

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
August 13, 2026

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

Presence Noted: 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 August 13th, 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 August 13th 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 18, 2026, as presented. Mr. Wright seconded.

4 Ayes – 1 Abstain (Wright)
APPROVED

Mr. Christ moved to approve the Board of Zoning and Building Appeals meeting minutes from July 09, 2026, as presented. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

1. JEFF AND KATHERINE LEHTINEN – 21565 Aberdeen Rd – PUBLIC HEARING
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Variance: To construct an attached pavilion with a 6'-5" 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 3'-5" rear setback at its closest vs the 25' that is permitted. Per Schedule: 1153.07 (2).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Tommy Yokum, Canopy Design. Mr. Farrell said this is before the Board for the second time; at the previous meeting, they discussed some possible changes. Mr. Yokum said they moved the pavilion to the north, increasing the rear yard setback, aligning the pavilion with the man door. They also changed the wood-burning fireplace to a gas fireplace. Mr. Farrell said it seems like everything discussed at the previous meeting has been addressed.

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 extensively at the previous meeting, the existing house is situated essentially on the rear property line, and they have now adjusted the plans to provide clearance for the overhang and emergencies.
- B. He believes that this is accommodated here by how they are adding this.
- C. As they have made their adjustments, this is not a substantial change since it's a greater setback than the existing home, and it is the minimum to allow reasonable use.
- D. With this being an open structure, he does not believe it will affect that.
- E. By providing the additional space, 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 the existing house is well into the setback, it cannot.
- 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. He said he wants the meeting minutes from the previous meeting to be included in the record because most of the substantive discussion was in that meeting.

Mr. Christ moved to grant a variance to Jeff and Katherine Lehtinen, 21565 Aberdeen Rd, to construct an attached pavilion with a 6'-5" side setback at its closest vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated their practical difficulties with providing a reasonable covered space for outdoor activities. This is a reasonable side setback for a completely open structure. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Jeff and Katherine Lehtinen, 21565 Aberdeen Rd, to construct an attached pavilion with a 3'-5" rear setback at its closest vs the 25' that is permitted. Per Schedule: 1153.07 (2). The applicant adjusted the plans to provide a reasonable clearance, considering the existing is at the property line. This adjustment will allow for reasonable access for an emergency. Mr. Harpster seconded.

5 Ayes – 0 Nays
APPROVED

- 2. DANIEL AND ANNE SCALABRINO – 20863 Avalon Dr – PUBLIC HEARING –**
Variance: To construct a garage addition matching the existing 4' 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 Stephanie Hayden, Schill Architecture. Mrs. Hayden said her clients are looking to extend their existing attached garage. The current floor plan cannot accommodate a mudroom or laundry room. Also, the existing garage is not deep enough to fit their two cars. Mrs. Hayden said the addition is in line with the existing home and will match the architecture. Mr. Farrell asked if they had spoken with the neighbor most affected. Mrs. Hayden said the homeowners have spoken with their neighbors, and they had no issues with the addition; they did not want to write formal letters and get too involved.

Mr. Harpster asked about the driveway. Mrs. Hayden said it will comply with the 20-foot maximum in the code. Mrs. Martinez said it seems like the minimum necessary to accommodate the two cars. She said it is an attractive addition to the front of the house and she is in support. Mr. Wright and Mr. Christ both had no questions or comments and said the drawings submitted were very well done and explicit.

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 existing house has a preexisting setback, and this is matching that. This is a reasonable addition since it is actually utilizing the existing garage and extending it. It would need to match the existing setback to be functional.
- B. He believes this will increase the value of the garage and the house.
- C. Since it is using the existing setback, it is not substantial, and it is the minimum to provide a new, more accessible garage.
- D. The architect delineated this addition and incorporated it with the existing.
- 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 Daniel and Anne Scalabrino, 20863 Avalon Dr, to construct a garage addition matching the existing 4' side setback vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated the practical difficulties with providing a more usable and functional garage and providing additional spaces into the existing residence. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

