

**ZONING BOARD OF APPEALS
MEETING MINUTES
Mayfield Village
Feb 19, 2019**

The Board of Appeals met in regular session on Tues, Feb 19, 2019 at 7:30 p.m. at the Mayfield Village Civic Center Conference Room. Chairman Pro Tem Syracuse presided.

ROLL CALL

Present: Mr. Vetus Syracuse Chairman Pro Tem
Mr. Stivo DiFranco
Ms. Alexandra Jeanblanc
Mr. John Michalko

Also Present: Ms. Kathryn Weber Law Department
Mr. John Marrelli Building Commissioner
Ms. Deborah Garbo Secretary

Absent: Mr. Joseph Prcela Chairman

CONSIDERATION OF MEETING MINUTES: Sept 18, 2018

Mr. Michalko, seconded by Ms. Jeanblanc made a motion to approve the minutes of Sept 18, 2018 as written.

ROLL CALL

Ayes: All
Nays: None

Motion Carried. Minutes Approved.

CONSIDERATION OF CASE NUMBER #2019-01

Applicant: Amanda Bowman
7129 Wilson Mills Rd.
PP # 831-27-009

1. A request for a 359 sq. ft. area variance from Section 1157.06 (a) (2) to allow for construction of an addition to existing Detached Garage.

Maximum accessory building area is 675 sq. ft., applicant proposes 1,034 sq. ft.

Abutting Property Owners:

831-27-004 Caren Blackson 669 Echo Dr 44040
831-27-005 (vacant land) Eugene DiMichele 820 Hardwood Ct. 44040

OPEN PORTION

Chairman Pro Tem Syracuse called the meeting to order. This is a meeting of the Mayfield Village Zoning Board of Appeals Tues, Feb 19, 2019.

ORGANIZATIONAL MEETING

- Election of Chairman
- Election of Chairman Pro-Tem
- Election of Secretary
- Election of Planning & Zoning Representative to the B.O.A. (Vetus Syracuse)

Chairman Pro Tem Syracuse states, since this is our first meeting of 2019, we have some organizational matters to attend to. Joe Prcela is currently serving as the Chairman, I was serving as the Chairman Pro Tem, Debbie Garbo's been serving as the Secretary and I've been the Planning & Zoning Representative to the Board of Appeals. Everyone should have seen the email from Joe Prcela. He's going to be traveling a lot and he recommended someone else be appointed as Chairman.

Chairman Pro Tem Syracuse opened the floor to a motion for nominations as a whole for the 2019 Organizational slate.

Ms. Jeanblanc, seconded by Mr. Michalko made the motion to nominate Vetus as Chairman, Stivo as Chairman Pro Tem, Debbie as Secretary and Vetus as P & Z Rep to the Board of Appeals.

Chairman Pro Tem Syracuse asked if there was any discussion. There was none.

The nominations were closed.

Chairman Pro Tem Syracuse asked for a Roll Call on the nominations.

ROLL CALL:

Ayes: All

Nays: None

Motion Carried

Vetus Syracuse to serve as 2019 Chairman.

Stivo DiFranco to serve as 2019 Chairman Pro Tem.

Deborah Garbo to serve as 2019 Secretary.

Vetus Syracuse to serve as 2019 P & Z Rep to the BOA.

Chairman Pro Tem Syracuse concludes the Organizational portion of the meeting.

Chairman Syracuse said, we have one case on our agenda tonight, Case #2019-01. The applicant is Amanda Bowman, 7129 Wilson Mills Rd. The abutting property owners have been notified.

OATH

Chairman Syracuse stated that anyone wishing to speak must be sworn in. Chairman Syracuse administered the oath to Amanda Bowman and asked anyone wishing to speak, to state their name and address for the record.

Amanda Bowman introduced herself. I actually have two parcels, they're right next to each other. I purchased the property and we were asked to split parcels. The property that we're referring to is 7129 Wilson Mills. The property that you see right here is also part of what I own, and that's 7127. When the property was purchased, we actually purchased close to five acres. That was actually how it was until we purchased. There was only one prior owner who had all 5 acres. All of the buildings that are existing were there prior to our arrival. I just want to make that clear because it's slightly different when you start breaking these up because part of it's 3 acres, the other part is one point whatever acres. The actual out buildings that exist today, the garage, etc were all part of the 5 acre parcel until Cuyahoga County split it.

