

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
July 9, 2026

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

Presence Noted: Michael O'Shea, 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 July 9th, 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 July 9th 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 June 11, 2026, as presented. Mr. Wright seconded.

4 Ayes – 1 Abstain (Martinez)

APPROVED

Mr. Farrell said there has been a change to the agenda order. The last item would be moved to the front because they will be tabling that item. Mr. O'Shea said they are doing this instead of having them wait through the entire meeting. He said that Mr. Mylett is not waiving any of his rights that he otherwise would have if he were to proceed this evening. Mr. O'Shea said these are two good citizens and are in the process of trying to resolve this.

1. GREGG MYLETT – 19444 Detroit Rd – PUBLIC HEARING –

Appeal: To the Board of Zoning and Building Appeals pursuant to Section 1133.03 of the Rocky River Codified Ordinances. The applicant has appealed the decision of the Zoning Administrator/Building Commissioner denying a permit application to remove an existing commercial driveway located at 19444 DETROIT RD. The Board will consider the appeal of the Zoning Administrator/Building Commissioner's decision to deny the permit application and will affirm, modify, or reverse the decision as authorized by the Rocky River Codified Ordinances.

Mr. Christ introduced the variance request, and Mr. Farrell acknowledged that Gregg Mylett, the property owner, and John Kinsley, the affected neighbor, are both in attendance.

Mr. Christ moved to table this item for a period of 180 days. He acknowledged that both the applicant and neighbor are here and there is no waiving of any rights relative to this. Mr. Wright seconded.

5 Ayes – 0 Nays
TABLED

2. DAN KETTERER – 22841 Laramine Dr – PUBLIC HEARING –

Variance: To relocate an air conditioning condenser with a side yard setback of 7'-6" 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. This item was a tie vote from last month, and they revised the plans. Mr. Farrell said there are two arrows on the plans and wanted clarity on the location of the unit. Mr. Shelgu said they will have the unit in front of the downspout. It will remain in the rear yard. He said the new unit will be quieter than the older unit. Mr. Farrell asked if it was going in front of the gate on the fence. Mr. Shelgu said the homeowners will get rid of that gate in the future, but it will not be directly in front of it in its current location. Mr. Christ drew on one of the photos where he thought the unit was going. Mr. Shelgu agreed. That document will be added to the record.

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. As discussed in the previous meeting and indicated again tonight with the new submittal, the goal is to revise the existing house with an exit to the backyard. This requires the relocation of the condenser; the house is where it is, and this is trying to adjust for that.
- B. He does not believe that will apply.
- C. As revised tonight, it is not substantial, and it is the minimum necessary to allow the reasonable use of a new door and their patio.
- D. He does not believe that it will.
- E. It will not.
- F. He does not believe that will apply.
- G. He does not believe that will apply, insofar as they are relocating the unit for their modifications.
- H. Considering where the current house is, it cannot.
- I. He believes it will.
- J. 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 Dan Kettere, 22841 Laramie Dr, to relocate an air conditioning condenser with a side yard setback of 7'-6" vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated their practical difficulties with revising their interior layouts and providing a new outside access door to the patio. This will allow the air conditioner to remain to the side and not interfere with any windows in the rear, nor with the new door. This is a reasonable solution, which is close to meeting the code requirement. Mrs. Martinez seconded.

5 Ayes – 0 Nays
APPROVED

3. MIKE ASSAD – 19632 Center Ridge Rd – PUBLIC HEARING –

Variance: To provide 46 off-street parking spaces vs the 61 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 46 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 Mike Assad, the property owner, and Forrest Paige, HSB Architects. Mr. Minek said the tenant who triggered this parking review, T-Fitness, has occupied their space for some time now. The proper permitting and procedures did not occur prior to the tenant occupying that space. He said this had been reviewed numerous times through the Planning Commission. Mr. Minek said that the Planning Commission directed them to get a parking variance because the parking agreement with Z Dentist is conditional for use only on the weekend.