3. BRETT AND JACLYN ALTER – 48 Collver Rd – PUBLIC HEARING –

Variance: To construct a garage and rec room addition with a side setback of 5' at its closest vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Laura Bair, Hurst Design Build Remodel. Mrs. Bair said her clients currently have a detached garage that is in poor condition and is not big enough to accommodate their cars. Mrs. Bair said the clients wanted to attach the garage to the house and make it bigger to accommodate not only their vehicles but bikes, a lawnmower, and a snowblower. There would be a mudroom between the garage and house to accommodate the storage and organization that newer homes have. On the back of the garage, they are putting a rec room. Mrs. Bair said the goal was not to go deeper into the backyard compared to the existing garage since there is an existing putting green. She said the property is pie-shaped, so the front of the addition would be closer to the property line compared to the rear of the addition. The neighbor is aware of this project. The client had a surveyor come out to help identify the property line markers. Mrs. Bair said there is currently a stone wall between the two properties, which will remain and maintain the separation. She said the mini-split for the rec room will be behind the addition, maintaining the required 10-foot setback from that property line.

Mr. Farrell said none of the spaces seem oversized and believes it fits in well with the property, so he sees their need for the variance. Mr. Harpster said the garage is 21 feet wide. Mrs. Bair agreed, and there's a 5-foot entry into the new mudroom. Mr. Harpster asked if the driveway would be 21 feet wide. Mrs. Bair said they are not changing the footprint of the driveway. Mrs. Martinez, Mr. Wright, and Mr. Christ had no comments or questions.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated that the existing garage is currently less than the code requirement. It is changing from a detached to an attached garage. The 5 feet that is proposed is a reasonable minimum dimension for this situation.
- B. Will improve the functionality of the existing garage to current standards.
- C. It is not substantial and is the minimum to provide a functional two-car garage.
- D. They are rebuilding in more or less the same footprint, so it will not.
- E. There is sufficient room to go around on the outside, so it will not.
- 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 Brett and Jaclyn Alter, 48 Collver Rd, to construct a garage and rec room addition with a side setback of 5' at its closest vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated the practical difficulties with providing a more practical garage for two cars, and this is providing a little extra reconfiguration of the house. This is a reasonable side yard setback. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

4. JAMES AND SHELLY THEILING – 1068 Morewood Pkwy – PUBLIC HEARING

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

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 James Theiling, homeowner, and John D'Amico, The Great Garage Company. Mr. Farrell wanted to make Mr. Theiling aware that the Board had received a letter from the neighbor most affected by these variance requests, 1080 Morewood Pkwy, that was not in favor.

Mr. D'Amico said the current garage is 18' x 18', which is barely a two-car garage. He said the garage does have a 16-foot door that is aligned with the back of the house. If the garage door were to move any farther into the interior of the property, that door would now be behind the envelope of the house. Mr. D'Amico said they wanted to get a larger garage at 22' x 22', maintaining the 16-foot door because current code requires a 2-foot return on both sides of the door. He said they had the property surveyed and discovered that the property line was 27 inches further west than they originally thought. Mr. D'Amico said they just want to extend the garage over the addition 1 foot to the west to accommodate the current 2-foot return that the code requires. He said the goal is to keep the garage door in the same exact position that it is in now to maintain getting the cars in and out.

Mr. Farrell asked for clarification about the location of the property line and the 27 inches. Mr. D'Amico said the current garage sits 27 inches away from the property line. They originally thought the property line was right next to the garage because of the location of the neighbor's fence. The survey revealed that the property line is farther than they originally thought, so they wanted to shift the garage over 12 inches. Mr. Theiling said the neighbor's fence is encroaching on his property by 2 feet. He said they wouldn't remove the fence until they are ready to do the patio behind the garage.

