

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
JANUARY 10, 2019

Members Present: Wolf, Wright, Christ, Farrell, Pempus

Presence Noted: Raymond Reich, Building Commissioner
Andrew Bemer, Law Director
Pamela Bobst, Mayor
James Moran, City Council President

Mr. Pempus opened the January 10, 2019 meeting of the Board of Zoning and Building Appeals at 7:00 p.m. in Council Chambers of Rocky River City Hall.

1. MAYOR PAMELA BOBST – Swearing in of Eric Pempus for a new term on the Board of Zoning and Building Appeals. Mayor Bobst thanked all of the BZA members for their assistance in helping to ensure that projects in the City move forward in the right direction. Mr. Pempus was sworn in by Mayor Bobst as a Board of Zoning and Building Appeals, for a new term commencing on January 1, 2019 and ending on December 31, 2024. Mayor Bobst thanked Mr. Pempus for his continued leadership and Mr. Pempus responded that it has been his pleasure to serve on the Board of Zoning and Building Appeals.

2. PAMELA AND KEVIN HENDRYX – 19890 Beachcliff Blvd. – PUBLIC HEARING – Variance to construct a garage addition with a 15.16’ rear yard setback vs. 25’ rear yard setback required (Section 1153.07(f)(2)), and a Variance to construct a garage addition with a 27.28’ front setback (on Argyle Rd. vs. 30’ front setback required (Section 1153.07(3)b(a)). Mr. Kevin Hendryx, homeowner and Steven Schill, Architect, came forward to present the variance requests.

Mr. Christ read the meeting notice, which includes the names of the parties who received it. The applicant was sworn in. Chairman Pempus said that he believes the Board members have been to the property to look at the variance requests and that the practical difficulties are explained in the variance application. Mr. Schill began by explaining that his clients are former long term residents of the City, and are moving back after spending 30 years in Houston, Texas. The homeowners plan to retire in this home, which was built in 1937, and they would like to invest in some updates to the design so that they have the opportunity to age in place. The project includes a new garage, an interior elevator, more accessible bathroom facilities and a first floor laundry room. The BZA members have the elevations that Mr. Schill is referring to.

Mr. Schill said that the existing garage barely fits an automobile and the walls are a mere 8” to 10” away from the opened door of a car inside the garage. They are in need of storage space inside the garage because they are currently storing things in a very small storage shed in their back yard. The project also consists of a small side porch, which will

create a better entrance to the side of the house. The addition will be architecturally in keeping with the existing home and the character of the neighborhood.

Mr. Schill said that he believes the variance requests are minimal because the wall would not be parallel to a property line, especially on the Argyle Road side where the variance request is for 2.72'. Mr. Pempus said that he believes that particular request is minimal, and that the other encroachment on the rear wall of the addition is simply a triangle portion of the garage, and not the entire rear elevation of the garage. Mr. Schill said that the unusual configuration of the lot, and the existing setbacks of the home make it challenging to design upgrades that completely conform to the Code.

Mr. Wolf said that he agrees with Mr. Pempus in that these are not large variance requests. However, he goes back to his education, which emphasized having garages back behind the main building line in order to de-emphasize the impact of them from the street. He thinks that it is good to have variety in front setbacks but without knowing the setbacks of the surrounding properties, he is not sure that he can be in favor of pushing a garage out into either setback. If it was a portion of the house protruding into the setback, he may feel differently about it. He asked whether they considered any other design option. Mr. Schill said that the existing garage is attached to the house, and there is nowhere else to locate it. Mr. Wolf said that the existing garage sits much further back than what is being proposed, and it appears to be more in line with the average setback of the next houses. Mr. Schill said that because of the uniqueness of the lot, there is no other location to put the garage.

Addressing Mr. Wolf's comment, Mr. Christ said that if the garage were to be pushed back, then it would go further into the setback and the rear yard variance would increase. He said that the back corner of the lot is the only large contiguous area available in the back of the house. Mr. Christ asked Mr. Schill to verify the back wall of the revised garage is the current back structural wall and Mr. Schill responded that it is a bearing wall. Mr. Wolf agreed and said he also noted that they are losing private open space with this proposal. He is often more in favor of an application with four variances, versus one, if the four variances achieve a better result, because the thought is always what the project ends up looking like. Mr. Schill said that with the plan he is presenting, he is not squeezing the two houses together because there is only an 8.5' existing side yard setback.

Mr. Brandt said that he thinks that this could be planned differently because he is familiar with Mr. Schill's work. The width could be made more narrow and with it being a little further back, they could meet the Argyle Road setback requirement. Mr. Schill reiterated that this is a storage issue for his clients and the reason he came up with this design.

