

CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES OF THE MEETING
JULY 15, 2015

MEMBERS PRESENT:	Gail E. Bromley	Chair
	George A. Gilliam	
	Thomas Zych	Vice Chair
	Benjamin Hoen	
	Michael Wellman	
STAFF PRESENT:	Ron Nied	Building Commissioner
	Vesta A. Gates	Zoning Administrative Assistant
	Karen Knittel	City Planner
	Elizabeth Rothenberg	Assistant Law Director
OTHERS PRESENT:	Cheryl L. Stephens	Vice Mayor, Planning & Development Committee Member

CALL TO ORDER

Ms. Bromley called the regular meeting to order at 7:00 p.m. at which time all members were present.

APPROVAL OF THE MINUTES OF THE JUNE 17, 2015 PUBLIC HEARING

Mr. Zych stated that he would like comment regarding the guidance the Board had received earlier from Ms. Rothenberg concerning the process for approval of the minutes. He stated that while he appreciated the advice, it seemed to him that based on the past practices of this Board, a better practice would be for all of the members to go on record as to whether we do or do not approve the minutes. That would be better than a broad approval. While he certainly appreciated Roberts Rules of Order, he did not believe them to be binding upon this Board, but rather a suggested format. His recommendation was that the Board continue with the process of the Board approving the minutes. He had given Ms. Gates a couple of corrections prior to the meeting and moved to approve the minutes as corrected.

Mr. Wellman seconded the motion which carried 5-0.

THE POWERS OF THE BOARD AND PROCEDURES OF THE
BOARD OF ZONING APPEALS PUBLIC HEARINGS

For the benefit of the applicants, representatives, and the public, Ms. Bromley stated that these hearings are quasi-judicial and certain formalities must be followed as if this were a court of law. Those who wish to speak regarding each case will be placed under oath. Following a presentation by City staff, each applicant may present his or her case. The Board will open a public hearing to obtain testimony from any other persons and the applicant will have a chance to respond to any such testimony. The Board will then ask questions of the applicant and render its decision. The formal nature of these proceedings is necessary because the applicant is asking for an extraordinary remedy called a variance. A variance is formal permission for the applicant not to comply with the municipal ordinances by which all other citizens are bound. The factors and criteria weighed by the Board with respect to the granting of variances are set forth in the Zoning Code and have been made available to all applicants. The burden is upon each applicant to establish the right to a variance under these criteria. The applicant must demonstrate circumstance unique to the physical character of his or her property, not personal difficulty, hardship or inconvenience. All variances granted by this Board are subject to review by City Council.

PUBLIC HEARING

JULY 15, 2015

CALENDAR NO. 3374

Roy Elmalich d.b.a. Cube Workspace, 2460 Fairmount Blvd., 'C-2' local retail, requests a variance to Code Section 1163.06(e)(4)(B) to install a 33.19 sq. ft. sign on the building for a business not on the ground floor (not permitted).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

This property is located in the Heights Medical Building which is surrounded to the north by commercial properties, to the east and south by residential properties, and to the west by a combination of commercial and residential properties. The building is curved to follow Fairmount Boulevard and, in some portions has a deep setback and in others has parking cut into the curb.

Cube Workspace is located on the second floor of the Heights Medical Building above the Mad Greek restaurant. Businesses not located on the ground floor must comply with Zoning code section 1163.06(e)(4) for signage.

Signage is permitted at the ground floor entrance for tenants. The code permits one square foot of signage for each lineal foot of building frontage devoted to the entrance and permits a minimum sign area of 10-square-feet and a maximum of 150-square-feet. This signage is considered a commercial identification sign as regulated by 1163.04.

Also, for a multi-story retail or office building, each tenant above the ground floor is permitted one permanent sign to be placed in a window of the tenant's space, not to exceed ten percent (10%) of the window area. In no case shall the maximum permitted area exceed twenty (20) square feet. These signs may be considered in addition to the maximum allowable area for identification signs pursuant to Schedule 1163.04.

Cube Workspace leases 2,200-square-feet. Their space is 58 lineal feet along the building frontage and includes five windows. The business provides office and meeting space to members. The applicant states that window signage would not be visible as this is a three story building located at an intersection along a curved road. They are requesting a 33.19-square-foot sign to be located on the building above their second floor location to enable current and potential customers to see where they are located.

If approved, conditions should include:

1. Obtain approval of the Architectural Board of Review;
2. Building owner shall develop a comprehensive signage plan for the building and submit this with the Cube Workspace sign to ABR;
3. Receipt of required building permits; and
4. Completion within 18 months of the date this variance is approved by City Council.

That being the end of staff's report, Ms. Bromley asked the applicant to come to the microphone.

Roy Elmalich, 2492 South Green Road, University Heights Ohio, came to the microphone. He had been sworn in.

Ms. Bromley asked if he had anything to add to Ms. Knittel's presentation.