Mr. Farrell said the Board typically requires at least 2 feet between the garage and the property line because they do not want to create a situation where they cannot get to that side of the garage. If the neighbor were to put up a fence on the property line, wherever that may be, one foot would not be enough to maintain that side of the garage. Mr. Farrell asked if the site plan is accurate. Mr. Theiling said no. He said the dilemma is making sure the garage door is not behind the rear envelope of the house because of access in and out. He said they need the extra foot to

achieve that. Mr. Christ said they originally thought the garage was almost on the property line due to the location of the fence, and they were going to work with that space somehow. He agrees with Mr. Farrell that this Board does not like to see 0 or 1 foot setbacks. Mr. Farrell said his biggest concern is that the drawings are not accurate. He said it appears that the drawing is off by 4 feet. Mr. D'Amico and Mr. Theiling agreed. Mr. Farrell asked if they could push the garage further back and move the patio somewhere else. Mr. Theiling said it is a small area back there and pushing it back would hinder any of their plans.

Mr. Theiling asked if they would need to resubmit with new, accurate drawings to help explain their dilemma. Mr. Farrell said accurate plans need to be submitted. However, he understands the dilemma; he would still not support a variance to have it 1-foot off the property line. Mr. Wright said a demo plan would also be beneficial for the Board to compare the existing versus the proposed. Mr. Christ said they should look at pushing the garage further back, as Mr. Farrell suggested, and speak with the Building Department to see if there is a way to engineer the door jamb so it does not need 2 feet.

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

5 Ayes – 0 Nays
TABLED

5. JAMES AND RITA OBLOCK – 2777 E. Asplin Dr – PUBLIC HEARING –

Variance: To install a generator with a 6' side setback vs the 10' that is permitted. Per Section: 1153.15 (k)(2).

Mr. Christ introduced the variance request, and Mr. Farrell swore in James Oblock, the homeowner. Mr. Oblock said the best location for it is on the north side of the building where both the electric and gas lines come in. He said having it 18 inches from the side of the house puts it in the middle of the sidewalk and in front of the gate to the backyard. Moving it to the other side of the sidewalk keeps it out of the way of the sidewalk and the gate but makes it only 6 feet from the property line. Mr. Farrell wanted to acknowledge that the neighbor most affected wrote a letter, and they have no problem with the variance request.

Mr. Harpster said the drawing has generators A and B. Mr. Oblock said there is only one generator. A is the requested location, and B is without a variance. B highlights that it would be in the middle of the sidewalk. Mr. Harpster asked if it could go behind the house and if it would meet the 70 decibel sound requirement. Mr. Oblock said he asked the contractor, and he said it would be between 65 and 67 decibels. He also said that getting to the backyard would be a 45-foot run, which would be costly. Mr. Farrell said cost is not a part of their decision. Mr. Oblock understood; he was just saying that he would put it on hold then. Mr. Reich said other homeowners have had issues getting the Generac generators to meet the sound requirements. Mr. Oblock said he hasn't signed the contract yet because he wanted to obtain the variance first and then have a stipulation around the sound reading that would not hold him responsible.

Mrs. Martinez asked what the size of the generator is. Mr. Oblock said 25 inches in width and 48 inches long. Mrs. Martinez asked what the setback is from the side property line to the side of the

house. Mr. Oblock said about 13.5 feet. He said the generator has to be 18 inches from the side of the home. Mrs. Martinez asked if generator B from the site plan would be feasible without a variance. Mr. Oblock said no because it would be halfway on the sidewalk and blocking the gate to the backyard. Mr. Christ said it would comply with the 10-foot requirement, though. Mrs. Martinez wondered if there was a way to make it comply, even if it's shifted slightly to not interfere with the gate. Mr. Christ said he has heard a lot of complaints from people next to generators who received variances close to the property line. He said this can go in the rear yard and comply with the 10-foot requirement, having minimal impact on his neighbor's property. Mr. Christ said burying 45 feet of conduit is not that restrictive.

