



CASE WESTERN RESERVE
UNIVERSITY EST. 1826
CAMPUS PLANNING & FACILITIES MANAGEMENT

Office of Campus Planning & Design

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January 8, 2020

Cleveland Heights Board of Zoning Appeals

Project Name: Fribley Commons – Renovation & Expansion
2315 Murray Hill Road

PROJECT SUMMARY

To meet the dining and support needs of our increased undergraduate student population CWRU is embarking on a major renovation and expansion of Fribley Commons. The university provides two large dining facilities for our undergraduates, one located on the north side of campus and one located on the south. Fribley Commons is our south side dining facility. The facility was constructed in 1964. The building is oriented to the residential village but turns its back to the streetscape and campus. An existing head house (north side) contains the mechanicals for the building, current loading occurs from the west, along the street, and an underutilized plaza is to the south of the facility.

CWRU wishes to re-orient the building back to the main campus. This will occur via removal of the head house to create landscaped entry plaza and moving the loading function to the underutilized plaza space to the south of the existing building. An expansion to the west will provide necessary additional space for dining.

The building has a partial basement and two stories above grade. The combined building area is 30,354 SF. 25,000 SF existing plus 3,354 SF new. Floor plans and exterior elevations are provided within the submitted presentation.

Please accept this application on behalf of CWRU as a formal request for variances to the following sections of the Cleveland Heights Zoning Code:

1. Section 1123.07(a) – Minimum Front Yard Setback
 - a. Code states minimum setback of 30'. Our lot is facing on 2 major roads, and therefore has two front yards – north and west. The north setback complies with code. The west setback CWRU is requesting a 2'-6" setback. This will allow for the addition of one structural bay (29'-6') plus exterior wall construction. Due to the existing

topography and adjacent residence halls, expansion to east is improbable.

2. Section 1165.03(g)(1) – Site and Development Criteria - Every building on 1 lot only, contiguous lots may be joined

- a. There is a unique situation in this case in that the two existing lots cannot be consolidated or conjoined. This is because they are within two different municipalities. The northern lot is within the City of Cleveland, the southern lot is within the City of Cleveland Heights. In conversations with county engineering, lot consolidation within two cities is prohibitive. Any issues related to tax based income per city is not applicable as CWRU is a tax-exempt entity. CWRU is respectively asking for a variance due to hardship of the inability to consolidate lots within different municipalities.

STATEMENT OF PRACTICAL DIFFICULTY

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):

Property parcels are located within 2 jurisdictions - City of Cleveland and City of Cleveland Heights. Prohibitive to consolidate per county engineering.
Existing structure has occupied site since mid 1960's.

- 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 reason for renovation and expansion of facility is to accommodate increased undergraduate student population. Not upgrading the facility will render it unable to service new student load. This is detrimental to the mission of CWRU.

- C. Explain whether the variance is insubstantial:

Variance to section 1123.07(a) is insubstantial as the frontage opens onto an existing roadway. Emergency access is not compromised and is readily accessible. Variance has minimal, if any, impact to neighbors. Majority of adjacent lan owned by CWRU.
Variance 1165.03(g)(1) is insubstantial as it is a situation that has been in existence since mid 1960's.

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

The setback of 2'-6" is minimum necessary for addition of 1 structural bay (29'-6") and exterior wall construction.

- 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.

This project will improve the neighborhood as utility 'head house' will be demolished, thus opening up corner intersection to open green space and new entry to facility.
The relocation of the loading/receiving services will eliminate traffic congestion on Murray Hill Road. Many delivery trucks temporarily park in the roadway due to insufficient existing loading/receiving area.

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

The new location of loading/recieving will better delivery logistics by allowing trucks to come onto CWRU property and not blocking Murray Hill roadway.
Construction work for this project will not adversely effect the delivery of any governmental services.

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

The property/building was developed over 50 years ago. Zoning different from current regulations.

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

The property parcels being within 2 municipalities is not a result of owner actions.

- 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).

Property easements may be alternate methodology. The complexity of working within 2 municipal government entities makes this method cumbersome and will add hardship regarding added time for lengthy process. Any project delays will negatively effect the university mission to deliver food services to students.

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

Substantial justice will be done by granting the variances, as it will continue to support CWRU's growth and vakue to the community and it's students.

- 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.