Mr. DiFranco asked, do you have a building on the parcel you split out?

Amanda Bowman points out the cottage. The original owners were 90+ years old and they built a cottage for their caretaker. When we were purchasing it, it would be purchased as one. Somebody forgot to file with Cuyahoga County that the parcel needed to be split and that was about one month before I was closing. I ended up purchasing this for cash, and the 7129, I just kept my loan. They went ahead and actually split that parcel at that time because of the ordinance not permitting two houses on the same lot.

Mr. Marrelli said, the previous owners had been notified of that back in the 80's but they never split it.

Amanda Bowman said, they passed away and it went into a trust and it wasn't brought up again until 7 years after they passed that it sold.

Chairman Syracuse said, I drove to the property today and looked at the garage. I noticed another garage right in the front corner of the lot. What parcel is that?

Amanda Bowman replied, that's the little white one down by the road. If you noticed the driveway, it's now asphalt, it wasn't back then. I think it was put there in the early 40's when it was built so people could park their vehicle down there and walk up because it wasn't conducive to driving up snow and ice, it's got quite an elevation.

Chairman Syracuse asked, do you utilize that garage?

Amanda Bowman replied, I utilize all the garages. I have 5 acres, in the Metroparks I might add. We have a lot of trees, a lot of grass, and a lot of pretty much everything in the house. I

noted in my letter, and it matters to me only because it's a different situation now. When I purchased this property, I was married. My ex-husband was a contractor that actually worked in PA. Much of the equipment we used at the house, he was taking between properties. It wasn't as much of an issue because a large tractor we didn't have to store there because he used it for work purposes too. Now that I'm divorced, I don't have that option. Either it has to sit outside which isn't really aesthetically pleasing, I prefer not to do that. Or, I have to be able to utilize the out buildings that I have. The house currently, when it was built only has a one-car garage up there, and that's about equivalent, a little less than what we want to add here, this is attached. You can kind of get a car in there. I get my car in there, I hit it a few times. We store other stuff in there, but it's like the entry of the house.

There's a little shed here, a lot of the gardening type, lawn care stuff is there. We use the one down at the bottom, we have a generator and bigger stuff like that there, that garage you saw at the end of the road. So really, it's just the 3-car garage and unfortunately there're steps right in the middle of it. It's like a 2 ½ car, but then the stairs to go up are literally right in the middle of it. You can get about one car and a tractor in there, that's about it.

Chairman Syracuse asked John, they're permitted to have how many garages on the parcel?

Mr. Marrelli replied, it was nonconforming, so when she came in for the addition to the garage, I applied the rules to that.

Chairman asked, so it's grandfathered in?

Mr. Marrelli replied, yes. It's nonconforming. Those were there long before our rules went into effect.

Ms. Jeanblanc asked, what's the effect of the parcels having been split?

Mr. Marrelli replied, that was because there were two dwellings on one parcel.

Ms. Jeanblanc asked, does that change anything as far as this garage goes?

Mr. Marrelli replied, no.

Amanda Bowman said, here's the unfortunate thing. If this wouldn't have been drawn like this, we would have had the right amount of separate accessory buildings per parcel?

Mr. Marrelli replied, the maximum accessory building area is 675 sq. ft. if you had one or two.

Chairman Syracuse asked, the proposed addition to the garage, will it remain the same height?

Amanda Bowman replied, yes. It's merely an extension if we take the steps to the outside so we can have that room.

Mr. Michalko asked, is there any particular reason why you're putting it on that side of the garage instead of the other side, this way you're bringing it closer to the street.

Amanda Bowman replied, it's actually really far from the street. There's a driveway right here that you don't see that goes to this cottage, this driveway goes all the way to Eugene DiMichele's property as well.

Mr. DiFranco asked, what's he doing to his property?

Amanda Bowman replied, nothing.

Mr. DiFranco asked, there's no structure there?

Amanda Bowman replied, there's a water fountain. He was intending to build, but that's been a couple years.

Mr. Marrelli said, he's toying around with building.

Chairman Syracuse asked, I see on your application permit request that you have 3 cars. Are those all your cars?