Mr. Farrell asked if he considered having the sidewalk go around the generator. Mr. Oblock said he thought of it but didn't like the look of it. He also said there are windows and vents on that side that restrict where he can put it. Mr. Farrell said he can put it inside the fence. Mr. Oblock said that would require them to rework the sidewalk. Mr. Farrell said that can be done and doesn't seem to be a big issue. Mr. Oblock said it is going to look terrible having to walk around a generator. Mr. Farrell said the generator does have to be screened with landscaping.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated that the existence of the sidewalk and gate inhibit the location of the generator in a code-compliant location, and thus would like to move it closer to the property line. He wanted to point out that alternate locations, per the code, are available.
- B. He does not believe that will apply.
- C. He cannot see where the applicant is meeting this because anytime there is a compliant location, in his mind, it becomes a substantial variance.
- D. This is a more visible location from the street. It will need to be screened significantly, not only visually but for the sound.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. He believes that the applicant is acting in this regard to locate it as proposed. He does not consider the sidewalk as a hindrance.
- H. He believes this is a big issue. He believes he can meet the code.
- I. That is what the Board is considering.
- J. The applicant has pointed out that there are probably other nonconforming situations throughout the city. However, that is not what is in front of the Board. That is more of a Building Department issue. He believes this would be granting something that is denied by regulation.
- K. He believes that is what the Board is considering. Does the Board see what the applicant has stipulated as their practical difficulties versus meeting the code requirements?

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

Mr. Christ moved to grant a variance to James and Rita Oblock, 2777 E. Asplin Dr, to install a generator with a 6' side setback vs the 10' that is permitted. Per Section: 1153.15 (k)(2). The applicant indicated the practical difficulties as he sees them relative to the existing house, the existing property line, and the existing yard work. The generator would have to comply with the 70-decibel sound reading at the property line and screening requirements per the code. Mr. Wright seconded.

1 Aye (Farrell) – 4 Nays
DENIED

6. TYLER DAVIS AND ALEXSANDREA MANN – 21419 Lake Rd – PUBLIC HEARING –

Variance: To install a mini-split with a 5'-8" 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 Tyler Davis and Alexsandra Mann, the homeowners. Mr. Davis passed around a new stat sheet because the unit has changed from what was originally submitted. The decibel level is actually less than the original unit. The height is changing slightly, but the variance being requested will not change. Mr. Farrell said the neighbor most affected wrote a letter of support. He said there is a lot of vegetation already separating the two properties. Mr. Davis said that is correct, and on the neighbor's property is their garage. Mr. Farrell asked if they looked into putting the unit behind the house. Mr. Davis said that, due to the gas lines, rear door, and location of the interior units, the mini-split is best situated on the side yard.

Mr. Harpster said the code requirement for sound is 70 decibels. Mr. Davis said for cooling it would be 52 decibels, and heating would be 53 decibels. Mrs. Martinez asked if this is replacing a unit, or if this is the first unit on the property, or if it is the second unit. Mr. Davis said it would be the second unit on the property. Mrs. Martinez asked where that is located and if this new unit could be located next to it. Mr. Davis said the existing unit is on the backside of the house towards the east. So, the best location has already been taken. There is no room to place it next to the existing unit. Mr. Christ said the 52-53 decibels made it less of a concern for him. Mr. Wright agreed. He asked if the unit would still need to be screened. Mr. Reich said yes.

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 upgrading a portion of their existing HVAC equipment. The existing unit is remaining in its current location, and they needed to find another location for this new unit.
- B. He does not believe that will apply.
- C. Since it will be located on the side of an existing house and the setback is greater than 5 feet, which is closer to meeting the requirement than they typically see.

- D. The applicant will provide screening, in conjunction with the Building Department, to meet the requirements.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. Only in the regard that they are upgrading their HVAC systems and they are trying to find a sequential method to achieve that.
- H. He does not believe that it can.
- I. It is a minimal difference, and it will be observed.
- 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 Tyler Davis and Alexsandra Mann, 21419 Lake Rd, to install a mini-split with a 5'-8" side setback vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated the practical difficulties. They will have to meet the screening and sound requirements of the code in conjunction with the Building Department. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