Mr. Elmalich stated that his business is renting work spaces. He has four locations in Cleveland, and one in Beachwood, Lakewood, and Solon. His business has been in this building for 2-1/2 years and people still don't know where it's located

because it's on the second floor. What we do is unique because we don't lease office space for our business. We lease the space from the building owner for use by people with memberships. It works like a gym membership. You pay for a membership, then you can use the space whenever you want. The reason we want the sign is that our operation is more like a restaurant than an office. People pay per day for the use of the office space each day and after the use they leave and have no further commitments.

PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

Ms. Bromley asked for any comments or questions from the Board.

Mr. Wellman stated that he was torn because while it is a handsome sign and he wanted to promote business in Cleveland Heights, he was having trouble determining a practical difficulty. He asked if staff could tell him about any similar signs that the Board has approved. He could recall the Rockefeller's sign which is on the second floor.

Ms. Knittel stated that the Rockefeller's sign is a building identification sign which is a little different from a business identification sign. She had not found a variance for a concept similar to the applicant's.

Mr. Zych recalled a variance being granted for the Luna Bakery sign, which is in this district.

Mr. Wellman asked if it was a second floor building sign.

Mr. Zych explained that the Board has looked at these types of situations, especially where there is an odd configuration, and while it wasn't on a second floor, the Luna sign was permitted to extend out more than is normal. So the Board looked at certain commercial district properties, taking into account the traffic flow and pattern, especially in locations like this where you have odd sight angles, and where traditional signage does not do what the code wants it to do and that is to give a clear identification. We've also looked at the nature of the buildings, at the commercial zone and the like, and asked, is this working a hardship so that the legitimate reason of identifying the business is being hampered by the shape of the building or where that building happens to be located. So the answer is yes, we have done analogous things.

Mr. Hoen asked if the Board were to grant this variance, would it be specifically for this applicant or would it have broader ramifications on the entire building.

Ms. Knittel stated that this variance would be specific to this applicant and if another tenant in this building wanted signage they would have to seek a variance. In addition, it would have to be signage that the building owner had already

identified as being available on the building face. That was the concept in working with the building owner. When spoke with him he was very concerned about the character of the building and the neighborhood and he felt that he takes care of his building and always wanted it to look as nice as it could. In his opinion, he did not foresee any of his current tenants wanting signage, which was why he felt very comfortable in saying he could develop a signage plan.

Mr. Hoen commented that he was unclear about what benefit a signage plan would be to the Board since it isn't before us at this time. Are we voting on something we know nothing about?

Ms. Knittel clarified staff's thinking was that when the sign proposal goes before the board that deals with aesthetics, the Architectural Board of Review, they would look at that total signage plan to see if they were in agreement as to whether the proposal made sense for that building and whether this sign fit that building signage plan.

Mr. Gilliam commented that this building needed an overall signage plan because while it is pretty easy to fit a sign right above the second floor, signage for a third floor tenant would run right into the building's architectural detail or it would have to be worked into the architecture, similar to the Rockefeller sign on the Rockefeller building. It will cause problems if there isn't a signage plan of some sort. Whether a plan is necessary in order to approve this variance or whether this is something for the Architectural Board of Review and the Planning Department to work out, he couldn't say.

Mr. Zych commented that although he was loathe to approve things that were incomplete, at the same time he tried to be mindful of what this Board's charter is. We do not do aesthetics. He also tried to keep in mind that the Architectural Board of Review, appointed by Council, has that charge and tends to be populated by people who are trained in that field. In that sense, for this member, he could accept that as a condition, and as a condition, be satisfied that it is in the hands of a body that can handle the issue.

There being no further comment from the Board, Ms. Bromley asked for a motion.

Mr. Zych moved to grant Roy Elmalich d.b.a. Cube Workspace, 2460 Fairmount Blvd., a variance to install a 33.19-square-foot sign on the building for a business not on the ground floor where it is not permitted, based on the grounds that the location and configuration of the building provide a unique challenge to identifying a legitimate business on the second floor given the traffic flow at various times of the day, given the distance of the sign from the street view and eye-level. Also finding that with appropriate requirements, as stated in the conditions, that the character of the building in the neighborhood can be maintained without detriment to the surrounding neighborhood or the commercial district. If approved, the conditions

include: 1) The applicant shall obtain approval of the Architectural Board of Review for the signage itself; 2) The building owner shall develop a comprehensive signage plan for the building and submit this with the Cube Workspace sign to ABR; 3) The applicant shall obtain required building permits; and 4) Completion within 18 months of the date this variance is approved by City Council.

Mr. Gilliam seconded the motion which carried 5-0.

Ms. Bromley reminded the applicant that City Council must review the variance.

CALENDAR NO. 3375

Kathy Komp, 3050 Corydon Rd, 'A' single-family district, requests variances to 1) Code Section 1121.12(g) to construct a 16.5 ft. tall garage (15'-tall max. permitted); 2) to Code Section 1121.12(e) to permit a 672 sq. ft. garage (633 sq. ft. max. floor space permitted); and 3) to Code Section 1121.12(a)(8) for a driveway with 0' setback from the east side property line (3' min. req'd.).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

This property is located in an 'A' single-family district and is surrounded by single family homes.