The granting of these variances will not confer any special privialge over other lands due to the uniqueness of the parcels being situated in 2 municipalities (Variance to section 1165.03(g)(1)) and the frontyard setback reduction will situate the the building to engage with the pedestrian/urban fabric of the neighborhood and campus community (Variance to Section 1123.07(a)).

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.



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January 17, 2020

**Cleveland Heights Board of Zoning Appeals
Cleveland Heights Planning Commission**

Project Name: Fribley Commons – Renovation & Expansion
2315 Murray Hill Road
ADDITIONAL INFORMATION REQUESTED

Cleveland Heights Planning and Law departments requested the following additional information to the submissions for above project:

1. All plans must show the location of the City boundary and property lines. Currently, no drawing shows the property lines/municipal boundary.
2. Submit all approvals from Cleveland and/or Little Italy Historic District.
3. Provide your findings on the OBBC allowance for a building to go between two parcels and/or municipal boundaries.
4. Submit detailed landscaping and screening details.
5. Provide more detailed language around how your project will comply with the Standards for Conditional Uses.

All the above, with the exception of Item #4, need to be resubmitted by 9 am, Tuesday, January 21, 2020.

Please see our responses below.

Item #1

Site plan has been amended to include municipal boundaries and property lines. Due to the complexity of the drawing, we have submitted full size sheets for viewing clarity. If submitted at standard 11x17 size, the information would be extremely difficult to read. We will also include this drawing in our powerpoint presentation to both boards.

Item #2

Please find included approvals of project from City of Cleveland Landmarks Commission, dated October 11, 2018.

Item #3

The Ohio Building Code does not address parcels that cross municipal boundaries. The OBC does address walls on property lines and requirements for fire ratings based on fire separation distance.

OBC Table 602 – FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE establishes, if the fire separation distance is between 0” and less than 5’-0”, for a building of Use Group A or B and for all types of construction, the fire rating is to be a minimum of 1 hour.

Footnoted additional requirement refers to *OBC Section 706.1.1*. This section further defines fire wall requirements.

OBC Section 706.1.1 states, “Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.”

While in our instance we do not abut another building, but we are building on/over the lot line. We are currently in conversations with the City of Cleveland and their assessment of this code section. We may need to request a variance from building code. We can give an update on our conversations/progress at the respective BZA and PC meetings.

Item # 4

Please find included detailed landscape drawings L102 – Landscape Materials Plan and L104 – Landscape Planting Plan from our construction documents. Also included in our powerpoint submission are renderings indicating some of the proposed plantings for reference.

Item #5

GENERAL STANDARDS FOR CONDITIONAL USES

- a) The dining hall exists as a conditional use within the Multi-Family District. The additional and renovation are in general accord with the established neighborhood. Majority of the adjacent property is College and University use.
- b) This project will not endanger the public health, safety, morals, comfort, or general welfare of the community.
- c) The building addition is identical in style to the existing mid-century modern architecture. The relocation of the loading/service area will enhance the general vicinity by removing large volume of on street deliveries.
- d) The conditional use will be somewhat of ‘a continuation” of an already established conditional use. It will not be injurious or detrimental to the neighborhood or property values. The removal of a very utilitarian structure and replacing it with green space is an enhancement to the area.
- e) Surrounding property is already established college and university use. Allowing this project will not impede development of surrounding property.
- f) Adequate infrastructure is available and provided.

- g) Ingress and egress will be improved with the relocation of the loading/service area. Trucks that now park on the street will now be able to pull onto CWRU property for deliveries thus eliminating traffic congestion on Murray Hill.
- h) The addition will have minimal impact to the existing use and will not increase any burden to the community public facilities such as police or fire. Allowing this project will increase the economic welfare of the educational entity of the university.
- i) Surrounding uses are all compatible to college and university use. Majority of all adjacent property is owned by the university.
- j) The conditional use conforms to the supplemental conditions of Zoning Code Chapter 1153.
 - a. Table 1153.03 – the site area and dimensions exceed all minimum standards listed, lot area within Cleveland Heights is 2.723 acres (2 acre min.), dimensions are irregular and listed on included site plan.
 - b. Section 1153.04 – the building is approximately 32' in height, well under maximum of 75'.
 - c. Section 1153.05(j) – this structure is a dining hall and conforms to items 1, 2 and 4. Items 3, 5, 6 and 7 do not apply to dining halls, as they are for residence halls.