



BZA Summary Document

Printed Date: July 02, 2025

Permit Number:	SV25-000021	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	3300 MAYFIELD RD CLEVELAND HEIGHTS, OH 44118 & 3325 EUCLID HEIGHTS BLVD		
Application Date:	06/17/2025		
Applicant Name	David Craun	Applicant Email	
Applicant Address		Applicant Company Name	Cleveland Planning Advisors, LLC
Applicant Company Address		Applicant Home Phone	
Applicant Cell Phone		Applicant Work Phone	
Applicant Relationship to Property	Representative		
Property Owner Name	Josh Rosen		
Property Owner Address			
Property Owner City/State /Zip	Cleveland, Ohio 44113		
Property Owner Phone			
Property Owner Email			
Property Type	Multi-Family Residential, Commercial, etc.		

STANDARD VARIANCE

STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. **to Code Section 1145.04(c)(1) to permit a 35-foot tall building to be 39 to 70 feet from the eastern property line;**
- B. to Code Section 1161.11(c)(1) to permit 20-foot drive aisles where the requirement is 22 feet; and
- C. to Code Section 1166.06(c)(6)(A) to permit 5 parking lot islands to not have a shade tree.

This document addresses Variance "A" to Code Section 1145.04(c)(1).

Number of Variances Requested: 3

To obtain a variance, an applicant must show by a preponderance of the evidence, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's standards would result in a "practical difficulty" for the applicant. To this end, a written statement of practical difficulty must accompany an application for a standard variance. Please complete this Statement of Practical Difficulty, **by addressing all of the factors listed below that are relevant to your situation.** Additional documents may be submitted as further proof.

In deciding whether to grant a variance, BZA will consider the following factors in determining whether a practical difficulty exists:

- A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District. (examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

The preservation and adaptive reuse of Erich Mendelsohn's Park Synagogue includes a new arts residency program. A key feature of this program is its residential component, which will house students, faculty, staff, and members of the public near the synagogue's school wing. To support this, the applicant proposes two multi-family buildings with a total of 30 apartments: fifteen accessible one-bedroom units on the ground floor and fifteen three-bedroom units above (the "Project").

Three potential development sites were considered:

1. The parking lot closest to the synagogue
2. The pre-school and the adjacent meadow
3. The auxiliary parking lot serving the school wing

Only Site #3 is viable. Site #1 is essential for access to the arts center via its main entrance on Mayfield and lies within a protected historic viewshed,

prohibiting construction. Site #2 houses a pre-school with a long-term lease and includes meadowland also within a protected viewshed.

Therefore, Site #3 has been selected for the Project. This location complies with guidance from national, state, and local historic landmark authorities, which have established the following Historic Preservation Requirements:

- New buildings must remain outside the synagogue's primary viewshed and be subordinate in secondary viewsheds.
- A minimum 100-foot setback from the school wing is required.
- The building height must be similar to or lower than that of the school wing.
- A visible break between the buildings must be maintained from the synagogue's main entry.

To meet these requirements and the housing density goal, the Project will be located in the southeast corner of the site. The buildings will follow a curved form that mirrors the school wing and preserves the view of the synagogue dome from Euclid Heights Boulevard.

The site is zoned "S-2 Mixed Use," which mandates a 2:1 height-to-setback ratio. At 35 feet tall, the Project requires a 70-foot rear yard setback. While most of the Project complies, six apartments closest to the synagogue will encroach on this setback. However, adjusting their placement to comply would violate the Historic Preservation Requirements.

B. Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.

Given the significant physical and regulatory constraints of the site, the proposed development (thirty (30) units on 7.33 acres) yields a modest density of approximately four (4) units per acre, which is already considered low for a mixed-use zone. Any further reduction in the unit count would severely impact the project's feasibility. Specifically, the loss of six (6) additional apartments due to setback requirements would reduce the overall density to just 3.27 units per acre. This diminished yield would render the project economically unsustainable and compromise its core purpose: to provide a residency component for the programmatic work occurring at the synagogue.

