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September 10, 2026

Rocky River Board of Zoning &
Building Appeals
21012 Hilliard Blvd.
Rocky River, Ohio 44116

RE: September 10, 2026 Public Hearing

Dear BZA Members:

On Monday, September 7, 2026, upon returning from a wedding in Chicago, I opened our mail to find an Agenda for a Thursday, September 10, 2026, meeting requested by people I still have yet to meet, although we spent time with them on or about June 11, 2026 at a meeting of this body where they (Peter and Leslie Bergan, herein "Applicants") were seeking five variances for a brand new home where now stands an older, well established home located directly across the street from us. So, between June 11, 2026 and the current date of this letter to the Board of Zoning & Building Appeals ("BZA" or "Board"), I have yet to hear from them. I see their submission because it was provided to us, and we have some very serious concerns about this process as outlined below.

I. INTRODUCTION

It is important that this Board recall some background about this house that I provided in my June 11th letter to you. As part of that letter I enclosed some photos I took of the late Coach Bonacci's home, which I attach to this letter so that you can appreciate my concerns with not only the proposed demolition, but also the current variance requests.

Our house was built in 1928. We have lived in this house for 33 years. For many of those decades we were neighbors and friends with Dick and Nancy Bonacci, our neighbors across who lived in that home across from us for over 50 years, having purchased the house in 1969. They raised their three daughters in that home and all of them are successful adults. Unfortunately, Nancy passed away in 2023. Dick lived there by himself until he had a fall in his driveway in 2024. He later passed away from those injuries and from his age because he was in his 90's. He had been the Cleveland State University wrestling coach for many decades as well as advisor to other wrestling teams in the area.

After his passing, there was a multi-day house sale for the contents of the home, by way of auction, and then the property was sold twice. Apparently, the first sale did not go through. And now it has been sitting vacant. A few months ago we got quite the shock when we received

a request for five variances in order to build a new home that appeared to be twice the size of what is permitted on our street.

One of the reasons I am writing this letter to you in addition to being in attendance at the Hearing is that the Bergans, who apparently made this request according to the paperwork, have never lived on this street. However, they did live on a street blocks away at 20681 Beachwood Dr. A picture of that home is attached because it is important to see where they lived before they purchased this house because since they purchased the home they have been claiming that they needed variances for environmental reasons because of a child who has some type of allergies to mold.

We certainly sympathize with childhood ailments because we raised our three children in our home as did the Coach. We understand that sensitivities to different things could be a problem for families. But, mold does not just appear anywhere at any time. It takes a warm, moist place, and time. I do not pretend to understand what is over at their house now because it has been vacant for two years and no maintenance has been done that we can see. But at the same time, it looks to me like their previous home was not elevated by 2'6" and they lived there from 2011 to 2025; a period of 14 years. Further, there is no way for us to verify any of the information that they are telling us because it is covered by HIPAA, privacy laws in general, and we should take it on faith, which is not exactly the way a Building Code is supposed to work.

One of the many reasons Northcliff has maintained its unique character is because the neighbors who have lived here over the years have abided by Rocky River's Building Code and changes to the structures over the decades. That Building Code in Rocky River is not a suggestion. It is a community neighborhood law that keeps all the homes and the street in proportion and character and maintains this beautiful street. In fact, one of the Commissioners mentioned at the last Hearing that it is important to have symmetry in terms of setbacks from the street; distance between the homes; height of the buildings; not only for eye appeal, but for air flow, safety services, and for many other reasons. And it protects every homeowner and their property from newcomers who seek to destroy that aesthetic by failing to abide by the Building Code.

As you can see from the second page of Coach Bonacci's photos, it is a beautiful home that is very old. It did have beautiful trees and shrubbery throughout the yard, most of which are gone at the current time. It was completely stripped of vegetation back a few months ago by a tree company that showed up unexpectedly and ripped almost everything out, including a giant tree in the front exposing all of the homes on Beachcliff Blvd. to us on Northcliff.

We get the idea that Rocky River is a desirable place to live and a very safe place to live because neighborhoods are important and neighbors are important. But, at the same time, we believe that one of the reasons why HOAs and planned unit developments have gone up around

the country, including our area, is because people want our Community Boards to maintain consistency even when the people who want to live in the area do not want to follow the rules.

Here, the people that bought this property, as we understand it, have lived in Rocky River just blocks away from this property and they certainly know what they bought. They got a very good financial deal on the property because the Coach had taken on a reverse mortgage. And, the holder of that mortgage just wanted to be paid on it, which is what ended up happening.

In our view, this proposed new home is still too large, too high, and too close to the adjoining properties to grant any variances. Also, in our view, variance requests are not something that they should have taken lightly, the community should take lightly, or that the architect should take lightly. What variances do in reality is they give rights to those seeking the variance while taking away the rights others previously enjoyed. They not something that should be done just because it is inconvenient for someone that purchased property at a good deal to be able to build a residence as large as they possibly can. And don't think the idea that they will turn around and sell this house to make a profit has not crossed our minds. Maybe not immediately, but, particularly in this neighborhood, we have all seen families hop from one house to another on their way to the lake making hundreds of thousands of dollars along the way. Indeed, it appears the Bergan's home on Beachwood Drive was completely renovated was sold by them for over \$900,000, a substantial price for a home on that street.

The Board should also be aware that we also discovered that Mr. Bergan is a Real Estate lawyer with about twenty years of experience doing very sophisticated real estate deals around the area and probably the country. He works for the largest law firms in the United States. I state that, not to denigrate him, naturally. But, he is someone who should know that he should not come with seven variance requests over three months. And instead, should either maintain the property he bought, fix it up, and live in it so we are not looking at a vacant piece of property, or demolish it and build the house within Code, which could have been done a long time ago. It is far from neighborly to leave a dwelling vacant for over a year not only for aesthetic reasons but for safety concerns.

