

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS

June 18, 2026

Members Present: Farrell, Christ, 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 June 18th, 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 June 18th meeting of the Board of Zoning and Building Appeals at 7:00 p.m. He said that there are only four members present tonight, which normally isn't an issue. However, applicants will need to receive three out of four votes instead of three out of five. Mr. Farrell said the applicants can table their items if they wish to do so. 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 April 16, 2026, as presented. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to approve the Board of Zoning and Building Appeals meeting minutes from May 14, 2026, as presented. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

- 1. **GARY AND MARY ANN MAYS – 21051 Avalon Dr – PUBLIC HEARING – Variance:** To construct a two-story addition with a 5' side setback vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Jessica Hovanec, Hurst Design Build. Mrs. Hovanec said the current garage cannot fit two full-sized vehicles. The homeowners purchased the home in 1998 and were not aware of any zoning restrictions. Mrs. Hovanec said the goal is to build a garage large enough for two cars and maintain enough space

between the garage and the property line to have a walkway to the rear yard. She said it would add a lot of value to the property. By not only allowing an additional car to have covered parking, but also to keep cars off the driveway and to have access from the garage to the house, which they do not currently have. Mr. Harpster said it looks like a really good plan. His only question was regarding access to the rear yard. This addition would make it harder to get from the front yard to the rear yard and vice versa. Mrs. Martinez asked what the size of the proposed garage door is. Mrs. Hovanec said it would be 18 feet. Mrs. Martinez said it seems pretty reasonable to her and is the minimum necessary to get two cars in the garage.

Mr. Christ moved to close the public hearing. Mrs. Martinez seconded.

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated their practical difficulties with the current house and garage locations. There is no other location where they could make the garage wider and fit two vehicles.
- B. The applicant has indicated that a two-car garage will increase the return and make the home much more functional.
- C. As described by the applicant, this is not substantial, and he agrees with that. This is the minimum necessary to make it usable.
- D. The applicant has made the garage look like a continuation of the original house, and it will fit in nicely.
- E. It will not.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. In this situation with the house and location, it cannot be.
- 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 Gary and Mary Ann Mays, 21051 Avalon Dr, to construct a two-story addition with a 5' side setback vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated their practical difficulties with providing a functional two-car garage. With the current location of the house, garage, and property line, there is no other reasonable method to do so. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

2. FRANCINE CUTURA – 19200 Frazier Dr – PUBLIC HEARING –

Variance: To construct a front yard patio that projects 15' into the front setback, vs the 5' that is permitted. Per Section: 1153.13 (b).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Tom Cutura, homeowner. Mr. Cutura said it is technically his front yard; however, his property is unorthodox. It is the only location they could put a patio on that property. Mr. Farrell asked if it was only going to be a patio and if there would be any drainage. Mr. Cutura said just a stamped concrete patio. Mr. Harpster asked if there was any issue with the lot coverage. Mr. Reich said the code accounts for lot coverage by building, not by patio. Mr. Harpster said there is quite a bit of concrete. Mr. Christ wanted clarification that the front yard is along Frazier. Mr. Minek confirmed.

Mr. Christ moved to close the public hearing. Mrs. Martinez seconded.

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated, and it is easily seen, that this is between two streets and is on a very steeply sloped hill, which sets up a very unusual condition for the applicant to have usable space both in the front and the rear.
- B. He does not believe that will really apply, other than providing more functional outdoor space.
- C. He does not believe that will actually apply. With the way the house is configured, any space utilized is reasonable and the minimum necessary.
- D. Since this is below the street grade, it will not be readily discerned and is not abrupt.
- 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 they can.
- I. He believes it will.
- J. In this unusual situation, he does not believe it will.
- K. He believes it would.

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

Mr. Christ moved to grant a variance to Francine Cutura, 19200 Frazier Dr, to construct a front yard patio that projects 15' into the front setback, vs the 5' that is permitted. Per Section: 1153.13 (b). The applicant has indicated the practical difficulties with providing functional outdoor space with this unusual location, configuration, and offset of the grades. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

3. WILLIAM SEABROOK – 20360 Parkview Ave – PUBLIC HEARING –

Variance: To construct a new garage that is 810 square feet vs. the 600 square feet that is permitted. Per Section: 1153.15 (c).