The applicant plans a code conforming rear house addition and would like to construct a new garage that would be large enough to store their boat, vehicles and other items. The applicant proposes to construct a 28' by 24' garage that is 16.5' tall.

This property's driveway and the driveway for 3044 Corydon are nonconforming as the pavement from each residence meets at the property line (zero foot setback). This 0' setback begins at the front property line and extends to behind the houses until the driveways separate to provide access to the garages for each property. The applicant intends to have a 3' setback from the parking area of the garage but would like to taper the driveway from the existing 0' set back to the 3' setback.

Because of the square footage of this parcel, the applicant is permitted to have a 633 square foot garage. The applicant is seeking a variance for a larger garage to enable the enclosed parking of 2 vehicles, a boat and to provide storage space. Zoning Code 1165.02 requires that boats be either garaged or adequately screened from neighbors. The garage door will be 10' tall in order to accommodate the boat.

The roof line of the garage was designed to match that of the house. The taller than normal door size and the desire to match the roof of the house result in the garage being 16.5' tall rather than a code conforming 15'.

The garage is set back 14' from the rear property line and is 6' from the east property line and is 30' from the west property line where the parking pad will have a 3' setback.

If approved, conditions should include:

1. Approval of the Architectural Board of Review;
2. Receipt of a Building Permit;
3. Submit an on-site storm water management plan for Planning Director approval; and
4. Complete construction within 18 months of City Council's approval of this resolution.

That being the end of staff's report, Ms. Bromley asked the applicant to come to the microphone. She also noted that the Board had received letters regarding this request from the following: Keith and Laurie Logan, 3051 Coleridge Road; I. Jane Reynolds, 3045 Coleridge Road; Marcia Mauter, 3044 Corydon Road; and Nikhil Chand and Rebecca Groynom, 3054 Corydon Road. She stated that these letters will become a part of the public record.

Troy Frazier, contractor, 331 Ivy Lane, Painsville, Ohio and John Stopp, architect, 5204 Georgeann Court, Mentor Ohio represented the applicant. Mr. Stopp stated that he and the homeowners had worked about 6 months to get to this point. The addition will add approximately 16 feet to the rear of the home to extend the kitchen but the variance request is because of the proposed garage. The owner measured the size and scale of his equipment, trucks and vehicles, which is how the size of the proposed garage was determined. He wanted to be sure he could fit all he wanted to fit inside it. We are only asking for 40 square feet. The direction of the garage is probably the biggest question the Board may have. The homeowner just does not want to see the front of the garage when driving up the driveway. He would rather have the opening hidden behind the home. The reason for having the rear of the garage 6 feet from the rear property line is so the homeowner can store his firewood back and still have space to walk around. The other issue is the height of the proposed garage. The reason for that is the homeowner has a truck that has ladders on it so a 10 foot tall overhead door is proposed. Speaking as an architect, and mindful of the ABR review, he felt that it should match the existing slope of the house roof, which is 9-12. Also, the owner wants as much storage space as possible. He has a lot of stuff that he needs to put in that garage and he believes the community will be happy if he was able to store everything inside. That is the goal and what is proposed.

PUBLIC HEARING OPENED

Nikhil Chand, 3054 Corydon Road, who was sworn in, stated that his house was located immediately east of the subject property. He thought there was a lot of confusion when the neighbors received the card, particularly with regards to the measurements. Our understanding was that there was going to be a 21.5-foot tall garage which is quite an excessive variance. It was only recently that we discovered it is going to be 1.5-feet taller than what is permitted and don't see too much to contest there. How high is the peak of the current garage? Does anyone know?

Ms. Rothenberg explained the procedure is to ask questions of the Board and the Board will ask questions of the applicant or staff to get answers.

Ms. Knittel stated that she did not know the height of the existing garage.

Mr. Stopp estimated the height of the existing garage to be about 16 feet.

Mr. Chand reiterated that adding 1.5 feet to that is what is proposed rather than another 5 feet which is what we assumed. The second concern he had was regarding the 0-foot setback from the east property line. What he initially understood was that there would be a big wall along his property line since his property is to the east. Having recently learned how these things are measured, he discovered that it meant the east side of the neighbor to the west's property line, which is the driveway that they share. Again, that was ultimately of less concern to us in particular. All he wanted to say is that he realized that this issue is shared with his neighbors but the neighbors that share the property line in question have very different concerns than his. He wanted to support all his neighbors and view this as a more democratic majority process. That is where he stood as the neighbor to the west.

Dave Miano, 3402 Bradford Road, who had been sworn in, stated that he would like to understand the statement of practical difficulty. He understood the desire to enclose the vehicles and the boat but did not understand why that would be a practical difficulty. He would like the Board to explain the thought behind each of the factors to be considered. Another concern is the use of these vehicles in a residential neighborhood and whether that is part of this consideration. Are there any ordinances that apply to the kinds of equipment and vehicles that are stored in a residential district? The third question is regarding the lot coverage. Does the lot coverage consist of paving only or include buildings? Also, how is the storm water management evaluated? Is it evaluated piece-by-piece or parcel-by-parcel or is it in consideration of all the properties in the surrounding area? The reason for these questions is, if the property is small enough that it doesn't fit within the requirements for storm water management for a typical commercial zone and is therefore exempt, is the next step to take a series of these small parcels that are right up against each other? Is the Board setting a precedent for this kind of thing for all the surrounding areas and then taken as a composite, so that it becomes a

problem. Is a precedent being set or are there other precedents being set by granting this type of variance for the surrounding neighborhood and all the other neighborhoods in town. Also, what is peculiar about this request that is a hardship? What is behind the zoning thinking in the first place and is granting this a demonstration that the zoning code should be changed?

