

MEMORANDUM

To: Mayfield Village Council
From: Mayfield Village Law Department
CC: Diane Wolgamuth
Date: January 10, 2020
Re: Appeal of Board of Appeals Decision to Mayfield Village Council

The Board of Appeals (“BOA”) hears appeals for exception to, and variance in, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building in the Village. Art. V. Section 12 of the Mayfield Village Charter provides, “All decisions of the Board of Appeals shall be appealable by any interested person or entity to the Village Council. Council may review the minutes or records, or have a rehearing, at its discretion, and may affirm, modify, or reverse a decision of the Board of Appeals by a two-thirds vote of all members elected.” Further, M.V.C.O. Section 1105.02(d) provides, “After the Board has rendered a decision in a particular case, any interested party may appeal the decision of the Board to Council within ten days of receiving notice of such decision, or approval of the minutes at which such action was determined, whichever is earlier. Council may review the transcript and minutes of the Board hearing, or have a rehearing in front of Council, and may affirm the decision of the Board of Appeals, or, with a two-thirds majority vote, modify or reverse a decision.”

On December 17th, 2019 the Board of Appeals considered the application of Mr. Previte for a 9’ side yard setback variance from Section 1181.07(a) to allow for a Storage Enclosure. Mr. Previte installed the Storage Enclosure prior to seeking a variance to allow for its construction. The Board of Appeals denied Mr. Previte’s variance request. Subsequently, Mr. Previte filed a timely appeal to the Mayfield Village Council regarding this denial.

Included in your packets are the minutes from the December 17th BOA meeting and the records regarding the variance application of Mr. Previte that was presented to the BOA. Pursuant to the Mayfield Village Charter and Ordinances referenced above, Council should review these materials prior to the next Council meeting on January 21, 2020. Although Council has the authority to render a decision based only on their review of the enclosed materials, you have the discretion to provide Mr. Previte the opportunity to present at the Council meeting and hear a report

from the Village Building Commissioner regarding this matter. This can be done at the January 21, 2020 Council meeting or if Council would like more time to review the enclosed materials before reaching a decision a hearing can be scheduled at a later date. However, Mr. Previte will need to be notified in order to be prepared to present.

For some background on how the BOA makes a decision, M.V.C.O Section 1105.02(e) provides, “The Board may not grant a variance or exception to the zoning regulations or building codes, unless the applicant has shown that the literal application of the provisions of the zoning codes or building code would result in practical difficulties as a result of some peculiar or unique condition or circumstance pertaining to the zoning lot in question.” In order to determine whether a practical difficulty exists the BOA applies the Duncan Factors set for in *Duncan v. Middlefield*, 23 Ohio St. 3d 83. These factors include, but are not limited to: (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; (2) whether the variance is substantial; (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; (4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage); (5) whether the property owner purchased the property with knowledge of the zoning restriction; (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance; (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Further, “No single factor controls; rather a variance may be granted even if some factors weigh in favor of a landowner or are inconclusive.” *Duncan v. Middlefield*, 23 Ohio St. 3d 83.

Council should use the Duncan Factors as helpful guidance in determining whether to affirm, modify, or reverse a decision of the BOA.

MEMO

To: Mayor & Members of Council
From: John Marrelli, Building Commissioner
Date: Jan 8, 2020

Re: Appeal to Council of Board of Appeals decision
Russell Previte, 6757 Thornapple Dr. - Shed in the sideyard

Please find below, my best recollection of the events leading up to the Appeal to Council scheduled for January 21st, 2020.

- 1) On or about Oct 24, 2017, Mr. Previte requested and obtained a permit for a 3 sided fence to enclose his rubbish containers (see enclosed application, plan, etc). Two of the sides were shown at 33" to hide the containers. Fences are permitted in the sideyard by code. The wood fence was noted to be board on board with 1 1/2" between boards, meeting our fence code.
- 2) An inspection was made on Nov 21, 2017 and the fence enclosure was approved.
- 3) On or about Nov 1st, 2019, two years later, my office was notified of a new "illegal" fence being constructed at Mr. Previte's home. My field Inspector, Anthony Carbone was dispatched to check the situation.

Anthony discovered a new 6' high solid fence on the east property line and noted the previously approved rubbish fence enclosure was now fully enclosed including a roof.

I was informed the fence is now a shed with a roof and doors.

Mr. Previte was informed that the solid fence was not an approved type and the shed was not permitted in the sideyard (see enclosed Courtesy Warning Notice 11/1/19) (see file handwritten note).

- 4) Sometime between 11/1/19 and 11/15/19, I met with Mr. Previte and discussed at length the issues and verbally gave him his options;
 - a) Alter the east fence to create 1 1/2" openings.
 - b) Remove the roof and doors creating the shed that was approved as a fence.
 - c) Appeal to the Board of Appeals for variances.
- 5) On 12/17/19, The Board of Appeals approved the solid fence on the east property line but denied the shed on the west sideyard.

- 6) Mr. Previte was notified at that meeting that he has the right to Appeal to Council, which he did. Mr. Previte was notified by my office that the east solid fence was approved and a permit was to be obtained for the construction (at this time no permit was applied for or issued 1/8/19).
- 7) Enclosed are all the documents, plans, notes and minutes pertaining to this request for Appeal.

If you have any questions for me, please contact me by phone 440.461.2213 or e-mail jmarrelli@mayfieldvillage.com prior to the Jan 21st meeting.

Respectfully,



John Marrelli
Building Commissioner
Mayfield Village
JM/dmg

Enclosure: Russell Previte documents pertaining to Appeal to Council

December 9, 2019

To: Board of Zoning Appeals

Subject: Area Variance (6757 Thornapple Drive)

Dear Commission Members,

As per request made by John Marrelli, this letter is intended to help the commission understand my goals in asking for an area variance at subject address. The following is an attempt to describe the reasons for the requests (2).

The first request has to do with a 70' privacy fence constructed along the east side of subject lot. This fence was constructed to shield us from the neighbor's yard and the issues that prompted the fence were primarily the constant barking of three dogs loose in that neighbor's yard; along with many other secondary reasons. Police records have been submitted, as well as pictures and several of many recordings.

We have lived in this home for over four years and have spoken to the mayor, our council lady (Patsy Mills), the police department and the building department many times over those years. With the addition of a third dog pure frustration prompted the decision to build the fence.

The fence has an air space between the boards of approximately a 1/2" and is constructed according to code with the finished side facing the neighbor (see pictures).

The second variance request has to do with a garbage/rubbish can(s) enclosure, permitted and constructed in 2017/2018 along the west lot line. The approved drawings and receipts (4 documents) are enclosed with this letter. The notes on the approved drawing and the discussion with John Marrelli at the point of the permit being issued are crucial to understand how the enclosure evolved. In my recent conversations with John, he has stated how his understanding could have been different from mine and is supportive of me on this important difference.

The garbage/rubbish enclosure, at this point, is where the commissions discussion will most likely be focused and is what is causing us the most anxiety. This structure is build to outlast the

home and would be very difficult to modify without destroying the intended use (hide the rubbish and garbage front street visibility).

To my current knowledge the enclosure became an issue when a call to the building department was addressed concerning the fence constructed on the opposite side (east side) of the property.

Thank you for your considerations,

Russell A. Previte

VILLAGE OF MAYFIELD

BUILDING
DEPARTMENT

PERMIT #17-1999

Date: October 24, 2017

Expiration Date: 10/24/2018

Inspector: JOHN MARRELLI

Permit Type: Permit Other Than Building Construction

Estimated Cost:

Contractor: HOMEOWNER

OLD PERMIT #
1999

Contractor's Phone #:

Contractor's Address:

Location No 6757 Thomapple Dr

Owner Co.: RUSSELL PREVITE

Parcel #: 831-24-046

Owner: Russell

Previte

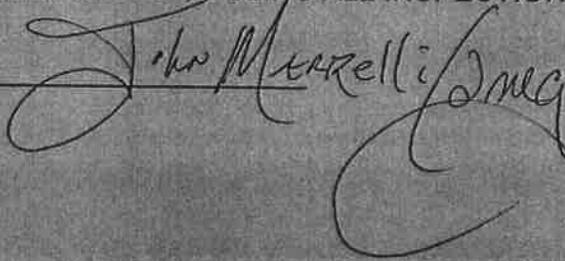
RUSSELL PREVITE

Type	Amount	Amount Paid	Date Paid	Receipt No.
Fence Enclosure Permit	25	\$25.00	10/24/17	1999
OBBC Fee 3% (indicated with a z mark)	\$0.00			
Total of OBBC	\$0.00	Total Amount Due	\$25.00	\$25.00
		Total Paid		
		Paid in Full	\$0.00	

Note:

A MINIMUM TWENTY-FOUR HOUR NOTICE IS REQUIRED FOR ANY INSPECTION. PERMIT HOLDER IS RESPONSIBLE FOR SCHEDULING ALL INSPECTIONS WITH THE BUILDING DEPARTMENT

Building Commissioner



MAYFIELD VILLAGE
MISCELLANEOUS PERMIT APPLICATION

Mayfield Village Building Department
6622 Wilson Mills Rd, Mayfield Village, Ohio 44143 Ph: 440-461-2213 Fax: 440-442-5077

Fee: \$25 + 3% State Fee for Commercial Permits

Note: For all structures and construction not specifically listed herein fee is as follows:
1/2 of 1% of the value of the construction, but in no event shall such fee be less than \$20.00.

ARB Fee: \$35.00 (Six sets of drawings required)
P & Z Fee: \$50.00 (Ten sets of drawings required)

NOTE: Applicant submitting proposal requiring any Board Review must include letter of request with intent to John Marrelli, Building Commissioner.

Property Owner Name: Russ Preuita Phone No. 830-285-8461

Property Owner Address: 6757 Thornapple

Contractor Name & Address: Owner

Contractor Phone No. & E-Mail Address: PREUITA(AT)HOTMAIL.COM

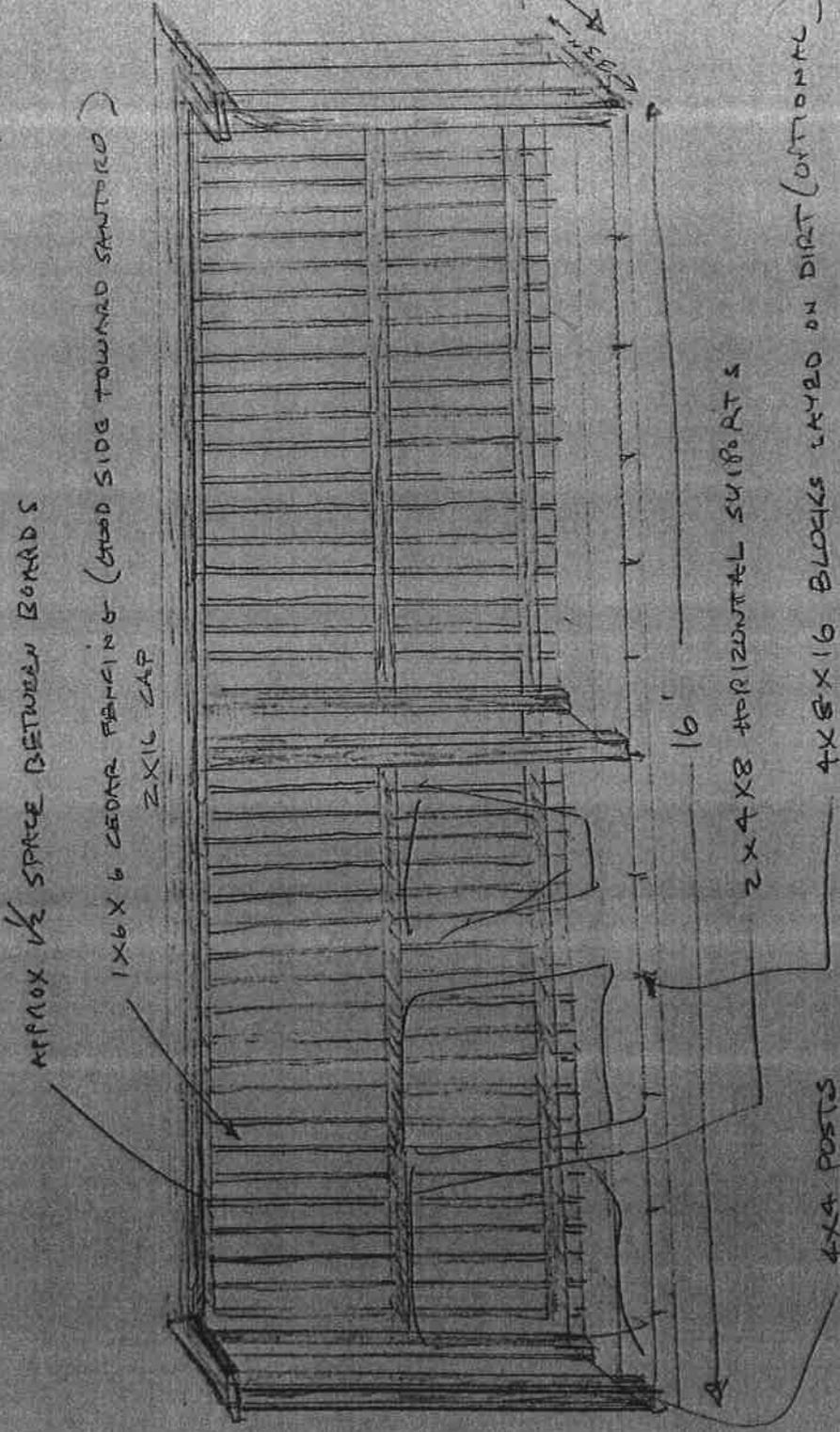
- ACCESSORY BUILDING (SHED) SITE PLAN REQ'D. 192 SQUARE FEET MAXIMUM SIZE. TEN FOOT SIDE AND REAR SETBACK REQUIRED. DRAWINGS REQUIRED. FACTORY BUILT, SUBMIT COLORED BROCHURE/ CONSTRUCTION DETAILS.
- DECK SITE PLAN REQUIRED SCALE 1/4 INCH = 1 FOOT SUPPORT POST 42" DEEP EXTENSIVE DECK CONSTRUCTION REQUIRES ARB APPROVAL (PLEASE CHECK WITH BUILDING COMMISSIONER). STEPS/RAILINGS REQUIRED OVER 24" HEIGHT.
- FENCE SITE PLAN TO SHOW HOUSE, PROPERTY LINES & PROPOSED FENCE LINE POSTS /WIRE MUST BE INSIDE OF PROPERTY LINE / GOOD SIDE FACES NEIGHBOR RESIDENTIAL. ONLY FOUR TYPES PERMITTED; CHAIN LINK, SPLIT RAIL, BOARD ON BOARD, AND PICKET. SIX-FOOT HEIGHT LIMIT IN REAR & SIDE YARDS (NO 6' CHAIN LINK). 42" IN FRONT YARDS (ONLY SPLIT RAIL/PICKET). FENCING USED TO HARBOR A DANGEROUS OR VICIOUS DOG AS DEFINED BY SECTION 505.11 MUST BE CONSTRUCTED IN ACCORDANCE WITH CHAPTER 505 OF THE CODIFIED ORDINANCES.
- PATIO SITE PLAN TO SHOW HOUSE, PROPERTY LINES AND PROPOSED PATIO 33" x 16'0"
- ROOFING ONLY TWO LAYERS OF ROOFING PERMITTED
- GUTTERS / DOWNSPOUTS SIDING
- DRAIN TILE REPAIR REMOVAL OF TREES
- MISCELLANEOUS (OTHER) _____

