



**NOTICE OF PUBLIC HEARING**  
**PLANNING COMMISSION**  
**ON**  
**NOVEMBER 15, 2022**

TO WHOM IT MAY CONCERN:

THE PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON TUESDAY, NOVEMBER 15, 2022 AT 6:00 P.M. IN COUNCIL CHAMBERS OF ROCKY RIVER CITY HALL FOR A PUBLIC HEARING FOR A PRELIMINARY REVIEW OF A MODIFICATION TO A PREVIOUSLY APPROVED LOT SPLIT - REQUEST TO RESCIND THE 2016 RESTRICTIONS PLACED ON THESE PARCELS BY THE ROCKY RIVER PLANNING COMMISSION FOR FRAZIER NORTH (PPN 301-09-118 AND FRAZIER SOUTH (PPN 301-09-117).

BEFORE REACHING A DECISION, THE BOARD WILL GIVE THOSE IN ATTENDANCE AN OPPORTUNITY TO BE HEARD.

PLANS SHOWING THE PROPOSED LOCATION ARE ON FILE IN THE BUILDING DIVISION OFFICE AND ARE AVAILABLE VIA E-MAIL OR TO VIEW IN PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT [kstraub@rrcity.com](mailto:kstraub@rrcity.com) OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:  
See attached list

SPELMAN, NANCY  
19380 FRAZIER DR,  
ROCKY RIVER, OH 44116

211YCD LLC  
30050 CHAGRIN BLVD, SUITE 360  
PEPPER PIKE, OH 44124

Hollis David A  
19345 FRAZIER DR,  
Rocky River, OH 44116

EPPIG, MICHAEL PARKER-  
TRUSTEE  
19337 FRAZIER DR,  
ROCKY RIVER, OH 44116

SCHUSTER, NANCY C.  
221 YACHT CLUB DR,  
ROCKY RIVER, OH 44116

FRAZIER NORTH, LLC  
2001 CROCKER RD, SUITE 420  
WESTLAKE, OH 44145

LINDA WRIGHT  
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MEBANE, NC 27302

DELANEY, KATHLEEN C.  
19334 FRAZIER DR,  
ROCKY RIVER, OH 44116

CLARK, RYAN M. ETAL  
19343 FRAZIER DR,  
ROCKY RIVER, OH 44116

PATRICIA A MCHUGH  
19341 FRAZIER DR,  
ROCKY RIVER, OH 44116

David Rauske  
19336 FRAZIER DR,  
Rocky River, OH 44116-1725

ANGELA ZAVAGNO  
29117 KING ARTHUR CT,  
WESTLAKE, OH 44145

FRAZIER SOUTH, LLC  
2001 CROCKER RD, SUITE 420  
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WILLIAM G HARTER  
918 N TANGLEBRIAR LN,  
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HIGGINS, MELANIE A.  
255 YACHT CLUB DR,  
ROCKY RIVER, OH 44116

Christopher & S Tjotjos  
231 YACHT CLUB DR,  
Rocky River, OH 44116-1735

KLENOTIC, CHRISTINA G. &  
PHILIP A  
19339 FRAZIER DR,  
ROCKY RIVER, OH 44116

Mark E Mcnamara  
19342 FRAZIER DR,  
Rocky River, OH 44116-1725

LAKESHORE GROUP LLC  
P O BOX 16862,  
ROCKY RIVER, OH 44116

HUNGER, RACHEL E. & JESS E  
19335 FRAZIER DR,  
ROCKY RIVER, OH 44116

KILBANE, ELIZABETH  
19401 FRAZIER DR,  
Rocky River, OH 44116









# Cuyahoga County GIS Viewer

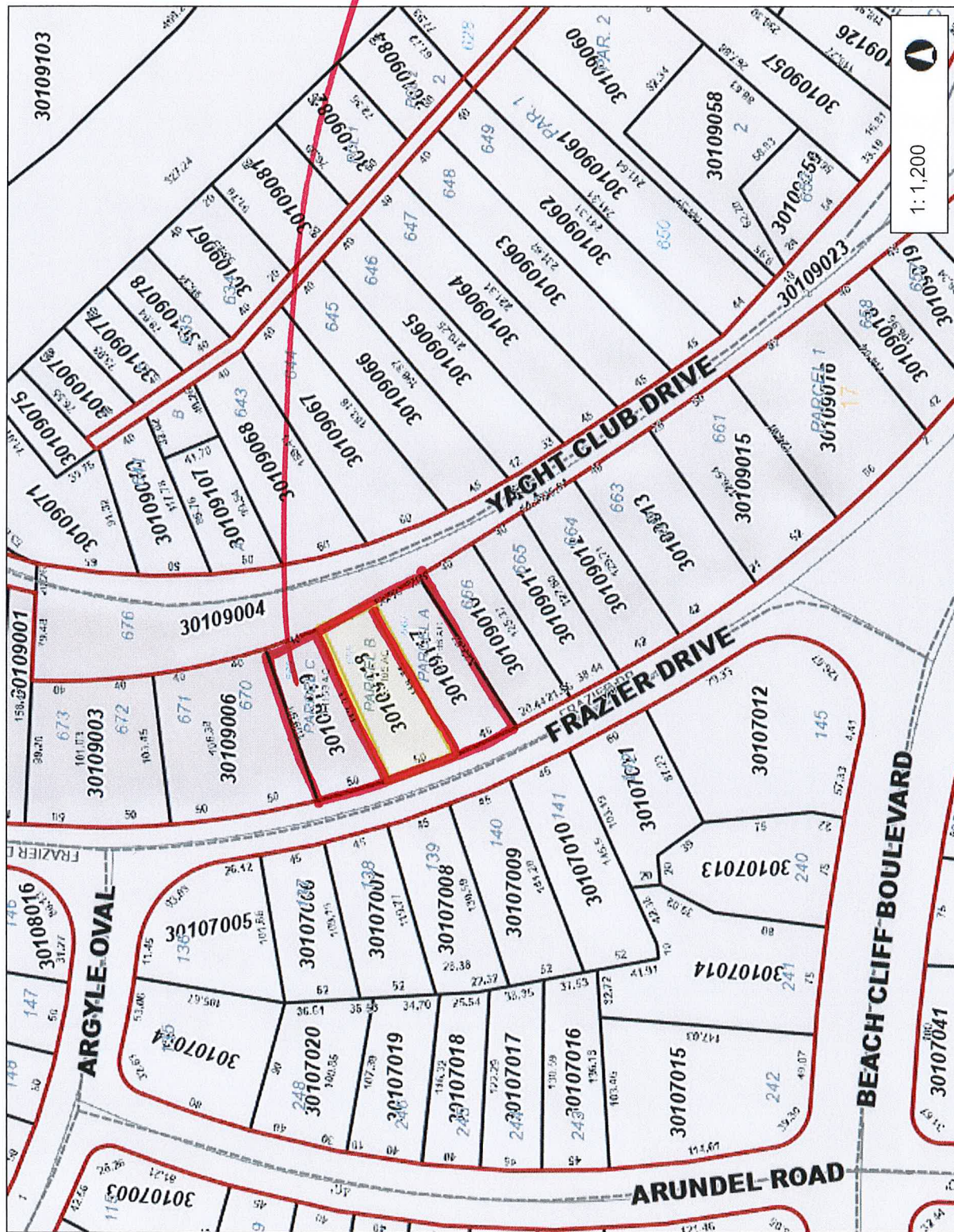


Date Created: 11/7/2022

## Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel

Parcel retained by previous owner  
Current Plat Map



200 0 100 200 Feet

Projection:  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Meeting # 1

**3. LAKESHORE GROUP, LLC – 19338-19340 Frazier Dr. – SUBLOT ---OS.667, 668 and 669 – PUBLIC HEARING - Preliminary Review – To vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots.** Mr. David Krebs of Modern Smart Homes, came forward to present the proposal.

Mr. Krebs began by explaining that they are proposing to divide the two existing properties into 3 lots that will be identical to the size they were originally. Two of the parcels will have 50' frontages and one will have a frontage of 46'. These original lot sizes are consistent with the other properties in the neighborhood. Mr. Krebs said that the intention is to remove the two existing houses and construct 3 new single family homes with attached 2-car garages and the homes will meet the 20' setback requirement on Frazier Dr. One of the problems with the existing houses is that a car cannot be kept on the properties, so by pushing the houses back to the 20' setback line, a driveway will be available for parking on each site. They also have a 40' rear setback requirement and because of the way the lots are configured, they can comfortably build 3,000 sq. ft. houses with footprints of 1500 sq. ft. to 1700 sq. ft., which are two stories tall and have a full level below. The tree that runs through the existing deck may be removed but since the homes will be set back 20', the tree may be able to be saved. He said that they have not developed a design of the homes because up to this point, they just wanted to be sure they could fit the homes on the properties and be confident that the project is feasible. They are only presenting a footprint on the lots at this point, to demonstrate what makes sense for the area. They know that they can fit houses on these lots at the full 20' setback and the next step will be to look more closely at the design of the homes.

Mr. Bishop asked Mr. Krebs what the potential square footage of homes on the existing lots could be if they remained as is. Mr. Krebs said that they obviously can go much bigger than they could build if the lots were smaller. Mr. DeMarco asked if they envision these homes as being of a more modern style. Mr. Krebs said that they have not gotten into the design yet because their first goal is to see whether this proposal is acceptable. If the project is acceptable, then the owner will finalize his purchase agreements and the design process will begin. Mr. Bishop asked if they have laid these footprints out without needing any variances. Mr. Krebs said that they know they can fit the houses they want on the lots without the need for variances.