Mr. Paige said they have two parking agreements. One with Z Dentist on the weekend, when the shopping center has the greatest demand. The other agreement is with the Fairview Wellness Center for 10 parking spaces at all times. He said that will most likely be the employees' parking over there to alleviate some of the pressure during business hours. Mr. Farrell asked Mr. Reich if there had been any issues with parking on this property. Mr. Reich said that he is not aware of any. He said there are no CAD reports of overflow parking or anything with the police department. Mr. Harpster said when he visited the site, the lot was by no means full. It probably wasn't even 25% full. Mrs. Martinez said she drives by the parking lot every day because she lives right around the corner. She has no issue with it. Mr. Wright said he had no issues with it either; he has also never seen it parked to capacity. Mr. Christ said the Planning Commission has reviewed this. He recognizes it is a pre-existing storefront, and parking isn't changing relative to the building. The only thing changing is the tenant. Mr. Christ said, as discussed several times with these existing buildings, the parking doesn't necessarily coincide with the current codes. It clearly has been functioning, and on that basis, he doesn't see a problem with it.

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. As indicated, this is an existing commercial storefront and the parking and building are remaining the same; the only thing changing is the tenant usage. This was reviewed by the Planning Commission.
- B. He believes that it is necessary to have a reasonable return.
- C. Since there are agreements for shared parking, he does not believe that it is substantial, and it is the minimum necessary.
- D. Since this is all existing, he does not believe 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 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 Mike Assad, 19632 Center Ridge Rd, to provide 46 off-street parking spaces vs the 61 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 46 required spaces are after the 20% reduction for shared parking. Per Section: 1187.15 (a). The applicant has indicated the practical difficulties with providing for a new tenant. The existing building and the existing parking will remain the same. There are shared parking agreements in place. The Planning Commission has reviewed both the new usage and the parking. Mrs. Martinez seconded.

5 Ayes – 0 Nays
APPROVED

- 4. JEFF & KATHERINE LEHITINEN – 21565 Aberdeen Rd – PUBLIC HEARING –**
Variance: To construct an attached pavilion with a 6'-2" side setback at its closest vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.
Variance: To construct an attached pavilion with a 1'-8" rear setback at its closest vs the 25' that is permitted. Per Schedule: 1153.07 (2).

Mr. Christ introduced the variance requests, and Mr. Farrell swore in Thomas Yochum, Canopy Design Services, and Chris Zbin, Zbin Landscaping. Mr. Christ indicated that he did receive a notice in the mailing regarding the requests. He is on an opposite block and has never met the homeowners. Mr. Christ said he can remain fair and open to variance requests.

Mr. Farrell asked if this is intended to be natural gas or wood-burning. Mr. Yochum said it is intended to be natural gas, but that has not been decided. Mr. Farrell asked if there are separate rules. Mr. Reich said there are, and that is something they will look over in the plan review process. A wood-burning fireplace is not considered a nuisance. Mr. Farrell asked if the setback to the fireplace is different than the setback for the pavilion. Mr. Minek said what was noticed was the fireplace. He said there is a slight discrepancy in the measurement noticed. He said the

6'-2" should actually be 6'-6" and the 1'-8" should be 1'-10". The 1'-10" is to the closest point of the structure to the property line, which is the fireplace. Mr. Farrell asked if there was an issue with the height. Mr. Minek said it is attached to the home, so it is allowed to go over the 12-foot height restriction for detached pavilions. It follows the code requirements of the principal house.

Mr. Farrell asked if the homeowners had spoken with their neighbors. Mr. Yochum said he knows they spoke with the neighbor to the rear, the property where the structure is closest. However, he is not aware whether they spoke with the other surrounding neighbors. Mr. Farrell asked what the overall dimensions will be. Mr. Yochum said it is 21'-10" by 16' column to column. The tall hedges at the rear of the property will have to be removed; the fence will remain. Mr. Harpster asked if there are any rules on how the chimney stack has to be above the roof of the pavilion. Mr. Yochum said the drawings appear to have the chimney above the roof by 5 feet. Mr. Harpster asked about the walls of the structure; it appears there is some screening on the east side. Mr. Yochum said on the south side there is the fireplace with 36-inch tall cabinets on either side, on the west side is the garage, on the east side is the privacy screening, and on the north side is completely open. The privacy screening is similar to a fence, and it is attached to concrete.