Fence enclosure

Contractor or Homeowner (Signature): R.A. Preuita Date: 10-24-2017

John Marrelli, Building Commissioner (Signature): JM Date: 10/24/17

RUSS PREWITT
 6757 THORNAPPLE DR
 HAYFIELD, OH 44143
 830-285-8461
 SUBMITTED AT JOHN'S
 REQUEST 10-24-2017



10/24/17
 JM

4x8x16 BLOCKS LAYED ON DIRT (OPTIONAL)

STRUCTURE TO BE STAINED TO MATCH
 RESIDENCE.
 OPTIONAL ENCLOSED FOR WEATHER
 AND APPEARANCE

85'

APPROVED

MAYFIELD VILLAGE ARCHITECTURAL BOARD

NOT APPROVED

DATE:

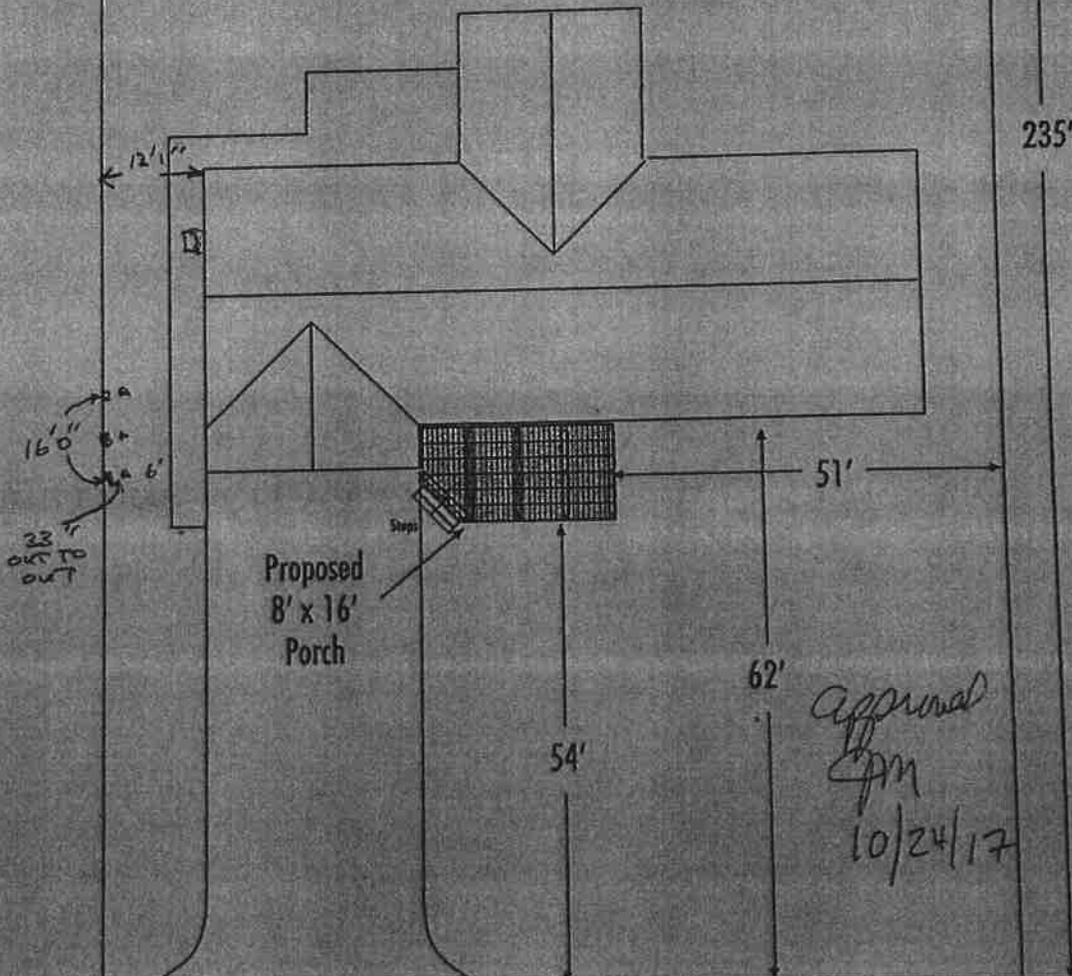
4/22/04

MAYFIELD VILLAGE ARCHITECTURAL BOARD

Front Porch Proposal

Russell & Theresa Previte
6757 Thornapple Dr.
Mayfield Village, OH 44143
442-8175
8157

[Handwritten signatures and initials]
J.D. Wilson
D.D.H.



Thornapple Dr.

INSPECTION REPORT

Inspection:
Russell Previte

Status:
Completed

Address:
6757 Thornapple Dr 17-1999

Inspection Date:
Tuesday, November 21, 2017
Day(s) elapsed: 0

Task(s) remaining:
0

Completed

2017

Task	Approved?	Date Inspected	Inspector	Completion
Fence Final 11-21-17	Yes	11/21/2017	tc/insp	100%

Date: 11-1-19

DISTINGUISHED
GENERAL CONTRACTOR
 40+ Years of Quality Homebuilding

Russell A. Previte
 Margaret M. Previte
 E-Mail

830-285-8461
 830-285-8462
 PREVITER@HOTMAIL.COM

COURTESY WARNING NOTICE
BUILDING & ZONING COMMERCIAL VIOLATION
MAYFIELD VILLAGE BUILDING DEPARTMENT
 6622 Wilson Mills Road • Mayfield Village, Ohio 44143
 (440) 461-2213

Property Address: 6757 THORN APPLE
 Owner Name: RUSSELL PREVITE
 Owner Address: SAME

Violations shall be corrected on or before, 11-18-19 or a Summons Ticket may be issued to appear in the Lyndhurst Municipal Court.

- 1357.01 Grass/Weeds/Overgrown bushes/Underbrush Exceeds 6"
- 304.7 Deteriorated Roof/Broken/Missing Gutters/Downspouts
- 304.7 Garage/Shed Require Repairs/Missing Gutters/Downspouts
- 304.2 Peeling Paint on
- 304.6 Broken/Missing
- 604.3 Electrical Hazard
- 701.01 Repair/Replace/Install/Clean-Up Dumpster Enclosure
- 302.7 Fence/Wall Is Rusted/Broken/Cracked/Bent/Not Plumb
- 1329.02 No Permit/Stop Work FENCE (EASTSIDE)
- 1353.07 Trash/Debris/Rubbish/Litter on Property (Front/Side/Rear)
- 1355.02 Repair/Replace/Concrete/Asphalt/Wheel Steps In Parking Lot
- 1349.02 Building Address Is Not Visible From Street
- 1185.08 Repair/Replace/Remove/Wall/Yard Sign
- Other (GARBAGE CAN) FENCE ENCLOSURE
- Other (WESTSIDE) NOT PER PLANS

See Attached Photo's

On this the 1ST day of NOV 2019, this Violation Warning Notice was

Mailed to / Posted at SITE / MAILED
 By T. Carbone/Imp For J. Manelli/Comm

11/1/19

John Spoke @ Lenath
with Mr. PreVite
Re: shed/Fence ISSUO.

CAVE RUSS APPLICATION
FORM FOR BOA, Code
Sections FOR

FENCES & YARDS

1157.08

1181.07

(ca)

/DMA

11-1-19

File:

Re: 6757 THORNAPPLE

RUSSELL PREVITE/OWNER

Mr. Previte was at home (site) at time of review for fencing per J. Manely/Comm. Mr. Previte spoke of Neighbor to east who has not maintained his property well and dogs are present, which is why he said a fence was necessary ^(EAST). (He will call Bldg Dept for Permit ASAP) Also on the (West) Side of the home - The plan reflects a fence (only) to enclose garbage cans - Mr. Previte admits he did install a fence per plans but later enclosed the unit and installed a roof & doors and painted the units. He will take apart if the Permit/code requires same. He will contact the Bldg Dept for a review of these issues and get a permit for the East Fence.

VC/Imj
11-1-19 12:30
PM

cc: See Photo's attached

675 17

THANAME

11-1-19

← WEST

NOTES

THIS UNIT
WAS APPROVED
AS A FENCE
ENCLOSED
AND LATER
ENCLOSED
ENTIRELY
WITH ROOF
& DOORS





6-11-11



6757 THORNTON

11-1-19



THIS
FENCE
HAS
NO PERMIT

East

6759 THANNANE
11-1-19



COURTESY WARNING NOTICE
BUSINESS ZONING COMMISSION POLARIS
MAYFIELD VILLAGE, OHIO
11/1/19

Property Address: 6759 Thannane Rd
City: Mayfield Village, OH 44130
Parcel ID: 11-01-01-0000-0000-0000

Notice is hereby given that the following information is being provided to you for your information and review. The information is being provided to you for your information and review. The information is being provided to you for your information and review.

[Handwritten signature]

[Handwritten: 11/1/19]

[Handwritten: 6759 Thannane Rd]

11-1-19

6757 THORNTON

EAST →

MADE IN U.S.A.

10

Debbie Garbo

From: Marybeth Betsa
Sent: Monday, December 30, 2019 5:51 PM
To: Russ Previte
Cc: Corrine Roberson; Diane Wolgamuth; John Marrelli; Debbie Garbo; Anthony Coyne; Katie Weber; James A. Budzik
Subject: RE: Subject: Subject: Previte Residence 6757 Thornapple Drive Zoning Board Variance Decision Dec. 17, 2019 Case #2019-05 Appeal

Mr. Previte:

I have received your request to Council asking to consider your appeal of the subject decision made on December 17th for a variance. Pursuant to the Charter of Mayfield Village, Council may review the minutes or records, or have a rehearing, at its discretion, and may affirm, modify, or reverse any decision of the Board of Appeals by a two-thirds vote of all members elected.

This Monday, January 6th, the Organizational Meeting of Council will be held whereupon Mayor Bodnar and three Council members, two of whom are new Council members, will be sworn in. In order to allow for all of Council to review the minutes and records which will be assembled and provided in packets on January 10th, this matter will be placed on the agenda of the Regular Meeting of Council scheduled for Tuesday, January 21st at 7:00 p.m.

Please feel free to contact me if you have any questions.

Mary E. Betsa, MMC
Clerk of Council
Mayfield Village
440-461-0862

From: Russ Previte [mailto:previter@hotmail.com]
Sent: Tuesday, December 24, 2019 3:11 PM
To: Marybeth Betsa <MBetsa@mayfieldvillage.com>
Cc: Corrine Roberson <corrinerob@hotmail.com>; Russ Previte <previter@hotmail.com>
Subject: Subject: Subject: Previte Residence 6757 Thornapple Drive Zoning Board Variance Decision Dec. 17, 2019 Case #2019-05 Appeal

Dear Mrs. Betsa,

Per our phone conversation on Monday, December 23rd, please consider this email a request to the council asking to consider my appeal of the subject decision made on December 17th for a variance. This request is being made at the recommendation of one of the members of the zoning board of appeals. If there is a possibility of speaking to anyone within the body of Mayfield Village appointees regarding this request and before the actual meeting, this would be much appreciated; it would help me to understand this whole process.

