

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
May 14, 2026

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

Presence Noted: Lisa Havemann, City Councilwoman

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 May 14th, 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.

Each agenda item and the appropriate neighboring properties were notified in accordance with Section 1133.07 of the Codified Ordinances of Rocky River.

Mr. Farrell opened the May 14th 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. Farrell informed everyone that the variance requests at 22711 Briscoe Drive and 61 Buckingham Road have been withdrawn. Anyone present for those two items can leave because they will not be discussed tonight.

Mr. Christ moved to approve the Board of Zoning and Building Appeals meeting minutes from March 26, 2026, as presented. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

1. MATTHEW DAVIS – 20025 Frazier Dr – PUBLIC HEARING –

Variance: To construct a two-story garage addition with a side setback of 6'-4" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Matthew Davis, the homeowner. Mr. Davis said they are demolishing the existing detached garage and constructing a new attached garage. Basement foundation underneath the garage, master bedroom on the second floor above the garage, and then a third-floor bonus area. Mr. Davis said the concrete pad in the rear will be removed and turned into a grass area. He said they are increasing the lot coverage from 19% to 25%. Mr. Farrell said the only variance is the side setback, which is in line with the existing house. Mr. Davis said that it is correct; they needed to push the addition as far as they could in that direction, so the cars could make the 90-degree turn into the garage. It will be a 2.5-car garage. Mr. Harpster had no issues with it. Mr. Minek said this will go to the Design Review Board after any variance approvals. Mr. Farrell asked if the privacy bushes would remain on that side. Mr. Davis said the bushes on their property will be removed, but the trees on their

neighbors' property will remain. He said they had also spoken with that neighbor, and there appeared to be no issue.

Mr. Wright said that, somewhere in the practical difficulties, they indicated that they wanted to tie into the existing house. He asked if they had considered doing brick to match the existing house instead of the vinyl siding. Mr. Davis said the mason said there was no way to match the existing house. They considered it, but they are going to use a cedar substitute. Mr. Wright said the right side elevation shows the massiveness of the addition, and it is not offset from the current house. He said it would be nice to see some variation along that elevation, and that is something the Design Review Board might look at. Mr. Davis said they considered that, but it is hard enough to make that 90-degree turn as it is. He said that area is not very visible as it is. Mr. Christ said that is a substantial wall. The fact that it is the existing setback and is more than 6 feet is to the applicant's favor. However, it is something that should be reviewed by the Design Review Board. He said a slight reduction in space would still give him the same turning radius. Mr. Davis said for continuity, they are also expanding the kitchen, so the offset would affect the squareness of the kitchen.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant indicated that the current house is sitting at this side setback, so this is a preexisting condition, and that is what is driving the design.
- B. He does not believe that will apply.
- C. The applicant has discussed the garage turn-in and exiting and evaluated that relative to the size of the property.
- D. Since it is behind and in line with the existing house, he does not believe that it will, except to the adjacent neighbor.
- 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 this is a preexisting setback, it cannot be changed without a variance.
- 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 Matthew Davis, 20025 Frazier Dr, to construct a two-story garage addition with a side setback of 6'-4" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated their practical difficulties. This will be reviewed by the Design Review Board to evaluate the appearance of the side wall relative to the adjacent neighbor. This is a reasonable solution. Mr. Harpster seconded.

4 Ayes – 1 Nay (Wright)
APPROVED

2. JOHN DAVID – 20514 Morewood Pkwy – PUBLIC HEARING –

Variance: To install a 5-foot rear yard fence with 0% transparency vs the 25% transparency that is required. Per Section: 1153.15 (j)(3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in John David, the homeowner. Mr. David said his fence was crushed by a fallen tree. He said he wanted to replace the fence with one that has 0% transparency for more safety for his children and dog from the neighbor's two dogs. That neighbor was in support of the fence. He is replacing around 25 feet of fencing between the two properties. The fence will be 5 feet tall to match the height of the fence of the neighbor on Morewood. The fence will be a foot taller than the fence of the neighbor on Erie. Mr. Harpster asked why it can't be a board-on-board fence, which is permitted, rather than the privacy fence that is proposed. Mr. David said to protect his dogs from the neighbor's dogs. Mr. Harpster and Mrs. Martinez both think it's highly unlikely that the dogs can get their noses and teeth through a board-on-board fence. Mr. David said they are pretty aggressive dogs, and they tore up the lattice they had put up, so he is just trying to keep everyone safe. Mr. Christ said that is bordering on a separate issue that this Board cannot address. Mr. Dever said the Animal Warden would issue a citation if probable on the aggressive dogs, and depending on how that case goes, the dogs would be designated as "aggressive" or "vicious," which would require certain rules and regulations.