Mr. DeMarco asked Mr. Krebs if there are perspective buyers for houses on these lots. Mr. Krebs said that the owner may take one of the properties but he is not sure what the plans are for marketing the other two homes. Mr. Gustafson asked if any of the other lots on Frazier Dr. were consolidated like this. Mr. Krebs said that there is a lot to the north of these that appears to have been consolidated because it is 100' wide, but he is not



aware of any other lots in the neighborhood that were consolidated like these. For this particular project, they looked at the fact that the proposed lots are more consistent with the neighborhood. Mr. Bishop said that it looks like it has been done a couple of times in the neighborhood and Mr. DeMarco agreed.

Mr. Bishop moved to open the public hearing. Mr. DeMarco seconded.

5 Ayes – 0 Nays  
Passed

Mr. and Mrs. Sandra and Keith Muny, 19341 Frazier Dr. came forward. Mrs. Muny said that they live right across from the house with the tree going through it. Her concern is not that they are splitting up the lots. Her concern is that the safety issue for her neighbor at 19336 Frazier Dr., who does not have a long driveway. She cannot fit the cars onto her property so she must park on the street. At any given day, there is anywhere between 3 and 4 cars parked on the street. With 4 cars parked on the street, then someone coming from the south has to wait in order to pass if someone is coming from the north. In addition, there is a fire hydrant on the sidewalk because there is no tree lawn. Cars will pull up onto her front lawn because 2 cars cannot fit through at the same time. There is also a blind spot coming around the corner from Beachcliff Blvd. to Frazier Dr. and cars coming from the north cannot be seen when driving from the south. Cars drive very fast around the corner and she almost got run over once when she was mowing her lawn. If 3 houses are constructed there, along with the 4 cars that are constantly parked on Frazier Dr., there will be no room for construction vehicles and it will be difficult for them to get into their house. Guests for those new homes will add more cars parked in the street. The new homes will increase traffic in that location and she is worried about the safety factor because there are many young children in the neighborhood. Mr. Bishop said he recalls that when the “tree house” was occupied, they parked partially in the driveway and partially in the street. Ms. Muny said that Mr. Bishop is correct and that her neighbors in the house to the north park in their garage.

Mr. Muny said that it will take a monumental amount of equipment and concrete in order to construct 3 houses and there is not enough room for a concrete truck and the ordinary traffic that happens on the street. They are worried that they will lose the use of their neighborhood because of the major project, and it is not fair to the people on Frazier Dr. They do not want to live through years of construction of the 3 houses. Mr. Bishop said that the choice is between 2 houses which could be built now, or 3 houses if the project is approved. Mrs. Muny said that the safety issue of more cars and more traffic worries her regardless of whether 2 of 3 houses will be constructed. Mr. DeMarco said that the proposed plan allays that concern because the new proposed houses would set farther back than the existing houses. There will be 2 garage spaces and a driveway for guests of the homes to park in.



Ms. Christina Klenotic, 19339 Frazier Dr., the neighbor directly across the street from the proposed project, came forward and said that regardless of the number of lots that are there, she has questions about the construction process in general. She wonders if the construction will take place on Frazier Dr., or from the street below. She also wonders if the street can support the construction. She said that there are 10 children in that small area of the street and she asked how they can be sure their children are safe during construction.

Mr. Brian Hanzal, 19343 Frazier Dr., a neighbor who lives across the street from the project, came forward and said that his concern is also about safety because as it is today, they have a hard time getting out of their driveway due to the tightness of the street. He is also concerned about how the construction equipment can fit on the street in order to dig out the foundations. He wonders how they will be able to get in and out of their driveways without a delay or the necessity of requesting the trucks to move. He is also concerned about the aesthetics of the homes. The modern properties they are proposing do not fit the grand scheme of the overall Beachcliff I vision. He would like to see what the design of the homes will be because he believes they look like single family townhouses that do not fit in the area. He wonders how the adjacent properties will be reinforced so that their investments are not being altered by the project.

Ms. Kelly Meyer, 228 Arundel Rd., came forward and said she understands the concern about the construction and safety, but pointed out that this is happening all over Frazier Dr., and in the Beachcliff I and II areas. She is all for the project because it will improve the value of their neighborhood. The driveways will be set back, which she said is a benefit and there is a lot of land behind the houses. She assumes they can get equipment up from the back side if necessary. Regardless of the number of lots, there will still be construction at this location, whether it is for 2 or 3 homes. Ms. Meyer added that Arundel Rd. is also narrow and it is difficult to back out of their driveways without making sure there are not cars parked on the street. She believes that anything that can improve the community is great, and demolishing some of these very old homes is probably what is ultimately going to have to happen.

Mr. Mark McNamara, 19342 Frazier Dr. came forward and said that he is also concerned about safety because the street only measures 23' wide from curb to curb. Only 1 car at a time can fit down the street with all of the parking on the street. He is also concerned with fire safety. A house in the neighborhood burned down and they had trouble getting fire access because they could not access it from below. He said he is sure that all of the construction will have to happen from above because Yacht Club Dr. is steep and narrow, with a 4' curb. He asked if he could also propose to subdivide his 100' wide lot and build 2 additional homes in order to make some money. He said that if all of the wider lots were subdivided along there, then there could potentially be even more houses and traffic.



Mr. Kencade Babb, 19335 Frazier Dr., came forward and said that he lives slightly to the south and across the street from the project. Mr. Babb said that his background is in construction litigation and he represents many different types of engineers. He is somewhat troubled by the fact that the notice was sent out Friday night when the Ordinance says it is supposed to be sent out 7 days in advance. The office was closed on Monday for the holiday and he only received about 24 hours to digest the project. He said that he has seen no evidence that the Arcus Group or Modern Smart Homes have experience building structures like these proposed homes on the side of the cliffs. The engineer is listed on the application as "to be determined" and he has no sense of whether a geotechnical engineer has been retained to do a soils report in order to determine if additional soils may need to be introduced into the site. He does not know whether a structural engineer has even been consulted to determine the costs associated with keeping the buildings up. His concern is about people who aren't buying the homes to occupy for themselves and their own families, but rather for the purposes of investing in and flipping the properties. If the project turns out not to be feasible after the houses are torn down and soils are studied, then there will be vacant, attractive nuisances for the kids in the neighborhood. He is concerned about safety, but even more concerned with this being granted at the preliminary stage without the architect or owner having done enough due diligence to determine whether or not the investment will be profitable.

Mr. Dave Rauske, 19336 Frazier Dr., came forward and said he has own his home for 40 years and it is located adjacent to the south of the project. He purchased his home in Rocky River because of the uniqueness and quaintness of the area and because every house is different. He and his wife park parallel to the street and there is a bit of an overhang into the street. He said that he is concerned because there will be 3 new houses built, which will ruin the uniqueness of the neighborhood. Most of the homes in the area have been designed by the owners. They are very high quality homes and they are all unique. He is not in favor of having 3 duplicate houses in a row. He is worried about the construction because there is only about 3' between his house and the one that will be torn down due to the existing set of stairs that he maintains. Mr. Rauske said that his concern is if they have 2 or 3 houses going in, he is worried that the dirt will cave in once they start demolishing the existing house. He wonders what the construction of a house next to his will do to the integrity of his house and wonders how he will be protected.

Mr. Rauske said that he is also concerned about what the construction will do to his views of the lake, etc. His house is set back about 8' but now that the 20' setback is required, the houses will be forced back farther on the lot and he will lose all of the views that he enjoys now. He believes he will lose 50% of his investment because of this. Mr. Bishop asked Mr. Rauske how far the house they are planning to tear down goes beyond the back of his house. Mr. Rauske said that his house sits farther back than the house that will be torn down.



Law Director Bemer said that because the lots they are proposing to create will not be the required 10,000 sq. ft. minimum, this will also be reviewed by the Board of Zoning Appeals because of the need for variances. Ordinance 1127.37 says that if a development plan requires variances, then following the Planning Commission's approval, it moves to the BZA for approval. All of the lots are presently non-conforming and they are proposing to create 3 lots that are significantly below minimum requirements and that point needs to be explored. Mr. Gustafson asked what would be involved if they merely replace the homes on the existing lots. He asked if they can tear down each house and put a house in without this Board's approval. Law Director confirmed that they can do that without this Board's approval.

Mr. Eric Tuck-Macalla, 19624 Battersea Blvd., came forward and said he just happened to see information about this meeting on Facebook. He would like to have more time to be able to review this. He is Building Commissioner for another community and he attends Planning Commission meetings all of the time. He is interested in this project and would like to spend a little more time reviewing it. From what he has heard, if there is no engineering and we are not quite sure of the lot sizes, then he thinks more study would be needed.

Mr. Bishop asked if anyone else would like to come forward for the public comment. No additional public comment was offered.

Mr. Hosek moved to close the public hearing. Mr. DeMarco seconded.