Thank you,

Debbie Garbo

From: Marybeth Betsa
Sent: Thursday, December 26, 2019 8:24 AM
To: Diane Wolgamuth
Cc: Debbie Garbo; John Marrelli
Subject: Re: Subject: Subject: Previte Residence 6757 Thornapple Drive Zoning Board Variance Decision Dec. 17, 2019 Case #2019-05 Appeal

From: Russ Previte <previter@hotmail.com>
Sent: Tuesday, December 24, 2019 3:10 PM
To: Marybeth Betsa <MBetsa@mayfieldvillage.com>
Cc: Corrine Roberson <corrinerob@hotmail.com>; Russ Previte <previter@hotmail.com>
Subject: Subject: Subject: Previte Residence 6757 Thornapple Drive Zoning Board Variance Decision Dec. 17, 2019 Case #2019-05 Appeal

Dear Mrs. Betsa,

Per our phone conversation on Monday, December 23rd, please consider this email a request to the council asking to consider my appeal of the subject decision made on December 17th for a variance. This request is being made at the recommendation of one of the members of the zoning board of appeals. If there is a possibility of speaking to anyone within the body of Mayfield Village appointees regarding this request and before the actual meeting, this would be much appreciated; it would help me to understand this whole process.

Thank you,

Russ Previte (Mobile: 830-285-8461)



MAYFIELD VILLAGE

6622 Wilson Mills Road Mayfield Village, OH 44143

BUILDING DEPARTMENT

440.461.2213 · FAX 440.442.5077

jmarrelli@mayfieldvillage.com · mayfieldvillage.com

Brenda Bodnar

Mayor

John Marrelli

Building Commissioner

Dec 18, 2019

To: Russell Previte
6757 Thornapple Dr.
Mayfield Village, OH 44143
PP # 831-24-046

Case #2019-05

Dear Mr. Previte,

Privacy Fence

At the Zoning Board of Appeals meeting on December 17, 2019 your request for a variance from Section 1157.08 to allow for a Solid Privacy Fence at 6757 Thornapple Drive was **approved with conditions as noted;**

1. Fence approved for one side of property only, east side as it exists.
2. Upon time of fence replacement, fence to be replaced to conform to Section 1157.08.

Storage Enclosure

At the Zoning Board of Appeals meeting on December 17, 2019 your request for a 9' sideyard setback variance from Section 1181.07 (a) to allow for a Storage Enclosure was **denied.**

You, or any interested party, can make a written appeal to Council within ten (10) days from the date of the decision. Such appeal should be directed to: Mrs. Mary Beth Betsa, Clerk of Council at 6622 Wilson Mills Rd., Mayfield Village, Ohio 44143. Ph. 440.461.0862 or Fax. 440.461.0552.

Very Truly Yours,

John Marrelli
John Marrelli
Building Commissioner
Mayfield Village
JM/dmg

cc: Mayor Bodnar, Director of Administration, Council, Clerk of Council, Finance Director, Law Director, Economic Development Manager & Members of the Board of Appeals

Enclosure: Fence Permit Application

**MAYFIELD VILLAGE
MISCELLANEOUS PERMIT APPLICATION**

**Mayfield Village Building Department
6622 Wilson Mills Rd, Mayfield Village, Ohio 44143 Ph: 440-461-2213 Fax: 440-442-5077**

Fee: \$25 _____ + 3% State Fee for Commercial Permits

Note: For all structures and construction not specifically listed herein fee is as follows:
½ of 1% of the value of the construction, but in no event shall such fee be less than \$20.00.

ARB Fee: \$35.00 _____ (Six sets of drawings required)
P & Z Fee: \$50.00 _____ (Ten sets of drawings required)

NOTE: Applicant submitting proposal requiring any Board Review must include letter of request with intent to John Marrelli, Building Commissioner.

Property Owner Name: _____ Phone No. _____

Property Owner Address: _____

Contractor Name & Address: _____

Contractor Phone No. & E-Mail Address: _____

- ACCESSORY BUILDING (SHED)** SITE PLAN REQ'D. 192 SQUARE FEET MAXIMUM SIZE. TEN FOOT SIDE AND REAR SETBACK REQUIRED. DRAWINGS REQUIRED. FACTORY BUILT, SUBMIT COLORED BROCHURE/ CONSTRUCTION DETAILS.
- DECK** SITE PLAN REQUIRED SCALE ¼ INCH = 1 FOOT SUPPORT POST 42" DEEP EXTENSIVE DECK CONSTRUCTION REQUIRES ARB APPROVAL (PLEASE CHECK WITH BUILDING COMMISSIONER). STEPS/RAILINGS REQUIRED OVER 24" HEIGHT.
- FENCE** SITE PLAN TO SHOW HOUSE, PROPERTY LINES & PROPOSED FENCE LINE POSTS /WIRE MUST BE INSIDE OF PROPERTY LINE / GOOD SIDE FACES NEIGHBOR RESIDENTIAL. ONLY FOUR TYPES PERMITTED; **CHAIN LINK, SPLIT RAIL, BOARD ON BOARD, AND PICKET**. SIX-FOOT HEIGHT LIMIT IN REAR & SIDE YARDS (NO 6' CHAIN LINK). 42" IN FRONT YARDS (ONLY SPLIT RAIL/PICKET). FENCING USED TO HARBOR A DANGEROUS OR VICIOUS DOG AS DEFINED BY SECTION 505.11 MUST BE CONSTRUCTED IN ACCORDANCE WITH CHAPTER 505 OF THE CODIFIED ORDINANCES.
- PATIO** SITE PLAN TO SHOW HOUSE, PROPERTY LINES AND PROPOSED PATIO
- ROOFING** ONLY TWO LAYERS OF ROOFING PERMITTED
- GUTTERS / DOWNSPOUTS** **SIDING**
- DRAIN TILE REPAIR** **REMOVAL OF TREES**
- MISCELLANEOUS (OTHER)** _____

Contractor or Homeowner (Signature): _____ Date: _____

John Marrelli, Building Commissioner (Signature): _____ Date: _____

Debbie Garbo

From: Debbie Garbo
Sent: Thursday, December 19, 2019 1:14 PM
To: 'Russ Previte'
Cc: John Marrelli; 'Katie Weber'
Subject: BOA Decision 12/17
Attachments: BOA Appeal letter Previte 6757 Thornapple Dr 12.18.19.pdf

Hello Russ,
Please see attached letter following the Board of Appeals meeting decision of Dec 17, 2019.
The original was mailed to your address today.

Enclosed is a Miscellaneous Permit Application for the required permit issuance of the approved privacy fence.

Thank You
Debbie Garbo

Debbie Garbo
Executive Assistant
Mayfield Village Building Department
6622 Wilson Mills Rd.
Mayfield Village, OH 44143
Ph: 440.461.2213
Fax: 440.442.5077
dgarbo@mayfieldvillage.com
Website: www.mayfieldvillage.com

Join our E-mail list to receive important reminders and announcements.
Send an e-mail to contactus@mayfieldvillage.com.



**ZONING BOARD OF APPEALS
MEETING MINUTES
Mayfield Village
Dec 17, 2019**

The Board of Appeals met in regular session on Tues, Dec 17, 2019 at 7:30 p.m. at the Mayfield Village Civic Center Conference Room. Chairman Syracuse presided.

ROLL CALL

Present: Mr. Vetus Syracuse Chairman
Mr. Joseph Prcela
Ms. Alexandra Jeanblanc
Mr. John Michalko

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

Absent: Mr. Stivo DiFranco Chairman Pro Tem

CONSIDERATION OF MEETING MINUTES: Oct 15, 2019

Mr. Michalko seconded by Mr. Prcela made a motion to approve the minutes of Oct 15, 2019.

ROLL CALL

Ayes: All **Motion Carried**
Nays: None **Minutes Approved As Written.**

CONSIDERATION OF CASE NUMBER #2019-04

Applicant: Dan DiFranco
6775 Thornapple Dr. PP #831-24-048

1. A request for a variance from Section 1157.08 to allow for a Solid Privacy Fence.

CONSIDERATION OF CASE NUMBER #2019-05

Applicant: Russell Previte
6757 Thornapple Dr. PP #831-24-046

1. A request for a variance from Section 1157.08 to allow for a Solid Privacy Fence.
2. A request for a 9' sideyard setback variance from Section 1181.07 (a) to allow for a Storage Enclosure.

Abutting Property Owners:

Thornapple Dr. 44143: 6783,6791,6765,6747,6741,6776,6784,6792,6766,6758,6750,6742
Thornapple Dr. 44040: 6793, 6795

OPEN PORTION

Chairman Syracuse called the meeting to order. This is a meeting of the Mayfield Village Zoning Board of Appeals Tues, Dec 17, 2019.

**Dan DiFranco
6775 Thornapple Dr.
Solid Privacy Fence**

Chairman Syracuse said, our first case before us is Case #2019-04. The applicant is Dan DiFranco, 6775 Thornapple Dr. This is a request for a variance from Section 1157.08 to allow for a solid privacy fence.

OATH

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

Dan DiFranco said, as my letter states, my neighbor has 3 dogs, one is a little rolly. I had the fence there when I first bought the house, they had a pool there. This new fence came later when the dogs came, the other fence was when the pool was. They have parties there, young kids, that's o.k., no problem, but then they got the dogs. Every time I go out to work on the beds, one dog wants to come through the fence, barks & barks & barks. My garage is right in the back, when I sit out back to have a cocktail, the dogs bark, my relatives come over, the dogs bark, they bark, they bark. So I put the fence to the tree. Now, since I put that, I haven't heard the dogs at all. And I'm friends with her, my daughter hung around her, she doesn't have a husband, I understand all that. And I don't care about the dogs, just let me sit in my backyard, I want to retire and not hear the 3 dogs.

Chairman Syracuse asked, is the fence 6' high?

Dan DiFranco replied, yes.

Chairman Syracuse said, I understand why it doesn't conform to the code John.

Dan DiFranco said, if they see one little glimpse of you, that's it, they bark & bark.

Chairman Syracuse said, I drove by, I saw the fence. Are you planning to keep that in the side yard only?

Dan DiFranco replied, yes.

Mr. Michalko asked John, was there a permit pulled for this fence, for the new section?

Mr. Marrelli replied, no.

Mr. Marrelli asked, who and when did you put the fence up?

Dan DiFranco replied, this summer. There was a chain link fence behind it. If I had 1 ½ inches between those boards, the dogs would go crazy. If the wind or whatever blows it out, I'm going to fix it. I want my yard to look nice.

Mr. Michalko said, if it complies with the ordinance, it would be board on board. The reason we have the ordinance is to pull permits and do it according to the ordinance.

Dan DiFranco said, I understand. Even with the board on board, the dogs would go crazy.

Mr. Michalko said, the way I look at it is, if you wanted to put the fence up and you needed a variance, you should have been here before you put it up.

Chairman Syracuse said John, I understand it should have been done that way, often times it is, and sometimes it's not. Looking at when we've granted these in the past, the only instances that I'm aware of since I've been on this board has been when the residential lot abuts some other type of zoning.

Mr. Marrelli said, there was a case where the homeowner did it because his dog would go crazy when someone would pass by.

Chairman Syracuse said, the standard you have to use is the practical difficulty standard. Factors to consider are the factors on this application. Granting an area variance will determine if there's a practical difficulty based on one or both of the following factors;

- 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 do feel that (b) would apply here, if we limit it to the west side only for this particular section of the fence. I do think that this could meet that criteria for the nuisance factor that we have to consider. There's nothing about the property in of itself that makes it unique. But based on the circumstances and what is next door, that these dogs have created a nuisance, I do think that would meet the criteria.

Mr. Michalko asked, would we be setting a precedent by authorizing this for anybody in the Village that would do anything they want and then ask for a variance?

Chairman Syracuse replied, that's what I'm afraid of in most of these cases which is why I've always voted against granting these when it's abutting residential, but that's when you're enclosing the entire yard. I know that a lot of the reason we have this ordinance is for safety, if the Police or Fire have to look into the yard. But this is only on the sideyard and it doesn't connect anywhere. If you drive by the front of that property, you can see directly into his yard. Typically these fences we've been voting on have been a whole yard fence where it's been fenced in, basically putting a wall around their entire yard.

Mr. Michalko said, the last variance was not that, it was that fence on SOM Ctr.

Mr. Marrelli said, there was one before your time. I had a guy put a fence up and the neighbor said, he's putting up the wrong kind of fence. Well here, he was corralling his dog in. Every time the dog would see the mailman or anybody walk by, it went nuts. So he put the full solid fence.

Ms. Jeanblanc asked, wasn't there one that we allowed where part of the property qualified for the variance?

Mr. Prcela replied, I think it was a swimming pool privacy fence.

Ms. Jeanblanc said, I think part of the property abutted a business.

Mr. Michalko replied, that was on SOM Ctr.