Amanda Bowman replied yes, this is my partner, he lives there as well and we have kids.

Chairman Syracuse said, so there are 3 cars that need to be at the property and a large tractor. Do you use the tractor and that equipment just for these parcels at this location?

Amanda Bowman replied, yes.

Mr. DiFranco asked Mr. Marrelli if he has any concerns.

Mr. Marrelli replied, I really don't have any. I'm happy to see that when she puts the addition on that they're going to re-side and re-roof it, and upgrade it. I think it's probably the biggest single parcel in town that's got somebody living on it.

Mr. DiFranco asked, if they chose to split this parcel, what concern would there be then?

Mr. Marrelli replied, that would open up a whole other can of worms. We'd have to deal with all these out buildings and how the dwellings sit on them.

Mr. DiFranco asked, if they came in for a lot split, would those conditions be placed in the Deed?

Mr. Marrelli replied, they'd have to go to Planning Commission to split it and then they'd deal with driveways, structures and utilities at that point.

Mr. Michalko said, there's another way, just looking at the properties and how it butts up to the Metroparks, if it were split and back sides donated to the Metroparks-

Mr. Marrelli said, the Metroparks would probably but it.

Amanda Bowman said, it's not in our Deed, but we had our lawyer draw up a document about the driveway. At some point in time if a sale occurs and we want to split it, we'd go through the process. But there's ample opportunity to put a driveway right in the front too.

Mr. Marrelli said, it's big enough. I don't know what your frontage is, but we require 125' along the street line per parcel.

Mr. DiFranco asked, was is split off solely because of the structure issue?

Mr. Marrelli replied yes, because of the zoning.

Mr. Michalko asked, what's the height of the garage doors, enough to clear a tractor?

Mathew Thrasher, 7129 Wilson Mills Rd replied, 7 foot.

OATH

Chairman Syracuse stated that anyone wishing to speak must be sworn in. Chairman Syracuse administered the oath to Mathew Thrasher.

Chairman Syracuse said, I want to remind our Board Members of the criteria for granting an area variance:

In granting an Area Variance, the Board shall determine that one or both of the following factors are met by the request:

- a. The conditions upon which an application for a Variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district: or
- b. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance.

Chairman Syracuse said, I would just like to add that due to there not being very many 5 acre lots here in Mayfield Village and where it's located and just the way the structure is, and how much maintenance would be required-

Ms. Jeanblanc asked, did I understand correctly that this is literally all for the maintenance of the property?

Amanda Bowman replied yes, and for vehicles.

Chairman Syracuse said, that's the reason for asking that question earlier. If you look at the factors that we're supposed to consider, I think that this is something that could definitely be differentiated from any other property that comes in and wants a variance for the same thing. It's something I wouldn't be concerned with setting a precedence. Does anyone have any further comments or questions?

There were none.

DECISION

Mr. Michalko, seconded by Ms. Jeanblanc made a motion to approve the request for a 359 sq. ft. area variance from Section 1157.06 (a) (2) to allow for construction of an addition to existing Detached Garage.

Chairman Syracuse asked, any discussion?

There was none.

ROLL CALL

Ayes: Mr. Syracuse, Mr. DiFranco, Ms. Jeanblanc, Mr. Michalko

Nays: None

Motion Carried.

Variance Approved.

Right to Appeal

Chairman Syracuse stated, you or any interested party has the right to appeal the decision within ten (10) days to Council.

NEXT STEP

Amanda Bowman asked about the next step.

Mr. Marrelli replied, Architectural Review Board is next.

Mathew Thrasher asked what that involves.

Mr. Marrelli replied, it's a bunch of Architects looking at what you're going to do to the building to make sure that it looks good when you're done.

Amanda Bowman asked, what do we need to have?

Mr. Marrelli replied, drawings; framing, siding roofing, windows.

Amanda Bowman asked, do they have to be by an Architect?

Mr. Marrelli replied, no. Maybe you know somebody in the trades that can put something together.

Chairman Syracuse asked, do you have a contractor that's going to be doing this for you?

Amanda Bowman replied no, pretty much between Mathew and our friends. It's really just an extension of the existing.

Mr. Marrelli asked, do you know if there's a foundation on that garage now?