Mrs. Martinez indicated that she used to work with Mr. Yochum at a previous job but believes she can remain impartial. She said this is a very challenging site to work with. Mrs. Martinez said there is a mini-split mounted on the wall above the pavilion and wondered if that was new. Mr. Yochum said it is an existing unit; however, it is down at the ground level. However, they are attempting to get it out of the pavilion area by mounting it above. Mrs. Martinez asked the Building Department if there were any issues with that. Mr. Minek said the code requirement is the setback from the side property line, not the rear, so it complies. Mr. Wright asked if this would need to be sent to the Fire Department for review. Mr. Reich said no, it would all be part of apply the Residential Code of Ohio. The only additional information needed would be the structural locations of everything on the Lake Road property directly to the south of this structure.

Mr. Christ asked why they are aligning it with the back wall of the existing garage and not bringing to forward. Mr. Yochum said to maximize the lawn space. Mr. Christ said the Board normally looks for some space for maintenance and access. He is not inclined to matching existing rear setback. Mr. Christ said the man door from the garage is not even covered completely by the roof of the structure and it would make sense to have that covered. Mr. Yochum said moving the pavilion northwards will only make the side setback on the east even closer. Mr. Christ said to him, that is a lot less problematic than the rear setback. He would think the structure should be pulled off that rear property line so there is minimum access for a person to provide reasonable maintenance. Access is also needed for fire, life safety, and emergency services. Mr. Farrell said he would like to make the condition that this be a gas fireplace instead of wood burning. Mr. Yochum said they would like to table this item.

Mr. Christ moved to table this item for a period of 180 days. Mr. Wright seconded.

5 Ayes – 0 Nays
TABLED

5. CHRIS SPENCER – 22207 Arbor Cliff Ln – PUBLIC HEARING –

Variance: To install a generator with a 7'-9" side setback vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Phil Faulhaber, Stack Heating. Mr. Farrell asked the Building Department if they knew where the property line is. He said the tax map has the property line extremely close to the house. Mr. Reich said those tax maps are not always the most accurate. He believes there is a fence on the property to the east. Mr. Faulhaber said they want to locate the generator where the existing condensing unit is. The electric and gas meters are right there. He said the neighbor has signed off on it because it is a great distance away from their home and there is dense vegetation between the properties. Mr. Faulhaber said if they were to put it in the rear yard, it would be directly in the middle of the yard and cost an additional four to five thousand dollars. Mr. O'Shea asked what the decibel level is. Mr. Faulhaber said 67 decibels. He said it is Generac's newest series and goes above and beyond the regular Guardian Series. It would run once a week for about 15 minutes.

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 the current orientation of the existing house relative to Lake Road, the property, the driveway, and the neighbor to the east. This is the only functional area where the generator can be located.
- B. He does not believe that will apply.
- C. The setback is close to the code requirement and is located as close to the house as possible.
- D. There is enough screening and fencing that it will not.
- 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. To locate it on this side, which is the most reasonable, 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 Chris Spencer, 22207 Arbor Cliff Ln, to install a generator with a 7'-9" side setback vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated the practical difficulties. The generator will be located as shown on A1 and will be confirmed by the Building Commissioner. It will be south of the north corner of the garage. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

6. MICHAEL KLINGENSMITH and MAUREEN MURMAN – 19000 Rockcliff Dr and 19010 Rockcliff Dr – PUBLIC HEARING –

Variance: To install an 8-foot-tall privacy fence vs the 6 feet that is permitted. Per Scheduled: 1153.15 (K)(7)D.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Michael Klingensmith, 19000 Rockcliff Dr, and Maureen Murman and Mark Brown, 19010 Rockcliff Dr. Mr. Reich said he wanted to make it clear that there are three abutting properties and only two are present. The third property owner(s) will have to come on their own if they request the same variance.