Chairman Syracuse said, it depends on if we're setting a precedent, if we can differentiate this from other properties. There's nothing unique about the property in of itself, but the circumstances of living there currently might call for it. We can always add contingencies.

Russell Previte said, I live on the other side of the lot with the 3 dogs.

OATH

Chairman Syracuse administered the oath to Mr. Russell Previte and asked anyone else wishing to speak, to state their name and address for the record.

Russell Previte played an audio recording of barking dogs on his cell for everyone to hear. This is what I hear from inside my house.

Mr. Michalko asked, when was that recorded?

Russell Previte replied, it was recorded on Nov 23, 2019.

Mr. Michalko asked, was the Police notified again about that on that date? Because they did go to court on Sept 19th and they were found guilty.

Russell Previte said, I never met Dan before this took place. This has been a tremendous frustration. Like Dan said, they got the 3rd dog and it was bad with just the 2.

Chairman Syracuse asked, when did you put the fence up, before or after you made that recording?

Russell Previte replied, before this recording. There might be other recordings, I don't know how to find them.

Mr. Prcela said, I guess we're trying to establish whether or not the fence helps.

Russell Previte said, the dogs get set off by anything. We have a beautiful flower bed on that side of the house and if I'm out there in the summertime, I've called the Police, my Daughter's called the Police, she's in from Texas, I had my Son chased by the dogs. This is a frustration beyond belief, because we keep calling the Police and they say just keep calling us, we'll come out. I've talked to John about it, I've talked to the Mayor about it. I've talked to quite a few people about this.

Mr. Prcela said, my hesitation is granting variances for the nuisance of animals, don't get me wrong. What do the Police say, how many citations can you get before-

Dan DiFranco asked, how many citations did she get?

Mr. Prcela replied two, and she was found guilty.

Ms. Jeanblanc asked, is there a consequence after so many citations?

No one is sure.

Russell Previte brings attention to a photo of the neighbor's backyard at 6765 Thornapple. See that blue tarp? That blue tarp sat back there for 1 ½ years right on my lot line.

Mr. Prcela said, that's a whole different issue.

Dan DiFranco said, she's a nice lady, she's by herself, she has nowhere to go and she likes her animals.

Mr. Prcela asked, we sent this notice to all the neighbors, right?

Mr. Marrelli replied, yes. For the record, no neighbors are present.

Chairman Syracuse said, on just the face of it looking at the documents without going to the properties, there's nothing unique about the property itself. Driving by looking from the front where the fence is, again, the main reason we have that, people can't just box in their entire

yards and fence themselves off from the rest of the neighborhood, the rest of the world. When you see this, the yards are still separate. Again, if we limit it just to this one side.

Mr. Prcela asked, are both fences built?

Mr. Marrelli replied, yes they're both done.

Mr. Prcela asked, they're both similar from what I see in the street shots?

Mr. Marrelli replied, yes.

Mr. Michalko asked, did anybody pull a permit?

Mr. Marrelli replied, no.

Russell Previte said, I had to spend \$800 and I built the fence myself.

Chairman Syracuse asked John Michalko, would it change your mind if they had not built the fence and they would apply for a permit and they came in would that affect your decision? Again, we're supposed to take it from that point of view instead of whether or not it's already built. You can always vote no and not grant the variance and they'd have to tear it down and build a new one. That's not one of the factors that we're considering-

Mr. Michalko replied, I understand that. There's no use having the ordinances if everybody's just going to come in and do what they want and then request a variance.

Chairman Syracuse said, only if it's granted for that reason, that it's already up, but that's not one of the factors that we're to consider.

Mr. Prcela asked, what's the second factor we're to consider?

Chairman Syracuse replied;

- b. Whether 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.

Mr. Prcela said, the fact that none of the other neighbors oppose, I'll assume we can consider that as meaning community is the street. I tend to agree with John, I think we should uphold our codes as often as possible. But we exist here to assist whenever possible. To grant variances, they're all open to team discussion, I don't think we grant them haphazardly or without thought. I would like to know and maybe our Law Director knows what happens to a nuisance animal that continues to bark. I'd hate to see these variances granted and there continues to be an issue.

Mr. Marrelli said, I suppose the neighbors can call the Police every time the dogs are out there and sooner or later these people would get tired of going to court. But that kind of makes it tough to live there.

Mr. Prcela said, we don't want to cause any animosity between the neighbors. It sounds like right now we don't have that issue.

Russell Previte said, I don't talk to them anymore, I think they got mad at me. We came up here from Texas to take care of my Mom, I grew up in this house. My Mom made her own decision to go into a Nursing Home. They blame me for putting her there, so she stopped talking to me. The kid used to come over and ask for wisdom and I tried to give it to him and I didn't know him.

Mr. Prcela asked, in that photo, is that trash in their backyard?

Mr. Marrelli replied, the dogs have the run of the house and the yard, it's a Police issue. I understand where both of these guys are coming from. They don't want to call the cops every day, they don't want to have a problem with their neighbor, so they say; let's just barricade the sides.

Mr. Prcela asked, do you both feel that this is going to solve the problem?

Dan DiFranco replied, I just want to retire.

Russell Previte replied, see that back screened in porch on their house, all summer long there's nobody in that house, the one girl is sleeping upstairs, and the kids boyfriend, and this door inside is open and these doors are open, and these dogs run free all day long. We're not here to knock the people.

Dan DiFranco said, she doesn't have any money, she doesn't have anybody, the kids all left, she has one kid.

Russell Previte said, but they have had a lot of people living in there and they do urinate on the side of the house. It's not a good situation there.

Mr. Michalko asked, when they talk about the litter, that's a Police issue?

Mr. Marrelli replied, no, the dogs are a Police issue. I've been there probably two dozen times. They clean it up, two days later it's a mess again.

Mr. Michalko asked, have they been cited for the litter?

Mr. Marrelli replied, yes. She cleans it up, she calls and says I'm sorry, it got away from me, I've been working. I've talked to her a number of times.

Dan DiFranco said, Zach the Son seems like he's been trying but the backyard they don't always get to that.

Mr. Marrelli said, he's trying. She's working, he's working.

Dan DiFranco said, I paid good money for my house, I just want to relax in my backyard. I've been here 15 years, it's a fence, I put it up, I'm happy, I'm done, I don't want to start any trouble. I'm friends with her, as soon as she received the notice, she called me, she understands.

Chairman Syracuse asked John, do you feel this can be differentiated from other fence applications that have come before us?

Mr. Marrelli replied, I think this is similar to ones that we've already granted. I know one was based on a barking dog and the guy didn't want to keep getting tickets.

Mr. Prcela said, I remember that one, it solved the problem. I would comment that we have a Charter Review that meets every 5 years. Front yards I get, backyards depending on zoning, I think it might need to be addressed.

Mr. Marrelli agreed. I mentioned that to our Councilman, he's going to check with his counterparts and see if they want to deal with the solid fence issue.

Mr. Prcela said, I'm leaning towards in the interest and betterment of the community in the neighborhood to grant this. The only question would be, is it time contingent?

Mr. Marrelli replied, you could make it contingent that if it ever gets replaced, it gets replaced with a conforming type.

Mr. Michalko asked, how will we know that will happen?

Mr. Marrelli replied, it goes in the record.

DECISION

Mr. Prcela, seconded by Ms. Jeanblanc made a motion to approve the request for a variance from Section 1157.08 to allow for a solid privacy fence for Dan DiFranco at 6775 Thornapple Dr. with conditions as noted:

- 1. Fence approved for one side of property only, west side as it exists.**
- 2. Upon time of fence replacement, fence to be replaced to conform to Section 1157.08.**

ROLL CALL

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

Nays: Mr. Michalko

Motion Carried.

Variance Approved As Noted.

**Russell Previte
6757 Thornapple Dr.
Solid Privacy Fence
Sideyard setback for Storage Enclosure**

Chairman Syracuse stated, the second case before us is Case #2019-05. The applicant is Russell Previte, 6757 Thornapple Dr. Two variances are being requested, one is a variance request to allow for a solid privacy fence and the second is for a 9' sideyard setback variance to allow for a storage enclosure.

Privacy Fence

Chairman Syracuse said, Mr. Previte you've already been sworn in. I don't know if there's anything further you'd like to add with regards to the fence.

Russell Previte stated, it does have an air gap in it, it's treated and it'll get gray. I put the good side facing my neighbor. It's a decent looking fence, it's sturdy. I do apologize for not pulling a permit. Like I said, it was the frustration.

Storage Enclosure

Chairman Syracuse said, if we can move forward to the sideyard setback variance request for the storage enclosure. John, would you like to get us started on this?

Mr. Marrelli said, what happened was, Russ came in and asked for a permit for a fence enclosure, 3-sided (2 sides and a back). Please refer to the application drawing 10/24/17. I issued a permit for a 3-sided trash enclosure if you will. When we got the call about the fence going up, we went over there and we had the permit papers for the fence and we were like, that's not the fence. I asked Russ, where did that enclosure come from? Then we had a discussion. Russ improved it a couple times beyond, over a two year period. He pointed out to the fact that on the drawing it says; "optional enclosed for weather and appearance". Maybe I didn't understand what that meant, but I didn't think it was going to be a roof and doors. Anybody that's seen this, I've asked what they think this is, they say it's a shed structure. I approved the 2 sides and the back.

Mr. Prcela asked, you approved the structure as zero clearance to the lot line?

Mr. Marrelli replied, correct because it was a fence. I can do a fence on the property line but that turned into a building.

Russell Previte said, we did have conversations, I think you acknowledged about putting a gate/door on the fence and enclosing it, we did have that conversation. The intention was to extend this out another 8 foot, then have this come down, and go further that way. Art next door talked about now that he has a pool, including the whole thing. So I said, if you go in hands and material, I'll build the fence and install it, that was just futuristic.

Mr. Marrelli said, it shouldn't have a roof on it.

Ms. Jeanblanc asked, this was the original plan?

Russell Previte replied, that was the original enclosure, and it shouldn't have a roof on it. It's actually being used for garbage cans.

Chairman Syracuse asked, if they had applied for a storage shed and it wasn't in the side yard-

Mr. Marrelli replied, I could approve that 10' off the property line anywhere on that backyard. It can't be in the sideyard, it has to be behind the rear wall of the house and it has to be 10' off the property line. This is in the sideyard and 6" off the property line now.

Russell Previte said, if you could pull up the photo of my neighbor's yard with the old shed. That was the inspiration for the whole thing. My shed is facing that shed in my neighbor Santoro's yard, 6747 Thornapple. That shed's been up there for years and it's right on the lot line. He took it out about one month ago. They seem to like mine, I don't know who called on it.

Mr. Marrelli said, they called on your fence, not on this. That's the problem with doing stuff without permits, when people call-

Russell Previte said, this got started in Oct 2017. When it came up, it was kind of surprising.

Mr. Prcela said, this is a different issue, this is a shed in a sideyard.

Russell Previte said, I'm not calling it that, I'm calling it an enclosed fence.

Mr. Marrelli said, it doesn't match the drawing that you gave me.

Russell Previte said, but you kind of supported me in the fact that it could be interpreted that way.

Mr. Marrelli said, you said weather resistant and that could mean a lot of things.

Russell Previte said, the drawing was approved as an enclosed fence.

Chairman Syracuse asked John, what would make this conform, if they took the roof off and the one side?

Mr. Marrelli said, he could just take the roof off, then it won't be a building anymore. It's got 4 walls, doors and a roof. If it had a curly tail, you could call it a pig.

Ms. Jeanblanc asked, is there any structure under any permit that could get approved in that location?

Mr. Marrelli replied no, a fence with gaps. No structures are allowed in the sideyard.

Chairman Syracuse asked John, where it says "optional enclosed for weather and appearance", what was your thought?

Mr. Marrelli replied, I didn't even think of it in that way.

Mr. Prcela said, that's the crux of the whole thing.

Ms. Jeanblanc said, it was written on the drawing.

Mr. Marrelli said, it wasn't me.

Mr. Michalko said, I consider that as waterproofing.

Mr. Marrelli said, I'm glad that the garbage cans aren't visible from the road. I'm worried about when somebody comes in after seeing this and wants one.

Russell Previte said, it would make it beautiful if they did.

Mr. Marrelli said, you did a great job on it.

Russell Previte said, I'll tear it down. It's screwed together, it's not going to go anywhere.

Chairman Syracuse said, considering whether there's a practical difficulty, we have to look at whether;

- 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'm not seeing either one of these. It comes down to the permit does say "optional enclosed for weather and appearance".

Mr. Marrelli said, my only issue is and we talked about this, there's going to be copycats and I don't know how I'm going to handle it.

Mr. Prcela asked, what happens if this second item of the variance request gets denied, from a practical standpoint?

Mr. Marrelli replied, this could be modified to be compliant or you could take it to Council.

Mr. Prcela said, I don't think there's any solution for this one.

Mr. Marrelli asked, you're trying to sell the house, right?

Russell Previte replied, no.

Mr. Marrelli said, I thought you were getting it ready to sell.

Russell Previte said, in fact, we've made the commitment to stay here because of my wife's condition.

Mr. Marrelli said, when you came in, you said you're working on the house to sell it.