5 Ayes – 0 Nays  
Passed

Mr. Bishop said that he agrees with Law Director Bemer in some fashion, but they are not asking to re-subdivide lots. They are essentially asking to take the lot that was split in half and divided between two parties and return it to its original form. The lots then become much more in keeping with much of the street as far as frontage and depth on that side of the street. The lots on the other side of the street have more depth, which means they have more square footage. The applicants are not asking for variances for the dwellings, so the situation is that there are 2 non-conforming lots, which allow for much larger homes. He acknowledged that there was a lot of discussion on Facebook about the very large homes that are being built on some of these lots. He said that you can argue the opposite and say 3 smaller homes are more in keeping with the neighborhood than tearing down 2 homes and replacing them with 2 considerably larger homes. In his mind there will either be 2 large homes or 3 smaller homes. Regarding the parking issue, he said that if the homes are not removed and someone moves into the vacant home, they will park on the street and the parking problem will not be relieved.



Law Director Bemer said that the dilemma is that nobody knows when the 2 non-conforming lots were created and he believes that the passage of time is a significant factor. Mr. Bishop replied that every lot in the entire neighborhood and the entire Beachcliff area is non-conforming under our current Code. Beyond that, many people have gotten significant variances on the non-conforming lots in order to construct room additions, etc. Law Director Bemer agreed and said that our Code provides relief in that instance in the form of variances.

Mr. DeMarco said that the only way to make this a conforming lot is to consolidate all 3 lots, which opens up the opportunity to create one huge dwelling, which he believes would completely destroy the character of the neighborhood. He agrees with Mr. Bishop in that the non-conforming lots are the current character of the neighborhood. Mr. Bishop said that this case is far different from a proposal to take an existing conforming lot and splitting it into non-conforming lots. He believes that maintaining the character of the neighborhood is very important. He said he does not think it matters when the lots were split because it does not change the question or the issue. They are essentially simply asking to vacate the lot split of the middle lot and that is really the bottom line, and he does not agree that the passage of time matters in this regard.

Mr. Bishop asked the applicant if the existing houses were constructed over the half parcels. Mr. Krebbs said that the garages are located on the half parcels but the houses themselves are entirely on their own lot. They are proposing 3 single family homes and they provided footprints to show how homes can fit on the lots. There is talk from those in attendance about the design of the homes, but they have not submitted anything regarding the design aspects. Their only goal with the plans they have submitted is to show what can fit on the properties without the need for variances. Mr. Bishop said that he thinks they all agree that if the theory is that they are reverting back to what is in keeping with the neighborhood, then the architectural style of the dwellings must also be in keeping with the neighborhood. Mrs. Murphy said that she believes that is important, and that this Planning Commission is charged with safeguarding the adjacent properties. The people who have lived there all this time have expected one thing and now they are presenting something different.

Mr. Bishop said his point is that it is possible to build a 7,000 sq. ft. house on one of the existing lots. Mr. DeMarco said he thinks part of the applicant's due diligence is to get a comprehensive survey of this property and a title search so that the Planning Commission can get the history of what the property was. He would like to see how the existing dwellings compare to the adjacent dwellings, in order to paint a much clearer picture and understanding from this Planning Commission's perspective. Mr. Bishop said that they should have a survey of the houses to the north and to the south of these parcels so they can see how the rear yard is affected by the projects, etc. Mrs. Murphy agreed. Mr. Krebbs said that as the lots stand now, they have a right to build a house to the setbacks, etc. and the result will not be any different whether there are 1, 2 or 3 houses built.



Regarding the soils, etc., he said that he is confident in the engineering that will be done. Mr. Bishop said that the soils and engineering issues are the Building Department's concern and are not under review by the Planning Commission.

Mr. Bishop asked the applicant if he is willing to do a survey of several homes in both directions, and provide details such as the width of the existing homes and the separation between them. This would be a comparison of what is existing and what is being proposed. Mr. Krebs agreed to provide that information.

Mr. Bishop moved to table this item pending further information from the applicant. Mr. Hosek seconded.

5 Ayes – 0 Nays  
Tabled

**4. ROCKY RIVER PRESERVATION PARTNERS LLC – 22700 and 22732 Lake Road – DISCUSSION WITH THE PLANNING COMMISSION – A proposal to change the district classification of certain real property known as 22732 Lake Road (PPN 302-01-007) and 22700 Lake Road (PPN 302-01-008) from their present classification of Single Family (R-1) to Multi-Family (R-4 or R-5) Per RRCO 1135.05(a).** Mr. Ben Pfeifer, former owner of the two parcels came forward with Mr. Andrew Brickman, Mr. John Carney and Mr. Michael Carney of the development team.

Mr. Brickman began by explaining that the subject properties have been vacant for 2 years and are both in disrepair. He said that Mr. Phyfer purchased the homes to demolish and rebuild a home for himself and his family but they found a home in Bay Village and purchased it. Mr. Phyfer then contacted Mr. Brickman to see if he was interested in partnering to try and create a much needed product in Rocky River. He said that John and Michael Carney got involved in the project because they were initially looking at some other property in Rocky River. He said that they have had extensive meetings with the Mayor and Law Director. This project is viable, is needed in the City, and it fits within the existing neighborhood. Mr. Brickman said that the City zoning map shows a variety of different properties that are zoned differently in the area.

Mr. Brickman referred the Commission to the renderings and said that to rezone this property would be a higher and better use. This project could help stop the urban sprawl that is occurring in places like Avon Lake, Solon and Twinsburg and other communities that do not have the character that Rocky River has. Mr. Brickman said that another benefit of this project would be to help bring in another \$600,000 in real estate taxes and an additional \$150,000 to \$250,000 in income taxes by bringing in 29 new families. The best part of this type of development is that they are not adding any additional roads or infrastructure for the City to take care of.



Meeting #2

acceptance and interest for the buyer. Mr. Bishop said that example is irrelevant to this situation because the question is whether it increases other people's values by \$10,000. Mr. Smith said the perception of solar has changed and now people are willing to pay the cost. Mr. Hosek said it is an aesthetic issue.

Mr. Bishop said he believes the applicant has enough to go on in order to address the testimony and this Commission's questions. Mr. Smith said that it sounds to him like this Commission's questions deal with property values and the reflection. Mr. Long said that wind is an issue as well.

Mr. Bishop moved to table this application at this time. Mr. Long seconded.

5 Ayes – 0 Nays

Tabled

**4. LAKESHORE GROUP, LLC – 19338-19340 Frazier Dr. – SUBLOT ---OS.667, 668 and 669 – PUBLIC HEARING - Preliminary Review – To vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots.** Mr. Dave Maddox, Arcus Group Architects, came forward to present the proposal.

Mr. Maddox began by saying that their architectural firm is located in Rocky River and he has been an architect in Rocky River for over 20 years. He values our neighborhoods and Frazier Drive is one of the unique streets in all of Cleveland. It has amazing views from the river side and it is part of a very nice neighborhood. Frazier Drive has seen a lot of change over the years. Neighborhoods in general grow and develop as houses age and either have additions constructed or the houses are demolished and replaced. Frazier Drive has seen its share of changes both the on the lake side and along the river's edge. He said that the phone calls they are receiving at their firm now are overwhelmingly from people who want to live leaner and more conservatively in their use of space and utility. They are designing a lot more reasonably sized houses that are smaller and more modern through the use of smart systems and economical use of materials, and which are made to stand the test of time.

Mr. Maddox said that he realizes that it is important not to create something that has a deleterious effect in this area, but rather to create something that is in character with regard to size, proportion and the way the lots are situated. Through examination of the lots that are immediately surrounding the subject lots to the north and to the south, they determined that dividing these two parcels into 3 lots with street frontages of 50', 50' and 46', would be in keeping with the character/proportion of the next 3 lots down the street and would not be inconsistent with the neighborhood as a whole. The lots to the north of these grow larger because they have been assembled and there are some wider parcels that go all of the way around the corner. These 3 lots are the end of the narrow lots from the south. Mr. Maddox said that across the street, there are 2 corner lots that are wider,



but 19345 thru 19337 Frazier Drive are all 45' wide and narrower than the subject parcels, as are the 3 lots to the south of these parcels which are 42', 39' and 42' wide. The lots they are hoping to create are consistent with each of these. Part of the charm and also part of the problem along Frazier Drive is traffic, parking and handling the vehicles along that side. They plan to maintain the required 20' setbacks off of Frazier Drive in order to maintain parking on the lots, both in the garages and in the driveways.

Mr. Maddox continued by saying that they intend to maintain the required side yard setbacks on all 3 properties, and he pointed out that there are many houses that have side yard below minimum setback requirements. This indicates that they may have been expanded before the setbacks were required. Mr. Maddox said the illustration he handed to the Commission members illustrates the massing of the houses along either side of the subject properties and the top drawing shows the existing structures, which will give the Commission a pictorial view of what is going on. There is a variety of house styles, massing and the way they fit on the lots. He showed an example of the massing that could be done if they built 2 new homes on the existing lot configuration, which would maximize the lots and work to the setbacks.

Mr. Maddox continued by saying that the homes on the proposed 3 lots are not cluster homes and each will be an individual design just like any other property on this street. He said that they are not prepared to discuss design of the homes at this point, but he is focusing on style and what could happen here. Frazier Dr. has everything from flat-roofed modern houses further to the south, Dutch colonials, deco houses, to metal roofed, one-story ranch homes that have 4 stories on the back side. A wide variety of styles have been accepted over time as the neighborhood has evolved. This proposed project is a response to what they see as a perceived need. Mr. Maddox concluded by saying that he would be happy to answer any questions.