Mr. Farrell said the apartment building to the north came here last year and received some variances for the new carport. In that discussion, there were talks about adding a fence on the property line and the possible need for one. Mr. Harpster asked if the fence would continue along the entire north property line for 19010 Rockcliff Dr. Mrs. Murman said yes, which would extend past the western end of the new carport slightly. She said they also own the property at 19020 Rockcliff Dr. There is no house on the property, and that fence was not disturbed in the construction of the carports, so it will remain at 6 feet. Mr. Harpster said there needs to be some backfill because the 8 feet does not appear to be tall enough to screen the carport. Mr. Brown said they took the measurements, and the 8 feet should come close to the top of the carport. Mr. Harpster said he didn't think the back of the carports looked that bad since they are brand new. Mrs. Murman said another concern is noise mitigation. The previous structure was masonry. Mrs. Martinez asked if they spoke with the Hilliard property owner about this and if they were in support. Mr. Brown said they have, and he is actually absorbing some of the cost of this.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud for both properties:

- A. The location of the apartment buildings immediately to the north and the circulation needed for the new carport have pushed that directly to the property line, removing the existing fence. This will be replacing that fence. Since these are two separate uses, a taller solid fence is allowed. These are the special conditions and circumstances.
- B. He believes this is important to maintain that.
- C. The applicant indicated that this will not fully cover the carport but will provide the most benefit to these properties.
- D. Since there was an existing fence, it will not.
- 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. Considering the two different usages, it cannot.
- 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 Michael Klingensmith, 19000 Rockcliff Dr, to install an 8-foot-tall privacy fence vs the 6 feet that is permitted. Per Scheduled: 1153.15 (K)(7)D. The applicant has indicated their practical difficulties with providing a replacement fence. That fence is between two dissimilar uses, and the 6 feet is not adequate to properly screen for appearance and sound. The 8 feet is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Maureen Murman, 19010 Rockcliff Dr, to install an 8-foot-tall privacy fence vs the 6 feet that is permitted. Per Scheduled: 1153.15 (K)(7)D. The applicant has indicated their practical difficulties with providing a replacement fence. That fence is between two dissimilar uses, and the 6 feet is not adequate to properly screen for appearance and sound. The 8 feet is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

7. MARK REICHARD – 22780 Lake Rd – PUBLIC HEARING –

Variance: To install pool equipment with a 5' side setback vs the 10' that is permitted.
Per Section: 1153.15 (k).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Mark Parker, H&M Landscaping; Mark Reichard, the homeowner; and Sally Kilbane, 28000 Lake Rd. Mr. Parker said they are asking to put the pool equipment on the side of the house, alongside the air conditioner and the generator. He said these other units were there before Mr. Reichard purchased the home. Mr. Parker said the equipment will include a heater, pump, and filter. Mr. Farrell asked why it has to go on the side of the house. Mr. Parker said ease of utilities, and there is no functional place to move around to the back of the house. Mr. Farrell asked how long this equipment would run in the year. Mr. Parker said from May to October. Mr. Farrell asked what the decibel reading is. Mr. Parker said the heater essentially makes no noise. He said the pump is variable, so it runs anywhere from 18 to 39 decibels. The pump detects the demand and runs accordingly.

Mrs. Kilbane said her concern is the noise, and there are already two units on that side of the house. She said there is enough space behind the house to put the equipment back there. She wonders what the decibel level would be if all of the units were running at the same time. Mr. Parker said he can only speak to the pool equipment, and that will be quieter than an air conditioner. Mrs. Kilbane said there is already an air conditioner and a generator in that location. Mr. Christ asked the city if they could go out and do a decibel reading with all of the units running at the same time. Mr. Reich said they could do that. Mr. Farrell said the code requires the sound to be 70 decibels at the property line. He said that, at the very least, there needs to be some sort of screening around it to clean up the look and help deaden the sound.

