

**RICH MANAGEMENT COMPANY  
950 MAIN AVENUE, FOURTH FLOOR  
CLEVELAND, OHIO 44113**

December 4, 2020

**Via Email and Regular US Mail**

Karen Knittel  
City Planner  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118

RE: 1728 Middlehurst Road, Zoning Variances Calendar Numbers 3481(a),(b)&(c)

Dear Ms. Knittel,

When the pandemic began, we put the proposed apartment project on hold because of the uncertainty in the economy and the rental market. In addition, the design costs were being funded by cash flow from our existing apartments and we were very uncertain of how the pandemic would affect our apartments especially in light of most colleges converting to online education. However, we do want to move forward with the project now. The variances state that they expire within 18 months. Given the extraordinary circumstances of this year we are respectfully requesting an extension of the variances. They are scheduled to expire 18 months from August 29, 2019 which makes the expiration date February 28, 2021. It would be best if the extension could be for an additional 18 months from the end of the current term since the variances specify that the building is to be built in that time frame.

Thank you for your consideration of this request.

Sincerely,



Jonathan Rich

**CLEVELAND  
HEIGHTS**  
**BOARD OF ZONING APPEALS**  
**VARIANCE APPROVAL**  
**FINAL DETERMINATION**

Calendar No. 3481(a)  
Rich Management Company, LLC  
1728 Middlehurst Road

On August 21, 2019 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:

- Special conditions and circumstances exist which are peculiar to this area, specifically this plot has been combined with other plots of land to create an awkward shaped lot which does not allow for construction of the intended 'MF-2' Multiple Family structure;
- The property in question would not yield a reasonable return without this variance to allow for the construction of additional units;
- The variance is insubstantial as the variance itself increases the allowable unit allotment to one unit for each 1455 square feet per unit from the required one unit for each 1750 square feet per unit and this is insubstantial in the context of the broader project including the fact that the apartment building next door contain higher density having one unit per 577.9 square feet;
- The variance does not adversely affect the delivery of government services as there was no evidence set forth that there would be any problem in getting up or down Middlehurst Road despite an increase in traffic; and
- The applicant's predicament feasibly cannot be resolved through any other method other than a variance, this is the only way to build a multiple-family structure on this unique plot of land which is zoned 'MF-2' Multiple-Family.

The Board of Zoning Appeals concluded that there was a practical difficulty concerning the requested variance. Based on these findings of facts and conclusions of law, the BZA approved (5-0) the following variances to Zoning Code Sections 1123.06(a) & (c) to permit more units than allowed per lot area (minimum 1750 square feet per unit & maximum 25 units per acre), with the following conditions:

1. A variance to Code Section 1123.06(a)&(c) is granted to permit a new 8-unit apartment building in addition to the existing 19-unit apartment building, for a total of 27 units on this 39,285 square foot (.92 acre) parcel.
2. Approval of the Architectural Board of Review;
3. Receipt of required Building Permits;
4. Approval of a landscape plan by the Planning Director prior to building permit being issued;
5. Approval of a drainage plan for storm water by Director of Public Works prior to building permit being issued; and
6. Complete construction within 18 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 August 21, 2019. I further certify that this final determination was mailed to the applicant on August 29, 2019.



Richard Wong, Secretary for Board of Zoning Appeals  
Effective Date: August 29, 2019

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

# CLEVELAND HEIGHTS

## BOARD OF ZONING APPEALS VARIANCE APPROVAL FINAL DETERMINATION

Calendar No. 3481(b)

Rich Management Company, LLC  
1728 Middlehurst Road

On August 21, 2019 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:

- Special conditions and circumstances exist which are peculiar to this area, specifically the property would be rendered unbuildable to a reasonable structure if the 30' setback was followed;
- The neighboring property is a nonconforming parcel that has a setback less than the required 30'; and
- The character of the neighborhood would not be altered as the proposed setback is similar to the other building on this parcel.

The Board of Zoning Appeals concluded that there was a practical difficulty concerning the requested variance. Based on these findings of facts and conclusions of law, the BZA approved (5-0) the following variances to Zoning Code Section 1123.07(a) to permit front yard setback less than minimum 30':

1. A variance to Code Section 1123.07(a) is granted to permit the front yard setback that ranges from 12' to 21' as shown on the drawings for Cal. No. 3481 dated July 10, 2019;
2. Approval of the Architectural Board of Review;
3. Receipt of required Building Permits;
4. Approval of a landscape plan by the Planning Director prior to building permit being issued;
5. Approval of a drainage plan for storm water by Director of Public Works prior to building permit being issued; and
6. Complete construction within 18 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 August 21, 2019. I further certify that this final determination was mailed to the applicant on August 29, 2019.



Richard Wong, Secretary for Board of Zoning Appeals

Effective Date: August 29, 2019

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**BUILDING, FIRE, AND/OR STORMWATER PERMITS.**

# CLEVELAND HEIGHTS

## BOARD OF ZONING APPEALS VARIANCE APPROVAL FINAL DETERMINATION

Calendar No. 3481(c)  
Rich Management Company, LLC  
1728 Middlehurst Road

On August 21, 2019 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:

- Special conditions and circumstances exist which are peculiar to this area, specifically this plot has been combined with other plots of land to create an awkward shaped lot which does not allow for construction of the intended 'MF-2' Multiple Family structure;
- The property in question would not yield a reasonable return without this variance to allow for the construction of additional units;
- Special conditions and circumstances exist which are peculiar to this area, specifically the existing buildings apartment buildings are similarly situated and the building spacing is much less than the required 60 feet;
- Special conditions and circumstances exist which are peculiar to this area, specifically this property would not provide for a reasonable return if code conforming buildings were to be contemplated;
- The applicant's predicament feasibly cannot be resolved through any other method.

The Board of Zoning Appeals concluded that there was a practical difficulty concerning the requested variance. Based on these findings of facts and conclusions of law, the BZA approved (5-0) the following variances to Zoning Code Section 1123.08(b) to permit building spacing to be less than required 60', with the following conditions:

1. A variance to Code Section 1123.08(b) to permit the spacing between buildings to range from 12' to approximately 45' as shown on the drawing for Cal. No. 3481 dated July 10, 2019.
2. Approval of the Architectural Board of Review;
3. Receipt of required Building Permits;
4. Approval of a landscape plan by the Planning Director prior to building permit being issued;
5. Approval of a drainage plan for storm water by Director of Public Works prior to building permit being issued; and
6. Complete construction within 18 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 August 21, 2019. I further certify that this final determination was mailed to the applicant on August 29, 2019.

  
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