Russell Previte replied, it could be John.

Mr. Marrelli said, that could be an out, if you sell, it goes away.

Mr. Michalko asked, you're talking about the garbage can structure?

Mr. Marrelli replied, yes.

Mr. Michalko said, that's an awful large area at 16'.

Russell Previte said, I definitely have OCD.

Mr. Marrelli said, if you drive around town, you can see garbage cans next to everybody's house. How do we just let you do it and nobody else?

Russell Previte said, I understand what you guys are going through.

Ms. Jeanblanc said, the next job might not be this nice.

Ms. Weber asked, would it be feasible to move it into the backyard where it would be in compliance?

Mr. Marrelli replied, I don't know if it's physically able to move.

Russell Previte replied, the integrity on the building would be gone.

Chairman Syracuse said, Mr. Previte if there's nothing else you want to add, I think we're ready for a motion.

DECISION

Privacy Fence

Mr. Prcela, seconded by Ms. Jeanblanc made a motion to approve the request for a variance from Section 1157.08 to allow for a solid privacy fence for Russell Previte at 6757 Thornapple Dr. with conditions as noted:

1. **Fence approved for one side of property only, east side as it exists.**
2. **Upon time of fence replacement, fence to be replaced to conform to Section 1157.08.**

ROLL CALL

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

Nays: Mr. Michalko

Motion Carried.

Variance Approved As Noted.

DECISION

Storage Enclosure

Mr. Prcela, seconded by Mr. Michalko made a motion to deny the request for a 9' sideyard setback variance from Section 1181.07 (a) to allow for a Storage Enclosure for Russell Previte at 6757 Thornapple Dr. as proposed.

ROLL CALL

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

Nays: None

Motion Carried.

Variance Denied.

Chairman Syracuse states, motion carries, variance is not 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.

Chairman Syracuse said, you can appeal to Council or work with the Building Commissioner.

Russell Previte asked, so the permit that was issued with the notes on it meant nothing? Two years later somebody comes over to the house and tells you that it's not right when I've been building it for two years.

Mr. Marrelli said, it doesn't match what you submitted.

Russell Previte said, that's because you asked for that drawing that very day.

Mr. Prcela said, let me say this, I think all this board has the ability to do is to say whether or not we're going to grant this sideyard setback for a storage enclosure.

Russell Previte said, the sideyard setback, is that what you're saying?

Chairman Syracuse said, this board has voted, so you can appeal to Council within 10 days if you'd like or you can work with the Building Commissioner on how to make it compliant, those are your two options at this point.

ADJOURNMENT

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

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 8:15 p.m.

Chairman

Secretary

In any district where an apartment house is developed as a part of a group of buildings, or coordinated with a group of existing apartment houses, access may be provided to buildings not fronting on an existing public street by public roads or by a proposed public street if approved under the provisions of a development plan as set forth in Section 1181.07(b). (Ord. 780. Passed 11-19-62.)

1181.06 WIDTH OF LOT FOR DWELLINGS.

In any district where permitted, no single-family dwelling or no two-family dwelling shall be erected on a lot having an average width of less than 125 feet, unless such lot was separately owned at the time of the passage of this section, or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section, and no apartment house development, hotel or motel shall be erected in any district where permitted on a lot or lots under a single ownership, having an average width of less than 300 feet or less than five acres in area, none of which shall be devoted to nonresidential use. (Ord. 93-32. Approved by voters 11-2-93.)

1181.07 YARDS.

(a) Side Yards in Residence Districts. In a Class U-1, U-2 or U-3 District, for every building erected there shall be a side yard along each lot line other than a front line or rear line. Each single-family dwelling, each two-family dwelling and each apartment house shall be deemed a separate building and shall have side yards as above prescribed except that two single-family dwellings may be attached as a double house and be considered a single building in any area other than an area within a portion of a Class U-1 District that is within a Class A-1 District.

In a Class U-1 District, the least dimension of the side yard shall not be less than ten feet and at least thirty-five percent of the average width of the lot at the building line occupied by the main building shall be devoted to side yards.

For a hotel or motel in a U-3 District, the least dimension of each side yard shall be not less than twelve percent of the average width of the lot, but such least dimension need not exceed twelve feet, provided such least dimension shall in no case be less than one-sixth of the height of the building, nor less than six feet. The requirements for side yards for apartment buildings shall be as prescribed in subsection (b) hereof as follows: (Ord. 93-32. Approved by voters 11-2-93.)

(b) Yards for Apartment Development. Apartment buildings shall be planned and arranged in a relationship to each other and to the surrounding lot line so as to provide privacy, light and view for each suite and so as to form a coordinated arrangement of buildings and open space. In order to review and evaluate the site plans, preliminary and final site development plans for every proposed apartment house project shall be submitted to the Planning and Zoning Commission by the developer as required in Section 1173.10.

For all yards, the space between any two apartment buildings and the distances between any building and the side or rear lines of the lot shall vary according to the length and height of the buildings. The minimum distance between any two buildings, designated as buildings A and B. their length as L and their height as H. shall be as determined by the formula:

MEMO

To: Board of Appeals Members
From: John Marrelli, Building Commissioner
Date: December 9, 2019

**Re: Two (2) Solid Fence Variance Requests
6757 and 6775 Thornapple Dr.**

Previte - 6757 Thornapple

On or about November 1st, 2019, my office responded to a report of an illegal solid board fence being erected at 6757 Thornapple, on the east property line.

We contacted the owner Russ Previte about the fence and his shed (which was supposed to be a rubbish enclosure fence) in the sideyard.

Mr. Previte explained the fence was to shield his property from his neighbor to the east because they have 3 dogs that are a nuisance and he can't be in his yard without their barking at him. There are several Police complaints (see enclosed police log).

I informed Mr. Previte that the fence was not approved unless he rebuilt it with 25% open space, per code or he could apply for a variance due to the nuisance issue.

The fenced in rubbish enclosure has not been dealt with yet.

DiFranco - 6775 Thornapple

When we visited the Previte residence, we also noted the neighbor, 2 doors east also had a wood fence with the 25% openings filled in on the west side.

This was at 6775 Thornapple, owner Dan DiFranco. Mr. DiFranco was contacted, instructed his altered fence was not to code, and to correct the condition.

On or about 11/20/19 Mr. DiFranco reported the same nuisance condition, the neighbor's dogs and why he had to close the openings so they wouldn't see him and start barking.

At this time, Mr. DiFranco would like a variance due to the nuisance condition to keep his fence closed on the west property side.

In closing, both neighbors are trying to shield their yard where the dogs are, Mr. Previte shields his east side, Mr. DiFranco shields his west side. The home in between 6765 Thornapple is basically closed in from the two neighbors.

JM/dmg



Enclosure: Police report re: 6765 Thornapple 11/15/17 – 11/15/19

MAYFIELD

Blotter

11/15/2017 Through 11/15/2019

Date:	Time:	Oca:	Location:
11/28/2017	23:43:	1705426	6765 THORNAPPLE DR
8986			SPECIAL ATTENTION
2343 4614 ADVISED SPECIAL ATTENTION CHECK FOR PARKING VIOLATORS SHOW NONE.			
****11292017			
0341 4612 ADVISED SPECIAL ATTENTION CHECK FOR PARKING VIOLATORS SHOW NONE.			
<hr/>			
11/30/2017	04:29:	1705447	6765 THORNAPPLE DR
8986			SPECIAL ATTENTION
0429 4612 CHECKED AREA FOR COMPLAINANT OF PARKING VIOLATIONS, SPECIAL ATTENTION, NONE WERE FOUND.			
<hr/>			
02/18/2018	18:13:	1800913	6765 THORNAPPLE DR
7393C			ALARMS, FIRE-ACTIVE
HALLWAY SMOKE SENSOR			
1814			FD DISPATCHED/PAGED
1814			611 ENROUTE FORM 271
1816			650 MANPOWER PAGE FOR DOUBLE HIT
1819			655 ON SCENE/COMMAND - PROCESS OF 360
1820			655 RESIDENT HOME - FALSE ALARM - BURNT FOOD ON STOVE
1820			611/650 IN SERVICE RETURNING
1823			611/650 BQ
1825			655 IN SERVICE/RETURNING
1826			655 BQ
<hr/>			
11/27/2018	08:12:	1806289	6765 THORNAPPLE DR
8997			ASSIST FIRE DEPARTMENT
RESIDENT AT 6765 THORNAPPLE REPORTING A DOWN WIRE ACROSS HER YARD AND DRIVEWAY			
0813			4600 MVFD PAGED
0814			4611 DSP
0816			650/611 EN ROUTE
0819			4611 ON SCENE
0820			650/611 ON SCENE // WILL BE OUT INVESTIGATING
0827			650/611 INS // NO HAZARD // IT IS A CABLE LINE // RESIDENT WAS ADVISED
0827			4611 CLEAR
0836			650/611 INQ
<hr/>			
05/22/2019	08:07:	1902416	6765 THORNAPPLE DR
6397			ANIMAL NOISES
REPORT OF DOGS BARKING AT 6765 THORNAPPLE FOR THE LAST 30 MINUTES			
0808			4610 DSP
0812			4610 ON SCENE
0819			4610 CLEAR // RESIDENT WAS ADVISED OF THE COMPLAINT // SHE COMPLIED AND TOOK THE DOGS INSIDE

Date:	Time:	Oca:	Location:
07/01/2019	13:41:	1903262	6765 THORNAPPLE DR
6397	ANIMAL NOISES		
Vehicles Involved: HLA9890 OH 1C3CDFBB4FD242959 DODG RESIDENT STATES THE NEIGHBOR IS NOT HOME AND THEIR 3 DOGS ARE OUT BARKING AT HIM ALL DAY AND THIS HAS BEEN GOING ON FOR THE PAST 3 DAYS 1348 4612 10/23 1412 4612 10-24 NO ONE APPEARS TO BE HOME, VEH IN DRIVE / CAN HEAR THE DOGS INSIDE. BACK DOOR IS OPEN TO BACK YARD. SPOKE TO THE COMPLAINAINT. ADVISED OF THE SITUATION. OFFICER WILL CHECK BACK LATER TO FOLLOW UP.			
07/12/2019	07:47:	1903468	6765 THORNAPPLE DR
6397	ANIMAL NOISES		
Vehicles Involved: HGH1938 OH REPORT OF BARKING DOGS (3) - DOGS HAVE BEEN BARKING SINCE 6:45- 6:50 THIS MORNING 0752 4613 ON SCENE 0754 4613 CHECK ON HOW MANY OTHER COMPLAINTS AND IF PS# AVAILABLE FOR HOME OWNER 2 WITHIN THE LAST 2 MONTHS. 0800 4613 NOBODY AT HOME - WILL FOLLOW UP LATER			
09/05/2019	10:22:	1904500	6765 THORNAPPLE DR
6397	ANIMAL NOISES		
Vehicles Involved: HLA9890 OH 1C3CDFBB4FD242959 DODG NEIGHBORS DOGS ARE MAKING IT IMPOSSIBLE FOR HIM TO WORK OUTSIDE. 1025 4612 DISP 1030 4612 / 4614 10-23 1046 4612/4614 CLR // UPON ARRIVAL THE DOGS WERE OUTSIDE BARKING LOUDLY // NO ANSWER AT THE HOUSE // THERE WILL BE A CITE ISSUED TO THE RESIDENT LATER TODAY. 1745 4612 ONE CITATION ISSUED, SECOND CITATION WILL NEED TO BE ISSUED BY THE NIGHT SHIFT THE MALE IS NOT HOME UNTIL 1900-2000 HOURS.			
09/05/2019	17:54:	1904509	6765 THORNAPPLE DR
8922	FOLLOW-UP INVESTIGATION		
REF 1904500 1754 4612 OUT ON A FOLLOW UP 1807 4612 ONE CITATION ISSUED, SECOND CITATION WILL NEED TO BE ISSUED BY THE NIGHT SHIFT THE MALE IS NOT HOME UNTIL 1900-2000 HOURS.			

Total Records: 9

MAYFIELD VILLAGE

620 SOM CENTER ROAD 440-461-1234

Incident Number

19-04500**Incident / Offense Report**

Offense	Method Received	Time Received	Time Dispatched	Time Arrived	Time Cleared:
	T	09/05/2019 10:22:19	09/05/2019 10:25:50	09/05/2019 10:30:43	09/05/2019 10:46:42

Report Date / Time		Incident Occurred From		Incident Occurred To	
Date	Time	Date	Time	Date	Time
Thursday 09/05/2019	12:42:09	Thursday 05/23/2019		Thursday 09/05/2019	10:22:19

Location of the Incident (Street #, Street, Apt. #, City, State, Zip)

6765 THORNAPPLE DR MAYFIELD VLG OHIO 44040

Zone

Z01

Persons Involved: **RUSS PREVITE - COM**
BARBARA J KRUPA - ARA
ZACHARY ROBERT KRUPA - ARA

Property:

Amount:

Type: **ANIMAL NOISE**

Units: Officers:
 1st: **4612 STIPE BAJAN**
 2nd: **4614 BRANDON SOKOLOWSKI**
 3rd:
 4th:
 5th:

Photos:

Codes:	Descriptions:	OFFENSES
6397	ANIMAL NOISES	
5311	DISORDERLY CONDUCT	509.03

Weapons Used:

Trade Marks:

Hate Bias

Entry:

Location Type:
Residential HomeRefer to Arrest: Incident #: Tow#: Dispatcher: **0148** Officer in Charge: **141** Entry Id: **0148**

Case Status:

Cleared Date:

Cleared By: **140****Narrative: 19-04500 Page: 1**

Vehicles Involved:

HLA9890 OH 1C3CDFBB4FD242959 DODG

NEIGHBORS DOGS ARE MAKING IT IMPOSSIBLE FOR HIM TO WORK OUTSIDE.