7. **MARK AND LAURA NOBLE – 19555 Argyle Oval – PUBLIC HEARING –**
Variance: To install a mini-split with a 6'-6" 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 Mark Noble, the homeowner. Mr. Noble said that over the last couple of years they have had issues with superheating of their garage. He believes that a lot of that is coming from the solar panels on his roof. He also has an electric vehicle which produces a lot of heat. Mr. Noble said the freezer in the garage has been having trouble keeping things cold. To put the mini-split in the rear yard would require running the lines 75 feet, exceeding the allowable distance. Mr. Noble said the unit will have shrubbery in front of it. He said he spoke with the most affected neighbor, and he did not have an issue with it. This unit is supposed to be 55-58 decibels. Mr. Farrell said the unit will need to meet the sound and screening requirements from the code. Mr. Wright said he is proposing to put this unit 10 inches farther from the property line than the previous applicant.

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 a garage that is having an issue with temperatures, and this unit is being installed to directly deal with that. This will be on the side of the house and in close proximity to the garage.
- B. He does not believe that will apply.

- C. It is not that significant a difference considering it's minimal sound.
- D. The applicant will provide permanent screening that will restrict its view from the street or neighbor.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. The applicant indicated that this could be complicated by the usage of the garage and other items in the house. However, the sun and hotter-than-normal temperatures are clearly giving this applicant problems.
- H. He does not believe that it can.
- 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 Mark and Laura Noble, 19555 Argyle Oval, to install a mini-split with a 6'-6" side setback vs the 10' that is permitted. Per Section: 1153.15 (k)(1). The applicant will provide permanent screening, and there will be a sound measurement reading performed by the Building Department. Mr. Wright seconded.

5 Ayes – 0 Nays

APPROVED

8. JUDIT SLUCS AND ZOLTAN ONODI – 3330 Fairhill Dr – PUBLIC HEARING –
Variance: To install a 5-foot-tall rear yard fence with 0% transparency vs the 25% transparency that is permitted. Per Section: 1153.15 (j)(3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Zoltan Onodi, the homeowner. Two interested neighbors came forward to be sworn in: Natalie Thomas, 3325 Nelson Park Drive, and Herold Switzer, 3340 Fairhill Drive.

Mr. Onodi said he would like to finish the fencing on the south side of the property and keep it consistent with the other two sides. Mr. Farrell asked for a reminder of why this side was not constructed when the other two were. Mr. Onodi said the main reason was budgetary. Mr. Farrell asked if the height is 5 feet, since the Board asked in 2024 for them to remove two boards on the fence to get the height down to roughly 5 feet. Mr. Onodi confirmed.

Mr. Harpster said the fence in 2024 was installed prior to them obtaining a variance. Mr. Onodi confirmed. Mr. Harpster said that is why the existing fence is a privacy fence. He said a board-on-board fence gives them just as much privacy, unless they are right up on the fence trying to peek through the cracks. He thinks a board-on-board fence is more acceptable. Mr. Harpster wanted clarification on what is existing and what is proposed. Mr. Onodi said the fence from the 2024 approval runs along the north and west property lines. Along the south property line is where they are requesting this fence. On the southern neighbor's property, there is a chain-link fence and shrubs. Mrs. Martinez and Mr. Wright had no comments or questions. Mr. Christ said the application said there is a medical situation as part of this, and it is important to get it into the record because it was a large justification from the 2024 variance.

Mrs. Thomas came forward to speak. She said they were here two and a half years ago when the fence was already installed. They were able to talk through it and find a compromise by reducing the height. Mrs. Thomas said that is not in compliance. As of today, she just remeasured it, and it is still the original height. Nothing was modified. Mrs. Thomas said she had tried to contact the Building Department to make sure that it has been inspected. She came here today to make sure that if another fence is going to be installed, that it complies with what was compromised on and approved in 2024.