For a board-on-board fence, the gap between boards is usually an inch and a half. It would be hard for the dogs to have contact with each other. Mr. Christ asked if the City would be okay with them adding some sort of screening, netting, metal mesh, or chicken wire that could be added on a board-on-board fence to help with this issue specifically. Mr. Reich said that it has not come up yet. He said Mr. David could put something on his side of the fence. Mr. Farrell said he could match the fence of his neighbor along Morewood, and then put up some sort of netting on his side of the property, and he wouldn't require a variance. Mr. Wright would agree with doing the board-on-board with some sort of meshing.

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. Dogs are not unique to this situation, but the interaction could be considered as such.
- B. He does not believe that will apply.
- C. The applicant has indicated that it is not substantial, and it is only a limited section.
- D. He believes that is a part of the Board's evaluation based on the number of fences in the area and the overall appearance.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. Since it is his neighbor's dogs, it's not really the actions of a single owner; it is the actions of the dogs.
- H. He said that is the crux of what the Board is considering.
- I. He said that is part of the Board's evaluation.
- J. That can be interpreted either way: Is a dog a special condition?

K. He said that is part of the Board's evaluation.
The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to John David, 20514 Morewood Pkwy, to install a 5-foot rear yard fence with 0% transparency vs the 25% transparency that is required. Per Section: 1153.15 (j)(3). The extent of this fence is the purple line shown on the site plan that was submitted. The applicant has indicated their practical difficulties with trying to provide a secure and safe area for their children and dogs. Mr. Wright seconded.

1 Aye (Christ) – 4 Nays
DENIED

- 3. DAVID & KELLY MARTENS – 22711 Briscoe Dr – PUBLIC HEARING –**
Variance: To install an ornamental corner side yard fence with a height of 48 inches, vs the 42 inches that is permitted. Per Section: 1153.15 (j)(4).

WITHDRAWN

- 4. SCOTT GALANOS – 21376 Endsley Ave – PUBLIC HEARING –**
Variance: To install a mini-split 3 feet from the side property line vs. the 10 feet that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Cory Basco, Bay Heating and Air Conditioning. Mr. Basco said they wanted to move the wall-mounted mini-split to the ground for serviceability and safety. The neighbor most affected had no concern with the proposed location. The pipes will run up the brick; they will be covered and painted to match the brick as closely as possible. Mr. Farrell said he would have to meet the sound reading of 70 decibels at the property line. It will also need to be landscaped with evergreen material within 2 years of installation.

Mr. Harpster asked why the mini-split could go to the rear of the house, right of the porch, to the corner of the house. Mr. Basco said they don't like to run lines on roofs because it defeats the efficiency. Mr. Christ asked why that side of the house. Mr. Basco said the indoor unit is on that side of the house. Mr. Farrell said they could run the line on the wall above the roof. The piping would go on the wall at the current unit's elevation and then L down to the ground on the right side of the secondary bump out. Mr. Basco said he does not know exactly what is in that location; he would have to visit the property again. Mr. Christ said he took a picture of that area, and it was all pavement. He said if they put it on the right-hand side of the addition by the other condenser, then they wouldn't need a variance.

Mrs. Martinez asked if he could run the line on the back face of the brick, much like the existing one. Mr. Basco said yes. Mrs. Martinez said it would be an improvement if they ran it on the backside rather than facing the neighbor. She said it is also an improvement to move the mini-split from its current location down to grade. The lines will be cleaned up, and the unit will need to be screened appropriately.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. There is a preexisting condition of the unit on the wall, and this will be moved to improve maintenance as well as the appearance to the neighbor. The lines will also be cleaned up.
- B. He does not believe that will apply.
- C. He does not believe that it is substantial, and it is the minimum necessary.
- D. They will provide permanent greenery to screen the unit, so it will improve.
- E. He does not believe that it will.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. He does not believe that it can.
- I. He believes 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 Scott Galanos, 21376 Endsley Ave, to install a mini-split 3 feet from the side property line, vs. the 10 feet that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated their practical difficulties with improving the location of the unit to provide better servicing, and this will also provide a better visual effect to the neighbors and to the street. The lines will be hidden as much as possible behind the corner of the house and across the face of the wall, and it will be enclosed and screened out by secondary means. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