Mr. Farrell said that he understands the points being made but he does not see an issue in this case and it doesn't affect the house to the north in a negative way. The variance request on the Argyle Road side is so minimal that if the dimension was not on the plan, then nobody would even know that it does not meet the setback.

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

5 Ayes – 0 Nays
Passed

Mr. Christ moved to grant a variance to Pamela and Kevin Hendryx, 19890 Beachcliff Blvd., to construct a garage addition with a 15.16' rear yard setback vs 25' rear yard setback required. The applicant has indicated the practical difficulties with providing an enlarged garage and with the configuration of the lot and this house. Mr. Farrell seconded.

4 Ayes – 1 Nay (Wolf)
GRANTED

Mr. Christ moved to grant a variance to Pamela and Kevin Hendryx, 19890 Beachcliff Blvd., to construct a garage addition with a 27.28' front setback (on Argyle Rd.) vs 30' front setback required. The applicant has indicated the practical difficulties with adjusting this garage on this lot and this is a minimal request. Mr. Farrell seconded.

4 Ayes – 1 Nay (Wolf)
GRANTED

3. ANTHONY HEIBILI, DDS – 20150 Center Ridge Rd. – PUBLIC HEARING – To locate a monument sign on a lot with a building setback of 22' vs. 35' minimum building setback required (Section 119307(3)b(a)), and a Variance to locate a monument sign on a lot with less than 100' of frontage vs. 100' minimum lot width required (Section 1193.07(e)b(b)). Mr. Bob Kunzen of Brilliant Electric Sign Company came forward to present the variance requests.

Mr. Christ read the meeting notice, which includes the names of the parties who received it. The applicant was sworn in. Chairman Pempus said that he believes the Board members have been to the property to look at the variance requests and have reviewed the practical difficulties as presented in the variance application. They have also received minutes from two Planning Commission meetings where this monument sign was discussed. Mr. Kunzen explained the two variance requests which are based on building setback and lot width. Mr. Farrell said that he prefers to hear the property owner's testimony but he is not present. Mr. Kunzen said that the property owner was called out of town at the last minute today and he could not make it.

Mr. Kunzen said that the lot is 85' wide, which is only a deviation of 15' from what is required and on the east side of the property has two driveways that abut each other, which is unusual because it is more common that only one driveway separates buildings. This scenario gives the feeling of a wider lot. Mr. Pempus said the Board was informed that the building just to the west of this building will be renovated, and parking will be removed in the front of the building. This means that the issue that was discussed at Planning

Commission, where snow is plowed from the front parking lot blocking this sign, is no longer an issue.

Mr. Kunzen said that the largest factor in support of a need for this sign, is the way the building is situated in relation to the building just to the west. It is set back slightly behind that building, which obstructs the view of the front of the building from a distance when traveling along Center Ridge Rd. The gables on the building itself are very short, so a wall sign would not work well. In addition, a letter from a roofing company was submitted which states that a sign or awning affixed to the roof is not a good option because of the roof configuration.

Mr. Kunzen continued by saying that the sign does not pose a safety hazard because it is small and set back enough so that it does not interfere with sight lines. Mr. Christ said that he disagrees with Mr. Kunzen and that he believes that it does interfere with sight lines as someone is exiting the driveways just to the west. Mr. Wolf said that he appreciates what this property owner is trying to do for his business, and he is sure there are differences of opinion relating to sight lines and whether this sign would interfere with them. However, he feels that the intent of this regulation in the Code relating to the minimum frontage requirement of 100' is to limit monument signs on every site. Signs are allowed on much larger sites, such as those with multiple tenants. He said it is not unusual for cities to limit monument signs, and he thinks the intent is to avoid businesses creating a proliferation of signs, which is a detraction from the street in general. The question is whether they want to see a monument sign on every small lot on Center Ridge Road. Mr. Pempus agreed with Mr. Wolf and said that if everyone had a monument sign along Center Ridge Rd. then it would begin to look like a graveyard. He said that he noticed that there are at least 4 pole signs that exist today along there, despite the fact that they are non-conforming.

Other sign options were briefly discussed, relative to address only signs. Mr. Christ said that the biggest issue with the residents when the City held meetings and gathered information from residents when they were updating the Master Plan was Center Ridge Road being in most need of attention. He does not believe that more monument signs is the answer. He feels it is a tough sell to say that one business located on an 85' wide lot needs a monument sign. He can appreciate a minimal identification sign that shows a name and address. He said that patients who are coming to the office should know the name of the dentist and the address they are looking for. However, if the Doctor is looking for advertising, then he thinks that he needs to do that on the building within what the Code allows. A monument sign is not intended for advertising. Mr. Kunzen said that there is more sign clutter to the east of the Doctor's property, and he does not recall seeing any other monument signs around this property.