1025 4612 DISP

1030 4612 / 4614 10-23

1046 4612/4614 CLR // UPON ARRIVAL THE DOGS WERE OUTSIDE BARKING LOUDLY // NO ANSWER AT THE HOUSE // THERE WILL BE A CITE ISSUED TO THE RESIDENT LATER TODAY.

1745 4612 ONE CITATION ISSUED, SECOND CITATION WILL NEED TO BE ISSUED BY THE NIGHT SHIFT THE MALE IS NOT HOME UNTIL 1900-2000 HOURS.

PTL STIPE BAJAN

Reviewing Supervisor:

Bureau Supervisor:

Officer:

MAYFIELD VILLAGE

Incident Number

19-04500

Page # 3

Vehicles Involved with the Incident

No:	Value:	Plate:	LIC St.:	LIC Yr.:	LIC Type:	VIN #:			
		HLA9890	OH		PC	1C3CDFBB4FD242959			
Year:	Make:	Model:	Style:	Color:	Ownership Verification:	Tow No:	Date of Involvement:		
2015	DODG	OTH	4W	BLK /					
Recovery Condition:	Recover Date:	Recover Location:			NCIC#	Owner Applied #:			

Damaged Missing:

Front:	NO	Rear:	NO	Doors :	NO	Deck :	NO	NCIC Entry:	
Interior:	NO	Engine:	NO	Trans :	NO	Dash:	NO		
Vin Plate:	NO	LIC Plate:	NO	Ignition:	NO	Other:		NCIC Remove:	
Misc:									

Reviewing Supervisor:

Bureau Supervisor:

PTL STIPE BAJAN

Officer:

MAYFIELD VILLAGE

Incident Number

Investigative Report

Title / Subject: DOG BARKING

19-04500

At approximately 10:22 A.M. on September 5, 2019, I responded to 6757 Thornapple Dr. for a barking dog complaint. Upon arrival I could hear multiple dogs barking and fighting with each other in the backyard of 6765 Thornapple Dr. I met the complainant a Mr. Russ Previte who stated that the dogs have been barking all morning and it's a nuisance to him. He stated that the residents leave the home in the morning and leave the back door open so the dogs can go in and out of the house all day. He stated that this issue is a reoccurring issue, and that he has called the police regarding this issue multiple times. While speaking to him regarding the issue the three dogs consistently kept barking and then fighting with themselves in the fenced in backyard. I attempted to make contact at the residence but there was no answer at the front door. I advised Mr. Previte that we would follow up again to make contact with the residents regarding the dog barking. I advised Mr. Previte to contact us again if this issue keeps occurring.

Shortly after we cleared the scene one of the dog owner residents at 6765 Thornapple contacted MVPD questioning why the police were knocking at his home. He stated he was able to see us through one of his home security video cameras. I later spoke to the resident a Zachary Robert Krupa that stated he was aware of the issue with his neighbor about his dogs barking. He stated that two of the three dogs are his and the third dog is his mothers who also resides there a Barbara J. Krupa. He also stated that he was aware that the police at an earlier date did advise his mother of the dog barking complaint. I advised Mr. Krupa that we would be issuing citations to him and his mother regarding the dog barking. He stated that he would be home at around 7-8 P.M. and his mother would be home around 5:30 P.M.

At approximately 5:54 P.M. Barbara Klupa was served a Misdemeanor citation under MVCO - 509.03 (13) - Disorderly conduct- Noisy Animal. The second citation for Zachary Klupa for the same charge was given to night shift to serve him when he arrives at home from work.

Also to note that the police have been called to the resident on three other separate occasions in the past 5 months regarding dog barking complaints.

By: PTL STIPE BAJAN

Badge# 140

Date: 09/05/2019 Time: 12:42:0 No. 001 Page #: 4

Reviewing Supervisor: _____

Date: _____

MAYFIELD VILLAGE

Incident Number

Investigative Report

Title / Subject: DISORDERLY CONDUCT

19-04500

At approximately 8:16 P.M., on Thursday, September 05, 2019, I (unit #4613) met with Zachary Krupa at 6765 Thornapple Drive. I served Zachary Krupa with a misdemeanor citation for disorderly conduct, noisy animals, under MVCO 509.03(13) - M4. Zachary Krupa was given a court date of Thursday, September 19, 2019 at 8:00 A.M. at Lyndhurst Municipal Court to answer the charge of disorderly conduct, noisy animals.

No Further Investigation

By: PTL STEVE PALKA

Badge# 143

Date: 09/05/2019 Time: 23:46:4 No. 002 Page #: 1

Reviewing Supervisor: _____

Date: _____

MAYFIELD VILLAGE

Incident Number

620 SOM CENTER ROAD 440-461-1234

Incident / Offense Report**19-03262**

Info Only	Method Received T	Time Received 07/01/2019 13:41:00	Time Dispatched 07/01/2019 13:43:30	Time Arrived 07/01/2019 13:47:43	Time Cleared: 07/01/2019 14:12:31
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Report Date / Time	Incident Occurred From	Incident Occured To
Date Time	Date Time	Date Time
Monday 07/01/2019 14:12:34		Monday 07/01/2019 14:12:31

Location of the Incident (Street #, Street, Apt. #, City, State, Zip)

6765 THORNAPPLE DR MAYFIELD VLG OHIO 44040

Zone

Z01

Persons:
Involved:-
-
-
-
-

Property:

Amount:

Type: ANIMAL NOISE

Units: Officers:

1st: 4615 DANIEL PREDOVIC

2nd:

3rd:

4th:

5th:

Photos:

Codes:

Descriptions:

OFFENSES

6397

ANIMAL NOISES

Weapons Used:

Trade Marks:

Hate Bias

Entry:

Location Type:

Residential Home

Refer to Arrest:

Incident #:

Tow#:

Dispatcher: 0133 Officer in Charge: 141 Entry Id: 0133

Case Status:

Cleared Date:

Cleared By: 140

Narrative: 19-03262 Page: 1

Vehicles Involved:

HLA9890 OH 1C3CDFBB4FD242959 DODG

RESIDENT STATES THE NEIGHBOR IS NOT HOME AND THEIR 3 DOGS ARE OUT BARKING AT HIM ALL DAY AND THIS HAS BEEN GOING ON FOR THE PAST 3 DAYS

1348 4612 10/23

1412 4612 10-24 NO ONE APPEARS TO BE HOME, VEH IN DRIVE / CAN HEAR THE DOGS INSIDE. BACK DOOR IS OPEN TO BACK YARD. SPOKE TO THE COMPLAINANT. ADVISED OF THE SITUATION. OFFICER WILL CHECK BACK LATER TO FOLLOW UP.

PTL STIPE BAJAN

Reviewing Supervisor:

Bureau Supervisor:

Officer:

MAYFIELD VILLAGE

620 SOM CENTER ROAD 440-461-1234

Incident Number

19-03468

Incident / Offense Report

Info Only	Method Received T	Time Received 07/12/2019 07:47:27	Time Dispatched 07/12/2019 07:48:52	Time Arrived 07/12/2019 07:52:56	Time Cleared: 07/12/2019 08:00:54
Report Date / Time Date Time		Incident Occurred From Date Time		Incident Occurred To Date Time	
Friday 07/12/2019 08:00:54				Friday 07/12/2019 08:00:54	
Location of the Incident (Street #, Street, Apt. #, City, State, Zip)					Zone
6765 THORNAPPLE DR MAYFIELD VLG OHIO 44040 KRUPA RES					Z01
Persons Involved:	LYNNE M DONLEY - INS ZACHARY ROBERT KRUPA - INS			Property:	
				Amount:	
				Type:	ANIMAL NOISE
Units:	Officers:				
1st: 4613	DANIEL PREDOVIC				
2nd:					
3rd:					
4th:					
5th:	Photos:				
Codes:	Descriptions:	OFFENSES			
6397	ANIMAL NOISES				
Weapons Used:	Trade Marks:			Hate Bias	
Entry:	Location Type: Residential Home				
Refer to Arrest:	Incident #:	Tow#:	Dispatcher: 070	Officer in Charge: 121	Entry Id: 070
Case Status:	Cleared Date:			Cleared By: 114	
Narrative: 19-03468 Page: 1					
Vehicles Involved: HGH1938 OH REPORT OF BARKING DOGS (3) - DOGS HAVE BEEN BARKING SINCE 6:45- 6:50 THIS MORNING 0752 4613 ON SCENE 0754 4613 CHECK ON HOW MANY OTHER COMPLAINTS AND IF PS# AVAILABLE FOR HOME OWNER 2 WITHIN THE LAST 2 MONTHS. 0800 4613 NOBODY AT HOME - WILL FOLLOW UP LATER					
Reviewing Supervisor:	Bureau Supervisor:		PTL DANIEL PREDOVIC Officer:		

MAYFIELD VILLAGE

Incident Number

19-03468

Page # 2

Persons Involved with Incident

Incident #: 1903468 **Relation:** INS **Arrest #:** **CAD #:** 1909018 **Date of Contact:** 07/12/2019 **Phone:**
First Name: LYNNE **Middle:** M **Last Name:** DONLEY **Til:** **DOB:** 10/06/1971 **SSN:** **Pager:**
Street #: 12368 **Street Name:** PAINESVILLE WARREN **Apt:** **City:** CONCORD **St:** OH **Zip:** 44077 **Cell Phone:** **Employee Phone:**
Hgt: 507 **Wgt:** 170 **Hair:** BLN **Eyes:** GRN **Race:** **Sex:** F **Physical Marks:**

Offenses:

Resident Class: **Suspected of using:** / **Victim Type:**

Incident #: 1903468 **Relation:** INS **Arrest #:** **CAD #:** 1909018 **Date of Contact:** 07/12/2019 **Phone:** [REDACTED]
First Name: ZACHARY **Middle:** ROBERT **Last Name:** KRUPA **Til:** **DOB:** 01/30/1995 **SSN:** **Pager:**
Street #: 6765 **Street Name:** THORNAPPLE DR **Apt:** **City:** MAYFIELD VLG **St:** OH **Zip:** 44143 **Cell Phone:** **Employee Phone:**
Hgt: 505 **Wgt:** 125 **Hair:** BLN **Eyes:** GRN **Race:** W **Sex:** M **Physical Marks:**

Offenses:

Resident Class: **Suspected of using:** / **Victim Type:**

PTL DANIEL PREDOVIC

Reviewing Supervisor:

Bureau Supervisor:

Officer:

MAYFIELD VILLAGE

Incident Number

19-03468

Page # 3

Vehicles Involved with the Incident

No:	Value:	Plate:	LIC St.:	LIC Yr.:	LIC Type:	VIN #:	
		HGH1938	OH		PC	1J4HR58285C645099	
Year:	Make:	Model:	Style:	Color:	Ownership Verification:	Tow No:	Date of Involvement:
2005	JEEP		SW	WHI /			
Recovery Condition:	Recover Date:	Recover Location:			NCIC#	Owner Applied #:	

Damaged Missing:

Front:	NO	Rear:	NO	Doors :	NO	Deck :	NO	NCIC Entry:
Interior:	NO	Engine:	NO	Trans :	NO	Dash:	NO	
Vin Plate:	NO	LIC Plate:	NO	Ignition:	NO	Other:		NCIC Remove:
Misc:								

Reviewing Supervisor:

Bureau Supervisor:

PTL DANIEL PREDOVIC

Officer:

MAYFIELD VILLAGE

620 SOM CENTER ROAD 440-461-1234

Incident Number**19-02416****Incident / Offense Report**

Info Only	Method Received T	Time Received 05/22/2019 08:07:09	Time Dispatched 05/22/2019 08:08:23	Time Arrived 05/22/2019 08:12:50	Time Cleared: 05/23/2019 08:19:52
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Report Date / Time	Incident Occurred From	Incident Occured To
Date Time	Date Time	Date Time
Thursday 05/23/2019 08:19:52	Wednesday 05/22/2019	08:19:52

Location of the Incident (Street #, Street, Apt. #, City, State, Zip)	Zone
6765 THORNAPPLE DR MAYFIELD VLG OHIO 44040 KRUPA RES	Z01

Persons Involved: - - - - -	Property: Amount: Type: ANIMAL NOISE
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Units:	Officers:
1st: 4610	BRANDON SOKOLOWSKI
2nd: 4610	MATTHEW J KOSTRAB
3rd:	
4th:	
5th:	

Photos:

Codes:	Descriptions:	OFFENSES
6397	ANIMAL NOISES	

Weapons Used:	Trade Marks:	Hate Bias
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Entry:	Location Type: Residential Home
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Refer to Arrest:	Incident #:	Tow#:	Dispatcher: 0134	Officer in Charge: 121	Entry Id: 0134
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Case Status:	Cleared Date:	Cleared By: 121
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Narrative: 19-02416 Page: 1

REPORT OF DOGS BARKING AT 6765 THORNAPPLE FOR THE LAST 30 MINUTES
0808 4610 DSP
0812 4610 ON SCENE
0819 4610 CLEAR // RESIDENT WAS ADVISED OF THE COMPLAINT // SHE COMPLIED AND TOOK THE DOGS INSIDE

SGT MATTHEW J KOSTRAB**Reviewing Supervisor:****Bureau Supervisor:****Officer:**

Debbie Garbo

From: Maura McKinley
Sent: Friday, December 06, 2019 12:57 PM
To: Debbie Garbo
Subject: Public records request from Russ Previte re: Disturbance calls at 6765 Thornapple Dr
Attachments: Public records request from Russ Previte for Disturbances at 6765 Thornapple.pdf;
Previte call 05-22-19 0805.wav; Previte call 7-01-19.wav; Previte call 07-12-19.wav;
Previte call 09-05-19 1021.wav

Debbie,
Please see attachments re: public records request for phone call records and/or police visit records for Disturbances at 6765 Thornapple Dr from Russ Previte over the last 1-2 years. Attached are four phone calls and four incident reports. On the last incident both the mother and the son were cited for Disorderly Conduct. If you need anything else, let me know. Have a good weekend!

