

Standard Variance Application Form

Applicants: Greg and Mary Pat Jolivette

Address of Subject Property: 2791 Scarborough Road / Cleveland Heights, OH 44118

Brief Summary of Variance Request:

We respectfully request a variance to Code Section 1121.12 to construct a larger replacement detached garage with higher ceilings.

Our 101-year-old house has a narrow carport and two narrow garage doors that make it extremely difficult for today's modern cars and vans to navigate, particularly when driving in reverse. In fact, we never have been able to park our vehicles in the garage since we moved into the house in 2010. The proposed replacement garage would have larger doors and provide enough space for our vehicles to turn around and navigate the carport driving forward.

The proposed replacement garage with higher ceilings also would permit our family of eight, including six children, to store our family's outdoor belongings, as well as play indoor sports and, in particular, basketball, during Northeast Ohio's relatively longer winters.

In short, the proposed replacement garage would help remedy the unique circumstances of the current physical character of the property and fulfill our needs for a functioning garage, adequate storage, and flexible activity space that would add value to the property and be an asset to our century-old Cleveland Heights neighborhood.

Thank you very much for your consideration.

Specific Variance Requested:

A variance to Code Section 1121.12 to permit the construction of a replacement detached garage that is 1,196 square feet (46 feet wide x 26 feet long) with 17-foot walls and a maximum ridge or peak ceiling height of 23 feet, 6 inches and an average roof dimension of 20 feet, 3 inches in height from eave to peak of the gable, including:

- A variance to Code Section 1121.12(a) seeking to permit the construction of a detached garage 3 feet from rear lot line and 3 feet from side lot line (5 feet max to the extent that the garage is determined to be a “[p]ool house, storage shed, [or] other similar building[]”)
- A variance to Code Section 1121.12(d) seeking to permit the construction of a detached garage covering 38.9% of rear yard (20% max permitted)
- A variance to Code Section 1121.12(e) seeking to permit the construction of a detached garage with a square footage of 1,196 square feet (approximately 733 square feet max permitted based on lot area of the property)
- A variance to Code Section 1121.12(g) seeking to permit the construction of a detached garage with 17-foot walls and a maximum ridge or peak ceiling height of 23 feet, 6 inches and an average roof dimension of 20 feet, 3 inches in height from eave to peak of the gable (15 feet max height permitted)

Statement of Practical Difficulty:

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):

As noted, our 101-year-old house has a narrow carport and two narrow garage doors that make it extremely difficult for today's modern cars and vans to navigate, particularly when driving in reverse, and we have not been able to park our vehicles in the garage since we moved into the house in 2010. The proposed replacement garage would have larger doors and provide enough space for our vehicles to turn around and navigate the carport driving forward.

Further, as also noted, the current garage is too small for the existing needs of our family of eight, including six children. Again, we cannot park our cars in the garage, and we do not have enough space for our family's bikes, sporting goods, lawn care equipment, and outdoor furniture. And the garage is too small for any activities during the winter months. Our house is a six-bedroom home, so any future occupants with many children also will need a larger garage, compared to the current century-old garage and the average three-to-four-bedroom property in the City.

In addition, despite several attempts over the years, we have not been able to grow grass in our rear yard because of numerous trees. Instead, we have lots of mud in the winter and spring and lots of dust in the summer and fall. So, ultimately, much of the rear yard consists of unusable space and is unsightly. The proposed replacement garage would make a portion of this space usable.

Moreover, the proposed replacement garage would not be visible from the street or front of the property, given the size of our house. Our house essentially spans the width of our lot and is three stories tall, well above the maximum height of the contemplated garage.

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.

Without the requested variance, as noted, we would continue to be without a functioning garage, not have enough room for adequate storage, and lack any flexible activity space during the relatively long Northeast Ohio winters.

Further, in order to play basketball inside the garage, the ceiling height must be at least seventeen feet high. And that height would allow for other fun family activities, such as kickball and soccer.

[See, for example, <https://www.theplancollection.com/house-plan-related-articles/building-a-home-plan-with-an-indoor-basketball-court> ("If you live in a part of the country where the winters are long and very cold, you may struggle to get out of the house and into the gym. So, why not add an indoor basketball court to your own home? Indoor basketball courts don't have to be restricted to shooting hoops. They're just as valuable for playing racquetball, doing gymnastics, or hosting a quick pickup game of kickball. They also make fantastic indoor gyms, providing ample space for all of your weightlifting and cardio equipment.") (noting ceiling height should be a minimum of 17 feet high).]