Mr. Farrell asked if they lowered it to 5 feet. Mr. Onodi said close to 5 feet. Mr. Reich said they need to meet the 5-foot requirement from 2024. Mrs. Thomas said it is 72 inches, and then there is another 3 inches or so for the cap. Mr. Farrell said it doesn't sound like they took any boards down. Mr. Onodi said on their end it is not 72 inches. Mr. Reich said because you are measuring off the top of the mulch. Mr. Onodi confirmed. Mr. Reich said it needs to be measured from the neighbor's side. He said they will send an inspector out to measure the fence. Mr. Onodi said what would be required of them. Mr. Reich said they would need to reduce the height to 5 feet.

Mr. Onodi asked how they could keep the fence as is. Mr. Farrell said they went through this whole discussion at the 2024 meeting. He said the only reason they even came in front of the Board was that they were caught doing something that wasn't in compliance. Mr. Onodi agreed. Mr. Farrell said that puts the Board in a tough position because they didn't want to make him take down his entire fence. Which is why they didn't require them to take the entire fence down. They compromised and requested them to remove two boards and get the height down to 5 feet, and that has not been done. Mr. Onodi agreed.

Mr. Dever said the Board can table this until the applicant gets into compliance with the prior variance they obtained.

Mr. Switzer came forward to speak. He said the current fence they have installed was built under privacy fence Section 1153.15 (j)(7). Subsection A states that the fence shall not enclose more than two sides of an area. He said that a privacy fence along three sides of the yard is prohibited. Mr. Switzer said the variance being requested under Section 1153.15 (j)(3) is a subterfuge. He said the request should be denied. Mr. Switzer said he has a 4-foot fence and boxwood hedges along this side of the property. The boxwoods are required to be 6 inches taller than the fence. He asked what the city will do if they approve this fence. Mr. Reich said they can put the applicant can put their fence up adjacent to the existing fence. There is nothing that prohibits that. Mr. Farrell asked if he would want to keep the chain link if this fence is installed. Mr. Switzer said no, but he would want it removed at the cost of the applicant. Mr. Farrell said they could make that a condition, but they are not acting on that fence request tonight.

Mr. Switzer said the 5-foot fence will make him have to take out his boxwoods. If the fence is taller than the hedges, they cannot be maintained because the trimmer will hit the fence. Mr. Farrell said he will have to be careful when he's trimming the fence. He said he could put a legal fence on that property line, and he would still run into the same issue. Mr. Switzer said he understands.

Mr. Christ moved to table this item for a period of 30 days. This is a nonconformance and noncompliance, and the applicant did not adhere to the conditions set by the Board from the 2024 variance approval. The applicant has 30 days to comply with the conditions from 2024, comply with the Building and Law Departments, and be on the next scheduled variance meeting regarding the southern section of the fence. Mr. Wright seconded.

5 Ayes – 0 Nays
TABLED

9. BRICE WOLVERTON – 22670 Detroit Rd – PUBLIC HEARING –

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

Variance: To install a turnaround driveway with two curb cuts on a lot that has a front setback of 42'-6" vs two curb cuts shall be permitted for a lot with a front setback that is at least fifty (50) feet or greater. Per Section: 1153.15 (I)D.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Brice Wolverton, the homeowner. Mr. Wolverton said they moved into the home in 2010 and have not made any changes to the driveway. He said they have one parking space in the garage. The driveway drops down off of Detroit, so the sight lines backing out are pretty difficult, creating a dangerous situation. Mr. Wolverton said they want to add a second curb cut to create a U-shape and have two accessory parking spaces. Mr. Farrell said, for the record, the neighbor to the west wrote a letter in support.

Mr. Farrell said he sympathizes with his situation. Mr. Harpster asked if there was going to be any excavation and if the parking spots would be level. Mr. Wolverton said they will have to do some excavating. He also said they will try to level the spots as much as possible, but they will be slightly sloped into the yard. Mrs. Martinez said there are challenging sight lines. She asked if they are going to be screening the parking spaces with landscaping. Mr. Wolverton confirmed. Mr. Wright said the biggest challenge with this site is backing out. If they are going to have teenage drivers, they need to have a safe place to turn around on the property. He is in favor of the variance. Mr. Christ said past requests for extra parking spaces were rarely approved. However, in this situation, given the extreme difficulty with backing out and the blindness the slope creates, he sees the need for not only the circular driveway but the additional parking space. Mr. Christ said the applicant does need to work with the city regarding the drainage.