Sincerely,
Maura McKinley
Executive Assistant
Mayfield Village Police Department
620 SOM Center Road
Mayfield Village, Ohio 44143
(440) 461-1234
(440) 471-1056 (direct line)

MAYFIELD VILLAGE

6622 Wilson Mills Road
Mayfield Village, OH 44143



TUES DEC. 17TH NEXT
VISITING W/ DEBORAH FRI. 11-15-19
" POLICE STATION " " "
LETTER TO JOHN

Board of Zoning Appeals Application

BOA 12/17/19

Application Date:

Meeting Date:

B.O.A. Application Fee: \$50 + 3% State Fee

Pursuant to the Village of Mayfield Charter and Zoning Code, the undersigned hereby submits attached information and requests a hearing before the Board of Zoning Appeals for the following purposes:

- (Please Check Request) AREA VARIANCE NON-CONFORMING USE
 USE VARIANCE OTHER APPEAL

Owner

Representative at Hearing (if different than Owner)

Name: RUSSELL A. PREVITE
 Address: 6757 THORNAPPLE DR.
 Phone: 830-285-8461 Fax: _____
 E-mail: PREVITER(AT)HOTMAIL.COM

Name: _____
 Address: _____
 Phone: _____ Fax: _____
 E-mail: _____

Nature of Request (e.g., side yard setback variance)	Code Section	Description
1. Privacy Fence Request	1157.08	Solid Fence NOT an Approved style
2. Storage Enclosure	1181.07(C)	10' side yard structure encroachment
3. in side yard		

NOTE: A narrative is required with the application when applying for "use" variance, demonstrating PRACTICAL DIFFICULTY per Section 1105.02.

APPLICANT'S SIGNATURE: R.A. Previte
 DATE: 11-15-2019

PROPERTY OWNER'S SIGNATURE: R.A. Previte
 DATE: 11-15-2019

Use Variance Application Supplemental Information

Application for property located at:

"Use" Variances from the terms of the Code shall not be granted by the Board of Zoning Appeals unless the "evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty."

In determining "practical difficulty", the Board of Zoning Appeals will consider the following factors:

1. Do special conditions and circumstances 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?

BARKING DOGS, INTERPRETATION CONFLICT ?

2. Will the property in question yield a reasonable return or can there be any economical beneficial use of the property without the variance?

N/A

3. Is the variance substantial and is it the minimum necessary to make possible the economically reasonable use of the land or structures?

N/A

4. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance?

NO !

5. Would the variance adversely affect the delivery of governmental services, such as water, sewer, or trash pickup?

NO

6. Can the property owner's predicament feasibly be obviated through some method other than a variance?

NO

7. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance?

YES

8. Will the granting of the variance requested confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district?

UNKNOWN

9. Would a literal interpretation of the provision of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code?

UNKNOWN

10. The Applicant may submit evidence and the Board may also consider whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

N/A

SIGNATURE

R. P. [Signature]

DATE

DEC 9, 2019

Debbie Garbo

From: Russ Previte <previter@hotmail.com>
Sent: Monday, December 09, 2019 10:50 AM
To: dgarbo@mayfieldvillage.co
Subject: RE: Previte Variance Zoning Appeals Letter
Attachments: Variance Request 12.9.2019.doc

Hi Debbie,
Here is the letter, pictures and photos will follow. You can do whatever you want with the photos and recordings.
Thank you,
Russ Previte

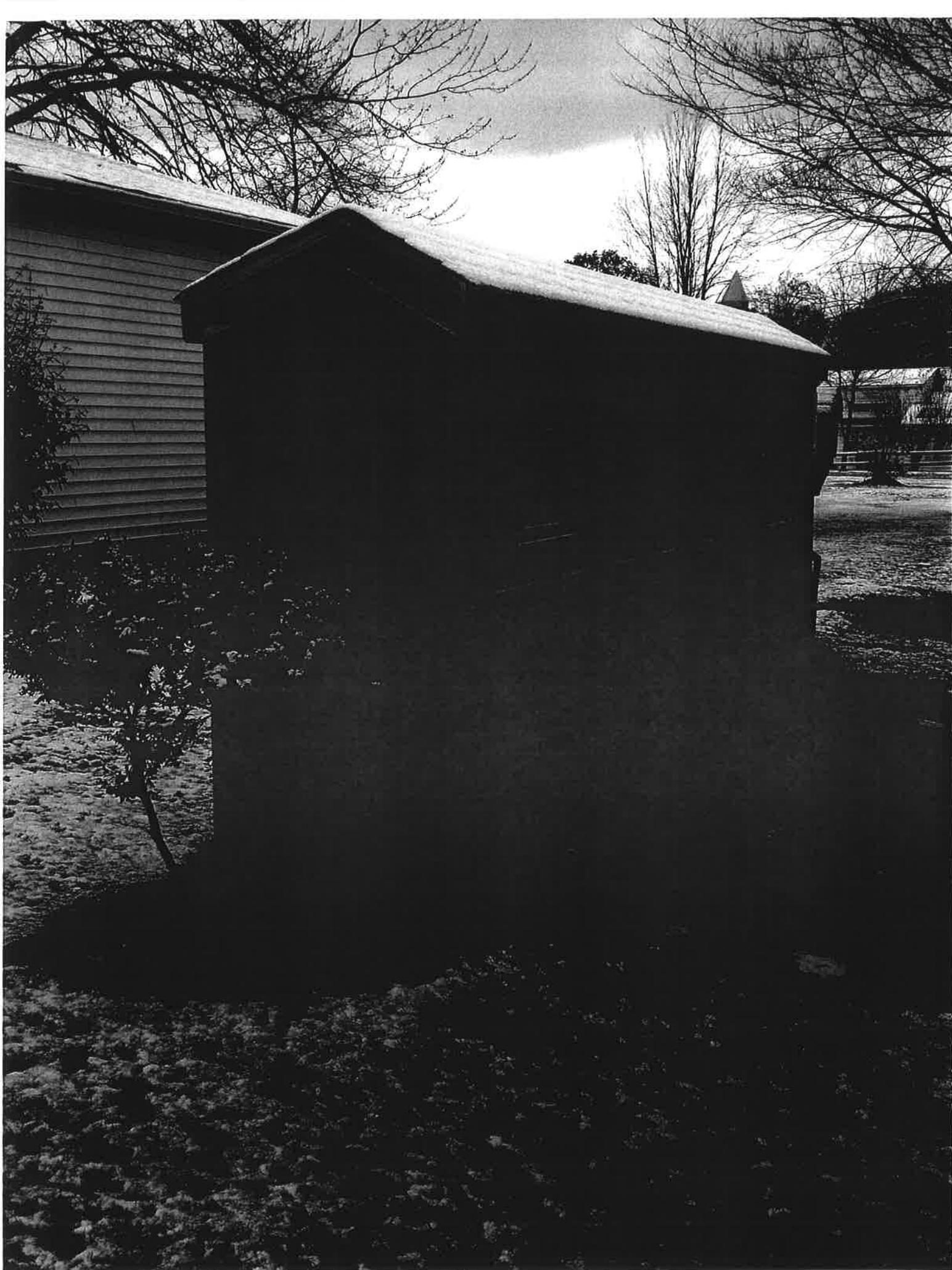
Debbie Garbo

From: Russ Previte <previter@hotmail.com>
Sent: Monday, December 09, 2019 10:47 AM
To: Debbie Garbo
Subject: Re: Previte Variance - Dog Recordings
Attachments: New Recording 7 (1).m4a; New Recording 6.m4a

Dog
BARKING
Recordings

Debbie Garbo

From: Russ Previte <previter@hotmail.com>
Sent: Monday, December 09, 2019 11:08 AM
To: Debbie Garbo
Subject: RE: Previte Variance -photos #1email
Attachments: enclosure1FQFR6664.JPG; enclosure2IMG_0084.JPG; enclosure3IMG_1300.JPG;
enclosure4IMG_2226.JPG; enclosure5IMG_2376.JPG; enclosure6IMG_2384.JPG;
enclosure7IMG_3685.JPG; enclosure8IMG_3683.JPG; enclosure9IMG_3822.JPG