Mr. Wolf commented that this design as modified compared to what was presented to Planning Commission, is an improvement. However, he still feels that it is signs of this nature that contribute to the proliferation of signage. He said that people have GPS technology in order to find their destinations. For a business to be successful, they must

look for other ways to advertise, rather than building the biggest and best sign on Center Ridge Rd. to advertise the fact that they are there.

Mr. Farrell asked about the conversation that is in the minutes of the Planning Commission Review relating to Mr. Bishop's suggestion for a landscape bed that is brought outward and placing a small name and address sign on the southwest corner of the building. It was clarified that Mr. Bishop was making a suggestion about how to landscape around a different type of sign that does not constitute a monument sign. Mr. Farrell said that he thinks that 85' is close enough to the required 100' in property width, and he does not think a sign on this property would cause a build-up of signs along Center Ridge Rd. He acknowledged that the building is only set back 22' but it is set back behind the adjacent building, which he feels is a reason to allow a sign.

Mr. Christ said that he thinks the issue is the affect that the redundancy of monuments sign have and he gathered that from the Planning Commission's discussion. His concern is always about sight lines when a sign is this close to where motorists are exiting a driveway. For that reason, he would be more accepting of a sign that is located closer to the building. He is also trying to look at it from the point of view of reducing sign clutter and making the sign more attractive. Discussion was had relating size of the proposed sign base and sign itself, and the location of the sign in relation to the building and whether those things should be adjusted in light of the variances that are required. Mr. Christ said that he can accept some sort of smaller sign with the Doctor's name and address on it and nothing more.

Mr. Brandt said that he is not troubled by the 85' width of the property and he thinks the design of the sign is headed in the right direction. He agrees that it should be moved closer to the building and integrated into a landscaping bed that is not necessarily shaped like a circle as shown on the plans. He thinks the sign could be tucked closer to the building and integrated into a landscaping bed around the front of the building so it doesn't look like it just landed in the middle of the yard in a perfect circle of landscaping. He agrees with simplicity in the content of the sign because people are not driving down Center Ridge Rd. shopping for a dentist.

Mr. Farrell said that they are beginning to redesign the sign itself mainly because of the size of it. However, the size is compliant and the proposed sign setbacks are compliant. He agrees that the sign should be lowered somewhat, but he does not think they should necessarily get into trying to change the design of the sign. If these two variance requests didn't exist, then this sign could be located exactly the way it is shown. He feels the two variances that are required are minimal.

Mr. Wolf said that he cannot support a sign of this nature because the Code is asking for certain setbacks and a certain width of the property. These provisions are not new and they are not unusual among cities. However, if everyone put this much information on their

signs on Center Ridge Road, then it would look like a complete mess, which is not the purpose of monument signs.

The Board again discussed the size of the sign and whether they should limit it because of the nature of the variance requests. They determined that because the sign itself is within Code relating to height, area and setback, they should rely on the Design and Construction Board of Review to review the submittal for size, content and aesthetics. The City safety forces will examine the sign setback for any safety issues relating to sight lines for people exiting the property.

Mr. Kunzen said that he would like the Board to vote on the variances, and if they are granted, then he will defer to the Design Board relating to the concerns of this Board.

Mr. Brandt moved to close the public hearing. Mr. Wolf seconded.

5 Ayes – 0 Nays
Passed

Mr. Brandt moved to grant a variance to Anthony Heibili, DDS, 20150 Center Ridge Road, to locate a monument sign on a lot with a building setback of 22' vs. 35' minimum building setback required. The setback of the building is 35' at the western edge and 22' at the eastern edge of the property, and the split difference of those setbacks is minimal. Mr. Farrell seconded.

3 Ayes – 2 Nays (Wolf, Pempus)
GRANTED

Mr. Brandt moved to grant a variance to Anthony Heibili, DDS, 20150 Center Ridge Road, to locate a monument sign on a lot with less than 100' of frontage vs. 100' minimum lot width required. The property is 85' wide and has another drive and parking area to the east and another drive and a building to the west that will be removing parking in the front. This will go to the City Safety Forces for a safety review relating to sight lines and identification items they prefer for their purposes, and that the additional concerns of the Board will be forward to the Design and Construction Board of Review.

3 Ayes – 2 Nays (Wolf, Pempus)
GRANTED

4. BOARD OF ZONING AND BUILDING APPEALS – Election of Officers.

Mr. Christ moved to nominate Eric Pempus to be Chairman, Pat Farrell to be Vice Chairman and himself, Richard Christ, to be Secretary of the Board of Zoning and Building Appeals. Mr. Brandt seconded.

5 Ayes – 0 Nays
Passed

The meeting adjourned at 8:35 p.m.

Eric Pempus, Chairman

Pat Farrell, Vice Chairman

Date: _____