Mrs. Martinez asked if they had considered other locations on site for the equipment. Mr. Parker said they did not. He said that it was included in the drawings when they submitted for the permit initially, and that is where the other units were already located. Mr. Reich said he is looking at the drawings submitted for the permit and does not see the pool equipment identified. He said he is looking at the Jul 22nd, 2025, stamped drawings. Mr. Parker said his drawings might be a little different than the submittal drawings. Mr. Reich said the submittal drawings are what the Building Department goes off of during its review. Which is why the inspector told you to remove it and apply for a variance, because you put it in a location that is not permitted. Mr. Reich said they have had three issues with this project: the height of the pavilion, the retaining wall, and the pool equipment. Mr. Parker said the height and retaining wall have been addressed. Mr. Harpster asked if there was any information on the other two units. Mr. Reich said they predate Mr. Reichard's purchase of the home.

Mr. Wright said his only concern, which had been addressed earlier, was to have some sort of soundproofing around all of the units to help address the neighbor's concern. Mr. Christ said all that is in front of them is the pool equipment. However, the Board can obviously see that there is an existing conditioner and generator on that side of the house. He said the pool equipment might not be the main sound issue. He does believe there needs to be some sort of solid enclosure to help mitigate the sound coming from these units. Mr. Christ said the city should be looking at this from a combined sound standpoint to verify that they meet the requirements. He said the generator may or may not have been approved in that location; he asked if there is something that happens in that regard. Mr. O'Shea asked Mrs. Kilbane how long the generator had been there. Mrs. Kilbane said probably over the last seven or eight years. She said the entire property was torn down and rebuilt in the early 90s, and the air conditioners were put in at that time. Mr. Reich said the last HVAC permit was from 1998, and no generator permits have been pulled in the history of the property. Mr. Christ said they are only looking at the pool equipment, and that alone does not present a major sound issue. However, the combined sound of all three units is questionable. Mr. Christ said he would make that part of his motion and require some sort of enclosure to be constructed to mitigate the sound. Mr. Reich would agree with these requirements since they cannot force Mr. Reichard to remove the generator, since he purchased the home with the generator already installed.

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 locating the proposed pool equipment relative to the existing pool, the configuration of the house, and existing units.
- B. He does not believe that will apply.
- C. Relative to the pump itself, he does not believe that it is substantial, and it is the minimum necessary since they are locating it close to the house and it will be reviewed by the city in conjunction with the other equipment.
- D. The applicant has agreed to provide screening of both vegetative and solid materials, with sound deadening included.
- E. He does not believe that will apply.

- F. He does not believe that will apply.
- G. Only insofar as they've added pool equipment on the side of the house where other equipment currently exists.
- H. Considering that this may require a variance for any other location, other than in the rear, this does seem to be the most feasible in terms of locating it.
- I. He believes that, with what the owner is proposing to do to mitigate this, it will be minimal, and substantial justice will be granted.
- J. Mitigation will minimize that.
- K. He thinks it might, considering pool equipment is not the most egregious in terms of sound and appearance.

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

Mr. Christ moved to grant a variance to Mark Reichard, 22780 Lake Rd, to install pool equipment with a 5' side setback vs the 10' that is permitted. Per Section: 1153.15 (k). The applicant has indicated the practical difficulties with providing a reasonable location for the pool equipment that is close to the pool and will allow for the reasonable maintenance of the pool. The city will work in conjunction with the homeowner to verify that the sound reading for the generator, condenser, and pool equipment, running all at once, will meet the city's requirement of 70 decibels. The owner will provide both a vegetative and a hard surface enclosure around the equipment, including the existing equipment. Sound deadening will be provided as necessary. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