Ms. Bromley responded in answer to Mr. Miano's first question that it is the applicant's responsibility to speak to the practical difficulty and it is the Board's responsibility to evaluate that. She explained that for some of the other issues, the applicant should come to the microphone and respond to those questions.

Ms. Knittel pointed out that some of the questions were directed to staff. She stated in response to the question about vehicles parked in a residential neighborhood, if they are non-commercial, privately owned vehicles, they can be parked in a driveway. If they are commercial vehicles they would have to be parked in a garage to remain on the property overnight. Regarding the boat mentioned in the applicant's presentation, recreation vehicles, which include boats, can be kept on the property but it must be kept in a garage or properly screened from neighbors. Regarding the question about lot coverage, lot coverage consists of buildings as well as pavement coverage, the maximum of which can be 60% per our zoning code. Regarding storm water management, typically when we have applicants that are asking for something that is larger than what the code permits, such as a garage, we ask for some type of storm management plan from the applicant to be approved by the Planning Director. We are flexible as to what that is. It has ranged from rain-barrels to rain-gardens, and some people have provided dry-wells. Some have gone above and beyond and provided an underground cistern for a much larger project. We would more commonly expect to see rain-barrels or rain gardens or something on the garage to help address the additional water that would drain onto the pavement from this.

Ms. Bromley recalled the last question was concerning any precedent being set by the granting of this variance.

Ms. Knittel explained that each request and each parcel is considered individually, so in other areas of the city the Board has granted variances for garages that are taller than normal or larger than normal. It does not mean that the next applicant can automatically presume that they will be granted the same variance. Consideration of the request means taking a look at the laws and understanding what is going on in this particular situation that would justify recommending to City Council that the law be changed specifically for this parcel.

Ms. Bromley asked the applicant or representative to come forward and explain the practical difficulty.

Ms. Rothenberg suggested explaining what is meant by “practical difficulty” before getting into specifics for this applicant.

Ms. Knittel explained the meaning of a practical difficulty is that there is something unique and unusual about the parcel that requires a property owner to come in and seek some relief from the current laws that dictate land use in the city.

Ms. Bromley asked the applicant to explain the practical difficulty in this case because she believed it would provide context for everyone to understand why this request is being made.

Mr. Zych suggested that a clarification might be helpful to the applicant. He explained that one of the things the Board is mindful of is that the practical difficulty relates to the land because when we grant a variance it is not for the user or the current owner, it is for the land. That is why the subsequent owner of the property gets the benefit of the variance even if their life circumstances are dramatically different. What we look for is something given the typical uses of residential property in this city. Something we can usually anticipate people doing when we look at fences and garages and so forth. We keep in mind what people do, but at the same time, we don't accommodate individuals, we accommodate properties.

Mr. Stopp stated that going back to the presentation of why the garage is the way that it is, you can ask, do they need a garage that big. Sure a smaller garage can be constructed but the homeowner is spending the money that he wants to spend and for the amount of equipment that he has, if you look at the property, he knows he has to clean a lot of the stuff up and this will help by allowing him to bring the stuff inside. The proposed height of the garage, which will accommodate the ladder rack on the truck, makes the garage door higher. We could probably change the pitch of the roof down a little to meet the zoning requirement but, speaking as an architect, he felt the Architectural Board of Review would prefer the pitch to at least match the house. The owner wants the extra space for storage. His hardship is that he has a lot of stuff. We are not asking for much, approximately 38 square feet. All this is based upon the measurements of the truck, snow blower, boat and the rest of his stuff which is how we came up with the size of the proposed garage. The homeowner physically laid it all out. If the variance isn't granted, all that stuff goes outside. That's the bottom line. We are trying to get as much as possible inside the garage.

Marsha Mauter, 3044 Corydon Rd. was sworn in and stated that she is the neighbor to the west, the other owner of the shared drive. She moved into the neighborhood 33 years ago and was told by the neighbors at that time that one family had owned both houses. The smaller bungalow was a parental unit and the larger home was for the growing family. The owners are not blood family any more but are a community family. She believed the unique situation of sharing a drive

encompassed a lot of complexities and nuances. She had not been aware that the neighbors owned a boat, or any other recreational vehicles. There are already four vehicles in the driveways most times. There are two cars, two trucks and now there will be a boat in a shared drive area. Another concern was the size of the garage and the imposing nature on a really small space. She recently put a lot of money into her house to get it ready for sale sometime in the near future. She wished she had time to do research to understand whether having a large structure there will detract from the sale of her property or enhance it. Those were her immediate concerns.