5. HABIB SHAKKOUR – 21307 Beachwood Dr – PUBLIC HEARING –

Variance: To construct a detached garage with a height of 15'-9" vs the 15' that is permitted. Per Section: 1153.09 (b).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Sam Damico, the Great Garage Company. Mr. Damico said they have limited storage in the house. They wanted the extra height for more storage and space to move around. The Board members liked the plans and had no comments. Mr. Farrell wanted to confirm no issues with the setbacks. Mr. Reich said they are maintaining the existing setbacks and expanding into the lot, so there are no issues with the setbacks.

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 is rebuilding an existing garage and will provide with this a storage area above that will almost meet the code requirement. There is only a 9-inch difference.
- B. He does not believe that will apply.
- C. The applicant has indicated this is not substantial, and it is the minimum necessary to provide the functionality of secondary storage.
- D. He does not believe that it will.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. He 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 Habib Shakkour, 21307 Beachwood Dr, to construct a detached garage with a height of 15'-9" vs the 15' that is permitted. The applicant has indicated the practical difficulties in providing some additional secondary storage to the property, and this is a reasonable and minimal variance. Per Section: 1153.09 (b). Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

6. CARLY AND MIKE LOVELY – 1961 Hampton Rd – PUBLIC HEARING –

Variance: To install a black mesh corner side yard fence vs only ornamental fences shall be permitted within the corner side yard. Per Section: 1153.15 (j)(4).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Carly Lovely, the homeowner. Mrs. Lovely said want to install a 42-inch wood frame fence with black metal mesh/wire inside the frame. There would be a vegetable garden in that area, and the goal is to deter deer. This is the only part of the yard that gets 8 hours of sunlight a day. Mr. Christ asked Mr. Reich about a clarification on an ornamental fence. Mr. Reich said they are trying to avoid chicken wire. Mr. Christ asked if the fencing would be a heavy gauge. Mrs. Lovely said it would be, and it would mimic the fence that is shown at Rocky River Park. Mr. Farrell asked if the fence or the vegetables would block the neighbor's view when backing out. Mrs. Lovely said they have it set back from the property line more than what the code allows for, and they also spoke with the neighbor. Mrs. Lovely said the taller plants would be towards the north side because they would not want to block the light of the smaller plants. Mr. Reich said to keep an open dialogue with the neighbor.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated that they are trying to provide a minimal area for growing, and this is, in effect, the equivalent of a decorative fence with a minimal appearance.
- B. He does not believe that will apply.
- C. They are keeping it within the code setback and height requirements; it is more of a question of the appearance.
- 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. He does not believe that it can.
- 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 Carly and Mike Lovely, 1961 Hampton Rd, to install a black mesh corner side yard fence vs only ornamental fences shall be permitted within the corner side yard. Per Section: 1153.15 (j)(4). The applicant has their practical difficulties with providing a relatively modest gardening area adjacent to their primary fence. Mr. Wright seconded.

5 Ayes – 0 Nays

APPROVED

7. CHRIST TJOTJOS – 231 Yacht Club Dr – PUBLIC HEARING –

Variance: To retain a generator with sound deadening 4'-6" from the side property line vs the 10' that is permitted. Per Section: 1153.15 (k)(2).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Chris Tjotjos, the homeowner. Mr. Farrell said there was a letter sent to the Board today from Linda Kennedy Wright, and they gave a copy to Mr. Tjotjos. Mr. Farrell asked what the status of the permit is. Mr. Reich said all of this work was done without a permit. He said there is an order to remove the unit from the Building Department. Mr. Tjotjos agreed that the generator installer did not do their part. They got permits for the electrical and condensers, but not for the generator. He said the issue with this area is that they lose power a lot. Mr. Farrell said no one is arguing the need for a generator; the issue is the location. Mr. Tjotjos said they put it on this side of the house because the other side is even smaller. He said the inspector came out and told him that he could possibly help his case with obtaining this variance by installing sound deadening to get it under the 70 decibel reading at the property line. Mr. Tjotjos said they installed a Zombie Box and got the sound requirement under the 70 decibel requirement. He said there is fencing around it as well to help with the sound. He spoke with the neighbors who surround him, and they have no issue with it.