In real terms, the elimination of these six (6) units would displace housing for an estimated twelve to fifteen (12–15) intended residents, placing the applicant well below its programmatic commitment. Moreover, no practical alternative exists for repositioning the buildings within the site. Shifting them northward would violate the Historic Preservation Requirements, while shifting them southward would trigger violations of the "S-2 Mixed Use" zoning requirement, which mandates a 2:1 height-to-setback ratio from adjacent single-family properties.

Constructing these six (6) apartments as a stand-alone building elsewhere on the parcel is not a viable solution either. From a financial and development standpoint, multi-family housing only becomes economically feasible when configured in clusters of at least ten (10) units. Fragmenting the building into smaller pods would not only inflate costs but also undermine the efficiency, cohesiveness, and design intent of the residential campus.

In summary, the requested relief is essential, not to maximize density, but rather to make the project viable while fulfilling its public, cultural, and housing mission. Given the low overall density, the limited usable land, and the layers of regulatory and historic constraints, the modest zoning deviation sought here is both reasonable and necessary.

C. Explain whether the variance is insubstantial:

The variance sought relates solely to the rear yard setback requirement under the "S-2 Mixed Use" zoning designation, which imposes a 2:1 height-to-setback ratio when adjacent to a single-family district. The buildings in question are approximately 35 feet in height, which would typically require a 70-foot rear yard setback. The applicant is requesting a modest encroachment into this setback to accommodate six (6) of the thirty (30) proposed apartment units.

This deviation is insubstantial for several key reasons:

Minimal Impact Relative to the Overall Site

The variance affects only a small portion of the site (specifically six units) on a 7.33-acre parcel. The requested relief does not change the number of buildings, the overall scale of development, or the intended land use. The project still maintains a very low residential density of four (4) units per acre, well below what is typically allowed or expected in a mixed-use zone.

No Adverse Impact on Adjacent Properties

The portion of the site that abuts the single-family district is buffered by existing natural screening and topography. The proposed buildings are set back approximately 39 feet from the property line, providing substantial physical separation nonetheless. There is no obstruction of views, light, or air, and no anticipated impact on the privacy or quiet enjoyment of neighboring properties.

Necessary Due to Unique Site Constraints

This request is driven by practical difficulties and site-specific conditions, including the Historic Preservation Requirements and other constraints discussed herein. There is no reasonable alternative location on the site for these units that would not violate another regulation.

Maintains the Spirit and Intent of the Zoning Code

The purpose of the setback regulation is to ensure appropriate transitions between zoning districts and avoid over-intensification next to single-family homes. This proposal does precisely that. Despite the technical variance, the actual visual and spatial buffer remains substantial, and the project makes a positive contribution to the community by delivering well-designed, low-density housing that aligns with the educational and cultural mission of the site.

Public Benefit and Programmatic Necessity

Granting this slight variance is essential to meeting the programmatic goals of the arts residency initiative. Without it, the applicant would be forced to eliminate units, jeopardizing both the project's financial viability and its commitment to housing a minimum number of residents.

D. Explain whether the variance is the minimum necessary to make possible the reasonable use of the land:

A variance of the "S-2 Mixed Use" setback ratio in this site location from a 2:1 ratio to an approximate 1:1 ratio (allowing a 35' tall building to be set back 39' from the property line) represents the minimum relief necessary to enable reasonable use of the land. This limited adjustment applies only to six (6) apartment units. It is essential to meet the applicant's programmatic goals, comply with the Historic Preservation Requirements, and maintain the financial viability of the housing development. We do not believe this variance needs to be any greater, nor do we anticipate that the same variance will be required for any future development on the site. The requested reduction strikes a careful balance between zoning compliance and the site's unique constraints. No lesser variance will be functional, but no greater variance is needed, and we do not anticipate that a similar variance will be necessary for any future development phases on the property.

E. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment due to the variance.

These multi-family buildings at 35 feet high are similar in height to the single-family homes permitted in the adjacent "A Single-Family" district. They are designed to meet the zoning standards for "MF-2 Multi-family", including height and setback requirements. Under that MF-2 zoning designation, the proposed Project far exceeds the required side and rear yard setbacks for multi-family properties abutting residential properties, which are 25', given that the Project will have a minimum rear yard setback of 39' at its closest point to the abutting residential properties.

Furthermore, if these same multi-family buildings were conditionally permitted in a C1, C2, or C3 designation and located adjacent to a single-family residential district, the required setback would be only 20 feet, versus the 39 feet proposed here.

Therefore, we do not believe that the requested variance under the "S-2 Mixed Use" zoning designation would cause any detriment to the neighborhood; instead, it would complement and add tremendous value to the adjacent homes.

F. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).

No, the proposed multi-family buildings are on private property, and the requested variance would not restrict any governmental services.

G. Did the applicant purchase the property without knowledge of the zoning restriction?

Yes, when the property was purchased, the parcel was zoned "A Single Family". There were discussions around that time with the city's Planning and Development department regarding the possibility of a Zoning Map Change, but the designation was unknown. Had the property been rezoned "MF-2 Multi-Family", a variance would not be required. However, the city recently approved a change to the "S-2 Mixed Use" designation, which occurred approximately 18 months after the purchase was made.

H. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the applicant.

No, these conditions are a result of the Landmark status of the historic Synagogue and the program requirements for on-site housing.

I. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example).

To comply with the Historic Preservation Requirements noted in question A above and the S-2 zoning setback ratio, the applicant would need to do one of the following:

- 1) Relocate the six apartments to a different area of the site, creating separate, small multi-family buildings. It would be financially infeasible to fragment the building into smaller pods. See response to question B above.
- 2) Reduce the height of the multi-family buildings from 35' to a maximum of 17'. This would reduce the three-story structures to one-story, eliminating the three-bedroom upper apartments. It would be financially infeasible to build single-story buildings, and the National Park Service would not approve a staggered height building across from the school wing.

J. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

The "S-2 Mixed-Use" rezoning was selected by the city's Planning and Development department to preserve the natural features of the 28-acre site and allow higher density to occur along Mayfield Road. If the proposed structures in this location of the site were mixed-use, as permitted by the new zoning, such as residential over retail, then a 2:1 setback ratio would be warranted to respect the adjacent single-family property. However, as noted in questions E and G above, the proposed multi-family buildings would meet the zoning requirements for the most appropriate zoning designation based on the proposed use, which is multi-family adjacent to single-family. Very plainly, the current code dictates in its Multi-Family 2 or 3 designation that where multi-family is adjacent to single-family, the rear and side yard setback requirements would be only 25 feet, and the proposed buildings would comply with 10 feet to spare. Therefore, we believe that the zoning variance requested is in line with the spirit and intent of the city's zoning requirements.

K. Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

We believe this condition is truly unique, based on the response to question A, and is unlikely to occur on this or any other property throughout the city.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.

STANDARD VARIANCE

STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. to Code Section 1145.04(c)(1) to permit a 35-foot tall building to be 39 to 70 feet from the eastern property line;
- B. to Code Section 1161.11(c)(1) to permit 20-foot drive aisles where the requirement is 22 feet; and**
- C. to Code Section 1166.06(c)(6)(A) to permit 5 parking lot islands to not have a shade tree.

This document addresses Variance "B" to Code Section 1161.11(c)(1).

Number of Variances Requested: 3

To obtain a variance, an applicant must show by a preponderance of the evidence, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's standards would result in a "practical difficulty" for the applicant. To this end, a written statement of practical difficulty must accompany an application for a standard variance. Please complete this Statement of Practical Difficulty, **by addressing all of the factors listed below that are relevant to your situation.** Additional documents may be submitted as further proof.