Mr. Bishop said that they are asking to revert the lots back to their original platting, which was 3 sublots. He asked what the largest foundation would be on 1 of these original lots. Mr. Maddox replied that they would stay within the 28% lot coverage that is required per the Zoning Code. In order to provide a comparison in terms of the size of the homes, between 2 homes versus 3 homes, Mr. Bishop asked the same question about what the largest foundation could be if they were to build on the lots as they currently are configured,. Mr. Maddox said that if they constructed three 3,000 sq. ft. houses, or two 5,000 or 6,000 sq. ft. houses, the aggregate size of the 2 would be larger than the 3 separate houses.

Mr. Capka asked for clarification of the proposed side setbacks for the 3 houses because the plans read they would be 6'. Mr. Maddox said that the requirement is 6.25' for side setbacks. Mr. Bishop said that the plans show 6' on the 46' wide lot and 6.25' on the others. Mr. Capka asked if a variance would be required. Law Director Bemer said that they are looking at non-conforming lots and the authority of the Planning Commission in that regard. Section 1139.09(b)A and D of the Codified Ordinances, identifies how a non-conforming lot in residential districts should be addressed. Mr. Bemer said that sub-



section D says that variances to requirements other than lot area or lot width shall be obtained through the BZA. In effect, this means that this Commission has the authority to address those issues and variances would not be required in terms of lot size.

Mr. Maddox said he would like to mention that he has heard comments about this project being proposed by a developer who wants to move in, tear up the neighborhood, sell what he builds, and moves on. He wishes to clarify that the property owner is currently a Rocky River resident and he wants to live on Frazier Dr. He fully intends to reside in one of the houses and has a vested interest in doing the project the right way.

Sizes of the proposed lots were discussed. Mr. Bishop clarified that they are here to consider going back to the original plat. Mr. Maddox said that their initial approach was to divide them evenly, but they thought that the original layout is more appropriate. Mr. DeMarco said that at the last meeting they had a discussion regarding whether they could revert back to the original sublots and the issue of the time when they were originally platted versus now. Part of the ALTA survey process is investigating the title of the property so they could have a sense of when those were originally platted. However, he said he doesn't necessarily know that generational timing is a concern. Mr. Bishop said that part of the problem is that before a certain point in time, the County has no records. Mr. Maddox agreed and said they researched it at the County map room, but their records did not indicate when the lots were originally platted.

Law Director Bemer said that the entire complex of this particular neighborhood was such that the majority of the lots are nonconforming and what is being proposed is consistent with most of the other lots. There are a couple of lots that meet the 10,000 sq. ft. requirement, but most of them do not. The concept of whether this is harmonious with the existing properties in the surrounding area is at play here. Mr. DeMarco said that the drawing presented is a compelling exhibit to demonstrate that if the 2 lots are kept and 2 new homes are built on them, it changes the scale of the neighborhood. Mr. Maddox said that he understands that change is sometimes difficult to embrace and he is certain that if they were going to 3 lots of this size to 2 large lots with big massive houses, there would be concern about that change as well. Construction will definitely happen when the brick house with the tree growing through the roof comes down. Construction on this site is inevitable, but the question is how it occurs and what form it takes.

Mr. Bishop said his question is whether 2 larger homes fit the complexion of the neighborhood or whether 3 smaller homes fit the complexion of the neighborhood. Mr. DeMarco said that the one thing the exhibit doesn't necessarily address is looking at two houses to the north of the subject properties, which are both double wide lots. To paint a and even clearer picture would be to do a similar study on the west side of Frazier Dr., in order to show that those lot sizes are very close to what they are proposing. In that case, he would think that keeping the 3 original lot sizes is more in keeping with the neighborhood than leaving the 2 lots or even combining all 3 lots, which would be in compliance with lot square footage but could result in one very large home on it.



Mr. Bishop said that if they do 3 homes, then the combined side yards are 37'. If they do two homes, then the combined side yards are 32'. Breaking up the mass with 3 homes would actually provide more open space.

Mr. Bishop moved to open the public hearing, limited to persons who have not spoken at the previous meetings. Mr. Capka seconded.

5 Ayes – 0 Nays  
Passed

Mr. David Hollis, 19345 Frazier Drive came forward and said he lives across the street from this proposal. He said that there are some things that don't agree with the Code. Section 1109.08 regarding depth of the lots, reads that it cannot be more than 2.5 times the width. He said that the lot line at the 19338 house would violate that on the south side. Regarding coverage, the southernmost lot would be 37% coverage, the middle lot would be 35.9% and the northern lot would be 34.5%. Mr. Bishop said that the applicants would be limited to the 28% coverage. Mr. Hollis said that the plans they presented last month are way over that number. He said that back in 1946, the City didn't like the houses located just below this lot. They called it a cannery row and wanted something done about it. That problem was fixed, but he would hate to see identical row houses with this project now.

Ms. Betty McNamara, 19342 Frazier Drive came forward and said she lives north of the subject property. She is wondering how it will look from Yacht Club Drive and whether it will look like a 4-story apartment building coming out from Frazier. She inquired whether this is a money-making entity since the owners of 19340 Frazier Dr. cannot sell their property. She wonders whether the applicant would still be interested in this project if that home was not for sale.

Mr. David Williams, 19428 Beachcliff Blvd., came forward and questioned why they are doing this. He questions what it will do to the view of the other houses. Mr. Bishop said that the choice is either 2 houses or 3 houses and regardless of which scenario is done, the rear setback is 40'. He believes is important for people to understand that. Mr. Williams said that they are setting precedent. He lives on a rather large lot and said that he can divide his lot into 4 lots if he wants to. Mr. Bishop asked Mr. Williams if he had 4 lots to begin with. Mr. Williams said that the Planning Commission is not stating that. They are stating that the neighborhood is not changing because they are going back to what it was. All the lots around him are 50' wide, except his own, so that means he can put 4 houses there. Mr. Bishop said that they are looking to approve vacating the plat that combined the middle lot into the other two parcels and going back to the original plat. The original plat is clear that there is a 50', 50' and a 46' lot and it is clear that the corner lots were larger. He explained that the reason the corner lots are larger is for those lots to be able to accommodate their required setbacks on the 2 streets and be buildable. He would argue that Mr. Williams would not be able to make the setback requirements on both streets if he wanted to split his lot into 4 separate lots.



Mr. DeMarco said to Mr. Williams that he would not be able to comply with the current zoning requirements if he split his lot into 4 lots. He has 14,000 sq. ft., and the minimum lot size for a new lot is 10,000 sq. ft. In this present instance, they are not talking about creating new lots. Mr. Williams said that nobody in the neighborhood wants this to happen and, based on the statements that the Planning Commission is making, it looks like they have already made their decision. He asked why they have a hearing when it seems like a deal has already been cut. Mr. Bishop said that he can assure Mr. Williams that a deal has not been cut.

Mr. Bishop said that the real issue is do people want two large houses rather than 3 smaller houses. Some voices in the audience interrupted to say that they want to leave it the same way and are fine with 2 houses. Audience members began calling out from their seats and speaking at once and the conversations were not audible and accurate minutes could not be taken.

Mr. Bishop asked Mr. Maddox to address the architectural aspects of the project. Mr. Maddox explained that they have designed many of the houses they see as they drive through Rocky River. They designed the stone house which is located 4 or 5 houses to the north, which is a beautiful home. The City has a Design and Construction Board of Review that they bring their projects to before a permit can be issued. That Board's task is to make sure that what is being presented and approved is architecturally appropriate for the specific lot and neighborhood. They fully intend to present design work to the Design Board which is appropriate to the neighborhood and fits in well. Any design they have done to this point is for the purpose of determining if they can make the lots work. They completely understand the fact that they have to comply with lot coverage and setbacks and if they did not have confidence that they could do that, then they wouldn't be proposing this project.

Mr. Gregg Wasilko came forward and said that he is a realtor with Howard Hanna and the applicant is under contract to purchase the lot, subject to this development being approved. He said that the property owners had their house on the market for 6 months, had over 60 showings and made every effort they could from a marketing standpoint, to get their house sold. This option came along as a result of the sale next door. In addition, he said he would not want to do anything that would hurt the other property owners' property values. There happens to be no inventory in the City of Rocky River to meet the absolute demand. As a realtor, when someone proposes to supply what is so strongly in demand, he thinks that it is a good thing to do. He does not think that building 3 very well constructed homes that don't take up any more space than 2 homes, will hurt anyone's property values.

Ms. Christina Klenotic, 19339 Frazier Dr., came forward and said she lives directly across the street and spoke at the last meeting. She asked if the owner is present tonight and whether he was present at the last meeting. An audience member spoke and said that the owner was not here either time. Ms. Klenotic said she understands that change is



happening in the neighborhood but the view of 2 homes across the street is a very different view than what they are proposing, which is 3 garages and taller structures. She just wanted to pass that along in terms of a neighbor's perspective. In addition, regarding the safety issue, there is a home on Lake where construction was abandoned and there are still two boards laying on that property. A car or a child could fall right off of the edge and down the hill. She said that when the owner doesn't even show up for the meetings or does not visit the other neighbors to talk about this proposal, it says something, and she wants that comment to be on the record.

