

December 23, 2020

Board of Zoning Appeals
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, OH 44118

RE: Calendar No. 3444
WXZ Residential Group/CC LLC
2350 Overlook Road

On February 21, 2018, the Board of Zoning Appeals gave variance approval for our College Club project located a 2350 Overlook Road. Condition # 5 of the approval requires construction completion within 36 months of the effective date of the variance. Please consider this a request for an extension of the construction completion timing. Construction commenced in mid-2019 on the site and work has been steadily underway since then. Currently all townhome buildings and units are under construction and getting ready for the interior phase of work. The Historic Preservation work in the Manor Home and Carriage House are well into the finish stage of the construction. However, during the past eight months the construction schedule has been delayed by the COVID -19 pandemic and its impact on the construction industry. Both material supply and labor workforce have been disrupted during this period and we believe it will continue well into 2021. We are requesting an extension of fourteen months for the completion of the project.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'D Swindell'.

David Swindell
WXZ Residential Group/CC, LLC.

CLEVELAND HEIGHTS

BOARD OF ZONING APPEALS VARIANCE APPROVAL FINAL DETERMINATION

Calendar No. 3444
WXZ Residential Group/CC LCC
2350 Overlook Road

On February 21, 2018, after reviewing the application, staff report, and other submissions and hearing the evidence under oath during a public hearing, the Board of Zoning Appeals found the following facts and made the following conclusions of law:

- This proposed use is located in an historic district.
- The building being preserved is a recognized landmark.
- The project preserves and is consistent the fundamental historic nature of the property and protects those elements of the property that are necessary to the fitness for a historic district and maintenance of its landmark character.
- The historic nature would be enhanced by the proposal because the non-historic portion of one of the structures is being removed.
- The BZA does not determine what is or is not desired density.
- There are code conforming uses that would fully exploit the density prerogative that would much more severely damage the historic nature and character and be out of keeping with what the property is there for and its presence in the community.
- The proposed project would be developed well under the height requirements that otherwise could be exploited that would much more severely damage the historic nature and character and be out of keeping with what the property is there for and its presence in the community.
- The proposed project is well within the density requirements; both in number of units, occupancy, and spacing; well below what the applicant could have done in a way that would do more harm to the historic nature of the property and neighborhood.
- The proposed use is permitted by the Zoning Code.
- The landscaping will be added to minimize sound and light intrusion to neighboring properties.
- Strictly enforcing the required setbacks, which are variances nos. 1, 2, 3, 4 and 7, would adversely affect the economic viability of the project.
- The parcel is an irregularly shaped parcel.
- Adhering to Code conforming setbacks would require a greater infringement on the historical nature which is preserved by the proposed project.
- The applicant is replacing a surface parking lot, which is one of the lowest and worst uses in neighborhoods.
- With regard to the minimum distance between buildings, which are variances nos. 5 and 6, the record shows that the central purpose of those distances is maintained because there is accessibility between those buildings and cars and pedestrians can get between them, and there is sufficient spacing for other code purposes.
- Variances nos. 5 and 6 are not substantial and are justified by the property.
- Concerning variance no. 8, the number of surface parking spaces provided exceeds the minimum.
- Enclosing 7 parking spaces to conform with the Code would give no benefit to the neighborhood or to the development.

- Enclosing 7 parking spaces to conform with the Code would be adverse to the historic nature of the adjacent buildings.
- Concerning variance no. 7, the setback is between 2 artificially separated properties but it is really 1 project, so that variance is insignificant.

The Board of Zoning Appeals concluded that there was a practical difficulty concerning each of the seven requested variances. Based on these findings of facts and conclusions of law. The BZA approved (3-0) the following variances to Zoning Code:

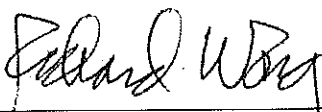
1. Section 1123.07(a) to permit a front setback of 18' 9.5" to 35' (30' min. setback required);
2. Section 1123.12(a)(2) to permit a driveway setback of 0' (10' min. setback required);
3. Section 1123.07(c) to permit rear setback of 12'3" to 20'6" property line (25' min. setback required);
4. Section 1123.07(b)(2) to permit Type C unit to have setback from east property line of 10' (25' min. setback required);
5. Section 1123.08 to permit 25' as minimum distance between bldgs. A/B and D (42'6" min distance required);
6. Section 1123.08 to permit 24' as minimum distance between bldgs. C and D (60' min. distance required); and
7. Section 1123.07(b)(1) to permit west property line setbacks of 0' at A/B bldg., 2' at D bldg., and 1'9" at C bldg. (15' min setbacks required);
8. 1161.03(4) to permit 17 surface parking spaces for 14 apts. (min. 14 surface spaces with 7 enclosed spaces required).

With the following conditions:

1. Planning Commission approval of new construction lot resubdivision;
2. Approval of a landscape and drainage plan by the Planning Director prior to building permits being issued;
3. Receipt of a Building Permit;
4. The variances are contingent upon the historic College Club house and carriage house being preserved and upon the site being developed as shown on the site plan dated January 18, 2018; and
5. Complete construction within 36 months of the effective date of this variance.

Should the holder of this variance at any time fail to comply with said conditions, and such failure continue beyond the time fixed by the Zoning Administrator or Commissioner of Building in a written notice to remedy such failure, and then this variance may be deemed permanently terminated.

I hereby certify that the above decisions constitute the final actions taken by the Board of Zoning Appeals on February 21, 2018. I further certify that this final determination was mailed to the applicant on March 1, 2018.



Richard Wong, Secretary for Board of Zoning Appeals

Effective Date: March 1, 2018

THIS PERMIT REPRESENTS ZONING APPROVAL ONLY.
OTHER CITY APPROVALS MAY BE REQUIRED INCLUDING, BUT NOT LIMITED
TO BUILDING, FIRE, AND/OR STORMWATER PERMITS.