II. LEGAL DISCUSSION

The burden to prove the conditions necessary to obtain a variance is on the party seeking the variance. And, the failure to establish conditions requires the Board of Zoning Appeals to deny any requested variance. See, ProTerra, Inc. v. City Bd. of Zoning Appeals, (8th Dist. 2020), 2020-Ohio-6739.

Pursuant to our Rocky River Codified Ordinances, Section 1133.17(c), this BZA reviews variance requests under one of two standards. Either practical difficulties, which means the project cannot be completed without the variance due to physical or engineering constraints, or

unnecessary hardship that the project cannot be completed without the variance due to economic or other hardships.

It appears from both the prior application and instructions to the Applicants, as well as the current application and instructions, that the practical difficulties test for the variances is what should apply. It is also worth noting here that when I mentioned above that Mr. Bergan, apparently, is an experienced real estate attorney with approximately two decades of experience, one of the questions is what he knew about the requirements of the property when he purchased it. And, I cannot imagine that he did not perform the due diligence to understand what he bought, especially at the price he purchased it for.

More specifically, under Practical Difficulties testing, the Applicants stated that pursuant to Rocky River Codified Ordinance § 1133.17(c)(1), "The projection on the west elevation is designed to provide an architectural detail to what would otherwise be a two story flat wall facing the neighboring residence. For this reason we request a variance of 1.3'. Due to family medical needs, the house has been designed to control and prevent the development of mold and moisture in and around the structure. It is important that finish floor is as high as it can be from finished grade. For this reason we request a height variance of 2'-6". The answer to the Bergans' problem is obvious – find a property that fits the medical needs of the family. Obviously, this property, which is subject to the Code, does not. .

Under Section (B), the Applicants then stated, "Because of the sensitive medical issues and the desire to design a structure that would be in aesthetic harmony with the neighboring properties, would limit the beneficial use of the property should they not be granted." I am not even sure what that means but the Code does not provide for someone's sensitive medical issues and certainly does not allow someone to infringe on the neighbors' protections under the Code.

Under Section (C), the Applicants stated, "Please see response to Question B. Please refer to the site plan. The setback variances are not continuous intrusions into the setback but rather are limited to 7' along the west setback."

Under Section (D), the Applicants stated, "As illustrated by the elevation you can see the structure is designed to be in aesthetic harmony with the adjoining properties, as well as the neighborhood in total." Not so, none of the houses on Northcliff are built over 2 feet 6 inches above grade. The proposed house will simply look out of place being built so far above grade.

Under Section (E), the Applicants stated, "There would be no adverse effect to the delivery of government services as a result of the granting of the variances."

Under (F) on the question as to whether the property owner purchased the property with knowledge of the zoning restrictions, the Applicants stated, "We cannot opine to the owner's knowledge of the zoning restrictions," as if to suggest that no one would have known about the

need for variance requests. Or, that Mr. Bergan, a real estate lawyer with twenty years of experience, would not have known about the zoning restrictions.

Under Section (G), the Applicants stated, “No special conditions or circumstances exist as a result of the owner’s actions” in response to the question of whether special conditions or circumstances exist as a result of the actions of the owner.

Then, under Section (H), the Applicants refer to the answers to questions A,B,D and G and I reiterate my responses set forth above.

Under Section (J), the Applicants stated there would be no special privilege conferred to the applicants as a result of granting the variance. That is not true; certainly they would have special privileges – a house sticking up from the ground higher than the other houses and a house with higher interior ceilings.

Under Section (K), the Applicants note that neighboring properties exhibit significant improvements and could not have been realized under a literal interpretation of the provisions of the Code, although it does not specifically state what variance requests permitted these additions or any proof of what they are talking about. Certainly, we abided by the Code out of consideration for our neighbors. When building our additions, we too could have requested variances to obtain greater height for our interior rooms and a larger kitchen with a spacious pantry. But we respected the rights of our neighbors and built within the Code.

In the current application of September 2026, the Applicants state in response to Section 1133.17(c)(1)(A), “the project on the west elevation is designed to provide an architectural detail to what would otherwise be a two-story flat wall facing the neighborhood and the neighborhood residents.” But, they go on to state, “due to family medical needs, the house has been designed to control and prevent the development of mold and moisture in and around the structure. It is important that the finished floor is as high as it could be from the finished grade. For this reason, we request the height variance of 2 feet, 6 inches.”

But, three months ago, the Applicants told this Board that the elevation request was “in aesthetic harmony with the adjoining properties, as well as the neighborhood in total.” So, we are not sure why this unidentified medical issue was not identified in the first go around and how it exhibits now. We have never heard of a situation where a house has to be higher than the finished grade in order to prevent mold that can otherwise be prevented by a number of normal means that people use to keep their house dry, if that is necessary for whatever it is that is involved. In any event, if the house has to be built higher and that height violates the Code, the Bergans should look elsewhere for land to build on out of respect for the neighbors on Northcliff Drive.

Additionally, we note that the picture of the house they used to live in on Beachwood Drive clearly indicates that house was not 2 feet, 6 inches off the finished grade and we would assume that the same person(s) that lived in the property with the same medical issues somehow survived. I do not mean to be flippant. But, it is somewhat odd that this is being used as a justification for a variance request when the more practical thing to do, if you needed a house that needed to be dry, is to move to Arizona or a place where the houses themselves are already well above grade. A house two and a half feet over Code would tower over everything on our street. It seems more likely that the idea is to have very tall ceilings (11 feet according to their drawings). None of the homes on Northcliff have 11 foot ceilings .