Mr. Mark McNamara, 19342 Frazier Dr., came forward and said that he spoke at the last meeting. The footprint of the houses are roughly 35' wide by 50' deep with a 20' front setback. The cliff drops 5 stories down to Yacht Club Dr. and at 70' back they would happen to be flush with his deck, which he said is fine. At that point there is a 25' drop off and with a 2 story house and a gable roof, the structure will be approximately 50' high in the back. If there are 3 of those in a row, 12' apart from each other, the residents and people driving on Yacht Club Dr. will see 3 houses on a narrow space, 50' up in the air. From Yacht Club Drive it would look to him like an apartment complex. He has every faith that these can be built safely, but he thinks that they will be an eyesore from Yacht Club Dr. He does not think those residents were invited to this meeting but they may have an issue with this.

Mr. McNamara said that his lot is 100' wide and if this proposal is approved, then he would like to subdivide his lot and build 2 houses. Mr. Bishop said that Mr. McNamara's lot is currently platted as two 50' wide lots. Mr. Bishop asked Mr. McNamara how he would feel about having two 5-story homes with only 16' between them on the lots instead of three homes. Mr. McNamara said that he would not have a problem with two homes. But if this is approved then he would like to sell his property, leaving the potential for 5 row houses.

The realtor for the new owner of the property came forward and said he would like to clarify that the new owner is present in the hallway. The house that his client owns is at 19338 Frazier Drive, which is 4-stories tall and there are already 3 garages. He said that the idea with this project is certainly not to devalue the neighborhood. He is not sure where the townhouse or apartment concept came from that people are speaking of. He said that the owner's taste and ability to choose an excellent architect will make this look very acceptable and will be an improvement to the neighborhood.

Mr. David Rauske, 19336 Frazier Dr., came forward and said he put together a pamphlet and delivered it to the Building Department this morning. He is not sure if it was distributed to the Planning Commission but that was his intention. Regarding the architect's comment that the desire for smaller and smaller houses is what people are wanting now, he said he does not believe that is true on Frazier Dr. He said most lots are 75' wide and some are larger. The two properties to the north of these properties are 100' wide. There are 9 properties of the first 15 properties on Frazier Drive that have been consolidated, which is shown in his exhibit "A". Those consolidations go as far back as



1912 to most recently in 1950. He knows this because he has lived in his home for 40 years. Mr. Bishop said that according to what he has, there is 1 consolidation that has taken place. He said that there may be people who own 2 parcels but they are not combined. The person with the true 100' frontage has a house that spans across that entire 100' distance. Mr. Rauske said that before that large house was built, there was a small house on that property. Mr. Bishop said that based on the County's map, those 15 lots from the south to the north, until you get to these properties, were never combined.

Mr. Rauske referred to his Exhibit B in the materials that were handed to the Planning Commission members tonight. He said that refers to 19338 Frazier Drive, which is the house adjacent to his house. There is a 10' setback and it did not have the garages. The porch system was added about 20 years ago, which is 12'. He explained that with a 20' setback and 56' deep house, the total footprint will be 76' deep. He described the necessary support structure and said that the height of that house will be 70' tall to the peak. Mr. Rauske said that the applicants claim that they don't want to obstruct views, but if a 50' wall is constructed, it will block someone's view. He only has a 30' wall and his house is adjacent to the proposed 56' wall so he will lose his view, as well as the value of his house. He said that three 30' deep houses will yield 4,000 sq. ft. homes and they won't affect views or property values. Mr. Bishop said that they are permitted to still go back to the rear building line, which is 40', regardless of whether there are 2 or 3 homes built. Mr. Bishop said that Mr. Rauske's house was built before the 20' front setback requirement on Frazier Drive was put into place. Mr. Rauske said that a house that only extends 36', even at the required 20' front setback, is more in keeping with the neighborhood.

There being no further public comment, Mr. DeMarco moved to close the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays  
Passed

Mr. Bishop asked Mr. Maddox if he has given any thought about whether it is possible to come into these properties from Yacht Club Drive. Mr. Maddox said that for the reasons that everyone has brought up, there is such a difficult grade transition there. Mr. Bishop said he would like Mr. Maddox to explore the possibility of having 34' elevations on the front with no garages and to have the garage access from down below. He said that the biggest concern may be the amount of mass in the garage relative to the dwelling, even if there are 2 or 3 houses there. That would eliminate any safety concern with cars backing out of the driveways, it would change the aesthetics at the rear, and certainly change the aesthetics in the front. Mr. Maddox said that they will look at the site when it comes time to design them. Mr. Bishop said that he thinks they will have to consider whether it is feasible before this Commission goes any further. Mr. Bishop asked Mr. Maddox if it is their intent to construct 5-story structures in the back of the properties. Mr. Maddox said that the back side of any houses along there vary in how high they sit up out of the grade and how far they come down. Mr. Bishop asked if they have an accurate topo on them.



Mr. Maddox said he has one from the County. Mr. DeMarco said that if the contours are 2', then they would be about 30' from top of curb to the back and about 50' in height on the back elevation. Mr. Maddux agreed that 30' is about the average from Frazier Dr. to Yacht Club Drive.

Mr. Bishop said that he thinks that bringing in from the back like he suggested would be a good improvement if it can be done and if it can't be done, then they will be back to where they are now. It is certainly worth exploring before a decision is made. Mr. Maddox agreed to explore that possibility but the Yacht Club Drive approach is never easy to get into. Mr. Maddox said he is not sure it would help the fabric of Frazier Drive when you drop houses down. Mr. Bishop said he was talking about having a very nice elevation on Frazier Drive with no garage because there aren't that many attached garages on the one side of the street. The advantage to coming from underneath is that they wouldn't have to create the extra 400 sq. ft. up at the street level. Mr. Maddox said that they will look at that through a grade and a section but he thinks it is a very difficult way to approach the project.

Mr. Bishop moved to table this application pending additional information regarding potentially entering from the rear off of Yacht Club Drive. Mr. Long seconded.

5 Ayes – 0 Nays  
Tabled

The meeting adjourned at 10:00 p.m.

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William Bishop, Chairman

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John Hosek, Member

Date: \_\_\_\_\_

Meeting #3

5 Ayes - 0 Nays  
Approved

Mr. Bishop said that the Planning Commission has the right to give preliminary and final approval at the same meeting, which is what they would like to do tonight. If the applicant chooses to plant something other than arborvitae, then they are required to return to Planning Commission for approval of the landscape plan.

Mr. Bishop moved to grant conditional preliminary approval to West Shore Unitarian Universalists Church, 20401 Hilliard Blvd., to install solar panels as a Conditional Use on a non-residential building in a Public Facilities Zoning District, subject to removing the awnings from the project or installing 130 lineal feet of arborvitae at 8' tall at time of planting. The arborvitae shall be planted 30" on center directly in line with the awnings if the applicant chooses to keep the awnings. The applicant will have the option to come back to Planning Commission for approval of any amendments to the landscaping. Mr. DeMarco seconded.

5 Ayes - 0 Nays  
Approved

Mr. Bishop moved to grant conditional final approval to West Shore Unitarian Universalist Church, 20401 Hilliard Blvd., to install solar panels as a Conditional Use on a non-residential building in a Public Facilities Zoning District, subject to removing the awnings from the project or installing 130 lineal feet of arborvitae at 8' tall at time of planting. The arborvitae shall be planted 30" on center directly in line with the awnings if the applicant chooses to keep the awnings. The applicant will have the option to come back to Planning Commission for approval of any amendments to the landscaping. Mr. DeMarco seconded.

5 Ayes - 0 Nays  
Approved

**3. LAKESHORE GROUP, LLC – 19338-19340 Frazier Dr. – SUBLOT NOS. 667, 668 and 669 – PUBLIC HEARING - Preliminary Review – To vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots.** Mr. Dave Maddux, of Arcus Group Architects, came forward to present the proposal.

Mr. Maddux began by explaining that they are proposing to divide two lots into 3 lots which are all compatible with the neighborhood in scale, size and proportion. Their goal is to create two 50' wide lots and a 46' wide lot, all which are reasonably compatible with the adjacent properties to the south. They were asked to examine the possibilities of



locating the garages off of Yacht Club Dr. instead of off of Frazier Dr. They provided some site sections for three different scenarios of the property. Yacht Club Dr. is a 16' wide street and it is difficult to maneuver and keep clear. There is a bend at this location and there is a 4' tall retaining wall on the edge of the street frontage in the right-of-way on Yacht Club Dr. The grade up to Frazier varies across the two properties, but it is roughly a 50' incline in a short distance. They looked at the practicality of having garage access from Yacht Club Dr., and it means that they would have to reconstruct the retaining walls and re-retain all of the slope they would be pulling out of there. Because of the required setbacks, the garages would be located on a part of the property that is not reasonable to try to build on. They also considered abandoning frontage on Frazier Dr., and fronting wholly on Yacht Club Dr., but it does not create as desirable of a situation because of setbacks and the relative heights of where the houses would end up, which would be in the shadows of the hillside. After studying the different options, they are still proposing to have the frontage on Frazier Dr., and plan to work within the setback and lot coverage restrictions because they feel it is the most viable, aesthetically pleasing plan.

Mr. Maddux showed some elevations of possible homes that could be built on the 3 lots, but said that these are not necessarily the design of the actual homes that will be built. He prepared these to give the idea of scale of the homes in comparison to lot widths. He said the renderings show significant landscaping and entrance courts and they will not feel like adjoined townhouse-type development across Frazier Dr.

Mr. Bishop asked if these renderings were available for the residents to see. Mr. Maddux said that they were not submitted earlier than tonight. He stressed that these are examples of houses that are very similar to what they have designed before and represent the style of home that can be built without interrupting setbacks or lot coverage.