[See also, for example, <https://www.reference.com/world-view/minimum-ceiling-height-indoor-basketball-court-9cd6068cb9b61e> (noting that it is best to aim for a peak ceiling height of 20 feet or more).]

The garage also needs to be at least 46 feet wide and 26 feet long to include enough room for a high school basketball three-point line.

[See, for example, <https://sportsknowhow.com/basketball/dimensions/high-school-basketball-court-dimensions.html> (noting that the 3 point arc in high school is 19 feet 9 inches from the hoop).]

C. 1. Explain whether the variance is insubstantial:

The requested variance is insubstantial.

As noted, the proposed replacement garage would not be visible from the street or front of the property, given the size of our house.

Further, the garage still would be a relatively small percentage of our rear yard, and there still would be plenty of trees and bushes remaining.

There are numerous examples of tall and larger garages in our neighborhood.

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

As noted, without the requested variance, we would continue to be without a functioning garage, not have enough room for adequate storage, and lack any flexible activity space during the relatively long Northeast Ohio winters. And our current rear yard would continue to consist of unusable and unsightly space because of our inability to grow grass. Please see our previous responses in A and B, above.

D. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance.

No, the essential character of the neighborhood would not be altered, and adjoining properties would not suffer a detriment as a result of the requested variance. As noted, the proposed replacement garage would not be visible from the street or front of the property, given the size of our house. And none of the neighbors' views would be materially impacted, either. In addition, the setbacks would be similar to the existing garage, and there are other tall and larger garages in the neighborhood.

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

No, the requested variance would not affect the delivery of governmental service. The current garage has a drain, and it is our intent to build a new drain in the proposed replacement garage to connect to the existing sanitary sewer.

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

Yes, at the time of purchase in 2010, the applicants were not aware of the specific zoning restrictions.

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

No, the special conditions or circumstances listed in response to question A above were not a result of the actions of the owner.

H. 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).

No, the applicants' predicament cannot be resolved through a method other than a variance. For example, please see our response in B above. In order to play basketball inside the garage, the ceiling height must be at least seventeen feet high, and at least 46 feet wide and 26 feet long. We would continue to be without a functioning garage, not have enough room for adequate storage, and lack any flexible activity space during the relatively long Northeast Ohio winters.

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

The spirit and intent behind the zoning requirement would be observed, and substantial justice would be done by granting the variance. As noted, the proposed replacement garage would not be visible from the street or front of the property, given the size of our house. And none of the neighbors' views would be materially impacted, either. In addition, the setbacks would be similar to the existing garage, and there are other tall and larger garages in the neighborhood.

J. 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.

Granting the requested variance will not confer any special privileges. Our neighbors' properties are densely built and that density is a common and accepted element of the neighborhood and similar neighborhoods in the City. The requested variance will allow a new garage to be built with the least change and disturbance of the adjacent properties and neighborhood.

Representative Examples of Similar Previous Variances Granted:

- Cal. No. 3518 – 3041 Essex Road (variance granted to replace existing 101-year-old, undersized garage with a new functional two-car garage taller than 15 feet that will also include space for a home gym and storage, among other uses, with plans showing a height extending to a maximum ridge or peak ceiling height of 24 feet tall and a height of 17 feet, 10 inches to the center of the roof slope)
 - <https://www.clevelandheights.com/DocumentCenter/View/9239/Board-of-Zoning-Appeals-Actions-April-21-2021?bidId=>
 - <https://www.clevelandheights.com/DocumentCenter/View/9146/BZA-3518-Statement?bidId=>

- Cal. No. 3482 – 2208 Stillman Road (variance granted to permit garage taller than 15 feet, including one side of the garage to be more than 16 feet and another side to be more than 17 feet, 10 inches)
 - <https://www.clevelandheights.com/DocumentCenter/View/4988/Board-of-Zoning-Appeals-Actions-May-15-2019?bidId=>
- Cal. No. 3400 – 1955 Coventry Road (variance granted to permit construction of a large basketball court in a corner side yard)
 - <https://www.clevelandheights.com/DocumentCenter/View/2237/Board-of-Zoning-Appeals-Actions-July-20-2016?bidId=>
- Cal. No. 3227 – 2510 Stratford Road (variance granted to permit construction of a second garage with 1/3 of the roof 15 feet tall and 2/3 of the roof 17 feet, 8.5 inches tall and to maintain existing attached two car garage)