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

Mr. Christ introduced the variance request, and Mr. Farrell swore in William Seabrook, the homeowner. Mr. Farrell said this was reviewed by the Board about a year ago. Mr. Seabrook said he changed the roof from the original submission. Increasing it from 12 feet tall to 15 feet as proposed, which is still code compliant. Mr. Farrell said the variances were granted last year. Mr. Christ said this is essentially a renewal. He asked that the previous minutes and discussions be added to the record, since it is essentially the same evaluation.

Mr. Christ moved to close the public hearing. Mrs. Martinez seconded.

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The existing setback is around 2', and they will be maintaining that. While expanding the garage in the portion of the property that will not impact any adjacent neighbors.
- B. This will enhance the return on the property and is reasonable.
- C. It is not substantial and is the minimum necessary.
- D. The applicant has indicated the practical difficulties of taking their lawn items and incorporating them into the yard to reduce the clutter and improve the total appearance.
- 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 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 William Seabrook, 20360 Parkview Ave, to construct a new garage that is 810 square feet vs. the 600 square feet that is permitted. Per Section: 1153.15 (c). The applicant has indicated the practical difficulties of locating the new car space and storage space, and this is a reasonable solution. The height is within the code requirements. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to William Seabrook, 20360 Parkview Ave, to construct a new garage with a 2' side setback vs. the 5' that is permitted. Per Schedule: 1153.15 (1). This is the existing setback, and this will be maintained and extended within an area of the property that will not impact any of the neighbors. And the architectural review will be dealt with through the Design and Construction Board of Review. The height is within the code requirements. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

4. DAN KETTERER – 22841 Laramie Dr – PUBLIC HEARING –

Variance: To relocate an air conditioning condenser with a side yard setback of 4'-7" vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Andreas Shelgu, the project manager. Mr. Shelgu said they needed to add access to the backyard; however, where they want to add the door, the condenser is currently there. He said they moved it to the side of the house to maintain efficiency. In this location, the condenser would be further away from the neighbor's patio than the current condenser. Mr. Shelgu said they are also getting a quieter unit. The neighbor is aware of the project, but they have never spoken to them directly about the condenser. Mr. Farrell asked if they were going to extend the fence around it. Mr. Shelgu said they were going to use evergreen screening. The fence was installed last year, so they don't want to have to remove it.

Mr. Harpster asked why the condenser could not go between the door and the screened-in porch. Mr. Shelgu said if they were to move it further down the wall, they would have to run longer lines. Mr. Harpster said running the lines does not affect efficiency. Keeping the condenser behind the house would keep the noise away from the neighbors even more. Mr. Shelgu said they always want to avoid a longer run than necessary for efficiency and reliability. Mr. Harpster said he does not necessarily agree with that. Mrs. Martinez asked if the condenser is going in front of or behind the bump-out. Mr. Shelgu said it would be between the bump-out and the fence. Between the fence gate and the gas meter. Mr. Christ said that moving the condenser to the side of the house puts a wall behind it, and sound tends to reverberate. He said the length of the lines is not an issue. He wonders if it can't be to the east of the new door, if it could be at the corner of the house next to the door. Mr. Shelgu said there is 2'-4" from the new door to the corner of the house and the condenser is 36". The gate for the fence is also in that location.

Mr. Shelgu said the new condenser location will be further away from the neighbor's patio. He said they are taking extra steps to make sure this unit is quieter and screened properly. Mr. Christ said it would be between houses, though. He said he does not appreciate when applicants use their neighbor's property as justification for a variance. Mr. Reich said the unit will have to meet the 70-decibel requirement at the property line, regardless of whether a variance is granted or not. Mr. Christ asked if they are willing to add additional sound deadening if the neighbor has an issue down the line. Mr. Shelgu said they are willing to do anything to make everyone comfortable.

Mr. Christ moved to close the public hearing. Mrs. Martinez seconded.

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated the practical difficulties with introducing a new double access door to the patio from the dining room. The location of the existing condenser would be obstructing that. They are looking to relocate the condenser to a position that will not cause any distress to themselves or their neighbors.
- B. He does not believe that will apply.

- C. He believes that is what a lot of the Board's discussion has been, as to whether this is a substantial change and if it is the minimum necessary.
- D. It will be more visible, but it is not unusual to have air conditioners on the side.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. Only that their changes for the house itself are impacting the current location of the condenser and necessitating the move.
- H. It cannot.
- I. He believes that is what the Board is evaluating.
- J. He believes only in the sense that the dimension and the location are part of the Board's consideration.
- K. He believes that is part of the Board's consideration.