Mr. Bishop said he drove along Yacht Club Dr. and admits that it would be difficult to make that plan work. On Frazier Dr., as you drive south, the plat map for the east side shows the small lots, but if you do a physical inventory, it doesn't really appear that way. There may be people who own adjacent lots that have not been consolidated, so they show up as individual lots on the plat map, but it seems clear that those lots were platted so long ago that maybe garages and cars were not an issue. It is very obvious that this middle lot was split to accommodate garages because the need for them developed over time. There is really nothing that exists along Frazier Dr. that aesthetically lays out quite like what the Applicant is proposing. Mr. Maddux said that the next adjacent properties to the south are very similar to these properties in their width. He said that part of the problem of that area of Frazier Dr. is the fact that the homes are so close to the street without room for cars and parking. They are proposing to stick with the setbacks that are required, which would pull the garages further off the street than they are now. It makes the transition of the lots located immediately to the south and north of these properties and relates to both sides of the street. They are proposing to free up the density in that area by providing driveways and garages for parking, which will get them off of the street and out of the way. Mr. Bishop said that part of the charm of the area is the setbacks as they are now, and that the setback of the garage doors is the problem. Mr. Maddux

understands and said that they would strive to have street character, whether it is done through landscape walls or incorporating other ways to provide the same continuity and feel as you have when you drive up Frazier Dr. He said that the additional setback for the garages will provide a more appropriate amount of space.

Mr. DeMarco said that it almost seems like there are two different flavors of the east side and the west side of Frazier Dr. He agreed that these lots are located in a transition area of the street and the challenge is how to accomplish the transition. His worry is that if it is two houses, then you just increase the width of the structures. With three houses, that vertical wall issue would be mitigated somewhat. Mrs. Murphy said that the neighbors' view on Frazier Dr. is more significant to her than that issue.

Mr. Maddux said that he is not sure that two lots will provide any more openness because they would end up with less required side yards. Because these two lots are significantly larger, the potential is there for much larger houses to be built. It is likely that they will have three-car garages instead of two-car garages, which presents a similar garage front situation, but with less greenery and setbacks between them. Mr. Bishop asked Mr. Maddux if the rendering is to scale and Mr. Maddux confirmed that it is to scale. The garage on the 46' wide lot is shown as 22' wide and the other two garages are 24' wide. Mr. Maddux said that they have a lot of opportunity for landscaping and pots where the two houses abut each other.

Mr. Gustafson said that a major point of the residence relates to the character of these homes and they want them to fit into the neighborhood. He said he thinks that if they had only two lots, then they would have much greater flexibility for the design of the homes. Mr. Maddux said that all along the street there are fairly narrow houses that are drastically different in style. He said he could have shown three completely different styles of houses. Mr. DeMarco said that part of the charm of that side of Frazier Dr. is that they are all vastly different from each other. Mr. Maddux responded that he understands that the garage doors play a major role in what the houses look like and they have a lot of opportunity to make them all different stylistically. He understands the point of the need to make the homes fit into the neighborhood and capitalize on the variety that this neighborhood provides. Their goal is not to create a bank of houses that are exactly the same because they will all have different homeowners who will want to design their own home.

Mr. Bishop said that the problem is the garage location, garage setback and the driveway length. He proposed having the garage at the required setback and perhaps they could be given relief in the front so that the front door is well in front of the garage door. This would hide the garage a little bit more. He asked Mr. Maddux how challenging that would be given the widths of the homes. He suggested they could bring the front section of the house up to the existing setback and leave the garage back at the required setback. This would also hide cars that are in the driveway. Mrs. Murphy and Mr. Long said they like that idea very much.



Mr. Maddux said that he really likes that idea and it would be a great way to break things up without the garage being so front and center. They would have a lot of opportunity to make the front portion of the house a significant elevational piece.

Mr. Bishop moved open the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays  
Passed

Mr. Bishop said that he would like to keep public comment related to the idea of three versus two homes as well as having the garages set back farther if there were three homes because the safety and other issues have been made very clear. The main house of the dwellings would be kept to the setback of the existing homes and the garages would be set back 20' would actually help the rear setback significantly. Mrs. Murphy commented that the idea of three homes actually provides more green space and are more open than two homes. Mr. Bishop added that if there were two homes, then there would nothing that would force the builder to move the houses up to the setback of the existing homes.

Mr. David Rauske, 19336 Frazier Dr., came forward and said he lives in the home next door to the properties. He said that the houses are 10' back now. The majority of the houses would still be behind the garages and the only thing they would have is a hallway next to the garages closer to the front. He does not see how any additional space will be achieved because they will still have to go at least 75' back to get the square footage they are talking about. Mr. Bishop said that the plan as he suggested would give them a good amount of space in the front setback. He said that 200 or 300 sq. ft. at the front of the house makes quite a difference at the back. He said that this Commission may look at the rear setback as well. Mr. Rauske said that those homes will still be the same width. Mr. Bishop said that for consideration in the front setback, they may propose consideration in the rear, as well.

Mr. Rauske said that he sent information to the Commission prior to the last meeting. He said that he did some research and the property next to him was deeded as two sublots (67 and 68) in 1912 or 1915. The other one was deeded as a single subplot. In 1919, the property owner next to him gave the other property 18'. They were never three distinct sublots. Mr. DeMarco said that they were still platted as three sublots and deeded to two owners. Mr. Bishop said that they were platted as three sublots and the person who owned two sublots could have sold one of the sublots if he wished. He did not need to split the lot because it was always its own subplot. Mr. Rauske said that his point is that it was one parcel. They took part of parcel 9 into parcel 8, which leaves them with two 75' wide lots. At no point in time were they deeded as separate lots.

Mr. Rauske said that in the beginning, a non-conforming lot was probably 5,000 sq. ft. because it was 50' wide and these are approximately 100' or 120' wide. The Code has a clause for non-conforming use of buildings, structures, or land. Whenever a non-conforming use is changed to a less intensive use, then such use shall not have to be

changed to a more intensive non-conforming use. In other words, he said that the lots should not be able to be shrunk down again. He said he is referring to section 1139.05 of the Code. Mr. Bishop said that the Planning Commission has the right to allow non-conforming lots.

Mr. Rauske said that he looked up the assessments of certain properties with Cuyahoga County and there is a special notation for "view". All along Lake Erie, those properties on the Lake have a view factor noted as "plus". Everything on the east side of Frazier Dr., overlooking the River Basin, all have the view factor noted as "plus". People on the west side of Frazier Dr. do not have the view "plus" factor. He said his point is that they are assessed a special tax based on the view. This is in line with the clause in the Code that reads that anything along the Lake has to have a certain averaged rear setback and he believes that they should have the same protection as the homes along the Lake. Mr. Bishop responded that what they are really doing there is trying to make a distinction from one side of the street to the other when there is a variable in the appraisal, in order to account for the difference in selling prices of homes on one side of the street and the other. At the end of the day, the owners are paying taxes on the value that they assess to the house. Mr. Rauske said that he checked with the County appraisal department and they are increasing the assessment by 5% for people with a view factor of "plus".

Mr. Rauske said that he submitted a petition circulated primarily to the residents who received notices. Mr. Bishop said that everything Mr. Rauske submitted was put into the record.

Law Director Bemmer said that what Mr. Rauske cited in the Code was a substitution of a non-conforming use when referring to Section 1139.05. The use refers to how you use the land so, if the use was as something that is not now permitted, i.e., a chicken farm, then you could not change that to another non-conforming use such as a junk yard. He said that the section the Commission is looking at is 1139.09(b)(1)A, which refers to non-conforming lots. This gives the Planning Commission the authority to allow what is being proposed without regard to the lot area.

Ms. Linda Kanner, 236 Arundel Rd., came forward and said that she is in favor of three houses because she thinks it keeps their neighborhood quaint, quirky and uniform. She bought her house 20 years ago and it is about the same size that these three homes would be. She said that Frazier Dr. is an adorable street and just two homes on two lots, means that very large home could be built, which are not in keeping with the size of the immediate neighborhood. She said three homes will maintain the scale of the other homes in the neighborhood.

Mr. Mark McNamara, 19342 Frazier Dr., came forward and said that he would like to see actual drawings of the proposed homes because the ones presented tonight all look alike. Once the Planning Commission approves this, then the owner can do what he wants. Mr. Bishop said that the Planning Commission can put conditions on the approval. Mr. McNamara is concerned about overhangs that protrude into the 6' width. Mr. Bishop



asked Mr. McNamara how he feels about the house being in front of the garage. Mr. McNamara said he does not have a total problem with that as long as it's not too close to the street. He still likes two homes but he is trying to concede a little bit. Mr. Bishop said that with two homes, they would not be pulling them forward like he is proposing. Mr. McNamara said that he thinks two homes can be broken up more with architectural interest. He said the three homes presented are all similar because of the lot size. In addition, the backs of the homes that face Yacht Club Dr. will all look "boxy" because they will be built on a small lots. He thinks the architect needs to come with drawings that show what these houses will really look like instead of examples of what they could look like.