8. RAYMOND & LISA POLANTZ – 2798 W. Asplin Dr – PUBLIC HEARING –

Variance: To install a 6-foot-tall shadowbox rear yard fence vs any portion of the fence over five (5) feet in height shall be constructed of materials that are fifty percent (50%) transparent when viewed perpendicular to the fence. Per Section: 1153.15 (j)(3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Raymond and Lis Polantz, the homeowners. Mr. Polantz said their goal is to replace the fence that is currently up and is in poor condition. The sides of the rear yard will be 5-foot shadowbox, and at the rear/westside it will be 6-foot shadowbox. The current fence is a shadowbox, and on the west side, it stands anywhere between 65 and 69 inches. Mr. Polantz said their goal is to essentially match what they currently have. Mr. Harpster said he would be in favor of following the ordinance, which requires lattice for the last foot of the fence. The other members had no comments.

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. All of the fence, except for the back property line, will meet the code. The back property line's fence is currently taller

than the 5-foot code requirement, close to averaging 5'9". The planting beds are also a little bit higher, so adjusting the fence to a 6-foot uniform fence is reasonable.

- B. He does not believe that will apply, other than a new fence will definitely improve the property value.
- C. Since the existing fence is close to 6 feet, it is not substantial and is the minimum necessary to get a new uniform fence.
- D. He does not believe that it will; it would just improve the appearance of the fence.
- 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. To provide an equivalent replacement fence, they would need a variance, so this is a reasonable and minimal increase.
- I. Same as H.
- J. He does not believe that it will.
- K. Since this is a preexisting fence that exceeds the 5-foot, 25% transparent requirement, he does believe it would deprive them.

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

Mr. Christ moved to grant a variance to Raymon and Lisa Polantz, 2798 W. Asplin Dr, to install a 6-foot-tall shadowbox rear yard fence vs any portion of the fence over five (5) feet in height shall be constructed of materials that are fifty percent (50%) transparent when viewed perpendicular to the fence. Per Section: 1153.15 (j)(3). The applicant has indicated the practical difficulties with providing a replacement fence that is close to their existing fence, which already exceeds the 5-foot requirement for transparency. This is a reasonable equivalency and will create a more uniform fence. Mr. Wright seconded.

4 Ayes – 1 Nay (Harpster)
APPROVED

9. JEANNE CONWAY – 20762 Beach Cliff Blvd – PUBLIC HEARING –

Variance: To install an accessory off-street parking space directly in front of the dwelling, vs accessory off-street parking spaces located in the front yard, shall adjoin the driveway between the driveway and the nearest side lot line, provided parking spaces shall not be located directly in front of the dwelling. Per Section: 1153.15 (l)(4).

Variance: To install an accessory off-street parking space that is 16' wide vs the 8' that is permitted. Per Section: 1153.15 (l)(4)B.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Jeanne and Patrick Conway, the homeowners. Mrs. Conway said they have an unusual driveway as it sits right after the curve on Beach Cliff. The curve is rather busy and can be dangerous, as they have had cars end up in their front yard. She said it would be much safer to be able to turn around and pull out front-facing. The goal is to have a turnaround; however, the code does not have such provisions, so it is being considered a parking space in front of the house. Mrs. Conway said they cannot put it on the north side of the driveway because of the grade change in that area. They cannot put it to the back of the house because years ago someone built the garage adjacent to the house, and there is no space back there for a turnaround. Mr. Conway said they are one of the only, if not the only,

homes in the neighborhood that cannot turn around. They are forced to back out. He said it is not aesthetically pleasing; however, they do not intend to park a car there. Mr. Farrell said it is preferable that they not park there, but people do so all the time. He said the drawing provided is a little misleading. He asked if the concrete would go in front of the front door. Mrs. Conway said it would not. It will stop at the edge of the steps; they did not want it in front of the door. She said they did not want to remove the blue stone walkway that they currently have, so the concrete would go out in front of that. There would be landscaping around it to hide it.