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

Mr. Christ moved to grant a variance to Dan Ketterer, 22841 Laramie Dr, to relocate an air conditioning condenser with a side yard setback of 4'-7" vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant indicated practical difficulties with providing changes to the existing house and is looking for a neutral location that will have the least impact on both themselves and their neighbor. In accordance with that, they will provide adjustment in the future if necessary. This is a reasonable location to put the new air conditioning condenser and will be screened from the street with additional soundproofing if necessary. Mrs. Martinez seconded.

2 Ayes – 2 Nays (Harpster, Martinez)

TABLED

This item was tabled due to the tie vote. The Board tabled, at the request of the applicant, for a period of 120 days. However, the applicant may return any time before that.

5. SCOTT SHAW – 20771 Lake Rd – PUBLIC HEARING –

Variance: To construct a detached covered patio that is 315 square feet, 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 Nick Rundo, Northern Territory Landscape, and Scott Shaw, the homeowner. Mr. Rundo said the covered patio is 7 feet from the property line and is 12 feet tall, which conforms to the code requirements. However, they want it slightly bigger to accommodate furniture. The 315 square feet includes the overhangs. Mr. Rundo said they spoke with the neighbor, and were supportive of the project. Mr. Harpster said the patio looks massive in the renderings. Mr. Rundo said the modeling is not to scale. There is a 2-D version showing the actual height to scale.

Mrs. Martinez asked if they could explain what type of furniture is causing this need for extra square footage. Mr. Rundo said they mapped out the patio, and with the columns, you are losing a foot on each side. So, the homeowner went out there and mapped out the furniture they would like, and this size is the comfortable amount of space needed. Mrs. Martinez asked what the size of the current covered structure is. Mr. Shaw said it is 12' x 10'. The proposed covered patio is

13' x 19' outside of post to outside of post, which is essentially the 250 sf that is permitted. The overhangs are what are driving this variance.

Mr. Christ moved to close the public hearing. Mrs. Martinez seconded.

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The current layout of the house will accept and accommodate the structure proposed, and the height and setback conform with the code requirements. The functionality of the space is driving the need to exceed the maximum area allowed by the code.
- B. He believes that will not apply.
- C. The applicant has indicated the space that they require, and on that basis, it is not substantial and is the minimum necessary.
- D. The location and setbacks are reasonable.
- E. He does not believe that it will.
- F. He believes that will not apply.
- G. He does not believe that they do.
- H. He does not believe that they 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 Scott Shaw, 20771 Lake Rd, to construct a detached covered patio that is 315 square feet, vs the 250 square feet that is permitted. Per Section: 1153.15 (g)(3). The applicant has indicated the practical difficulties with providing sufficient space for an outdoor covered patio, and this is a reasonable solution with the setbacks and the location in this property. The actual square footage within the columns meets the code requirement of 250 square feet. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

- 6. RICHARD AND EMILY VOIGT – 19737 Telbir Ave – PUBLIC HEARING –**
Variance: Variance: To construct a two-story addition increasing the lot coverage to 31% vs the 28% that is permitted. Per Schedule: 1153.05 (3).
Variance: To construct a two-story addition with a 1'-8" side setback vs the 5' that is permitted. Per Schedule: 1153.07 (1)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Richard Voigt, the homeowner, and Christina Schmitz, Schmitz Design Company. Mr. Farrell said the 1'-8" setback being requested is to the exterior wall of the building. He was curious how large the overhang would be. Mrs. Schmitz said she could not get a measurement up there on the current overhang. However, it is pretty deep, so it probably runs close to the property line. She said the new

addition would align with the existing home. Mr. Voigt said this was discussed with the neighbors on both sides, and they have done pretty similar additions themselves, so they had no issues with it. Mr. Reich said the overhang cannot go past the property line. The owner will need to get a survey and sign an affidavit to know where that property line is before it becomes a civil matter with the neighbor. The gutter can go up to the property line, but it cannot cross the property line.

Mrs. Schmitz said they tried to keep it at the absolute minimum, knowing that they were going for a lot coverage variance. Just looking for some extra space to make the house more unusable for the family. Mr. Harpster asked if they were expanding the basement as well. Mrs. Schmitz confirmed and will use the existing basement for access. The attic will remain accessible. Mr. Christ asked what the existing lot coverage is. Mr. Minek said the current house is 24% using the square footage provided.