Ms. Sandra Muny, 19341 Frazier Dr., came forward and said she lives across the street from the properties. Her preference is two homes because there is more aesthetic appeal with the homes looking different and more innate. There is more ability to design each house to look different. If there were only two homes, then one set of three-car garages could be on one side of one home and the other garages could be on the other side of the second home and there is more opportunity for aesthetic variety. They are used to seeing two homes there now, and it would be nice to see two homes in the future. Mr. Bishop asked if she would prefer to see them closer to the street or farther back. Ms. Muny said that safety is not being discussed tonight but a person driving on Frazier Dr. today had to back up so that she could pull forward because three cars were parked on the street. She thinks that more cars will be parked on the street with three homes. Mr. Bishop said that three homes would provide more off street parking because there will be more driveway. Ms. Muny said that there wouldn't be as many guests constantly coming over to two homes as there would be to three homes.

Mr. Brian Hanzal, 19343 Frazier Dr., came forward and said that he agrees with Ms. Muny and Mr. McNamara in that he prefers two houses. They are all used to two houses because that is what the neighborhood always looked like. He doesn't understand why they say that there has to be three garages for each of the two houses. If they really care about the aesthetics of the area, then they would have two houses with two garages in the same spots as they are now. Mr. Hanzal said that the applicant is looking at the bottom line regarding how much profit they can make from this subplot by building two homes. They feel that having solid plans presented prior to the meeting would be fairer. He said that a comparison of what two houses would look like compared to three homes should be presented, with three-car garages and two-car garages so they understand what the Planning Commission is approving and what they will be living with.

Mr. David DeCapua, 2696 West Asplin Dr., came forward and said that he served on the Rocky River Board of Zoning and Building Appeals for 10 years and was a resident of the River Valley for 25 years. He is delighted to hear that the Yacht Club Dr. option does not appear to be feasible. He knows the area very well and agrees that the south Frazier Dr. – Beachcliff Blvd. area is very distinct and eclectic. He said that three homes will look very nice and look as if they belong there. He thinks that having three distinct homes meld into that area far more effectively than two potentially very large homes. He

likes the idea of the setback of the garages because they would fit in with the existing homes. He has a lot of confidence in the Architects and believes that whatever the firm designs will look wonderful.

Ms. Elaine Pavlik, 19465 Beachcliff Blvd., came forward and said that she walks down Frazier Dr. often and would prefer three houses on the properties because she has seen what can be developed on lots as large as the two exiting lots. With just the existing lots, the purchasers, who will likely have very large families, will want to build very large homes, which will overshadow the street and the aesthetics of that section of Frazier Dr. They are building very large homes further north on large lots. She said that there is trouble everywhere in Rocky River when neighbors have company because of the need for parking. She has difficulty driving through Argyle Rd. between Beachcliff Blvd. and Lake Rd. when people are parking on both sides of the street. She believes that three homes would be aesthetically more pleasing because they fit in better than two very large homes. One of the existing homes has a four-car garage, so the neighborhood is already looking at garages.

There being no further public comment, Mr. Long moved to close the public hearing. Mrs. Murphy seconded.

5 Ayes – 0 Nays  
Passed

Mr. Bishop said that he believes the largest attached garage that is permitted in Rocky River is 800 sq. ft., or a four-car garage. Mr. Bishop asked Mr. Maddux to address some of the comments that have been made. Mr. Maddux said that he drives on Frazier Dr. often and he is very sensitive to all of the comments that have been made. Their goal is to create three lots in order to build something that blends in and is appropriate in style and character. He understands what is loved about Frazier Dr., and he agrees. He believes that the ability to have cars off of the street helps alleviate the concern of congestion on the street. Having two spaces in the garage and two spaces in the driveways would certainly not exacerbate the situation.

Mr. Bishop asked Mr. Maddux what kind of depth they could live with if they were given some relief in the front of the houses. Mr. Maddux said he hasn't looked at it enough to determine what depth they would need. Mr. Bishop said that the rear setback is 40' off of Yacht Club Dr. Mr. Maddux agreed and said that the deepest lot is 112' deep, and by the time you take the 40' rear setback and 20' front setback requirements into account, then there is 52' of lot depth on which to build. The northern side is less than that because they are approximately 104' on the north property line.

Mr. DeMarco said that he believes that keeping the garages back is one of the things he likes best about this plan because it alleviates some of the traffic concerns on Frazier Dr. He is open to considering some kind of front setback relief, but he thinks he would want to couple it with an increase to the rear setback. Mr. Bishop agreed with Mr. DeMarco.



Mr. Bishop explained that there are two steps that must be completed, which are preliminary approval and final approval. Mr. Gustafson said he would like to ask the applicants to bring something for them to see next time. Mr. Maddux asked if there is a way to request preliminary plan approval and they can come back before final approval with what will be built. Mr. Bishop said that one of the purchasers is someone who intends to build their own house and asked if there is anyone else who is interested in building a house on another property. Mr. Maddux said that they haven't gotten that far yet. He added that it is not a townhouse development where they are going to design houses up front and build them on spec, leaving them no choice but to buy what they build.

Mr. Bishop asked Law Director Bemer if the homes could be required to come back to Planning Commission one at a time if they granted preliminary approval based on certain criteria. Mr. Maddux said it seems like it would be very difficult to give individual approvals if they cannot build on them unless the lots are reconfigured. Mr. Bishop asked if the applicant has chosen the subplot on which to build his home. Mr. Maddux said that they have not gotten that far because they have been focusing on the reconfiguration of the lots. Mr. Bishop said that they can approve that subject to everything else and they would not get a building permit until they come back through the process. Law Director Bemer said that they can give preliminary approval subject to conditions and criteria.

Mr. Bishop said that his concern is these homes going directly to the Design and Construction Board of Review, one house at a time. Mr. Maddux asked if the Design Board can be apprised of the situation when they are reviewing the homes. Mr. Bemer said that the Design Board will have the minutes of this meeting. Mr. Bishop asked what the time table of the purchaser is. Mr. Maddux said that he is interested in building fairly quickly. Mr. Bishop said that they could bring his proposed dwelling back to the Planning Commission when it is time for final approval because they have 1 year. Mr. Maddux asked how the lots would be approved. Mr. Bishop said that the applicant would not get a building permit for the three lots that he owns and would have to get them one lot at a time. The split could be completed and they would have preliminary approval but not final approval until the homes come back to them. Mr. DeMarco said that the subject matter here is vacating the lot split and consolidation and if they grant preliminary approval with the condition that each of the homes comes back for final approval after Design Board approval, he asked what the approval means for the item that is in front of them.

Law Director Bemer said that if they are inclined to grant the split and reassembly as requested, then any structures can have conditions so the Planning Commission can control the size and expanse of the structures. Mr. Bishop said he thinks this Commission needs to study the rear yard setback and what can be done with that in lieu of giving consideration to the front. Part of the problem is that the homes that are sitting closer to the front are not nearly as deep and, although some people don't like the idea of

two homes, this puts much more control on the three homes than they can ever put on two homes on the existing lots. It could force the rear wall to move forward substantially, compared to what would be permitted with two homes. He said going this route would help control the views of adjoining people. They can control the size of the garages on three lots, but they cannot control four-car garages and huge homes on the existing lots.

Mr. Maddux said he does not have any problem coming back with architectural designs, however, he is not sure how that works with granting the buildable lots. Mr. Bishop said that they can't answer what the rear yard setback may or may not be, which is why tonight's approval would be preliminary. He asked what the square footage of the homes they have in mind is. Mr. Maddux said that they have to stick to the lot coverage and they are going to build as wide as possible to get the street frontage design that the Planning Commission is recommending. Lot coverage sets up the equation of how far they can go back.

Mr. Gustafson asked why each home cannot be considered separately from the lots because the homes will not be built on spec and the problem will be that each owner may have his own ideas on what they want to do, which may not be consistent with what the Planning Commission hopes will happen. Mr. Bishop said that is why he is trying to keep a little bit of control, but it is also why we have a Design Board and they have to rely on them to take it over at that point.

Mr. Bishop moved to grant preliminary approval to Lakeshore Group, LLC, 19338-19340 Frazier Dr., Sublot Nos. 667, 668 and 669, to vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots. Preliminary approval is conditioned upon the front setback for the living space of the homes being maintained at the current front setback of the existing homes, which is approximately 10'. The garage shall be maintained at the 20' front setback; No variances shall be required for the side and rear yard setbacks, height and lot coverage.

Further discussion was had regarding clarification of the conditions being set forth. Mr. Bishop said that they will need quite a bit more information for the final review for the house that the applicant wants to build. Mr. Maddux said he understands that preliminary approval means that, in concept, the Planning Commission is fine with the lot reconfiguration, but they just have to demonstrate what the houses will actually be. Mr. Bishop said that they will need to see the proposed footprint, square footage and rear setback. In addition, they will need a good idea of the flavor and concept of the design of the house. The applicant will make representation to the Planning Commission and final approval will be based on the representation that is made. They will put conditions on the Design Board at final approval. The Planning Commission will have to look how these homes affect the rear yard setback of the adjoining homes and how the relief at the front would help that. This is a fairly strict preliminary and final approval compared to most.



Mr. DeMarco moved to grant preliminary approval to Lakeshore Group, LLC, 19338-19340 Frazier Dr., Sublot Nos. 667, 668 and 669, to vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots. Preliminary approval is conditioned upon the front setback being reduced to align with the current structures on site. No variances will be permitted on the side and rear setbacks, height or lot coverage, and the garages must be located at the required 20' front setback. Mr. Bishop seconded.