Michael Smith, 3045 Corydon Road, had been sworn in and stated that he and his wife Grace live directly across the street from the applicant. He asked that the slide showing the house from the front be put up. Referring to that slide which showed four vehicles parked, two on each side of the shared drive, he stated that when he purchased his home 3 years ago, this view concerned him and weighed importantly on his of decision whether or not to buy the home. He was glad to hear a new garage will be built if it will take some of the vehicles out of the driveway and will allow my neighbor, Marsha, a way to get her cars into her garage. This is the first time he was aware there was a garage on that property because he had never been in the back yard and had rarely seen those vehicles leave. In 3 years he had never seen either of the trucks leave the property but they could be coming and going and he's just never been there to see it. He was also glad to hear there is some consideration given to storm water management. Everyone on the street has been hit with lots of issues this summer due to the heavy rains. So much water would be shed by a garage of that size taking up so much paving and surface area. Where will all that water go?

Kathy Komp, 3050 Corydon Road, had been sworn in. She stated that she has lived in this property for 25 years and she and her husband Allen Laurehass have been married for 6 years. Soon after they were married, she developed cancer and her husband planted a beautiful cancer garden in the front yard. When he moved into the home he had a new roof put on, new gutters, glass-block windows in the basement, a steel chimney liner and a wood-burning stove because we really do enjoy our fires. To address Michael's concern about the number of cars in the driveway, they are for private use not business use. The truck is mainly for hauling firewood when we need it. The boat is in a paid dry-storage warehouse which is why Marsha has not seen it. As to the storm water concerns, we have 4 or 5 rain barrels in front, hidden behind the plants, and several of them in the back.

Allen Laurehass, 3050 Corydon Road, who had been sworn in, added that they tried to collect as much rain water as possible.

Ms. Komp continued, stating in regard to the neighbor's accessibility to her garage, that in 25 years she had never known where the drive side property line was. (She indicated a line closer to the neighbor's property). Now there is an issue as to

whether this is a shared driveway or is in fact her property. There is an easement that comes outward to extend the neighbor's porch but she didn't know how to address the easement issue at this point. It was there when she moved in. For now that is another debate down the road. We have a beautiful plan for a lovely home. It is going to be gorgeous and is the house of our dreams, bringing improved value to the neighborhood. I love Cleveland Heights. I was born here, I've worked here as a primary care provider in internal medicine at Severance for the last 15 years and at Cleveland Clinic prior to that for 13 years. My parents grew up here and attended Heights High School. I have roots here. Most of my family and friends have left the community. We want this house to be pretty for everyone to enjoy looking at it. There is a mess in the yard and part of that is my fault because I have been very ill. It has consumed our efforts over the last several years to get me through this cancer.

Mr. Laurehass reiterated that they maintained several collectables for rainwater to collect as much as possible for use in the garden. He pointed out that theirs is the lowest lot of all the lots around them so there are flood issues. One of the reasons we want to complete the addition on back of the house, is we want to have some waterproofing done. This will help take care of the excessive drainage from surrounding properties. This is not the highest elevation but the lowest. With the larger garage we will actually have less water running into the sewer system because we will have more gutters and the water will be going into our storage containers and instead of into the system.

Ms. Komp stated that we humbly come before the Board to ask your assistance in helping us with this project. I have never been in such a favorable position to do a home improvement project of this capacity. We would like to have advice from the Board about the appearance, or having the roof lower. Whatever the issues we are willing to work with the Board and ask for your assistance in the project.

Mr. Laurehass stated that the lines of the house will be more architecturally appealing. A difference of 10 inches or 1 foot is insignificant when viewed from the outside but on the inside, the volume of space is very significant. I have a lot of stuff. The garage is all brick so I'm losing space inside the garage because of the brick compared to using 2-by-4's. That's why every extra cubic foot of volume that I can get out of the garage is important.

Ms. Komp stated that we want it to be appealing to our neighbors as well as ourselves. I don't want to look at a monstrosity either. I very much appreciate the concerns of our neighbors Nicky and Rebecca about property lines and specs that I don't really understand but it ultimately comes down to a minor issue with the garage. There was such a turbulent response from our side neighbors and our rear neighbors. Our property values mean as much to us as it does to them. It is a beautiful home. This house is very close to a style from the Sears catalogue and only missed the historical registry by the placement of the upstairs stairwell. This

home means a great deal to me and we don't want to harm it in any way. We are putting in an upstairs laundry because I can't do stairs as well at this age. Also a mudroom and new kitchen is being installed. The average age of the homes on this street is 1920's. On Essex, the street next to us, the average house age is 1918 and earlier. They all need updates of kitchens and baths and new, whole-house wiring to accommodate the new electrical technology. We are hoping not only to make this functional but to modernize it in a tasteful way. Thank you for listening.

As there were no other residents who wished to speak, Ms. Bromley closed the public hearing and asked the applicant to come back to the microphone.