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. He believes this is a textbook example of this. There is a golf course across the street, and there are high volumes of traffic that are sometimes driving over the speed limit. The

home is on a slope going downhill with blind spots. He said he could probably list a dozen things that are causing issues. So, there is a very high meeting of that requirement.

- B. This is almost mandatory to provide functionality of the property in the future.
- C. As discussed, this is the minimum and is a necessary requirement.
- D. He does not believe that it will. There is enough property to accommodate this, and it will actually conform with the existing layout.
- E. This will facilitate that, plus deliveries.
- F. He believes they purchased this with knowledge of the existing conditions but not necessarily of the zoning.
- G. He said the applicant had kids and they need some special circumstances. He said they have had that in front of the Board before, and normally it's like you got to learn how to drive, but this is beyond that.
- H. He does not believe that it can.
- I. He believes it would.
- 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 Brice Wolverton, 22670 Detroit Rd, 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. The applicant has indicated the practical difficulties. With the geometry and topography of the site, these variances are really necessary in order to provide functionality and safe ingress and egress from the property. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Brice Wolverton, 22670 Detroit Rd, to install a turnaround driveway with two curb cuts on a lot that has a front setback of 42'-6" vs two curb cuts shall be permitted for a lot with a front setback that is at least fifty (50) feet or greater. Per Section: 1153.15 (l)D. For the same reasons as the first variance. The 42'-6" is not significant from the 50-foot requirement. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

10. COURTNEY AND MATTHEW BALDWIN – 20041 Riverwood Ave – PUBLIC HEARING –

Variance: To retain a driveway expansion that is 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 retain a driveway expansion that is 2'-3" from the side property line vs parking areas, including driveways, for single family detached and two family dwellings shall be located not less than three (3) feet from adjoining property lines. Per Section: 1153.15 (l)(4)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Courtney and Matthew Baldwin, the homeowners. Mr. Dever said this is currently pending in the Rocky River Municipal Court: a misdemeanor charge for violation of the Building Code for the expansion of the driveway without a permit. They were also notified to stop work, and they went through with it anyway. Mr. Dever said they can consider the variances at this point in time, if they care to do so. The court case will still be pending and will be addressed accordingly as an unclassified misdemeanor. He said that they could be subject to fines. Mr. Dever told the Board they can deny the variance at this point, require a modification of what's already been installed, required to be removed, or choose to table this until the violations are addressed in court. He said it is ultimately the Board's discretion. Mr. Farrell asked if the outcome of the court case would affect the variances in front of them. Mr. Dever said no; the court case is regarding the applicant not doing what is required by law.

Mr. Farrell said he is the owner of the home at 19901 Riverwood Avenue. He does not live there but is a part-owner. He said he can remain fair and impartial. Mr. Harpster lives in and owns the home at 19883 Riverwood Avenue, and he can remain fair and impartial as well. Mr. Dever said they are not adjacent property owners, and they have no financial interest in those adjacent properties, so he does not see a conflict that would disqualify them from considering these variance requests.

Mrs. Baldwin apologized. She said they do not want to be in this situation as much as the Board does not want to be in this situation. She said they were unaware that they were breaking any rules. Mrs. Baldwin said the contractor led them to believe that everything was compliant. She said they are very grateful for the Board allowing them to go through the variance process even though they had broken the rules.

Mrs. Baldwin said they have a one-car garage and had a driveway that fit two vehicles. They do not park cars in the garage because the house does not have an entryway or mudroom, so they have been using that as a makeshift mudroom. They originally would have to park one car in front of the other. So, whenever someone had to leave, they would have to pull one car out and park on the street so the other car could leave. She said that with the sports fields across the street, it made it difficult for them to find parking spots. Mrs. Baldwin said she was made aware of the code requirements and told the contractor that they would not be able to do the project. The contractor told them that if they were to stamp the concrete, it is technically landscaping and they do not need a variance. She understands now that that is not true, but they were excited because they found a solution to their problem that would allow them to stay in this house. They added 4 feet on either side of the driveway as the minimum distance to fit 2 cars side by side.