The current answers to questions B, C, and D are basically the same as last time, except that they are inaccurate. This is not designed to be an aesthetic in harmony with the adjoining properties as well as the neighborhood. And, 7 feet along the west setback is a significant intrusion. Once again, the Applicants state that they cannot opine as to owner's knowledge of the Zoning Restrictions when they are the owners. In other words, they purchased this property over 2 years ago, not only with knowledge of real estate law, but with knowledge of the Zoning Restrictions.

Finally, the Applicants state that there would be, "no special privileges conferred to the Applicants." Of course there would be. Yes, variances have been requested in the area. Have they asked for the kind of height, setback, frontage, and the seven variance requests requested by these Applicants over a three-month period? No. The Bergans misunderstand the nature of the street or do not care to understand the unique nature of Northcliff in relation to all the houses, particularly since many of them are brick and have space in between, have very limited driveways, (not twenty-foot concrete pads) and do not park their cars in the front unless there is a circular drive. These are the kind of things these Applicants knew when they purchased the property.

As this Board is well aware, the Practical Difficulties Standard variance was discussed in great detail in *Duncan v. Middlefield* (1986) 23 Ohio St.3d 83 as cited in *ProTerra, Id.*

The Supreme Court in *Duncan* stated that the factors to be considered and weighed in determining whether a property owner seeking area variance has encountered practical difficulties in the use of the property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;

3. Whether the essential character of the neighborhood would be substantially altered or whether the adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services;
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
6. Whether the property owner's predicament can be obviated through some other method other than a variance; and
7. Whether the spirit and intent behind the zoning requirements would be observed and substantially adhered to by granting the variance.

The *Duncan* case has been cited 739 times since its Decision in 1986. One of the most recent Decisions citing it is, *Snyder v. Leroy Township Bd. of Zoning Appeals*, (11th Dist. 2024), 2024 WL 2132562. In that case, the Township's Board of Zoning Appeals denied the application for a zoning variance to lessen a front yard setback requirement from 100 feet to 50 feet in order to build a second accessory structure. The Lake County Common Pleas Court affirmed that Decision and the Eleventh District Court of Appeals affirmed it as well.

The Eleventh District Court of Appeals said the key to the Practical Difficulty Standard in determining whether a property owner is entitled to an area variance is whether the area for zoning requirement as applied to the property owner in question is reasonable. *Id.*

This is because any time an existing property owner encounters practical difficulties with zoning requirements that keep him or her from using the property as they desire, the question is whether what they are doing is reasonable.

The Eleventh District noted in weighing the *Duncan* factors, not any one single factor is dispositive, but there is also no requirement that the factors be applied mathematically. *Snyder v. Leroy Township Bd. of Zoning Appeals*, *Id.* citing *Winfield v. Painesville* (11th Dist. 2005), 2005-Ohio-3778.

The answer to the Applicants' dilemma is not for them to be seeking variances, but for the architect to redesign a home that meets the current zoning restrictions in the way that all other homes on the street have done. This is what the architect should have done in the first place.

More specifically, a variance for a 27 foot, 6 inch height home when only 25 feet is permitted is extreme. That is asking for a house 2 ½ feet taller than allowed. To the extent that proposed height exceeds that of a house on either side of it, the Applicants' house will be disproportionate to the next-door neighbor and simply look out of place and distract from the aesthetics of the street that the former Coach Bonacci's home was part of for 97 years. It is hard not to surmise that the real objective in seeking a variance for a taller house is to have taller ceilings in the house (apparently 11 foot) which is also contrary to the ceiling heights of the other homes on Northcliff.

The excessive height only adds to the disproportionality of the house to the front facing garage making the house the proverbial "snout house" because the garage's width exceeds 40% of the home's total front façade. Unfortunately, the garage, not the front door is the predominate feature of the home's front façade destroying what would otherwise probably be an attractive house.

And the wide concrete driveway with two parking spaces in front of the garage only further detracts from the aesthetics of the neighborhood (as well as the beauty of the house they propose to build, unfortunately). Eighty percent (80%) of the homes on Northcliff have garages in the rear of their yards, not in the front.

In the *Snyder* Case, the Court went through the seven *Duncan* factors and found that the applicant had not met them. In looking at those seven factors in this situation, the fact is that the property would still yield a reasonable return and could be used for a beneficial use without the variance; the variances are substantial; we believe the essential character of the neighborhood would be substantially altered and the adjoining properties could suffer substantial detrimental results from the variances; the property owner purchased the property with knowledge of the zoning restrictions; the property could be obviated through some other method such as making the footprint smaller and the spirit and intent behind the zoning requirements would not be observed by granting the variances.

In *Barry v. Bay Village Board of Zoning Appeals* (8th Dist. 2017), 2017 WL 3531468 the Board denied the requested variances, which was affirmed by the Court of Common Pleas, then affirmed by the Eighth District Court of Appeals. The City's Decision to deny the homeowner's requests for a variance of the City's setback requirements was supported by substantial, reliable and probative evidence; the homeowner could not demonstrate how his need for storage space was peculiar to his premises as the restrictions to the backyard were not unique, the variance did not deny a substantial property right and he had knowledge of the zone restrictions when he purchased the property consistent with Revised Code, Section 2506.04.

Similarly, in *Bilton v. Danbury Township Board of Zoning Appeals*, 261 N.W.3d 1165 (6th Dist. 2025) the property owners appealed a BZA Decision denying request for area variances

from the setback requirement, but the Court of Common Pleas affirmed BZA Decision and the Sixth District Court of Appeals affirmed.

