

**BOARD OF ZONING APPEALS
MEETING MINUTES
Mayfield Village
Aug 18, 2020**

The Board of Zoning Appeals met in regular session on Tues, Aug 18, 2020 at 6:00 p.m. **remotely, via electronic means.** Chairman Syracuse presided.

ROLL CALL

Present: Mr. Vetus Syracuse Chairman
Mr. Stivo DiFranco Chairman Pro Tem
Mr. Joseph Prcela
Ms. Alexandra Jeanblanc (6:10 pm)
Mr. John Michalko

Also Present: Ms. Kathryn Weber Law Department
Mr. John Marrelli Building Commissioner
Ms. Deborah Garbo Secretary
Jefferey Thomas IT Systems Coordinator

This meeting has been duly noticed and is being held in accordance with Ohio Revised Code Section 121.22 specific to recent amendments made in light of the current COVID-19 declared emergency (House Bill 197). Under the orders of Governor DeWine, the Board of Zoning Appeals is meeting remotely, via electronic means.

The public was invited to view the meeting live and can access the meeting through a link posted on the Mayfield Village website at www.mayfieldvillage.com. The public was encouraged to view this meeting agenda and offer any comments or questions prior to the meeting to be read into the record and addressed at the meeting.

CONSIDERATION OF MEETING MINUTES: June 16, 2020

Mr. Michalko, seconded by Mr. Prcela made a motion to approve the minutes of June 16, 2020.

ROLL CALL

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

Nays: None

Motion Carried

Minutes Approved as Written.

CONSIDERATION OF CASE NUMBER #2020-02

Applicant: Mayfield City School District
Center School, 6625 Wilson Mills Rd
Old School House Bldg, 784 SOM Ctr Rd

1. A request for a variance from Section 1165.05 (a) to allow for a 57.87 ft. Front Setback to allow for a 2 ½ Story Office Building at 784 SOM Ctr Rd.

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2. A request for a variance from Section 1165.05 (a) to allow for a 12.43 ft. to 12.49 ft. South Setback to allow for a 2 ½ Story Office Building at 784 SOM Ctr Rd.

3. A request for a variance from Section 1169.03 to allow for a 2 ½ Story Office building at 784 SOM Ctr Rd.

Abutting Property Owners:

SOM Ctr Rd: 769, 775, 779, 785, 789

Wilson Mills Rd: 6593, 6673, 6675, 6679, 6685, 6687, 6693, 6681

Musca Properties, LLC

4700 Rockside Rd. #603

Independence, Ohio 44131

OPEN PORTION

Chairman Syracuse called the meeting to order. This is a meeting of the Mayfield Village Board of Zoning Appeals Tues, Aug 18, 2020. The only application before us tonight is consideration of Case #2020-02, the applicant is Mayfield City School District.

I'll let John explain a little bit about this. I do just want to make sure people are aware that the first request for the 57.87 ft front setback, our code under that Section 1165.05 (a) permits a front yard setback of 70'. The sideyard setback under that same code section is 30'. We're looking at moving those setbacks to permit this building to remain as it is, a 2 ½ story building.

The third request under Section 1169.03 says that "Buildings and land in a Small Office Building District shall be used only for the purposes hereinafter set forth and in buildings not more than one-story in height". The existing building is already 2 ½ stories. That is the reason for these requests. John, would you like to say a little bit more before we have the applicant speak.

Mr. Marrelli said, basically what happened was the School Board, and I don't want to speak for the School Board, but they wanted to dispose of this building. In order to do that, they had to break it off of the Center Elementary School property which was all one parcel. They drew property lines around the building and then went to the Electorate and had the property rezoned to what was the closest zoning that that building and use would fit under, which was a one story office building. Once the lot lines were drawn, then we did a code review. Of course, it was 2 ½ stories and it's only supposed to be one, and then you see the other setbacks. The public is in favor of keeping that historic building, so we're trying to work around the rezoning requirements so that nothing could happen to this building.

Chairman Syracuse said absolutely, thank you John. Whoever is here on behalf of the applicant, could you please state your name for the record.

Steve Nedlik, Asst Superintendent Mayfield City Schools introduced himself.

OATH

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Chairman Syracuse stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman Syracuse administered the oath to Steve Nedlik, Asst Superintendent of Operations, Mayfield City School District.