Mr. Farrell wanted to acknowledge that there are four letters of support from neighbors that were submitted. He said he understands their dilemma as this house is unique to at least this block, as it is the only one with an attached garage. He said that they barely had room to park two cars front to back without being on the sidewalk. Mr. Baldwin said that was important to them. They didn't want to park on the sidewalk or the street and be ticketed. Mr. Harpster said he wishes it wasn't stamped concrete, but it is what it is. He said the variance requests to him are not a big issue to him. To him, he sees two options: either taper the driveway as it reaches the sidewalk so it is one car width at the sidewalk or expand the apron to match the expanded driveway. Mr. Farrell asked why the code does not allow accessory parking to go all the way to the sidewalk.

Mr. Reich said that is to prevent cars from parking and overhanging into the sidewalk. The code only allows for one accessory parking space. Mr. Christ said the code allows for a 20-foot-wide driveway; is there anything in the code saying you can't have that? What is in front of them is only 16 feet. Mr. Reich said there is nothing in the code that prohibits a larger driveway than the garage, although they encourage not having this because it creates an odd situation. Mr. Christ said they would need to widen the apron because if they were to cut the driveway to reduce it to the existing apron, it would almost create a non-functional ability to park.

Mr. Farrell said this is a special situation. They have a small setback. The driveway is slightly in front of the house, and they are slightly in the setback. He does not see the driveway as a problem. Mrs. Martinez said she is okay with the wider driveway, and the wider apron is more functional and would look better. Mr. Wright agrees with the other members and is okay with how the driveway is. He thinks extending the apron would look a lot better.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated their practical difficulties with trying to provide adequate parking to go with access to their single-car garage. This is only 16 feet wide and is a minimal width for 2 parking spaces, so he believes that is perfectly reasonable.
- B. He does not believe that will apply.
- C. With it being 16 feet wide, it is the minimum to access the garage and have two vehicle parking, so it is not substantial and is the minimum necessary.
- D. He does not believe that it will be.
- E. He does not believe that will apply.
- F. He does not believe that will apply.
- G. Only regarding the process that occurred before due to a contractor's direction and not due to the property owners.
- 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 Courtney and Matthew Baldwin, 20041 Riverwood Ave, to retain a driveway expansion that is 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 (I)(4). This is functioning as a driveway to the garage, and this is a reasonable width to park 2 cars side by side, keeping them off of the street, preventing more problems in an already congested area. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

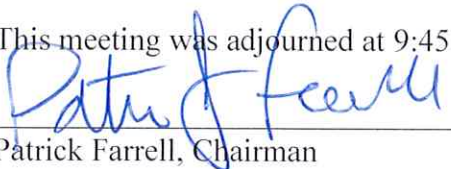
Mr. Christ moved to grant a variance to Courtney and Matthew Baldwin, 20041 Riverwood Ave, to retain a driveway expansion that is 2'-3" from the side property line vs parking areas, including driveways, for single family detached and two family dwellings shall be located not less than three (3) feet from adjoining property lines. Per Section: 1153.15 (1)(4)A. For the same reasons as the first variance. Adding that the driveway is centered on the garage door and that is reasonable. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

11. BOARD OF ZONING AND BUILDING APPEALS - Discussion of a proposed language update to Section 1125.09 (b): Board of Zoning and Building Appeals – Organization –

Discussion was held regarding the language updates. Three registered professionals need to be sitting members out of the seven total. To constitute a quorum, two registered professionals need to be present at the meeting. The registered professionals should be opened up to other professions that require licensing, including but not limited to Landscape Architects, Lawyers, Planners, Designers, and Contractors. These professionals should hold the correct licensing with the state to be considered a registered professional.

This meeting was adjourned at 9:45 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 09-10-2026