Again, the Eleventh District Court of Appeals applied the *Duncan* factors and found that the Decision by the BZA was fully appropriate and within the discretion of the BZA. They further noted, again, that even if some of the factors in the *Duncan* factors weigh in favor of the property owner that does not mean that the BZA must find in favor of the applicant. *Id.* citing *Phillips v. Westside Board of Zoning Appeals* (8th Dist. 2009), 2009-Ohio-2489; *see also*, *1450 Kenilworth, LLC v. City of Cleveland* (8th Dist. 2023), 2023-Ohio-300 in which the Eighth District Court of Appeals affirmed the Cleveland Board of Zoning Appeals Decision denying the appellant's request for an area variance.

III. CONCLUSION

In conclusion, despite the fact that we have objected twice and had to spend an inordinate amount of time dealing with someone that obviously cannot understand how Zoning laws work despite over twenty years in real estate law, the proposed dwelling design is simply too tall and too wide for the lot they have.

One of the many reasons we have laws regarding height, coverage, front and side setbacks, and other restrictions is so that people do not have to guess at how to fit their property into the symmetry of what they bought. These Codes are not meant as suggestions. This is why the BZA is set up and why they are meant to teach architects and owners about what they can and cannot do, not what they can look at and try to get away with. They are meant to be followed for the good of the homeowner themselves and the neighborhood, not just the people who want to build something larger or better for themselves. Proportionality, scale and uniformity all contribute to the beauty and the beneficial use of the street and the neighborhood. When the rules are disregarded and variances are sought and likewise permitted to occur, especially when we end up seeing things that sticks out like in a couple other houses in Rocky River (and you know them when you see them), those houses are displeasing to the aesthetics of the neighborhood. So, we believe the solution for these Applicants, as we have stated before, is to build a home, within the Code, on the lot they bought, or find a place elsewhere.

Additionally, the Applicants have failed to show: 1) they cannot realize a reasonable return on the property under current zoning laws; and 2) the hardship would result. The applicant bought a property that he knew or should have known was too small for their plans. As a result, the alleged hardship was *self-created* and, therefore, the Applicants should not be entitled to any variances. In addition, the variances requested will alter the central character as well as overwhelm that lot by its size and bulk, and fail to fit in, as Coach Bonacci's house does now, and negatively affect the aesthetic of Northcliff Drive.

Ohio law has said repeatedly, under numerous cases, that mere inconvenience or increased costs; personal preferences and purported financial loss alone, even though that is not a case being made by the applicant, do not qualify as a hardship. So, to succeed one must prove a unique, unavoidable and economically significant hardship tied to the property's physical condition rather than one's own choices of general convenience.

As the Board is well aware, the intent of the single family zoning districts, pursuant to Section 1153.01 of our Zoning Ordinances and regulations are meant to regulate the bulk and location of dwellings, accessory buildings and other structures, to obtain property privacy and useable open space to each lot appropriate in the district the property sits in. It is also meant to regulate the density and distribution of the population and avoid congestion and to maintain adequate services.

The Zoning Regulations have been in place for some time. They are meant to provide proper space between buildings and to protect the desirable characteristics and promote the stability of the then existing residential development. I am paraphrasing a lot of this directly from Subsections (a) – (e) of Section 1153.01, which you will, of course, know. But, I remind you of this because when we bought our home in 1993 and looked at the surrounding homes we certainly would not have considered buying this home if we were looking across at the kind of mass that the purchasers of 314 Northcliff want to put on their property. The volume of the proposed structure, which for all intents and purposes consumes the entire yard of the property, is way out of proportion with not only what was there, but other homes on the street. To my way of thinking, it completely eliminates almost all area space and light for adjoining neighbors as well as us looking at a ginormous structure.

Section 1153.11 with respect to the Design of Construction Board of Review looks at the building height, width and general proportions, architectural features, the use of building materials and so forth. The whole concept is to make sure that the proposed structure is judged to be appropriate with respect to the then existing architectural styles that fits comfortably within the neighborhood and overall community. This applies to not only the structure but the landscaping, accessory structures including garages and so forth. So, designs that seek variances deviates substantially from the current building and overall character of the neighborhood and they are not minimal.

Section 1153.29 limits the height of principal buildings and structures to 25 feet, and there is a reason for that, that all property owners adhere to. It is to prevent one house from overwhelming the other houses, looking out of place and being incongruous to the overall aesthetic of the neighborhood

We have not had much time to consider all of this, particularly since no one came to speak with us at all, ever, about the variances three months ago or the current variances. With

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that said, while we want to be good neighbors, we have to be very considerate of the fact that we have built up both good will and value in our maintaining, as well as others maintaining, the beautiful nature of our street, which has a lot to do with the way that people have developed their homes over the decades. So, we ask this Board to deny these variances or permit the Applicant to withdraw them, once again, like the last time. And, we ask that the Board possibly notify the Applicants that they should talk with all their neighbors if they want something different than what is permitted.

Sincerely,

MICHAEL P. HARVEY, CO., L.P.A.

/s/Michael P. Harvey

Michael P. Harvey, Esq.

MPH/rrgc
Enclosures

NEWS & ACHIEVEMENTS

Vinson & Elkins Hires Peter Bergan as Real Estate Partner

Firm News

June 1, 2026 • 2-minute read

Bergan advises investors, developers, and owners on complex real estate transactions, including data center developments and other large-scale infrastructure projects.

Vinson & Elkins today announced that [Peter C. Bergan, Jr.](#) has joined the firm as a New York-based partner in its [Real Estate Industry](#) practice. Bergan focuses on data center assets, advising clients across the full lifecycle of transactions, including construction, M&A, leasing, customer arrangements, and other commercial contracts. He has also advised on complex, multibillion-dollar strategic partnerships, cross-border acquisitions, and financings spanning industrial, mining, retail, hospitality, and multifamily and single-family assets nationwide.