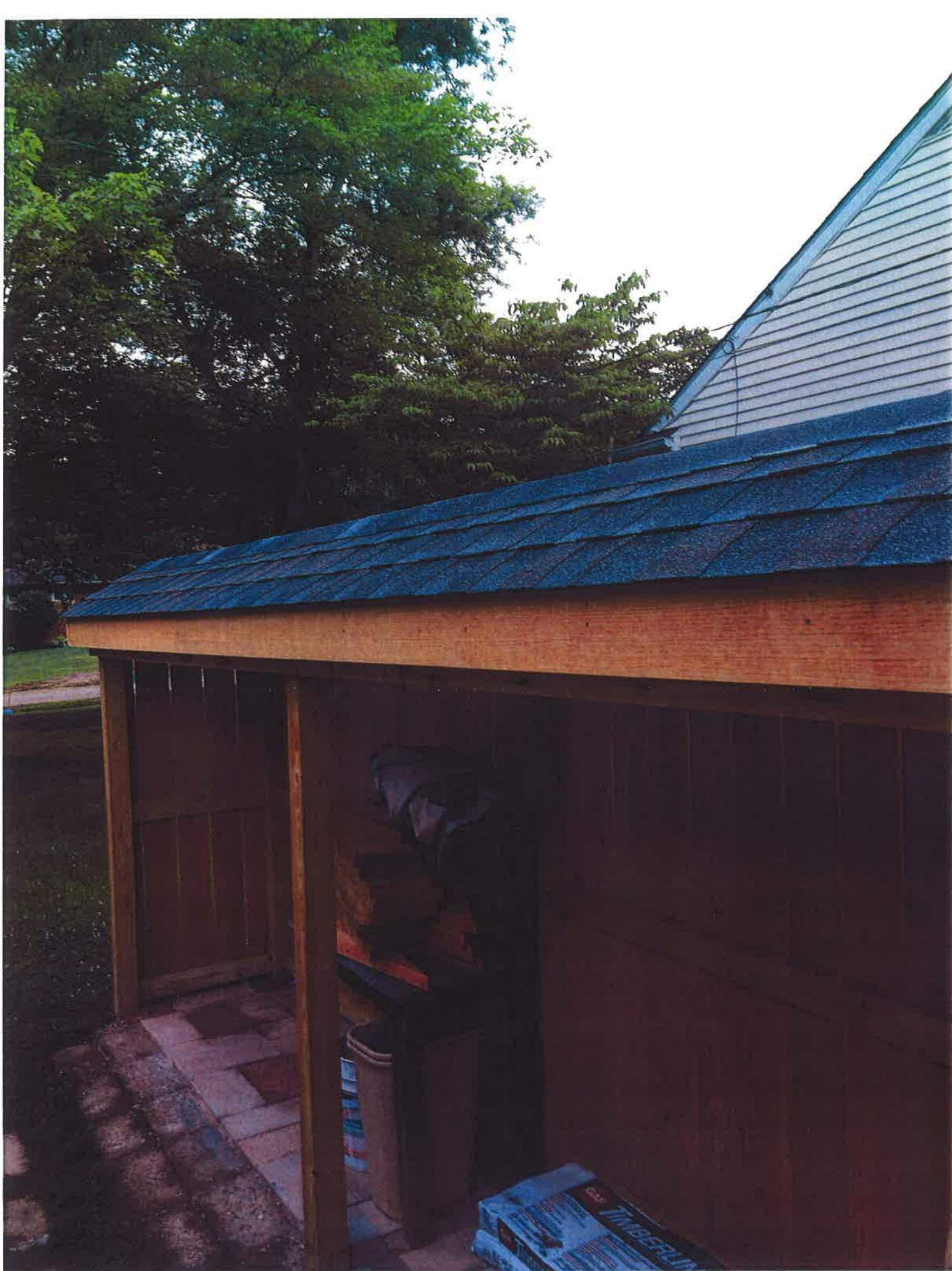


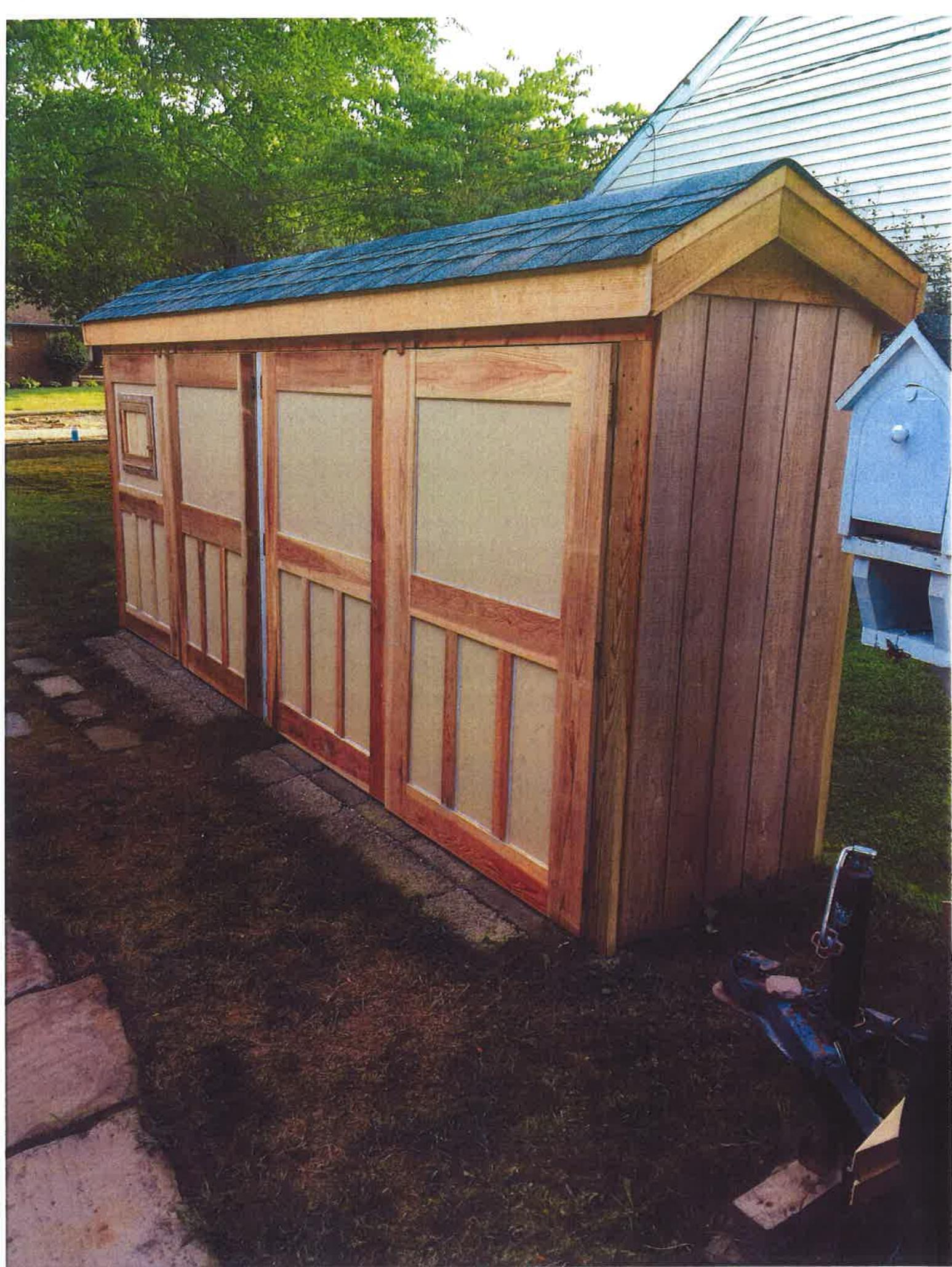












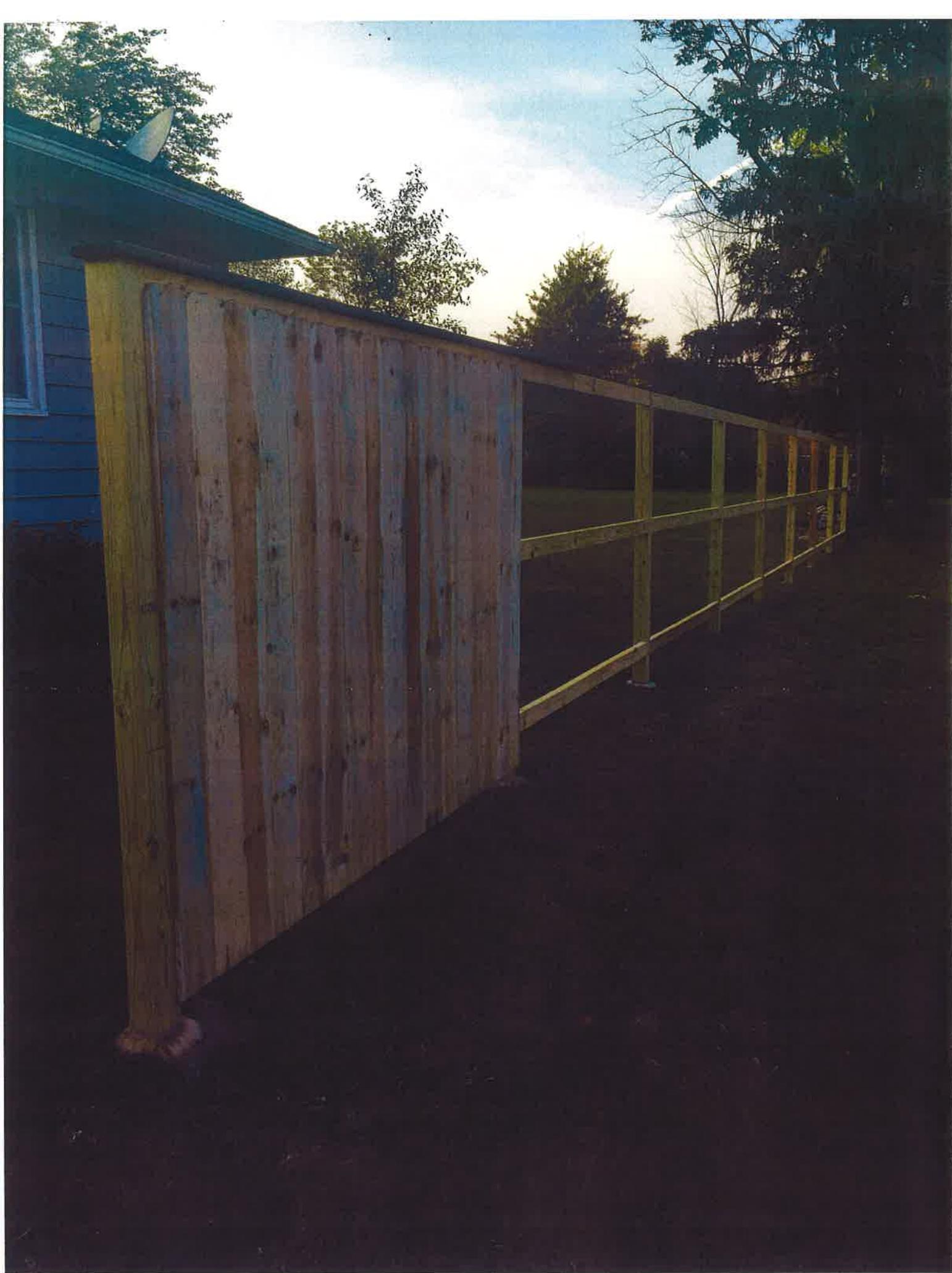


Debbie Garbo

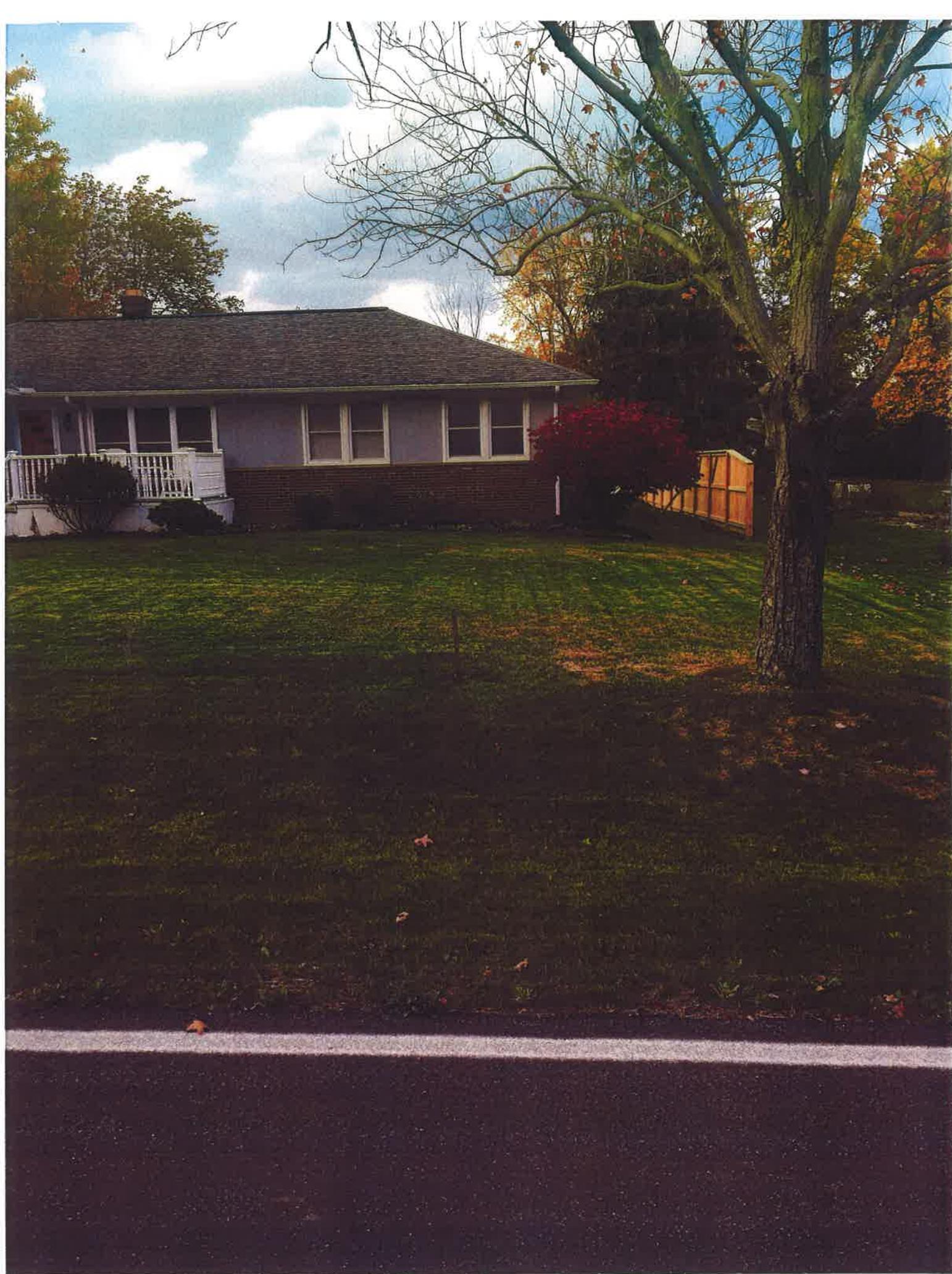
From: Russ Previte <previter@hotmail.com>
Sent: Monday, December 09, 2019 11:11 AM
To: Debbie Garbo
Subject: RE: Previte Variance - Photos #2email
Attachments: fence1IMG_3772.JPG; fence2IMG_3823.JPG; fence3IMG_3562.JPG; fence4.JPG;
fence5IMG_3564.JPG; fence6.JPG; fence7IMG_3571.JPG













Debbie Garbo

From: Russ Previte <previter@hotmail.com>
Sent: Monday, December 09, 2019 11:17 AM
To: Debbie Garbo
Subject: RE: Previte Variance - Photos #3email
Attachments: others1IMG_3899.JPG; others2IMG_3901.JPG; others3.JPG







Debbie Garbo

From: Russ Previte <previter@hotmail.com>
Sent: Monday, December 09, 2019 11:19 AM
To: Debbie Garbo
Subject: RE: Previte Variance - Photos #4email (misc)
Attachments: IMG_0073.JPG; IMG_0078.JPG; IMG_3135.JPG; IMG_3137.JPG; IMG_3139.JPG; IMG_3140.JPG; IMG_3141.JPG; IMG_3143.JPG; IMG_3144.JPG; IMG_3145.JPG; IMG_3146.JPG; IMG_3769.JPG

KRUPA
6/11/15
THORAPPLE