Steve Nedlik said, I think John covered it pretty thoroughly. About two years ago when I arrived in the School District, we began having some significant conversations about taking that asset that no longer had any use for the School District and try to take that asset to acquire other assets to do some other things that were of benefit to the organization. That led us to where we are today after a few steps along the way.

Chairman Syracuse asked, any questions or comments at this time? There were none. Katie, is there anything you'd like to add from the Law department's perspective?

Ms. Weber said, I think John really summed it up, this has been before the Board before. In order to effectuate the sale of this property and repurposing it into a more productive use, that we really try to see what the best rezoning would be and putting it into this district was the most suited for it although there are these variances that are required. In moving forward with them, it was the least of the variances that would be required. The current building is currently 2 ½ stories.

Mr. DiFranco said, I have a couple of questions. Section 1169.01 talks about intent. Is the intent ultimately to put in a medical, professional, banking, savings and loan, insurance, etc facility in this building or is it limited to those in 1169.01? Is the tenant or the use of that limited to 1169.01?

- **Ms. Jeanblanc signed in @ 6:10 pm.**

Mr. Marrelli replied, I don't have a book in front of me, but 1169 refers you to 1165. But I think 1169 specifies the different uses that would be permitted in the Small Office Building District.

Mr. DiFranco said, are we essentially saying we're looking for a 2 story zoning variance here?

Mr. Marrelli replied, going back in time, the Electorate voted to rezone that to a Small Office Building District so the use of the building would fall under that 1169, so it's already rezoned.

Chairman Syracuse said, it's already been rezoned for this purpose Stivo. Now that it's already zoned in this way, I'm not sure what section would apply. But that's not really relevant to tonight whether or not we grant the variance to keep the historic building as is. Does anyone know how old that School House is, how long it's been there?

Ms. Weber replied, it's on the Historic Register. I know that I've looked up how old that building is but I don't have that in front of me, I can confirm that for you.

Note:

Subsequent to the meeting, Old School House Building information as noted;

- **The Old School House Building was built in 1906 and added to the Historic Register in 1973.**

Ms. Weber said, in terms of the uses what you're describing in 1169.01, I believe what this is going to be used for does fall under that as a professional office.

Mr. DiFranco said, I just want to make sure that they're not coming back for other variances along the way. Ideally, through the Electorate if it would have been identified that variances would have been needed here, it could have been potentially included in the Electorate's voting that this piece of property should be accepted as a 2-story building.

Chairman Syracuse said, this isn't for a Use variance for the use of the property. These are area variances for the setbacks. If these are granted, at that point in time, then that runs with the land. So any future use that comes in there, it would have to comply. If someone wanted to put a restaurant in there, John Marrelli would have to tell them they're not in compliance, they'd have to seek a conditional use permit or a Use variance. So that really has no bearing on what we're voting on tonight, but I do see what you're asking Stivo as far as the future use of this. For now, that's not something for us to consider, it's already been approved by the Electorate. That's why we're here today, in order to get the lot split and consolidation finalized, they need these area variances granted, otherwise they'd have to move the building or tear it down and move it somewhere else, I believe.

Mr. Marrelli replied, that's correct. We can't expand the frontage because when SOM got widened, the frontage got eaten up, so there's no way to get the frontage.

Chairman Syracuse said, to remind the members, when we determine whether or not to grant an area variance, we use a practical difficulty standard. The factors we should be looking at in whether or not to grant this are whether or not;

- 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, it being 2 ½ stories high, but an Historic building being the Old School House, I feel that both these conditions are met for these variance requests. Does anyone else have any questions or comments before we move to vote on this?

Mr. Michalko asked, this will go onto the tax base then since it'll become a private building and no longer a school system, correct?

Mr. Marrelli replied, yes. It'll be transferred to a private owner.

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DECISION

Ms. Jeanblanc, seconded by Mr. Michalko made a motion to approve the three variance requests for Mayfield City School District to allow for a 2 ½ story Office Building at 784 SOM Ctr Rd as proposed.

ROLL CALL

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

Nays: None

Motion Carried

Variations Approved

Chairman Syracuse states, motion carries, variance requests have been granted.

Right to Appeal

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

ADJOURNMENT

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

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 6:15 p.m.

Chairman

Secretary