“Peter’s experience representing some of the nation’s largest technology and data center companies perfectly complements our fast-growing [Data Center](#) practice, which is helping clients build and scale power and data center projects globally,” said [Kaam Sahely](#), Vinson & Elkins partner and co-head of the firm’s Transactional group.

“Vinson & Elkins represents many of the most active participants in the data center industry, and I look forward to growing my practice with a firm known for its market-leading infrastructure, power, and energy platforms,” Bergan said.

Bergan earned a bachelor’s degree from Ohio State University and a Juris Doctor from Loyola University Chicago School of Law.

Vinson & Elkins’ [Real Estate](#) lawyers represent all facets of the real estate industry on every side of the table — including banks, insurance companies, private equity firms, and other financial institutions — making the firm uniquely positioned to guide clients and deliver strategic solutions.

The firm’s [Data Center](#) practice brings deep, cross-disciplinary experience to the transactions driving the AI data center business: joint ventures, acquisitions and dispositions, equity investments, debt financings, engineering, procurement, and construction (EPC) contracts, master lease and service agreements, build-to-suit arrangements, site management agreements, service-level agreements, and more.

About Vinson & Elkins For more than a century, Vinson & Elkins has provided outstanding client service across important industries that drive the global economy. Built on a strong culture of collaboration across 14 offices worldwide, V&E lawyers are committed to excellence, offering clients decades of legal experience in handling transactions, investments, projects and disputes across the globe. Learn more by visiting www.velaw.com or connect with us on [LinkedIn](#).

For more information, please speak with our [media contacts](#).

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to be aesthetically pleasing, h



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AI Overview

To look aesthetically pleasing, a front-facing two-car garage should ideally measure 20 to 24 feet wide, but it should not exceed 30% to 40% of the total front building width of the house.  Eagle Carports

When a front-facing garage is too wide relative to the rest of the structure, it creates a "snout house" effect where the garage dominates the architecture instead of the home's entryway.  The Plan Collection

Key Proportion and Design Rules

- **The Golden Ratio/Width Cap:** If your house front elevation is 50 feet wide, the garage portion should ideally stay around 20 to 24 feet. Keeping the garage equal to or narrower than the main habitable portion of the house prevents it from becoming an eyesore.
- **Recession vs. Protrusion:** If the garage width takes up a large portion of the front, recess it by at least 2 to 4 feet behind the front porch or main living area façade so shadows break up the flat plane.
- **Door Configuration:** Instead of one massive 16-foot double door, use **two separate single doors** (8 or 9 feet wide each) with a pillar or column of siding between them. This adds architectural rhythm and scale, making the expanse feel less like a massive black void.  Houzz
- **Break Up the Massing:** Ensure the roofline or second-story living space extends partially over the garage, or add architectural details like windows, pergolas, or varying siding textures above the garage doors to draw the eye upward and across the entire facade rather than just down to the pavement.

If you want to share **the total width of your house** or whether it's a **single-story or two-story home**, I can give you a more specific size recommendation.



Eagle Carports



Dimensions of a 2-Car Garage - Eagle Carports

Our metal garage installation experts are embarking on a journey to help you create your dream garage, with a special focus on the...



 The Plan Collection

A Barrage of Garages – Design Guidelines for Your Car's Next Home

When designing a garage under a house, you can consider things like: * **Door facing** Front-facing doors can dominate the look of...



 Houzz

Key Measurements for the Perfect Garage

To open a car door without hitting another car door, you should leave at least 36 inches of space between cars. You can also consi...



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Double Car Garage Dimensions: Essential Sizes & Layouts

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What is the ideal garage width for two cars?

What is a decent width for a 2 car garage? In particular, what is a decent width per bay? 8 x 9 overhead door is what we are looking into. Would 20 feet ...

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Good evening. What **width** and length **would** you place on a ... Apr 6, 2020

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The Plan Collection

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Examples & Guidelines for the Garage in Your Next Home

Jan 31, 2023 — Minimum, such a **garage should** be 20 x 20 feet but preferably 20 x 24 feet or, better yet, 24 x 24 feet. The larger sizes allow extra room at the ... [Read more](#)



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<https://www.houzz.com> › discussions › minimum-practi...

minimum practical size of 2-car garage

Jul 15, 2018 — As close to 24x24 as you can get. Our new build **front** attached **garage** is something like 23x24...lot restrictions prevented us from widening it ... [Read more](#)

What is the perfect size for a **two car garage**? - Houzz 40 posts Jun 28, 2012

Garage placement rule of thumb? | Houzz Forum 42 posts Dec 15, 2017

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Missing: ~~pleasing~~ | Show results with: **pleasing**,



Ask the Builder

<https://www.askthebuilder.com> › garage-width-for-2-cars

Garage Width for 2 Cars - 26 Feet Minimum

The garage width for 2 cars is often far too small in many homes. It's common to see the exterior foundation be 20 feet. It should be **at least 26 feet**. Why?

Missing: ~~aesthetically pleasing~~, ~~front~~



Eagle Carports

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June 11, 2026

Privileged and Confidential

Rocky River Board of Zoning &
Building Appeals
21012 Hilliard Blvd.
Rocky River, Ohio 44116

RE: *June 11, 2026 Public Hearing*

Dear BZA Members:

On Saturday, June 6, 2026, my wife and I were very surprised to receive in the mail an agenda for the Thursday, June 11, 2026 meeting request by people I have yet to meet, seeking to obtain five variances for a home they propose to build directly across from us. In the same week, I discovered that the home is intended to be used as a fire training home prior to its demolition, as confirmed by Chief Leonard.