In deciding whether to grant a variance, BZA will consider the following factors in determining whether a practical difficulty exists:

- A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District. (examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

Reference Cleveland Heights Zoning Code 1161.11(c) - Circulation aisles widths.

The Park Synagogue site is a unique property in Cleveland Heights because of its natural features, including the deep ravine of the Dugway Brook, the 55' of falling grade over the sandstone ridge running through it, and the variety of landscaping from dense wooded areas to open playing fields that caused the congregation to change their name in the mid-20th century to "Park" Synagogue. It is in the spirit of preserving this park-like atmosphere that the engineers have proposed that all new private drives be no wider than 20 feet. These narrow drives provide a passive traffic calming that encourages vehicles to move slowly through the site and enjoy the experience as they would driving through one of the park systems in Northeast Ohio. While the 20-foot private drive complies with all known city requirements, including those of the Fire Department, a variance is needed where the drive passes through a parking area. The zoning code requires 22 feet for drive aisles where 90-degree parking stalls are located to ensure maneuverability in and out of the spaces. Our Civil Engineer has evaluated the proposed 20-foot

drive where parking occurs and believes the dimensions to be very reasonable, considering that we are providing 20-foot-deep parking stalls, which allow for adequate maneuverability by modern vehicles. The total width of the parking areas with stalls on either side of the drive aisle is 60 feet, which is the standard parking lot dimension by most zoning codes across the country. This drive aisle condition occurs in three locations with new parking layouts: behind the existing education wing of the synagogue, the existing daycare, and the new multi-family housing.

B. Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.

If the drive aisle were increased in width in any of these three locations, it would reduce the landscape screening between the parking area and the adjacent properties, and in some places, make the parking non-conforming due to required setback distances from the lot lines.

C. Explain whether the variance is insubstantial:

This requested two-foot variance is insubstantial because it will not have any adverse impact on the safety and reasonable maneuverability of the parking areas but will have a noticeable effect in maintaining the park-like character of the site.

D. Explain whether the variance is the minimum necessary to make possible the reasonable use of the land:

As noted in response "A", the design and engineering team has proposed the 20-foot-wide private drive aisle as the minimum width that complies with all known regulations, except the 22-foot required drive aisle, to maintain a park-like character of the site with slow-moving traffic. If the entire drive width were to increase to 21 or 22 feet, we believe traffic would move proportionately faster, making the site less safe for pedestrians walking near moving vehicles.

E. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment due to the variance.

If the variance is not granted, the adjoining properties will enjoy less of a landscape buffer between the parking areas and the lot line.

F. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).

No, the proposed 20-foot drive width has been preliminarily reviewed by the Planning Department and the Fire Department and deemed adequate for use by governmental services, such as emergency vehicles.

G. Did the applicant purchase the property without knowledge of the zoning restriction?

Yes, the property was purchased before any site planning was developed.

H. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the applicant.

Yes, the reduced drive aisle width was a deliberate choice to retain the site's character while slowing down vehicle traffic.

I. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example).

As noted in response "B", to comply with the 22-foot drive aisles where parking occurs would reduce the landscape screening between parked vehicles and the adjacent residential properties, and in a few locations make the parking non-conforming by encroaching on the required setback distance.

J. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

The intent of the zoning is preserved, as the proposed design continues to provide a safe and easily maneuverable parking condition for property users.

K. Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

As noted in response "A", we believe this site is truly unique for Cleveland Heights and therefore unlikely to occur on any other property throughout the city. However, should additional surface lots on the Park Synagogue property be proposed in the future, the same variance may be required.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.

STANDARD VARIANCE

STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. to Code Section 1145.04(c)(1) to permit a 35-foot tall building to be 39 to 70 feet from the eastern property line;
- B. to Code Section 1161.11(c)(1) to permit 20-foot drive aisles where the requirement is 22 feet; and
- C. to Code Section 1166.06(c)(6)(A) to permit 5 parking lot islands to not have a shade tree.**

This document addresses Variance "C" to Code Section 1166.06(c)(6)(A).