Mr. Harpster asked if they could move or expand the existing driveway 6 feet to the north to match the 17 feet towards the rear of the property. That would help to eliminate the amount of pavement needed in front of the house. Mrs. Conway said there is a significant grade change, so it would become a much more major project. Mr. Harpster said when he visited the site, it did not appear to be that significant of a drop-off. He said the expanded driveway would help to limit the need for such a large turnaround. Mrs. Martinez said she has a similar concern. It feels like it is taking up a lot of the front yard. She does appreciate the landscaping in front of it to try and soften it.

Mr. Farrell said the sketch is misleading. He said it makes it look shorter in one regard and wider in the other. Mr. Farrell said he would like to see them curve that all the way to the 18-foot dimension. It can be a smooth turn where it meets the driveway; it does not need to be a full curve the entire depth of the space. Mr. Farrell said they do not need to sweep that far and have all of that excess concrete. Mr. Christ said a normal parking space width is 8.5-9 feet wide. He said the width of their turnaround is 10 feet wide at its lowest and 16 feet wide where it meets the driveway. That is a lot of extra concrete. He said it is almost like a double parking space. Mr. Wright said they could reduce that radius and still maintain the ability to make a three-point turn. Mr. Christ said this is something that the contractor and the City could work out together. Mr. Reich agreed.

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 where their house is located on this conjunction of two streets that curve, and this creates a very difficult zone for them to exit their property, and for life safety, this is really a requirement.
- B. He believes this will help the property's value.
- C. The applicant has indicated they will work with the Building Department to adjust the total turn dimension. The Board will review with the 10-foot width and 18-foot length, and the applicant will adjust the radius as it meets the driveway.
- D. Since most properties here either have a circular driveway or an existing turnaround, it will not.
- 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.** The other options are much more difficult and/or affect the adjacent property owner, so this is the more reasonable solution.
- 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 Jeanne Conway, 20762 Beach Cliff Blvd, to install an accessory off-street parking space directly in front of the dwelling, vs accessory off-street parking spaces located in the front yard, shall adjoin the driveway between the driveway and the nearest side lot line, provided parking spaces shall not be located directly in front of the dwelling. Per Section: 1153.15 (1)(4). This is a reasonable solution to the safety issue of being able to turn a car around to exit the property. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Jeanne Conway, 20762 Beach Cliff Blvd, to install an accessory off-street parking space that is 16' wide vs the 8' that is permitted. Per Section: 1153.15 (1)(4)B. It will have a width of 10 feet at the depth of the turnaround. The homeowner, contractor, and Building Department will work together to mitigate the 16 feet as best as they can. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

- 10. KEITH & ANJANETTE WHITMAN – 19451 Telbir Ave – PUBLIC HEARING –**
Variance: To construct a new two-story single-family residence with a lot coverage of 38.1% 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).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Anjanette Arabian-Whitman, the homeowner, and Pasquale Esposito, Brandt Architecture. Mr. Esposito wanted to first thank all of the neighbors who have sat through the entire meeting to show their support of the project. The City noted their presence and support but never got names and addresses because none of the neighbors opted to speak on these requests.

Mr. Esposito said at the last meeting the item was withdrawn because of a miscalculation with the lot coverage. They were able to reduce the overall coverage. The original design was at 39.5%, and the new design is at 38.1%. Doing this was able to eliminate the front/rear setback variance requests. Mr. Esposito said the Rockland is a special condition because it has a 10-foot right-of-way. The 5-foot side setback request combined with the 10-foot setback creates a 17-foot setback from the street, which helps to mitigate the impact from the street level. Mr. Esposito said they are on one of the smallest lots in the neighborhood, which creates a very

pinched condition, and they are trying to create an age-in-place home. He said they squeezed the plan as tightly as comfortably possible to create a house that fits in scale and style with the neighborhood. Mr. Farrell said he would agree with that. He said they did a good job designing a home that fits a lot that is very difficult to construct a new home on. Mr. Farrell said it will be a nice improvement and add value to the neighborhood.