It is important that this Board understand some background about this home. I am enclosing photos I took of the late Coach Bonacci's home so you can appreciate our concerns with not only the demolition, but with the variances.

Our house was built in 1926 and finished in 1927. We have been blessed to have lived here for 33 years. For many of those years, we were neighbors and friends with Dick and Nancy Bonacci who lived across from us.

Dick and Nancy lived in that home for over 50 years, having purchased the house in 1969. They managed to raise three daughters in that home. Unfortunately, Nancy passed away in 2023 and Dick lived there by himself until he had a fall in the driveway in 2024 and later passed from his injuries. He was in his 90's and had been the Cleveland State University wrestling coach for many years.

After his passing, there was a multi-day house sale for the contents of the home and then the property was sold twice. Apparently, the first sale did not go through. It has been sitting vacant for some time now, and we had not heard anything about what was going to happen except for rumors. So, this came as quite a shock when we received the agenda item. We also looked at the drawings for the proposed home and the reasons for the variance requests.

One of the reasons this street has maintained its character is because people have abided by the zoning code in the building and even in the changes to the structures over the years. That

building code is not a suggestion but the community neighborhood law which keeps the homes and the street in proportion and keeps it a beautiful street.

As you can see from the second page of the photos of Coach Bonacci's old home, it is a beautiful home 97 years old. It had beautiful trees and shrubbery in the yard, all of which are gone. It was completely denuded a couple of weeks ago by a tree company that ripped everything out including the giant tree in front exposing the homes on Beachcliff.

The difficulty in Rocky River, we understand, is that it is a desirable place to live. But, at the same time, the reason why HOAs have been set up across the country much like our Board's is to maintain consistency even when people do not want to maintain the rules. Here, the people that bought this property, as we understand it, live very close to this property now. They got a very good deal on it because the Coach had taken on a reverse mortgage and the holder of that mortgage just wanted to be paid and that is what the family ended up doing. Apparently, this house they purchased and knew they were buying was not suitable for one of their children, so they required a brand-new home.

This new home is too large and too high and five variances prove that. Variance requests are not something that any community should take lightly and certainly something that the people who knew what they bought going in should be requesting. In other words, if the plan all along was simply to put a large house on a street where the house would be inconsistent with what is already there because that is what they want, is simply not acceptable. Our three daughters lived in our house. It is very manageable as a property without demolition or without variances.

I. LEGAL DISCUSSION

The burden to prove the conditions necessary to obtain a variance is on the party seeking the variance and a failure to establish conditions requires the Board of Zoning Appeals to deny the requested variance. *See, ProTera, Inc. v. City Bd. of Zoning Appeals*, (8th District 2020), 2020-Ohio-6739.

Pursuant to Rocky River Codified Ordinance Section 1133.17(c), the BZA reviews variance requests under one of two standards. Either practical difficulties, which means the project cannot be completed without the variance due to physical or engineering constraints or unnecessary hardship that the project cannot be completed without the variance due to economic or other hardships.

It appears from the May 27, 2026 application and instructions to the applicant that the applicant shows, per the instructions, the practical difficulties test for the rear side and front setbacks as well as the coverage variance and the width variance. More specifically, under Practical Difficulties, the applicant stated and pursuant to Rocky River Codified Order Section 1133.17(c)(1), "The property has irregular property lines. The east property line is angled which

occasions our request for a 1.1 foot variance. The north property line is skewed at the northeast corner which creates a need for a 3.0 foot variance” and refers to site plans. Under Section (B), the applicant stated, “Again, because of the irregular shape and the minimal nature of the requested variances, would limit the beneficial use of the property should they not be granted.” (This actually sounds more like an unnecessary hardship argument).

Under Section (C), the applicant states “Please see response to Question B. Please refer to the site plan. The setback variances are not continuous intrusions into the setback but rather are limited to the corners of the structure. Additionally, the covered variance is 5.8% over allowed by the Code.”

Under Section (D), the applicant states “As illustrated by the elevation you can see the structure is designed to be in aesthetic harmony with the adjoining properties, as well as the neighborhood in total.”

Under Section (E), the applicant stated “There would be no adverse effect to the delivery of government services as a result of the granting of the variances.

Under (F) on the question as to whether the property owner purchased the property with knowledge of the zoning restrictions, the applicant stated “We cannot opine to the owner’s knowledge of the zoning restrictions” as if to suggest that no one would have known about the need for variance requests.

Under Section (G), the applicant stated “No special conditions or circumstances exist as a result of the owner’s actions” in response to the question of whether special conditions or circumstances exist as a result of the actions of the owner.

Then, under Section (H), the applicant states again that the irregular shape of the lot coupled with the required setbacks make the design of a structure unachievable at the requested variance because the lot area is 8,897 square feet and the total area consumed by setback is 5,112 square feet.

Under Section (J), the applicant stated there would be no special privilege conferred to the applicant as a result of granting the variance.

Under Section (K), the applicant notes that neighboring properties exhibit significant improvements and could not have been realized under a literal interpretation of the provisions of the Code, although it does not specifically cite to any variance request that permitted these additions.

Because the applicant signed for the instructions which required the applicant to decide whether there were going to be practical difficulties or unnecessary hardship, that is the way we proceed.

As this Board is well aware, the practical difficulties standard variance was discussed in great detail in *Duncan v. Middlefield* (1986) 23 Ohio St. 3d 83 as cited in *ProTera, Id.*

The Supreme Court in *Duncan* stated that the factors to be considered and weighed in determining whether a property owner seeking area variance has encountered practical difficulties in the use of the property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether the adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services;
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
6. Whether the property owner's predicament can be obviated through some other method other than a variance; and
7. Whether the spirit and intent behind the zoning requirements would be observed and substantially adhered to by granting the variance.