Number of Variances Requested: 3

To obtain a variance, an applicant must show by a preponderance of the evidence, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's standards would result in a "practical difficulty" for the applicant. To this end, a written statement of practical difficulty must accompany an application for a standard variance. Please complete this Statement of Practical Difficulty, **by addressing all of the factors listed below that are relevant to your situation.** Additional documents may be submitted as further proof.

In deciding whether to grant a variance, BZA will consider the following factors in determining whether a practical difficulty exists:

- A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District. (examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

Reference Cleveland Heights Zoning Code 1166.06(c)(6)(A) - 1 Shade tree per parking Island.

While we are conforming to this requirement throughout the site and further making every effort to maintain the existing shade trees around parking lots, we are unable to meet this condition in the parking lot behind the education wing of the synagogue. Below that parking lot will be a geothermal system with vertical and horizontal piping that prohibits any building structures or trees within 15 feet of the infrastructure. We have positioned the thirty (30) wells in two rows running north-south, with the distribution piping between the rows. This allows the infrastructure to be primarily centered under the drive and parking areas, thereby avoiding the removal of existing mature trees and conflicts with other underground site utilities. Five (5) parking islands have been included in the design to break up the continuous vehicle stalls and provide pedestrian access to the education wing. These islands will consist of shallow landscaping with ground

cover but cannot include shade trees due to the proximity of the geothermal infrastructure below.

B. Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.

The geothermal infrastructure must be located in this area of the site to be proximate to the mechanical room addition of the synagogue. All other configurations of the infrastructure resulted in the loss of existing mature trees and/or conflicts with other required underground utilities, such as the new water line for the fire hydrant required near the education wing entry.

C. Explain whether the variance is insubstantial:

The variance not to provide five (5) shade trees in the parking islands is insubstantial for the following reasons:

1. It enables the sustainable development of a geothermal system, reducing the carbon footprint of the synagogue and proposed multi-family housing.
2. It allows us to position the required new site utilities along the building.
3. It preserves the existing mature trees for their shade and screening to the neighboring properties.
4. It retains the intent of the zoning code by still providing parking islands that break up the row of vehicle stalls with landscaping, despite the lack of trees.

D. Explain whether the variance is the minimum necessary to make possible the reasonable use of the land:

As noted in response "A", the proposed site design can comply with this zoning requirement everywhere but in this specific location due to these unique restrictions.

E. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment due to the variance.

The intent of the shade trees in parking islands, as we understand it, is to provide shade for vehicles parked nearby. The existing parking lot is in the same location and lacks parking islands with trees. However, the existing mature trees between the parking lot and the property line provide considerable shade throughout the day. What benefits the adjacent properties is the screening that the existing trees and lower plantings between the parking lot and the property line provide, which is being retained with this layout.

F. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).

No, the proposed parking lot is on private property with private utilities, so the requested variance would not restrict any governmental services.

G. Did the applicant purchase the property without knowledge of the zoning restriction?

Yes, a geothermal system was not yet considered when the property was purchased.

H. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the applicant.

No, the location of the geothermal field is a result of the existing site constraints.

I. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example).

To comply with the zoning would mean planting shade trees in the five (5) islands despite the objection by the geothermal system engineer and the district energy operator. Thereby subjecting the piping to extensive damage by the tree roots, which could clog and contaminate the tempered water loop and ruin the geo-exchange system, making the building's mechanical systems inoperable.

J. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

As noted in responses "A" and "E," by granting this variance, we can locate the geothermal system where we can save the existing mature trees, which will provide more shade to the new parking lot than newly planted trees would for a generation.

K. Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

While this condition is unique to the initial phase of the Park Synagogue project, a similar variance may be required in the future for this or any other property in the city that seeks to utilize sustainable infrastructure, such as geothermal.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.