



**MEMORANDUM**

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**DATE:** 29 November 2022

**TO:** City of Cleveland Heights

**FROM:** Bostwick Design Partnership

**CLIENT:** Heights Libraries

**PROJECT NAME:** Noble Road Branch

Renovation and Addition

**PROJECT NUMBER:** 22008

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• **Variance Request #1: Noble Road Building Setback**

Brief Summary of Variance Request

In Schedule 1153.03(4) Supplemental Standards for Conditional Uses Area, Width & Yard Regulations, it notes that a Public Library requires a building to be set back 50' in all yards. A variance is requested for the Noble Road Addition to have a 42.4' setback to align with the original 1937 Walker and Weeks library building that has the same 42.4' setback from Noble Road.

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)
  - a. The original 1937 library building is nonconforming to the 50' setback regulation which is a special condition of this structure. The new Addition is directly adjacent to this and ties into the original building along Noble Road.
- 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.
  - a. Without the variance, the Addition would be pushed to the west which would adversely affect the parking lot and drive-up window configuration. The option to reduce square footage of the Addition to accommodate the setback would have a detrimental impact on the library's ability to provide services to this community.
- C. Explain whether the variance is insubstantial and whether the variance is the minimum necessary to make possible the reasonable use of the land:
  - a. The variance is insubstantial at only 7.6' less than the required setback. It is the minimum necessary in order for the Addition to align with the original library building and present a unified front along Noble Road. The 42.4'

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setback is also 12.4' farther from the street than the standard 30'-0" setback for the MF2 district that the Addition primarily occupies.

- 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.
  - a. No, the essential character or the neighborhood would not be substantially altered, and adjoining properties would not suffer a detriment because of the requested variance. As noted, the proposed Addition would not be any closer to Noble Road than the original Library building has been for 85 years.
- E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).
  - a. The variance will not impact any government services.
- F. Did the applicant purchase the property without knowledge of the zoning restriction?
  - a. At the time of purchase, the applicant was not aware of the specific zoning restrictions. The applicant purchased the property as soon as it became available, as it was the only means to expand not only the Library itself but also provide an equitable level of service to the Noble community as other locations with newer and expanded facilities.
- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.
  - a. The special condition is not a result of the owner. The original library building was completed in 1937, before the current Cleveland Heights Zoning Code was in place.
- 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).
  - a. The predicament cannot be resolved through a method other than this variance. It would be unworkable to shift the Addition west which would result in lost parking spaces and push the parking lot closer to the adjacent neighboring property.
- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.
  - a. The intent behind the zoning requirement would be observed and substantial justice will be done by granting this minimum variance. The library, design team, and community all agreed that the beauty and simplicity of the original Walker and Weeks design should remain the primary design feature of the site. As a result, the Addition will not

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'compete with' the existing design and aligning their facades will act to unify their presence along Noble Road.

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.

- As the only library facility in this community, the minimum variance requested would not confer any special privileges or set precedent for a non-library use. This will allow the new Noble Road Branch Addition to align with the original library building and present a unified façade along Noble Road.

- Variance Request #2: Kirkwood Road Parking Lot Setback**

Brief Summary of Variance Request

In Schedule 1153.03(4) Supplemental Standards for Conditional Uses Area, Width & Yard Regulations, it notes that Public Library parking requires front setback of 50' and side/rear setback of 10'. A variance is requested for the Kirkwood Road parking lot that is 15.0' from the front property line.

Statement of Practical Difficulty

- 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)
  - With the new Addition located along Noble Road, Heights Libraries is committed to enhancing the entire campus through landscape design, which in addition to a community green space at the northeast corner, will include elements such as an accessible porch, outdoor programming space, reading nooks, bicycle parking, and a vegetable garden. The plan for these community amenities is balanced with the new parking lot that is located to the west of the site. The configuration of the parking lot is a special condition to this land and would not be generally applicable to other lands in the same Zoning District.
- 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.

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- a. Without the minimum variance requested, the proposed parking lot would be severely impacted and would not provide the Library with adequate parking spaces for patron use.
- C. Explain whether the variance is insubstantial and whether the variance is the minimum necessary to make possible the reasonable use of the land:
  - a. The requested variance insubstantial and the minimum necessary to ensure ample parking with its required clearances is provided.
- 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.
  - a. No, the essential character or the neighborhood would not be substantially altered, and adjoining properties would not suffer a detriment because of the requested variance. Along Kirkwood Road, a landscape buffer will be provided between the parking lot and public sidewalk. Also, while the former church did not include a parking lot, the church itself was 7'-0" from the property line at its closest point, and the expansion west of the church was approximately 11'-6" at its closest point.
- E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).
  - a. The variance would not adversely affect the delivery of governmental services, and the expanded parking lot improves fire and safety access to the site.
- F. Did the applicant purchase the property without knowledge of the zoning restriction?
  - a. At the time of purchase, the applicant was not aware of the specific zoning restrictions. The applicant purchased the property as soon as it became available, as it was the only means to expand not only the Library itself but also provide an equitable level of service to the Noble community as other locations with newer and expanded facilities.
- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.
  - a. The special condition is not a result of the owner but the result of the proposed design to provide the community with an expanded library building and an outdoor campus.
- 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).
  - a. The predicament cannot be resolved through a method other than this variance. It would be unworkable to have the required 50' setback from

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Kirkwood Road since it would adversely impact the already limited amount of parking provided for library patrons.

- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.
  - a. Substantial justice will be done by granting this variance so the Library can provide adequate parking to support the expanded library services that will be made available with this project.
- 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.
  - a. As the only library facility in this community, the requested variance does not grant any special privilege and would be required for reasonable development of the site.

- **Variance Request #3: Montevista Road Parking Lot Setback**

Brief Summary of Variance Request

In Schedule 1153.03(4) Supplemental Standards for Conditional Uses Area, Width & Yard Regulations, it notes that Public Library parking requires front setback of 50' and side/rear setback of 10'. A variance is requested for the Montevista Road parking lot that is 16.7' at its narrowest point from the front property line.

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)
  - a. With the new Addition located along Noble Road, Heights Libraries is committed to enhancing the entire campus through landscape design, which in addition to a community green space at the northeast corner, will include elements such as an accessible porch, outdoor programming space, reading nooks, bicycle parking, and a vegetable garden. The plan for these community amenities is balanced with the new parking lot that is located to the west of the site. The configuration of the parking lot is a special condition to this land since vehicular traffic is designed to be one-way exiting onto Montevista Road to allow for drive-up services, and reduce traffic between the Library and adjacent

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elementary school. This would not be generally applicable to other lands in the same Zoning District.

- 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.
  - a. Without the minimum variance requested, the already limited proposed parking lot would be severely impacted and would not provide the Library with adequate parking spaces for patron use. It would also impact the amount of ADA accessible parking directly adjacent to the new main entry to the Library.
- C. Explain whether the variance is insubstantial and whether the variance is the minimum necessary to make possible the reasonable use of the land:
  - a. The requested variance is insubstantial and the minimum necessary to ensure adequate parking with its required clearances is provided.
- 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.
  - a. No, the essential character or the neighborhood would not be substantially altered, and adjoining properties would not suffer a detriment because of the requested variance. The surrounding neighbors would benefit from reduced inbound traffic along Montevista Road with the new one-way traffic flow exiting from the Library site. The existing library parking lot is approximately 22'-8" from the property line at its closest point.
- E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).
  - a. The variance would not adversely affect the delivery of governmental services.
- F. Did the applicant purchase the property without knowledge of the zoning restriction?
  - a. At the time of purchase, the applicant was not aware of the specific zoning restrictions. The applicant purchased the property as soon as it became available, as it was the only means to expand not only the Library itself but also provide an equitable level of service to the Noble community as other locations with newer and expanded facilities.
- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.
  - a. The special condition is not a result of the owner but the result of the proposed design to provide the community with an expanded library building and an outdoor campus.
- 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).

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- a. The predicament cannot be resolved through a method other than this variance. It would be unworkable to have the required 50' setback from Montevista Road since it would adversely impact the already limited parking proposed for library patrons including ADA accessible parking spots near the new main entry.
- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.
  - a. Substantial justice will be done by granting this variance so the Library can provide adequate parking to support the expanded library services that will be seen with this project.
- 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.
  - a. The requested variance does not grant any special privilege and would be required for reasonable development of the site.

- **Variance Request #4: Dumpster Enclosure Setback**

Brief Summary of Variance Request

In Section 1123.12(a) Minimum Yard Requirements for Accessory Uses, it requires the accessory use to maintain the same yard requirement as for a principal use set forth in Section 1123.07. The rear/side yard setback from 'A' Single-Family District is 25'-0". A variance is requested for the dumpster enclosure location that is 12.6' from the rear property line shared with 3872 Kirkwood Road.

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)
  - a. The layout of the proposed parking lot allows for the necessary garbage truck maneuverability while prioritizing the amount of parking spaces so the Library can provide adequate parking for their patrons. The location of the dumpster enclosure is a special circumstance, so it can remain more discrete and not within direct view from Kirkwood Road or neighboring properties.
- 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.

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- a. The property would not yield a reasonable return since relocating the proposed dumpster enclosure would adversely affect the amount of parking spaces provided for library patrons.
- C. Explain whether the variance is insubstantial and whether the variance is the minimum necessary to make possible the reasonable use of the land:
  - a. The variance is insubstantial and the minimum necessary so that the dumpster enclosure can be located properly for garbage truck access and out of eyesight from the neighboring properties.
- 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.
  - a. The essential character of the neighborhood would be substantially improved, and the adjoining properties would benefit because of the variance. With that, the proposed dumpster enclosure would not be within direct view of Kirkwood Road or adjacent to the driveway entrance of 3872 Kirkwood Road. A privacy fence and perimeter landscaping will also further shield the neighboring property from viewing the enclosure.
- E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).
  - a. The variance would improve the delivery of governmental services by providing a clear path for garbage trucks with adequate maneuverability clearances.
- F. Did the applicant purchase the property without knowledge of the zoning restriction?
  - a. At the time of purchase, the applicant was not aware of the specific zoning restrictions. The applicant purchased the property as soon as it became available, as it was the only means to expand not only the Library itself but also provide an equitable level of service to the Noble community as other locations with newer and expanded facilities.
- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.
  - a. The special condition is not a result of the owner but the result of the proposed design to provide a functional parking lot layout while respecting the neighboring properties.
- 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).
  - a. The applicant's predicament cannot be resolved through a method other than this requested variance since locating it 25'-0" from the property line

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would result in it interrupting traffic flow and unable to be accessed by the trash service.

- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.
  - a. The spirit and intent behind the zoning requirement would be observed and substantial justice will be done by granting this variance. As noted, the proposed dumpster enclosure location will not impact the views from Kirkwood Road or adjacent properties.
- 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.
  - a. The requested variance does not grant any special privilege and would be required for reasonable development of the site.

**END OF MEMORANDUM**