Mr. Christ moved to close the public hearing. Mrs. Martinez seconded.

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The current setback is 1'-8", and they are looking to maintain that, which is the special condition and circumstance. The 31% lot coverage would not have anything special other than providing the addition to create spaces that are more in conjunction with an expanded usage of the property in total.
- B. He does not believe that will apply.
- C. For the side setback, he does not believe that is substantial and is matching the existing, which is a minimum. For the lot coverage, that is for the Board to determine.
- D. Since this is an existing setback and the addition is in the rear, 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.
- I. He believes it would. That is again for each member to evaluate.
- J. That is for each member to evaluate individually.
- K. That is for each member to evaluate individually.

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

Mr. Christ moved to grant a variance to Richard and Emily Voigt, 19737 Telbir Ave, to construct a two-story addition increasing the lot coverage to 31% vs the 28% that is permitted. Per Schedule: 1153.05 (3). The applicant has indicated the practical difficulties with providing updated spaces within the existing house. This does allow for the incorporation of family spaces that are requested in this addition. Mrs. Martinez seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Richard and Emily Voigt, 19737 Telbir Ave, to construct a two-story addition with a 1'-8" side setback vs the 5' that is permitted. Per Schedule: 1153.07 (1)A. The applicant indicated the practical difficulties with this being an existing nonconforming use and that they are maintaining the nonconforming use. They will adjust to make sure that the new addition is within the building requirements, and this is a reasonable approach. Mrs. Martinez seconded.

4 Ayes – 0 Nays

APPROVED

7. KEITH AND ANJANETTE – 19451 Telbir Ave – PUBLIC HEARING –

Variance: To construct a new two-story single-family residence with a lot coverage of 36.5% vs the 28% that is permitted. Per Schedule: 1153.05 (3).

Variance: To construct a new two-story single-family residence with a corner side setback of 5' vs the required 7' setback as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a).

Variance: To construct a new two-story single-family residence with a front setback of 18'-10" vs the required 25' setback as shown on the setback map, City of Rocky River, May 12, 1975. Per Section: 1153.07 (a).

Variance: To construct a new two-story single-family residence with a rear setback of 23'-9" vs the 25' that is permitted. Per Schedule: 1153.07 (2).

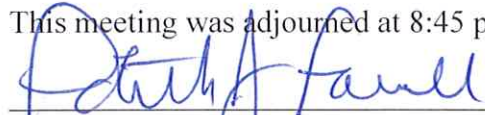
Mr. Christ introduced the variance request, and Mr. Farrell swore in Jill Brandt, Brandt Architecture, and Anjanette Arabian-Whitman and Keith Whitman, the homeowners. Mrs. Brandt said the home is designed to fit with the character of the neighborhood. The current house is nonconforming. The lot coverage is 35%, the setback on the Rockland side is 5 feet, and the front setback is 18'-10" at one corner and at the other corner it is a foot or two closer. Mrs. Brandt said they will be maintaining most of these conditions. However, they want to expand the lot coverage slightly to accommodate first-floor living. This will allow the homeowners to age in place. The garage is the same size as the existing one. The home is slightly larger to accommodate more modern needs. Mrs. Brandt said if this were an interior lot, they would be required to have 5-foot setbacks on either side. However, since this is a corner lot, they are required to have the 7 feet along the Rockland side. That property line is 10 feet away from the street, which helps to create a natural void there and helps with the perception. Mrs. Brandt said if they were granted a variance for the front setback, they would not need the variance for the rear setback. However, if the Board wanted to push the home back to maintain the front setback, they wanted to have the rear setback variance noticed.

Mr. Christ noticed a discrepancy in the lot coverage; it appears to be miscalculated. Mr. Minek calculated the lot coverage. What was indicated on the plans and as noticed to the public was 36.5% lot coverage. However, when calculating the lot coverage using the dimensions for the rooms of the house, it came out to be 39.5%. This is a substantial difference from the lot coverage that was noticed. The Board had to refrain from discussing the variances being requested, as what was notified was not accurate.

The applicant withdrew their submission.

Board of Zoning and Building Appeals
Minutes of Meeting
June 18, 2026
Page 11 of 11

This meeting was adjourned at 8:45 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 06/13/24