Mr. Farrell said this is the type of issue they could avoid if people got permission first instead of asking for forgiveness. Mr. Tjotjos agreed; he was under the impression that Blind and Sons had received a permit. He said on that side of the house they having fencing for the garden on that

side of the house. There are also four condensers because it is a three-story house with no basement. So, one condenser for the third floor, two condensers for the second floor, and one for the first floor. Mr. Farrell said one of the issues the neighbor has is the proximity to their outdoor porch area. He understands it will only run when the power is out. Mr. Tjotjos said the boats going by are much louder. Mr. Farrell agrees with that point, but he still needs a variance, so he is looking at other options. Mr. Tjotjos said the generator cycles for five minutes around 4 or 5 pm on a Saturday. He said that time can be changed. If his neighbor asked for a different time, he would be amenable to that. Mr. Wright said he has no issue with the generators in the yacht club basin because of the power boats in that area that go down the river throughout the summer.

Mr. Christ asked why he couldn't put the generator on the other side of the greenhouse so it would not be adjacent to the neighbor's porch area. Mr. Tjotjos said the garden is in that area. He said that it is only moving it a small distance, but how is that going to mitigate the sound? Mr. Christ said it would move it away from the neighbor's porch, where they try to enjoy the river. He said if this had gone through the proper channels, they would not be entertaining this location. The Board would have wanted further down the wall, closer to where the condensers are. Mr. Christ said he sees no reason why the generator cannot be on the other side of the greenhouse. Mr. Tjotjos said the garden can't move. Mr. Christ was skeptical. He said it does not matter who the neighbors are; the generator does not need to be where they put it. It can be pushed to where the garden is, and the garden can move to where the generator is. Mr. Tjotjos said it cannot. Mr. Farrell said this is the position that he put the Board in by placing it without the correct permitting.

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 difficulty with locating this on the property. The Board agrees with that. However, the question is where specifically it could be located on the property that is less onerous to neighbors and to the visual portion of the river, as opposed to where it currently resides.
- B. He believes the need for a generator can be established, and we've had relative precedence for that, and we do allow generators in the city now.
- C. He believes the distance to the side property line is not substantial, and it is the minimum necessary because of the existing location of the house. The concern has to do with the exact location along the side of the house.
- D. He said in his opinion, the generator is located in a way that will alter the appearance of the neighborhood from the riverside and from the neighbor's side, where their seating area is. On the other sides he does not believe it would be impactful.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. He believes that the owner or owner's representative has created this circumstance, and that is part of the reason why this Board is reviewing this variance request.
- H. He believes the setback cannot be obviated, but for the specific location along the side of the house, that is up for discussion.

- I. He believes that's in the Board's evaluation of where it is located.
- J. He believes that is what the Board will be deciding on based on where it is currently located versus where it could be located.
- K. He believes that if the Board stuck to a literal interpretation, it would, but that there are optional locations.

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

Mr. Christ moved to grant a variance to Chris Tjotjos, 231 Yacht Club Dr, to retain a generator with sound deadening 4'-6" from the side property line, vs the 10' that is permitted. Per Section: 1153.15 (k)(2). The generator is currently located at the eastern edge of the house and it is 4'-6" from the property line with sound deadening. Mr. Wright seconded.

3 Ayes – 2 Nays (Martinez, Christ)
APPROVED

Mr. Farrell said there better be strict adherence to the sound requirement. Mr. Reich asked if he planned to add more vegetation around the generator to help dampen it. Mr. Tjotjos said he has a fence around it, but does not mind adding more vegetation. Mr. Christ said the fence wasn't there when he visited the site. Mr. Tjotjos said they took the fence down because there was a gap from the bottom of the fence to the grade. They will put it back up and make sure that gap is gone.

8. ANNA-KATRIN & MARK STRAUSS – 20715 Morewood Pkwy – PUBLIC HEARING –

Variance: To construct a rooftop patio on the existing detached garage with a height of 12'-4" vs the 3' that is permitted. Per Section: 1153.15 (g)(1).

Variance: To construct a rooftop patio on the existing detached garage with a side setback of 4' vs the 7' that is permitted. Per Section: 1153.15 (g)(1).