Mr. Harpster said he agreed with Mr. Farrell. He said if they were to move this house and set it on his own property, the lot coverage would drop down to 26%. His property is 50' by 137', and this property is only 40' by 120'. Mr. Harpster said they did a really good job of making the best use of the property area. He said the 38% is significant; however, they cannot change the size of the lot. Mrs. Martinez agreed. She said she looked to see if there was any other way to trim the coverage down, and the changes would have still had the lot coverage at 36%. Mrs. Martinez said she is okay with the 38% and thinks they did a good job trying to trim the house down. She also said that the home fits in well with the character of the neighborhood. Mr. Wright said the drawings are pretty self-explanatory. The 38% is a high number; however, the existing condition is 35%, so to him the 38% is not a major issue. Mr. Wright also said the excessive right-of-way creates more of a hindrance for them.

Mr. Christ isn't necessarily disagreeing with anything that has been stated. However, he is going to push back a little harder. If this were an addition, then they would have to exceed the lot coverage. However, since this is a demolition and replacement, he looks at that as being a little bit more onerous on the applicant's part to justify the area. Mr. Christ said they are trying to create a certain amount of space. The bottom line problem is the 4800 sf lot. He said that is what they have to start with, and this Board has to review the requirements relative to that. They cannot add the 10-foot right-of-way, hypothetically, to make a case for the variance since it is not part of this property. Mr. Christ said the appearance of the house does fit in with the neighborhood, so he does not want to redesign this house. He asked what the room on the first floor is at the front. Mrs. Arabian-Whitman said it will be an office. Mr. Christ said his pushback would be removing that office and pushing it to the second floor, and the lot coverage would no longer be 38%. He understands the desire for a forever home with first-floor-living; however, all of the spaces, except for the office, are mandatory to achieve that, and the office can be on the second floor. Mrs. Arabian-Whitman said the first-floor-living is what they are trying to achieve, and with the way the world is now, people are working well beyond retirement. She said people still need office space, and the older people get, the harder it can be to get upstairs, limiting those opportunities.

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 an existing lot that is more restrictive than most of the adjacent properties. This is creating a difficulty with designing a house that still fits in with the neighborhood and provides the space required for a functional house. The areas provided are not excessive, relative to the usage. In this situation, the appearance is driving this more than just the numbers. He said it is worth

noting that the right-of-way on the Rockland side does provide more green space equivalency, even though it is not part of the property.

- B. He believes that does not apply, except that this is a change that will provide a better upward residence that will fit better in the city for the future.
- C. He believes this is the crux of the issues from this meeting and the previous meeting, and they are looking at this in that regard.
- D. He believes the appearance of this is such that it will fit well into this neighborhood.
- 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. Recognizing the size of the existing property and the size of the current house, this could also be looked at as just a minimal increase in area, and it can't be obviated because it can't meet the code.
- 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.

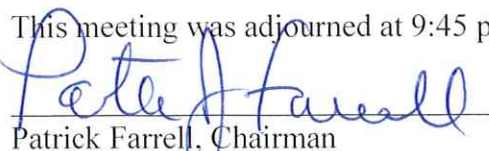
Mr. Christ moved to grant a variance to Keith and Anjanette Whitman, 19451 Telbir Ave, to construct a new two-story single-family residence with a lot coverage of 38.1% vs the 28% that is permitted. Per Schedule: 1153.05 (3). The applicant has indicated their practical difficulties with providing a replacement residence relative to an existing house that is already above 35% lot coverage. This is a reasonable addition and solution to provide upgraded spaces and a more functional house for the future. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Keith and Anjanette Whitman, 19451 Telbir Ave, 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). This is the only remaining setback issue after the redesign. The majority of the house, with the other three sides, fits within the setbacks required for this property. The 5 feet is a reasonable and minimal request. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

This meeting was adjourned at 9:45 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 08/13/26