Amanda Bowman replied, yes. But that's a good question. When we do the extension, what are the requirements?

Mr. Marrelli replied, 42" footers.

Amanda Bowman asked, even with the addition?

Mr. Marrelli replied yes, you're going to have to do three sides to tie in. You'll need a framing and roof truss plan. I'm going out of town. My Inspector Tony Carbone will be in Tues 2/26 next week. Call Debbie and she'll arrange a time for you to meet with Tony. How soon did you want to start, when the weather breaks?

Amanda Bowman replied, yes.

Amanda Bowman thanked the Board and left the meeting at this time.

ANY OTHER MATTERS

Chairman Syracuse asked, any other business to discuss tonight?

- **QED Monument Signage**

Mr. Michalko said, part of the variance that we granted for QED's sign was that they had to take their other sign down and it's still there.

Mr. Marrelli said, that's because the owner of the building has failed to take action. We had the tenant, QED come in. They wanted their own sign. The owner said yes, get it done. They got the variance and the owner has yet to move on it. We didn't give the variance to the property owner, we gave it to the tenant who I told time and time again. He said he keeps telling Premier Development, the owners to do something about it and they said they'll get to it.

Mr. DiFranco asked, shouldn't the owners have come in for the variance?

Mr. Marrelli replied, they can assign that to the tenant. They have sewer in there, for us to get an easement, I think it took 1 ½ years. You can revoke the variance but then you just hurt the tenant. I don't know what the penalty clause is for that.

Ms. Weber said, there's a penalty section in your sign code.

Chairman Syracuse said, if we didn't impose a time limit in our granting of the variance, I don't think there's anything we can do.

Mr. Michalko said, if we keep giving variances and people find out there's no follow up and they don't have to do it, what's the use?

Ms. Weber said, if the new sign was conditioned on taking the old sign down in order to get that variance, then in enforcing that variance, I would say that the new sign is not in conformance. I know that's not the end result of what we want. But that would be your recourse, this sign is not in conformance because you're not abiding by the terms of the agreement. I could take a look at the variance.

Mr. Michalko said, if I remember correctly, when the new sign went up, the other one was to be taken down and MARS sign was supposed to be moved up.

Mr. DiFranco asked, should we be putting time limitations on these variances?

Chairman Syracuse replied no, because they run with the land.

Chairman reads QED Case #2017-04 approval decision;

CONSIDERATION OF CASE NUMBER #2017-04

Applicant: Quality Electrodynamics (QED)
6655 Beta Dr.
Property Owner: Premier Development Partners

1. A variance request from Section 1185.15(c) (4) to allow for two ground signs (one ground sign allowed).
2. A request for a 20' front setback variance from Section 1185.15 (c) (4) to allow for a proposed ground sign (30' setback from the right-of-way allowed).
3. A variance request from section 1185.15 (c) (4) to allow for a "V" shape ground sign (ground signs allowed to be placed perpendicular to the street).

DECISION

Mr. Syracuse, seconded by Mr. DiFranco made a motion to approve the (3) three variance requests from Section 1185.15 (c) (4) to allow for two ground signs at 6655 Beta Dr. conditioned upon;

1. The existing east side ground sign to be modified, dedicated to MARS.
2. The two existing curb cuts remain in their current format.
3. If the west curb cut ceases to exist, then the ground sign would have to be removed.

ROLL CALL

Ayes: Mr. Prcela, Mr. Syracuse, Mr. DiFranco, Mr. Michalko

Nays: None

Motion Carried.

Variances Approved with Conditions As Noted.

Chairman Syracuse said, if they don't do anything, they're still in conformance with our code.

Mr. Marrelli said, they're not violating the sign code.

Chairman Syracuse said, if there's anyone who has a problem with it, I would think it would be QED and they can take it to the owners and it's up to them and not the Village.

Mr. Michalko said, QED has two signs there.

Chairman Syracuse stands corrected. They put the other one in but didn't take the other one down?

Mr. Michalko replied, correct.

Chairman Syracuse said, so they did put the new one in, o.k., that's different.

ADJOURNMENT

Mr. DiFranco, seconded by Ms. Jeanblanc made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 7:55 p.m.

Chairman

Secretary