Variance: To construct a 563 square feet rooftop patio on the existing detached garage, vs the 250 square feet that is permitted. Per Section: 1153.15 (g)(3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Anna-Katrin Strauss, the homeowner. When they built the house, the intent was to have a green roof. They are just getting around to doing so. The garage was built to be able to handle the load of the roof system. Mrs. Strauss said the patio area is only 120 square feet, and the rest would be greenery. The railing would go around the entire roof perimeter, which is where the 563 square feet comes from. She said the 4-foot setback is based on the existing roof overhang of the garage. The existing roof is a quarter to a half-inch slope, so it is relatively flat. Mr. Farrell asked if she would need extra drainage. Mrs. Strauss said no, it is a special medium for green roofs, and the pavers are specific to a green roof to help with water runoff. She said the railing is 36 inches tall. The Board asked if it has to be 42 inches. Mr. Reich said he would look into it. Mrs. Strauss said she is fine with increasing it if need be.

Mr. Farrell said he originally looked at this like habitable space above the garage, which is something the city does not allow. He said they would be overlooking the neighbor's properties. Mrs. Strauss said in this case, they would be overlooking the alley. The apartment buildings behind her have balconies that already overlook the property, and the two homes to the east have

second-floor balconies attached to their homes that overlook her property. Mrs. Strauss said they might do lighting on the stair landings and small solar lights just at the edges to be able to see around up there. She is not sure if they would do lighting at all.

Mr. Harpster said he is not in favor of having the patio above the 3-foot requirement. He thinks it could be dangerous. Mrs. Strauss asked what the difference is between someone having a second-floor balcony and this. Mr. Harpster said it is part of the house design. Mrs. Martinez said the existing garage is 12 feet 4 inches, and then the green roof will sit on top of that. She asked for more details on the green roof system. Mrs. Strauss said it is 4 inches wide. There is edging that goes around the perimeter, and then the green roof system is locked in within that edging system. But it is directly on the garage roof; there are no sleepers to raise it even higher. Mrs. Martinez said her concern is the 12 feet 8 inches vs the 3-foot code requirement. She said this is detached from the house, so it is much different than a second-floor balcony attached to the house. Mr. Farrell understands what she is saying, but there are instances throughout the city where balconies are right up to the property line. This is at least tucked in the back corner of the yard and faces an alley. Mr. Farrell wanted to mention that the neighbors on both sides were supportive of it.

Mr. Wright has no concerns with the green roof itself. He would just like the plans and elevations to be more detailed before being submitted to the Building Department. Additional dimensions and details would be beneficial to their review. He said that more details on the lighting and railing should be submitted with these plans. Mrs. Strauss said no problem at all, she will have much more detailed drawings for Design Review and permitting. Mr. Christ asked if there was anything in the code about green roofs. Mr. Reich said no. Mr. Christ is not sure why having a green roof would not be okay. He said his neighbor has something similar, and it is attached to the house. If it were attached to the house, they would not need to be here requesting variances. Mr. Christ said he would go 42 inches tall with the railing.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has a relatively low-slope roof garage that is amendable for being converted into a green roof, which is what they are proposing.
- B. He does not believe that will apply. However, it does provide additional space that could be considered an improvement of the property.
- C. This is a green roof versus a patio deck in the code sense. However, this is no different than a balcony attached to the house.
- D. There are neighbors on both sides, but this is behind both of them. To the south is an apartment building, an alleyway, and parking.
- E. He does not believe that it will.
- F. He does not believe that will apply.
- G. Only in regards to them creating a green roof with a seating area.
- 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. Farrell wanted to designate, before the motion, Sketch A in the submission package for the Building Department's reference.

Mr. Christ moved to grant a variance to Anna-Katrin and Mark Strauss, 20715 Morewood Pkwy, to construct a rooftop patio on the existing detached garage with a height of 12'-4" vs the 3' that is permitted. Per Section: 1153.15 (g)(1). The applicant has indicated their practical difficulties with providing what is listed by code as a rooftop patio, and is, in essence, a green roof with a smaller paver area per Sketch A. This is something outside the actual limits of the code, based on patio areas. The structure was designed for this type of roof to be added, and this is a reasonable solution. Mr. Wright seconded.