5 Ayes – 0 Nays  
Preliminarily Approved

**4. ROCKY RIVER PRESERVATION PARTNERS LLC – 22700 and 22732 LAKE ROAD – Discussion with Planning Commission – A proposal to change the District Classification of certain real property known as 22732 Lake Road (P.P.N. 302-01-007) and 22700 Lake Road (P.P.N. 302-01-008) from their present classification of Single Family (R-1) to Multi-Family (R-4 or R-5) (per R.R.C.O. 1135.05(a)).** Mr. John Carney and Mr. Andrew Brickman, developers, came forward to lead the discussion.

Mr. Carney thanked the Planning Commission for giving them another opportunity to discuss the rezoning. At the last meeting, the Planning Commission asked them to do a number of things, which they have done. They have met with everybody in Breezevale Cove, except for one owner who leases their property and they have not been able to reach. That property is on Lake Rd. on the east corner of Breezevale Cove, adjacent to the Beach House. At this particular point in time, they have three people who are in support and have written letters or will come here to place their support for rezoning. One is interested in selling to them and they believe they have a preliminary deal. There are others who do not want to sell at all. Mrs. Alexander does not want to sell and Mr. Hellebrekers listed his house for sale after they met with him but it appears that the price might be a little bit high. Every one of the homeowners knows what they have proposed and now knows that they are not going to try to take their houses. They discussed with them the idea of requesting a rezoning of Breezevale Cove along with the property next door on Lake Rd. because they think it makes sense for them, but you never know what people will want to do. Mr. Carney said that, as a developer, he cannot understand when having multi-family zoning would be a detriment to property values.

Mr. Carney said they received a letter from David Hartt who focused on the value by saying that if a person wants so much for the house that you can't do anything with it, then it will not sell and this is true. When they apply for the rezoning, a number of the homeowners will come to the meeting and at least they will know who they are and what they want to do and they are free to call them at any time.

Meeting #4

Mr. Bishop moved to grant final approval for The Normandy, 22701 and 22709 Lake Rd. for Phase II – Construction of New Assisted Living Facility. Mr. DeMarco seconded.

4 Ayes – 0 Nays  
APPROVED

**2. LAKESHORE GROUP, LLC – 19338-19340 Frazier Dr. – SUBLOT NOS. 667, 668 and 669 – PUBLIC HEARING - Preliminary Review – To vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots.** Mr. Dave Maddux, of Arcus Group Architects, came forward to present the proposal.

Mr. Maddux came forward and said he would like to distribute more detailed information on the site plan to the Planning Commission. Mr. Bishop accepted the site plan and it was distributed to the Planning Commission members. Mr. Maddux said that the Planning Commission requested that they demonstrate how floor plans work appropriately on the site, and that they align the garage at a 20' setback, as well as locate the entrance much closer to the 10' setback in order to help ease the relationship to the rear yard setback. He explained that the first page of the site plan shows where the 40' setback area is located and the shaded area represents the proposed house in relationship to that setback. This is a schematic design and no construction drawings have been developed yet. They realize that the Design Board will need to review the proposed home. The enclosed space of the proposed home sits roughly 12' from the rear setback line, so they are not approaching the 40'. Part of their goal in doing this was to open up the view lines from the neighboring properties as much as possible. The actual mass of the building is similar to the house closer to the south of them, and it is in proportion and scale regarding lot coverage. Its relationship on the site is a little bit different because this home is built farther back on the property.

Mr. Maddux said that they are proposing to build over the garage with main living area and then step down toward the back in order to help free up the floor areas. He feels that this is a comfortable mass, and the character and size are in keeping with the intent of the Code for this area of Frazier. Mr. Bishop asked what the coverage percentage is for this house. Mr. Maddux said that coverage is 1600 sq. ft. on the smallest lot. Mr. Bishop said that it looks like the existing building line is not at 10'. The building setback looks to be almost at 0', meaning that the existing dwellings are almost at the front property line. Mr. Maddux agreed that the existing homes that are being proposed to be removed sit very close. Mr. Bishop said that they requested that they utilize essentially the same setback as the existing homes, but put the garage at the 20' setback line. Mr. Maddux said that they discussed pulling the entrance proud of the garage to within the 10' setback line. He does not think they feel at all comfortable building any closer to the street than a 10' setback. He said that all of the houses along the street are fairly flat to the street, without a lot of ins and outs, so they are trying to be respectful to that composition. He



said that the mass of the garage dictates where the substantial living area can happen on the site. Mr. Bishop said that they are showing the smallest version of the homes and their biggest concern is the neighbor to the south of the first lot. Mr. Maddux said that if they build as close to the street as that neighbor's property, then it becomes very close in that area. This plan would give his property a little bit more clearance and their property starts stepping away because they are building parallel to the north property line and not the south property line. The closer the house sits to the front, then the closer they come to his property. Mr. Bishop said that their previous discussion of flipping the balcony would benefit the neighbor to the south. He said that rotating the living room would help that neighbor by about 6' to 8' and somewhat help his angle. Mr. Maddux said that they are trying to do what is best for their house, as well as maintain respectful distances on the south property line. Mr. Bishop said that the balcony is wide open, so it is not as much of a concern on anybody's setback. The Planning Commission is most concerned about this lot rather than the other 2 lots because once this is in place, nothing will change on the other 2 lots and affect the person to the north.

Mr. Maddux said that putting the living room across the whole back of the house is something they can look at, but they are trying to give the homeowner framed views from the living room and have a kitchen balcony that is a half level above the living room balcony for a stair stepping affect, as well as for views for the homeowner. He said that with this plan, they are not building to their limits and they are pulling the house forward and making the garages as small as possible. They are trying to demonstrate that they can make it work and still step it away. Mr. Bishop said that it is a much better scenario than if there were just two homes on the site, regarding size and massing. Mr. DeMarco said that there is foyer area that extends into the reduced setback on the plans submitted tonight, which is different than what was on the plans that were submitted. Mr. Maddux said that they are continuing to study that, because pulling the foyer forward did not significantly help the back of the property, based on the size of the garage and the ability to work around it. They decided that it might benefit neighbors as well as this property owner, to have more open space at the street. There is an existing stairway that is somewhat shared between properties and they want to maintain it and work around it. They are exploring a couple of different alternatives and pulling the foyer forward does not enable them to actually pull the whole house forward because of where the garage sits. Mr. Bishop said that it actually helps more on the other 2 lots because the space could be more functional due to the width of those properties, but regarding this house, it really doesn't mean much. Mr. Maddux said that the way they can do it is by creating a low wall with a small courtyard coming in from the garage side, as well as recessing the garage doors a little bit deeper into the opening.

Mr. Bishop asked if Mr. Maddux is suggesting that they will hold the depth of this house to 56' and moving the setback forward by 12'. Mr. Maddux said that the drawing in front of them is a design drawing that they are working through. He would say that 12' is the area they will be in and asked if they will be required to be at the 12' rear setback in order to get final lot split approval. Mr. Bishop said that he may be held to that on this one lot

in order to help the neighbor to the south, which would only affect the main wall structure and not the balcony. Mr. Maddux said that they have not studied it enough to be entirely comfortable with 12' because they go through a lengthy design and detailing process when they lay out structure. He said that it is their intent and they are pretty close to 12'. Mr. Bishop said that the idea behind it was to reduce the mass to the neighbors and to the neighborhood. Mr. Maddux said they pulled it well off the rear setback line at 12'.

Mr. Demarco said that he is not confident the relief on portions of the structure, excluding the garage, provides more square footage in the house. He likes the 20' setback on the front and he is still open to providing relief that pulls them further off of the rear setback. Mr. Bishop said that the problem is that the garage is 20' wide and they want the 20' depth for the parking, which will alleviate the neighbor's concerns about parking. Mr. Bishop clarified that this discussion is regarding this one smaller lot because the other two lots are not as sensitive. The garage setback will be the same for all 3 homes. The Design Board looks at the appearance of the garage relative to other architectural features of the home and there are to be no variances required.

Mr. DeMarco asked if it is their intent to review the site planning and coverage for the other 2 lots as well. Mr. Bishop said he thinks they should make it a condition that they cannot exceed what is allowed, which is only about 1,700 to 1,900 sq. ft. He said that 3 lots is much more limiting for coverage than just 2 lots. Mr. Bishop said that they should put a restriction on just this one lot at the rear building line, which would move it forward 12 additional feet so that it helps the neighbor. He said that if they are able to design it so that it steps inward from the south side, which means flipping what they have done. With this plan, they are stepping it in on the north side. He understands that it may not work as easily and the tradeoff is the 12' or the moving in on the south side. Mr. Maddux said that if he does that then it turns the focus toward the south, which is not what anybody wants. Mr. Bishop said that it gets the main mass away from the south neighbor and helps the angle to their view a little bit. Mr. Maddux said that they may be better off trying to solve the problem by staying back 12' and he is confident that they can make it work.

Mr. Bishop moved to approve the plan for Lakeshore Group, LLC, 19338-19340 Frazier Dr., Sublot Nos. 667, 668 and 669 to vacate the consolidation of Sublot No. 669 and a portion of Sublot No. 668; To vacate the consolidation of Sublot No. 667 and a portion of Sublot No. 668; To vacate the lot split of Sublot No. 668; and to revert to the original Sublots. Approval is conditional upon the southernmost lot having the rear setback of an additional 12' greater than what is required by Code, that a 20' front setback is maintained for the garage wall, and that no variances shall be granted for any of the 3 dwellings for any reason. Mrs. Murphy seconded.

4 Ayes – 0 Nays  
APPROVED