Mr. Zych stated that, referring back to what the Board is allowed to consider as a practical difficulty, he had a couple of questions. We've heard about the "stuff" being stored. One of the vehicles is the pick-up truck with two ladders on it. Is it used in conjunction with a trade? What is it used for?

Mr. Laurehass stated that he owned another property in the City of Euclid. He needed the ladders for things like cleaning gutters and doing necessary repairs at that property. He also buys a lot of mulch and other types of debris. The ladder racks are used as a platform to hold the bags. Once the garage is constructed, the ladders can be hung inside, out of sight. It's one of the reasons we are going for the big garage.

Mr. Zych continued stating that Mr. Laurehass has referred to "stuff" to be stored in the garage. He asked the applicant to describe the kind of stuff he intended to store in the garage.

Mr. Laurehass stated that he owned a canoe and 4 kayaks, a jet-ski and a small sail-boat currently in storage. He would like to close down the storage and collapse the boat so it can be stored in the garage. That way when we want to use it we don't have to go to a storage facility first. We can just leave from home. I want to get maximum use out of my property.

There being no further questions from the Board, Ms. Bromley asked for a motion.

Mr. Gilliam moved to grant the following variances to Kathy Komp, 3050 Corydon Road 1) to Code Section 1121.12(g) to construct a 16.5 ft. tall garage where a 15' maximum height is permitted; 2) to Code Section 1121.12(e) to permit a 672-square-foot garage where 633-square-foot maximum floor space is permitted; and 3) to Code Section 1121.12(a)(8) for a driveway with 0' setback from the east side property line where a 3' minimum setback is required, based on the finding that the variances are minimal; that the 0' setback of the driveway is an existing condition that has been around for some time. The majority of the variances are insignificant to the zoning code and would not set a precedent for other properties. If approved, conditions should include:

1. Approval of the Architectural Board of Review;
2. Receipt of a Building Permit;
3. Submission of an on-site storm water management plan for Planning Director approval; and
4. Complete construction within 18 months of City Council's approval of this resolution.

Ms. Rothenberg apologized for interrupting the motion, stating that she had not heard the motioner state a practical difficulty. A clear understanding of the practical difficulty is necessary, especially when Council looks at this.

Mr. Gilliam stated that the practical difficulty is that none of the variances requested are very significant.

Ms. Bromley asked Mr. Gilliam if he wanted to speak to the land or the structure or any other factor that is a part of our guidelines.

Mr. Gilliam read the following: Factor number 3) *The variance is insubstantial and is the minimum necessary to make possible the reasonable use of the land.*

Ms. Knittle interjected that part of the problem is the fact that modern cars take up more space in garages and that is a fact has often been cited previously. This particular property does have a shared driveway where it is necessary to remove vehicles from the driveway in order for it to be better functioning.

Mr. Gilliam reiterated that the variances get the vehicles out of the driveway and into the garage. Although he was skeptical that the applicant could store all the things that were mentioned into that garage, the variances will remove a certain number of vehicles from the view of the public.

Mr. Wellman commented that Mr. Gilliam's difficulty in coming up with a practical difficulty is telling.

Ms. Bromley interrupted, stating that there is a motion on the floor waiting for a second, after which the motion can be discussed. She then asked for a second. There being no seconder, the motion failed for lack of a second.

Mr. Wellman continued, stating that it was telling that the Board is struggling with a practical difficulty although he totally agreed that the majority of the variances are insignificant. The garage is a little bigger and a little taller and nothing can be done about the driveway. However, the applicant could make it a little shorter and it could cover a little less area. Then you would need only one variance and that in itself may be pretty easy to pass because the applicant is already stuck with the shared driveway.

Ms. Rothenberg asked if the Board would mind allowing her to interpret. She stated there are three variances being sought and it had always been her advice, which the Board is always welcome not to take, that when a practical difficulty is shared among the variances, a single motion can be made. When there is no commonality of a practical difficulty she encouraged separate motions be made. It struck her in this instance that the practical difficulty regarding the side yard setback would not be shared with the requests related to the garage itself.

Mr. Wellman clarified his point was that taking into consideration the ease with which the architect and owner could make this slightly more code-conforming and combining that with some of the concerns of the neighbors, he thought the best possible outcome at this point would be for the Board to continue this. It will allow the applicant to talk with their neighbors and their architect and come back with something that, at least in his opinion, would be easier for the Board to accept.

Mr. Zych commented that he could see the wisdom in that because he would really like to see the overall arc of what is happening to this property continue. It is a good thing. His own house in Cleveland Heights is 100 years old so he could certainly understand the need to modernize things and upgrading. He wanted to see this proceed. The problem the Board is having is that we are an appointed body. We don't write the zoning code and we don't get to change the zoning code. We grant variances and are told we can only do it when there is a practical difficulty; something unique to the property and the circumstances as opposed to an individual owner and their needs. Nothing we've heard about the needs of this applicant is unusual, unprecedented or unwarranted. However, we have a zoning code that limits height and has this oddball way to calculate that height and square footage. What I have not heard is that it is not an adequate or functioning garage if it is code conforming. That makes it very difficult for us if we begin granting variances without a reason that is, if not unique, but is special to the property. We have granted variances to have no garage because the rear yard is on a cliff and no garage could be built there. That was easy. This is more difficult. I am not an architect and can't give that kind of advice. It is not unprecedented that we continue a case. We have a dynamite staff that can work with you and maybe clear up some of the variances or make them easier to approve. Many times we have approved something that was close enough to code-conforming that we could exercise the discretion given to us within the guidelines. I apologize for this long-winded way of saying that I think there is merit in continuing this matter and allowing staff to fine-tune this so that we can do what I would like to see happen and that is that all this work gets done.