3 Ayes – 2 Nays (Harpster, Martinez)
APPROVED

Mr. Christ moved to grant a variance to Anna-Katrin and Mark Strauss, 20715 Morewood Pkwy, to construct a rooftop patio on the existing detached garage with a side setback of 4' vs the 7' that is permitted. Per Section: 1153.15 (g)(1). The garage's current setback is maintained. The occupiable area will not be adjacent to the side property line. Mr. Wright seconded.

3 Ayes – 2 Nays (Harpster, Martinez)
APPROVED

Mr. Christ moved to grant a variance to Anna-Katrin and Mark Strauss, 20715 Morewood Pkwy, to construct a 563 square foot rooftop patio on the existing detached garage, vs the 250 square feet that is permitted. The occupiable area will be the paver area in the center the rest will be a green roof, as shown on Sketch A. It is about 130 square feet of paver area. Per Section: 1153.15 (g)(3). Mr. Wright seconded.

3 Ayes – 2 Nays (Harpster, Martinez)
APPROVED

9. SUZANNE MUYSHONDT & TONY VISCONSI – 61 Buckingham Rd – PUBLIC HEARING –

Variance: To construct a detached garage with a side setback of 2'-2" vs the 5' that is permitted. Per Schedule: 1153.15 (1).

Variance: To construct a detached garage with a rear setback of 3'-1" vs the 5' that is permitted. Per Schedule: 1153.15 (1).

Variance: To construct a new single-family house with an attached porte-cochere that has a side setback of 4'-9" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Variance: To construct a new single-family home with an egress window that has a 5' side setback vs the 8' that is permitted. 1153.07 (1)A.

Variance: To install two air conditioning condensers with side setbacks of 5'-5" and 5'-9" vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Variance: To construct a new single-family residence with a covered front stoop that has a 26'-4" front setback vs the required 30' as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a).

Variance: To construct a new single-family residence with a height of 27'-1" vs the 25' that is permitted. Per Section: 1153.09 (a).

Variance: To construct a detached garage with a height of 16' -10" vs the 15' that is permitted. Per Section: 1153.09 (b).

Variance: To construct a new single-family residence with a detached garage that has a lot coverage of 35.3% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

WITHDRAWN

10. DEPOT STREET DEVELOPMENT, LLC – 19061 Depot 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).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Tom Gillespie, the property owner. Mr. Dever said this item has been pending for some time, and he wanted to build a record as far as when the first application came and why it was tabled, when it was tabled, and then when it was subsequently reset for another BZA hearing. There is a question of whether the applicant brought this item within a timely manner under City Ordinance 1133.13. Mr. Dever said they need to make certain findings of fact concerning why the delays took place, and then the Board can move forward to consider the requests for the variance.

Mr. Farrell said this item was first reviewed by the Planning Commission on July 22nd, 2025. Then it was reviewed by the Design and Construction Board of Review on September 2nd, 2025. This was then reviewed by the Board of Zoning and Building Appeals on November 20th, 2025, and tabled for a period of 120 days. The applicant has now exceeded the time period. Mr. Minek said this item was on the agenda for the April 2026 Board of Zoning and Building Appeals meeting, but he had to withdraw due to a family emergency. Mr. Dever said all of the work, as far as the alterations to that structure and the signage, was done without a permit.

Mr. Gillespie said the last time he was in front of the Board, the variances were similar to what is being requested tonight. It was tabled because there were questions around the code on whether signage would be allowed on the east elevation, and if signage could be painted on. Mr. Farrell

said the Board had a pretty lengthy discussion about this, and their feelings were pretty clear. This is also the same five Board members who were present for that meeting. Mr. Farrell said there have been no changes to the plans from the November 2025 meeting, and it seems that the applicant does not want to take any of the suggestions from any of the meetings he has attended. Mr. Gillespie said they had changed the signage on the east elevation from painted to a manufactured sign from the previous submission. They wanted to keep the painted sign on the north elevation. He said there was some discussion of whether a painted sign is allowed. Mr. Farrell said that decision has been made, and a sign that has been painted on the wall is not allowed. The definition for a wall sign “means an outdoor sign affixed or attached to the wall of a building or other structure and projecting not more than twelve inches from the face of the wall,” per section 1193.01.