The *Duncan* case has been cited 739 times since its decision in 1986. One of the most recent decisions citing it is *Snyder v. Leroy Township Bd. of Zoning Appeals*, (11th District 2024), 2024 WL2132562. In that case, the Township's Board of Zoning Appeals denied the application for a zoning variance to lessen a front yard setback requirement from 100 feet to 50 feet in order to build a second accessory structure. The Lake County Common Pleas Court affirmed that decision and the Eleventh District Court of Appeals affirmed it as well.

The Eleventh District Court of Appeals said the key to the practical difficulty standard is determining whether a property owner is entitled to an area variance is whether the area for zoning requirement as applied to the property owner in question is reasonable. *Id.* This is because any time an existing property owner encounters practical difficulties with zoning requirements that keep him or her from using the property as they desire, the question is whether what they are doing is reasonable.

The Eleventh District noted in weighing the *Duncan* factors, not any one single factor is dispositive, but there is also no requirement that the factors be applied mathematically. *Snyder v. Leroy Township Bd. of Zoning Appeals*, *Id.* citing *Winfield v. Painesville* (11th District 2005), 2005 WL1714181.

In general, the alleged “minimal nature of the requested variance” are not minimal at all and cumulatively are akin to shoving 10 pounds of potatoes in a 5 pound bag. In other words, as one former member of the Rocky River Board used to say, the the granting of such ordinances creates tenement housing in Rocky River. The applicant argues that the irregular shape of the lot coupled with the required setbacks makes the design of a structure unachievable without the request of variances. That is not accurate. It makes the *applicant’s* design unachievable because it was simply too big for the lot, and they knew it going in, because they purchased this property over a year ago. So, the answer to the applicant’s dilemma is not for him to be seeking variances but for the architect to redesign a home that meets the current zoning restrictions in the way that all other homes on the street have done. This is what the architect should have done in the first place.

More specifically, a variance for a 28 ft. 9 in. height home with only 25 feet permitted is extreme. That is essentially asking for a house 4 feet taller than allowed. This residence would be on a 8,897 square foot lot. To the extent that proposed height exceeds that of a house on either side of it, the applicant’s house will be disproportionate to the next-door neighbor and simply look out of place and distract from the aesthetics of the street that the former Coach Bonacci’s home was part of for 97 years.

The variance sought on the east side setback of 6 ft. 10 in. when 8 feet is required is reduction of 1 ft. 2 in. of a side setback. The result of such a reduction in the side setback would be the applicant’s garage will be too close to the next-door neighbor’s garage. The fact that the applicant’s plans call for a two-car garage opening in front, and not in the back like most of the homes on the street, is unsightly. And, putting a two-car garage (with two separate garage doors) next to a two-car garage (with two separate garage doors) next to each other is simply unappealing.

In this case, this variance request is exacerbated by the fact that the applicant’s next-door neighbors already have a two-car garage that opens in front, next to the applicant’s garage. As such, there would be literally four garage doors next to each other separated by 6 ft. 10 in. This is an unfortunate aesthetic choice that will adversely affect the symmetry of the street as the garage will appear to be a row of storage spaces.

The applicant also requests that the rear setback be 22 feet, as opposed to the mandated 25. That is a 3 feet difference. A backyard with a setback of 25 feet is small enough to begin with, but reducing it even in small part, would make it disproportionate to the size of the house. The house is simply too large for the lot.

The applicant also asks for a variance to construct the residence with a lot coverage of 33.8% as opposed to 28% of the lot under Rocky River Codified Ordinances. That is almost a 6% increase of the lot coverage. Rocky River zoning laws are generous as it is, but allowing a 33.8% lot coverage will look disproportionate, not only in relation to the lot itself, but to the other houses on the street do not have that. The applicant's lot is only 8,879¹ square feet and they knew that going in. The lot was not meant for a 4,501 square foot house with an attached two-car garage, at least not without the house and the garage looking disproportionate or out of scale or out of place, in relation to the lot size and the houses around it and across from it.

So, in the *Snider* case, the Court went through the seven *Duncan* factors and found that the applicant had not met them. In looking at those seven factors in this situation, the fact is that the property would still yield a reasonable return and could be used for a beneficial use without the variance; the variances are substantial; we believe the essential character of the neighborhood would be substantially altered and the adjoining properties could suffer substantial detrimental results from the variances; the property owner purchased the property with knowledge of the zoning restrictions; the property could be obviated through some other method such as making the footprint smaller and the spirit and intent behind the zoning requirements would not be observed by granting the variances.

In *Vary v. Sidney Bay Village Board of Zoning Appeals* (8th Dist. 2017), 2017 WL 3531468 the BLZ denied the requested variances, which was affirmed by the Court of Common Pleas, then affirmed by the Eighth District Court of Appeals. The City's decision to deny the homeowner's requests for a variance of the City's setback requirements was supported by substantial, reliable and probative evidence; the homeowner could not demonstrate how his need for storage space was peculiar to his premises as the restrictions to the backyard were not unique, the variance did not deny a substantial property right and he had knowledge of the zone restrictions when he purchased the property consistent with Revised Code, Section 2506.04.

Similarly, in *Bilton v. Danbury Township Board of Zoning Appeals* (6th Dist. 2025), 261 N.W.3d 1165 the property owners appealed a BZA decision denying request for area variances from the setback requirement, but the Court of Common Pleas affirmed BZA decision and the Sixth District Court of Appeals affirmed.