Mr. Gilliam stated that is reason enough to change the motion to a continuance for 30 or 60 days to allow the applicants time to work with staff.

Mr. Wellman seconded the motion which carried 5-0.

Ms. Bromley stated that Calendar Number 3375 is continued for 60 days. The Board looks forward to the applicant working with city staff to come up with possible alternatives that may require less variances and thank you for coming.

CALENDAR NO. 3376

Diane Suchetka, 1514 Rydalmount Rd., 'A' single-family district, requests a variance to Code Sections 1121.09(b) and 1161.03(a)(1) to permit 1 enclosed parking space (2 enclosed spaces req'd).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

This property is located in an 'A' single-family district and is surrounded by single family homes.

The applicant would like to rebuild a garage in the same location as the existing one-car garage. The existing garage is 3 feet from the side property line and 45 feet from the rear property line. The existing garage is about 20 feet deep and has a bumped out addition on the back. The garage is not in good repair and the applicant would like to demolish it and rebuild a new one-car garage in the same location. The new garage would be 14 feet wide and 20 feet deep.

A two-car garage in this same location would require the removal of two trees, one of which is a 55 foot tall cedar. Locating a two-car garage 20 feet deeper onto the property (west) would require the removal of a concrete grape arbor pad. The applicant states that this concrete pad was the center piece for a grape arbor and it has been there since the house was built in 1920. The applicant has plans to recreate the grape arbor at a later date. The applicant also states that moving the garage further from the street and building a larger garage would result in additional paving and increase storm water run-off. Also, increasing the garage width would result in removing some of the home's original stone patio and walkway.

If approved, conditions should include:

1. Receipt of applicable Building Department permits; and
2. Complete construction within 18 months of City Council's approval of this resolution.

That being the end of staff's report, Ms. Bromley asked the applicant to come to the microphone.

Diane Suchetka, 1514 Rydalmount Road and Jon Keeney, contractor, 351 Bassett Road, Bay Village, Ohio, had been sworn in. Ms. Suchetka stated that as a single homeowner she had tried very hard to improve this property in the 11 years she had owned it, such as putting on a new roof and installing crown-molding and trying to do things the proper way. She had been saving for a new garage and would hate to lose the trees and add more concrete to the property, particularly when there is so much concern about water issues. She hadn't known that the pad in the back was a base for an original grape arbor until the children of the previous owners stopped by recently and informed her. She hadn't done much work to the back yard knowing that she had to replace the very aged garage. She was hoping that once the garage is built she will be able to do some landscaping and recreate the arbor or at least some aspect of it. Mr. Keeney is the contractor who will be building the garage if the variance is granted. There are also some water issues due to the current slope of the rear yard that Mr. Keeney will address.

Mr. Keeney stated that a hardship in this case would be the displacement of the water. Referring to the slide showing the slide of the garage and the drop-off to the walkway, he explained that if a two-car garage was built, the whole back yard would be concrete to accommodate access. It would require installation a drain but there would be nowhere to displace a drain on this property. There is no storm sewer without ripping up the entire driveway going to the front of the house or the street. This would be due to the elevation change in the rear yard.

PUBLIC HEARING OPENED/PUBLIC HEARING CLOSED

Ms. Bromley asked for comments from the Board. There being no comment from the Board, Ms. Bromley asked for a motion.

Mr. Hoen moved to grant Diane Suchetka, 1514 Rydalmount Road, a variance to Code Sections 1121.09(b) and 1161.03(a)(1) to permit 1 enclosed parking space where 2 enclosed parking spaces are required based on the finding of practical difficulty that the existing 1-car garage is already non-conforming and the proposal is to build a new 1-car garage on the same footprint. Therefore the variance would not negatively alter the character of neighborhood. There would be a practical difficulty in constructing a 2-car garage due to the need to remove the trees that abut the existing garage and the existing landscaping would have to be ripped out. There would also be a need to increase the amount of paving needed to accommodate a 2-car garage which would create water displacement issues. If the variance is approved, conditions should include: 1. Receipt of applicable Building Department permits; and 2. Construction to be completed within 18 months of City Council's approval of this resolution.

Mr. Gilliam seconded the motion which carried 5-0.

Ms. Bromley reminded the applicant that City Council must review the variance.