Mr. Minek wanted to clarify. This item went to the Design Review Board with the same submission that he went to the Planning Commission with. The Design Review Board gave you comments and conditions. He updated the plans with the items he wanted to address and submitted them to the Board of Zoning and Building Appeals. He never changed the plans from the November 2025 meeting. Mr. Minek said these are the same exact variances and the same exact plan from November 2025. To have a fabricated sign on the east elevation and to have the painted sign on the north elevation. Mr. Farrell said those meeting minutes from November 2025 would reflect that the Board would be in support of the variance on the east elevation as long as it is a manufactured sign. He said that the signage on the north elevation needs to match the signage on the east elevation. Mr. Gillespie said he compromised on the east elevation because it faces a busier street, and the north elevation faces the railroad tracks. Mr. Farrell said it does not look good. The Design Review Board and the Planning Commission had the same opinion on that. Mr. Gillespie said he disagreed. Mr. Wright said he needs this Board’s approval, though. Mr. Farrell said the signage on the east elevation needs to be done professionally, and the signage on the north elevation needs to match the signage on the east elevation.

Mr. Gillespie proposed a compromise. On the north elevation, he changed the painted part to a fixed sign. However, keep the painted logo and phone number to the left of the door. Mr. Farrell said that would not work for him. There is too much signage on this building.

Mr. Farrell wanted to go over the variance requests. The first variance is to appeal the comments from the Design Board. Their comments were: (1) the fascia is currently blue, and the Board wanted it painted grey; (2) the guardrail is currently blue, and the Board wanted it white; (3) the current canopy over the man door is not substantial enough, and the Board wanted it to be more significant or an architectural feature; (4) the Board wanted no painted-on signs, they wanted two of the same manufactured signs on both the north and east elevations; and (5) the Board wanted the signage to be uniform and have the same lettering, this included the projecting sign. Mr. Gillespie said he does not mind painting the fascia grey, but would like to keep the guardrail blue so it is visible. Mr. Farrell asked if it could be grey. Mr. Gillespie said it would blend in too much. Mr. Farrell said the Design Board probably doesn’t want them to stand out. He could understand why white on white is not the best idea, but agrees it does need to be white on white. Mr. Farrell asked the Board members if they agreed with the Design Board’s first comments. All members except Mr. Christ agreed. For the Design Board’s second comment, four members disagreed with and thought it should be grey to match the fascia, and Mr. Christ said he does not think colors should be a variance item. He asked Mr. Dever if color is something subject to a

requirement by the Design Review Board. Mr. Dever said this is the Design Review Board's comments that they gave to the Board for their consideration when evaluating the requested variances. He said it is the Board's discretion on whether or not to accept or reject those comments. Mr. Gillespie said they should allow the guardrail to stay blue because it is his branding color. Mr. Minek said he made that argument to the Design Review Board. They told him he could keep his exterior doors blue to match the branding, but needed to paint the fascia and the guardrail. For the Design Board's third comment, Mr. Farrell said he should do whatever the Design Board wanted when it comes to the canopy. They wanted it to be more significant and more of an architectural feature, and he will have to work that out with them. For the Design Board's fourth and fifth comments, Mr. Farrell said they will address them with the other variance requests. The Board members agreed with items four and five from the Design Review Board.

Mr. Farrell said he believes the Board has no issue with the projecting sign as long as he refreshes it to match the rest of the signage. He said he also believes that the Board would be in support of two identical manufactured signs, one on the east elevation and one on the north elevation. There should be no painted signs; they should be painted over. Mr. Minek said that if he were to do one manufactured sign on the north elevation that would match the signage on the east elevation, it would eliminate variance three and four. Mr. Gillespie said he is willing to do that.

Mr. Dever just wanted to make sure there was a clear record. There are no painted signs on the building itself, and the attached signs have to be professionally made. Mr. Gillespie said that if he does not agree with this decision, can he appeal this? Mr. Dever said yes, he would have to go to the Cuyahoga County Common Pleas Court.

Mr. Harpster asked for clarification on the first variance. Mr. Minek said they can vote to uphold the Design Board's comments one, three, four, and five, and then vote to amend comment two to paint the guardrail grey to match the fascia instead of the white the Design Board said.

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

5 Ayes – 0 Nays
Passed

Mr. Christ asked if he needed to delineate each request separately. Mr. Dever said that it seems that a lot of it is the same calculation, so he could make an introductory remark to put that on record and then go through each question one by one.