Again, the Eleventh District Court of Appeals applied the *Duncan* factors and found that the decision by the BZA was fully appropriate and within the discretion of the BZA. They further noted again that even if some of the factors in the *Duncan* factors weigh in favor of the property owner that does not mean that the BZA must find in favor of the applicant. *Id. citing Phillips v. Westside Board of Zoning Appeals* (8th Dist. 2009), 2009-Ohio-2489.

¹ The Cuyahoga County Fiscal Office reports the lot size as 8,500 square feet.

Also see, *1450 Kenilworth, LLC v. City of Cleveland* (8th Dist. 2023), 2023 WL 1458881 in which the Eighth District Court of Appeals affirmed the Cleveland Board of Zoning Appeals decision denying the appellant's request for an area variance.

II. CONCLUSION

In conclusion, I do not know the applicant, but the proposed dwelling is simply too large for the lot. One of the reasons that we have laws regarding height, front and side setbacks and lot coverage is so that people do not have to guess about how to fit the symmetry of their home into already existing homes. They are not meant as suggestions. They are meant to be followed and for the good of the entire neighborhood, not just the people who want something different or better. Proportion, scale and uniformity all contribute to the beauty and the beneficial use of the neighborhood. When the rules are disregarded and variances are sought or allowed to occur we end up seeing something that sticks out in a displeasing manner. So, we believe the solution for the applicant is to build a smaller home on the lot they bought or to find a larger lot elsewhere.

I also suggest to the BZA that this lot leaves plenty of buildable area, just not enough for a house the size of the proposed dwelling; and there is nothing unique about the property. According to the applicant, the lot is 8,897 square feet. There are other lots in Northcliff that are even smaller all of the lots on Northcliff have irregular lot sizes, according to the County Fiscal Office.

For example, 357 Northcliff is 7,140 and irregular lot shape; 311 Northcliff is 8,184 and irregular lot shape; 326 Northcliff is 8,385 and an irregular lot shape; 326 Northcliff has 9,009 and an irregular lot shape; 344 Northcliff has 9,490 and an irregular lot shape; 325 Northcliff has 9,760 and an irregular lot shape; 300 Northcliff has 9,880 and an irregular lot shape; 349 has 10,020 and an irregular lot shape; 354 Northcliff has 10,500 and an irregular lot shape; 339 Northcliff has 10,980 and an irregular lot shape; 362 Northcliff has 11,100 and an irregular lot shape; 374 Northcliff has 12,395 and an irregular lot shape; 386 Northcliff has 12,950 and an irregular lot shape and 371 has 15,000 and an irregular lot shape.

Additionally, the applicant has failed to show: 1) he cannot realize a reasonable return on the property under current zoning laws; and 2) the hardship would result. The applicant bought a property that he knew or should have known was too small for their plans. As a result, the alleged hardship was *self-created* and, therefore, the applicant should not be entitled to any variances. In addition, the variances requested will alter the central character as well as overwhelm that lot by its size and bulk, and fail to fit in, as Coach Bonacci's house does now, and negatively affect the aesthetic of Northcliff Drive.

The applicant also asked for an increase of the driveway from 20 feet as wide as 21 feet again, that is not appropriate. The driveways on the street are not normally wide and that is too much. Mine is half that.

Ohio law has said repeatedly, under numerous cases, that mere inconvenience or increased costs; personal preferences and purported financial loss alone, even though that is not a case being made by the applicant, do not qualify as a hardship. So, to succeed one must prove a unique, unavoidable and economically significant hardship tied to the property's physical condition rather than one's own choices of general convenience.

As the Board is well aware, the intent of the single family zoning districts, pursuant to Section 115301 of our zoning ordinances and regulations are meant to regulate the bulk and location of dwellings, accessory buildings and other structures, to obtain property privacy and useable open space to each lot appropriate in the district the property sits in. It is also meant to regulate the density and distribution of the population and avoid congestion and to maintain adequate services.

The zoning regulations have been in place for some time. They are meant to provide proper space between buildings and to protect the desirable characteristics and promote the stability of the then existing residential development. I am paraphrasing a lot of this directly from Subsections (a) – (e) of Section 115301, which you will of course know. But, I remind you of this because when we bought our home in 1993 and looked at the surrounding homes we certainly would not have considered buying this home if we were looking across the kind of mass that the purchasers of 314 Northcliff want to put on their property. The volume of the proposed structure, which for all intents and purposes consumes the entire yard of the property, is way out of proportion with not only what was there, but other homes on the street. To my way of thinking, it completely eliminates almost all area space and light for adjoining neighbors as well as us looking at a ginormous structure.

Just recently as I mentioned, all of the trees, shrubs and plants on the property were eliminated. This was an inkling to us that demolition was close. Then we found out from the Fire Department that the house will be used for a training exercise, which we were not asked about. I think the kids will enjoy seeing the fire truck in the street, but I am a little concerned about a house like this being burned or used for exercises all day. But, that is not my concern or this Board's concern.

Section 115311 with respect to the Design of Construction Board of Review looks at the building height, width and general proportions, architectural features, the use of building materials and so forth. The whole concept is to make sure that the proposed structure is judged to be appropriate with respect to the then existing architectural styles that fits comfortably within the neighborhood and overall community. This applies to not only the structure but the landscaping, accessory structures including garages and so forth. So, designs that seek five variances deviates substantially from the current building and overall character of the neighborhood and they are not minimal.

/s/Michael P. Harvey

Michael P. Harvey, Esq.

MPH/cak/map/rrg
Enclosures

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Section 115329 limits the height of principal buildings and structures to 25 feet, and there is a reason for that, that all property owners adhere to. It is to prevent one house from overwhelming the other houses, looking out of place and being incongruous to the overall aesthetic of the neighborhood.

Sincerely,

MICHAEL P. HARVEY, CO., L.P.A.