CALENDAR NO. 3379

2772 Lancashire Rd. LLC, 2772 Lancashire Rd., 'MF-3' multi-family district requests variances to 1) Code Section 1161.03(a)(4) to permit 0 enclosed parking spaces (5 enclosed spaces currently provided); 2) Code Section 1123.12 (a)(1) to permit a 0' setback for pavement on south side property line (5' min required), and 3) to Code Section 1161.11(a) to permit 8.33' by 20' parking spaces (9' by 20' parking space min. req'd).

All those who wished to testify regarding this request were sworn in by Ms. Rothenberg.

Ms. Knittel, who had been sworn in, reported the following:

2772 Lancashire is a five-suite apartment building located in a MF-3 district. To the south and east of the property is the Coventry commercial district. A surface parking lot is located in the adjacent parcel to the east. Apartment buildings are located to the west and to the north across Lancashire Road.

The applicant is seeking to demolish the existing 5-car garage and to replace it with 6-surface parking spaces. The applicant recently acquired the property and the garage is in a deteriorated condition. Maneuvering into and out of the current garage is challenging due to the limited space between the garage and the rear porch of the building. Also, the existing garage has 3 sections. Two sections have two space parking bays and one section has a one space parking bay. The posts between each section must also be considered as one parks. The applicant states that many tenants do not use the enclosed parking due to the difficulty in maneuvering a vehicle into and out of the garage. The applicant states that several tenants have damaged their vehicles while attempting to utilize the garage.

This property is the only apartment building on the south side of Lancashire Road that has garage parking. Zoning records do not exist that indicate when surface parking was implemented on the other properties. A similar variance was granted to 2769 Lancashire to permit a two-car garage to be demolished and to allow surface parking for the seven residential suites in the building. (Calendar Number 2769, Oct. 1985)

Since most of the other apartment buildings in this block of Lancashire do not have garages, having surface parking would not adversely impact the character of the neighborhood.

A second variance request is to permit the size of a parking space to be 8.33 feet by 20 feet. Code states that parking spaces are 9 feet wide by 20 feet deep and that compact car parking spaces measure 7.5 feet by 16 feet. The average width of a large sedan is 6.25 feet. The applicant is able to provide 6 parking spaces with

the narrower parking space.

The rear yard of this property where the surface parking spaces are proposed is currently paved or covered by the garage, with the exception of an area approximately 5 feet wide by 20 feet deep along the south-east property line. This area is located adjacent to the applicant's current garage. It is currently covered with weeds. The applicant is seeking a variance to pave this area to the property line (0' setback). The zero-foot setback already exists in front of the garage in the drive lane and the parking areas of adjacent apartment building. The parking areas of the adjacent apartment buildings all have pavement to their property lines.

If approved, conditions should include:

1. Receipt of applicable Building Department permits;
2. Installation of wheel stops or guard rail to prevent vehicles from driving into the wall behind the rear property line; and
3. Complete construction within 18 months of City Council's approval of this resolution.

That being the end of staff's report, Ms. Bromley asked the applicant to come to the microphone.

Jeff Shoyket, 3196 Richmond Road, Beachwood, Ohio, represented the applicant and had been sworn in. He stated that his company had taken over the property in May 2015 and when they spoke with the tenants the biggest complaint they all had was the garage. Several of them had damaged their cars coming in or going out because of the tightness of the space. They look at the rear yards of other buildings down the street and see that none of them have garages. They think it is a nuisance they would like to see taken down and we assured them we would do what we could to accommodate their wishes. It will benefit the neighborhood because the garage is dilapidated and doesn't look good. We propose to pave the last unpaved strip that contains overgrowth and weeds and make everything look uniform.

Ms. Bromley asked for any comments from the Board. There being no comment Ms. Bromley asked for a motion.

Mr. Wellman moved to grant 2772 Lancashire Rd. LLC, owner of 2772 Lancashire Rd., the following variances to: 1) Code Section 1161.03(a)(4) to permit 0 enclosed parking spaces where 5 enclosed spaces are currently provided; 2) to Code Section 1123.12 (a)(1) to permit a 0' setback for pavement on east side property line where a 5 foot minimum setback is required; and 3) to Code Section 1161.11(a) to permit 8.33 foot by 20 foot parking spaces where 9 foot by 20 foot minimum parking spaces are required based on the finding that special conditions do exist on this property, specifically it is an existing apartment building with a very tight rear parking area and a dilapidated garage and pavement that already has a 0 foot

setback. Further finding that the variance is insubstantial because numerous adjacent properties have no covered parking and thus the essential character of the neighborhood would not be substantially altered. In addition, the following conditions should be met: 1. Receipt of applicable Building Department permits; 2. Installation of wheel stops or guard rail to prevent vehicles from driving into the wall behind the rear property line; and 3. Complete construction within 18 months of City Council's approval of this resolution.

Mr. Zych stated that he would be happy to second the motion with the clarification that the 0 foot setback is on the south side of the property rather than the east.

Mr. Wellman agreed and the motion carried 5-0.

Ms. Bromley reminded the applicant that the variances must be reviewed by City Council.

OLD BUSINESS

Ms. Knittel reported that all variances approved by the Board the previous month were confirmed by City Council.

NEW BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board, the regular meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Gail E. Bromley, Chair

Vesta A. Gates, Secretary