Mr. Christ said that as part of this review of the area variance, the meeting minutes should reflect the Board's discussions relative to both the Design Board's comments and to the variances requested. The comments from this Board are a general encapsulation of those comments relative to the area variance requirement. Christ read the practical difficulties factors aloud:

- A. As this is an existing building that is unusual in shape, location, and configuration. There are justifications for the Board to review all of these items relative to Depot Street, West Lake Road, the railroad, and the parking lot to the east.

- B. He believes the applicant has indicated that these are part and parcel of getting a reasonable return from this property, which is a difficult property to convert.
- C. The Board is evaluating each of these items relative to the level they believe is substantial or reasonable, or whether it is the minimum necessary for the uses that are being proposed.
- D. He believes the Board's review of this is to try to maintain and improve the character of the neighborhood. The Board is looking at the Design Review Board's comments and their description thereof, and this Board's evaluation of the same.
- E. He does not believe that it will.
- F. He does not believe that is germane to the issue. However, the property owner does have knowledge of the Zoning and has been reviewing that with the Planning Commission and the Design Review Board.
- G. He said this is somewhat of a moot point in the sense of following the various board requirements, the permitting process, and the review process, leaving some of this within the discretion of this Board with the advice of the Law Director on how the Board should proceed. The Board is doing so in accordance with the direction from the Law Director.
- H. He does not believe that all of these can be met in that regard, and the Board's consideration of the special conditions and circumstances is required.
- I. He believes that is what the Board is considering, and the members are evaluating all of the testimony from the applicant and the meeting minutes from both the Planning Commission and the Design Review Board.
- J. He does not believe that it will, in that the Board is making its evaluation in conjunction with the standard area variance requirements.
- K. He believes they could. The Board is considering that in their evaluation of overruling, agreeing, accepting, or modifying a variance.

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

Mr. Christ moved to uphold the final decisions of the Design and Construct Board of Review, per Section 5, for their comments: (1) the facia is currently blue, and the Board wanted it painted grey; (3) the current canopy over the man door is not substantial enough, and the Board wanted it to be more significant or an architectural feature; (4) the Board wanted no painted-on signs, they wanted two of the same manufactured signs on both the north and east elevations; and (5) the Board wanted the signage to be uniform and have the same lettering, this included the projecting signed. Mr. Wright seconded.

4 Ayes – 1 Nays (Christ)

UPHELD

Mr. Christ moved to amend the final decisions of the Design and Construct Board of Review, per Section 5, for their comment: (2) the guardrail is currently blue, and the Board wanted it white. The Board said the guardrail can be grey in conjunction with the facia. Mr. Harpster seconded.

5 Ayes – 0 Nays

AMENED

Mr. Christ moved to grant a variance to Depot Street Development, LLC, 19091 Depot St, to retain a projecting sign 8'-7" above ground level vs the 10' that is permitted. Per Section: 1193.07 (d)(4). The applicant indicated their practical difficulties. This was an existing sign that had been redone. The applicant has agreed to repaint it in conjunction with the style and appearance of the wall signs. Mr. Wright seconded

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Depot Street Development, LLC, 19091 Depot St, to retain two wall signs on the north elevation vs the one wall sign that is permitted. Per Section: 1193.05 (a). Mr. Wright seconded.

0 Ayes – 5 Nays
DENIED

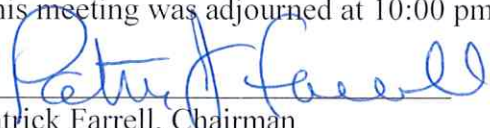
Mr. Christ moved to grant a variance to Depot Street Development, LLC, 19091 Depot St, to retain painted wall signage on the north elevation vs permanent signs, shall be fabricated on and of materials that are of good quality and good durability, and affixed or attached to the wall of the building. Per Section: 1193.17 (b)(9) and 1193.01 (9). Mr. Wright seconded.

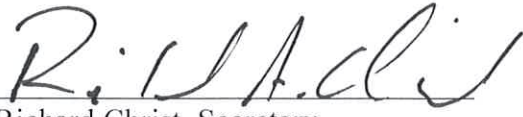
0 Ayes – 5 Nays
DENIED

Mr. Christ moved to grant a variance to Depot Street Development, LLC, 19091 Depot St, 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). The wall sign will match the fabricated sign on the north wall, and both will be of similar materials, colors, and configuration. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

This meeting was adjourned at 10:00 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 04-18-2025