full bath, laundry, and an enlarged bathroom. Mr. McGettrick said the adjacent neighbors were in support of the project. He said they are coming back off the existing building line. He also said the lot is small both in width and depth; it only has 50 feet of frontage. Multiple homes on Endsley have accomplished similar additions, and since this is mostly a single-story addition with ample windows, he thinks the impact will not be as significant to the adjoining neighbors. Mr. McGettrick said there is currently a fence and 20-foot arborvitae along that property line. He said, regarding the lot coverage, the lot is quite small, and any addition to the home would have been over the allowed.

Mr. Harpster asked what the depth of the lot is. Mr. McGettrick said 110.25 feet. Mr. Harpster said the lot is pretty small, and that plays into the lot coverage. Mrs. Martinez said if they were to reduce the addition, she is not sure where they would do it because what they are proposing is pretty minimal. Mr. Wright asked whether the condenser would remain in the existing location. Mr. McGettrick said that is correct. It is on the plans on the east side, well over the 10 feet the code requires from the side property line. Mr. Christ said he is struggling with the lot coverage because it is significant. However, he said that they did identify the positive, which is the portion of the addition that is two stories, is very minimal relative to the existing. So, he is basically looking at a first-floor addition where they are adding a great room, a mudroom, and the

amenities that are missing in most of the homes in Rocky River. He recognizes the need to update a home. Mr. Christ said that was why the code was revised sometime in the past; this is that, but just a little bit further. He said the site plan does not list the existing portions and the proposed portions. He went through and tried to ballpark the dimensions, and they are basically adding 500 square feet for the great room and mudroom. That does not include the hot tub or any other similar areas. It does subtract the area that is being demoed to provide for the second-story addition. Mr. Christ said to him it is just a big number. Mr. Farrell said they might have a hard time getting to the garage. Mr. McGettrick said the driveway doesn't actually go the width of the garage. The garage is large enough for two cars, but the access doesn't allow for that, so it is used mostly for storage.

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 current configuration of the house relative to the site and size of the house, and trying to provide a small, minimal addition is challenging.
- B. He believes this will provide a better utilization for this house in the long term.
- C. The applicant has indicated that they're providing the minimal spaces as required, and they're only making the larger area on the first floor, with the roofs turned positively away from the neighbors.
- D. Since the two-story portion is very compact and relatively follows the existing house, and it's only the one-story portion that is extended, he does not believe that this is going to change the essential character.
- E. He does not believe 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 it would.
- J. He does not believe it will.
- K. The area of this addition is the portion of this being looked at by the Board relative to the size of the property. This is the most significant piece that the Board would be looking at.

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

Mr. Christ moved to grant a variance to Patrick and Jennifer Durkin, 20875 Endsley Ave, to construct a first and second floor rear addition with a side setback of 4'-8" vs the 6'-3" that is permitted. Per Schedule: 1153.07 (1)A. This would maintain the existing setback, and this is reasonable for this addition. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Patrick and Jennifer Durkin, 20875 Endsley Ave, to construct a first and second floor rear addition, increasing the lot coverage to 34.2% vs the 28% that is permitted. Per Schedule: 1153.05 (3). The applicant has indicated the practical difficulties with providing additional spaces to meet the programming of a family in a house that was built for a different time. This is a reasonable addition and coverage request. The addition is relatively compact, and the majority of it is one-story. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

10. DEPOT STREET DEVELOPMENT, LLC – 19061 Deport St – PUBLIC HEARING

Variance: To appeal the final decisions of the Design and Construct Board of Review.
Per Section 5.

Variance: To retain a projecting sign 8'-7" above ground level vs the 10' that is permitted. Per Section: 1193.07 (d)(4).

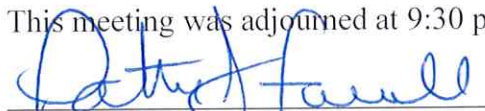
Variance: To retain two wall signs on the north elevation vs the one wall sign that is permitted. Per Section: 1193.05 (a).

Variance: To retain painted wall signage on the north elevation vs permanent signs, shall be fabricated on and of materials that are of good quality and good durability, and affixed or attached to the wall of the building. Per Section: 1193.17 (b)(9) and 1193.01 (9).

Variance: To install a fabricated wall sign on the east elevation vs each building frontage shall be entitled to the sign area permitted. Per Section: 1193.05 (a)(2).

WITHDRAWN

This meeting was adjourned at 9:30 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 04-18-2025