

**BOARD OF ZONING APPEALS
MEETING MINUTES
Mayfield Village
Sept 20, 2022**

The Board of Zoning Appeals met in regular meeting session on Tues, Sept 20, 2022 at 6:00 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Syracuse presided.

ROLL CALL

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

Also Present: Ms. Kathryn Weber Law Department
Mr. Daniel Russell Building Commissioner
Ms. Deborah Garbo Secretary

Absent: Mr. Stivo DiFranco Chairman Pro Tem
Mr. Joseph Prcela

CONSIDERATION OF MEETING MINUTES: **July 19, 2022**

Mr. Michalko, seconded by Ms. Jeanblanc, made a motion to approve the minutes of July 19, 2022.

ROLL CALL

Ayes: Mr. Syracuse, Ms. Jeanblanc, Mr. Michalko
Nays: None **Motion Carried**
Minutes Approved as Written.

CONSIDERATION OF CASE NUMBER 2022-06 (POSTPONED)

Applicant: 6707 Thornapple Dr. 44143 - PP # 831-24-040

1. A variance request from Section 1157.08 (b) to allow for construction of a 6' high Stockade Fence east side of property.

Abutting Property Owners:

Thornapple Dr: 6715, 6723, 6735, 6708, 6700, 6716, 6691, 6724, 6734

CONSIDERATION OF CASE NUMBER 2022-07

Applicant: Gerald Kasunic
6214 Norman Ln 44143 - PP # 831-34-073

1. A request for a 7' width variance from Section 1119.09 (c) to allow for construction of a 23' wide Driveway Extension for upper section driveway only.

Abutting Property Owners:

Norman Ln: 6217, 6207, 6199, 6189, 6181, 6200, 6194
Worton Pk : 1006, 1010

OPEN PORTION

Chairman Syracuse stated, this is a meeting of the Mayfield Village Board of Zoning Appeals, Tues, Sept 20, 2022. We originally had two cases being considered tonight but Case #2022-06, the applicant has asked us to postpone this until our Oct 18, 2022 meeting.

Case # 2022-07

Chairman Syracuse stated, the only case before us tonight is consideration of Case #2022-07, applicant is Gerald Kasunic, 6214 Norman Ln, PP #831-34-073. The request is for a 7' width variance from Section 1119.09 (c) to allow for construction of a 23' wide driveway extension for the upper section of driveway only. The abutting property owners on Norman Ln and Worton Pk have been notified. At this time, whoever is here to make a presentation, please state your name and address and we'll get you sworn in.

Gerald Kasunic, 6214 Norman Ln introduced himself.

OATH

Chairman Syracuse stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman Syracuse administered the oath to Mr. Kasunic.

Ms. Weber stated, Chairman, before you get started, I think that the applicant was notified that since we do have a quorum which is the majority of the members of the BZA which is three members pursuant to Section 12 of the Charter of Mayfield Village, an affirmative vote of all three of these members is necessary in order to approve the variance today. The applicant has the option, he can request to table this until we are able to have a full meeting of all five members of the BZA or move forward today.

Gerald Kasunic replied, unfortunately I'm unable to make the Oct meeting date. I'd like to move forward today.

Chairman Syracuse stated, please proceed with your case.

Gerald Kasunic stated, this is very straight forward and simple. My wife and I purchased this house and the driveway as you can see from these pictures is starting to crumble. In this upper section here we're looking for a 7' extension that goes beyond the 16' width. It was added some time before we purchased the property. What I'd like to do is put in a new cement driveway and just clean that area up and take it flush straight forward to the garage. It's basically because both my wife and my father have mobility issues and getting both in and out of the car if they're side by side, it's a little bit tight with the 16' driveway. With this extra extension, it will fit quite nice. I'd like to clean it up because aesthetically it's falling apart, every time we drive on it, chunks of asphalt come out. There are no plans to widen the driveway anywhere else.

Chairman Syracuse asked, can you point out on the area your extending, how far down you're taking it into the grass area.

Gerald Kasunic pointing out, it's going to be right here, straight forward to the garage. You can see too just the way that the grass encroaches the part of the driveway where I think it tapers to 14' and then it extends back out to 16'. The footers just need to be straightened out, re-set, re-poured.

Chairman Syracuse asked, when did you purchase the house?

Gerald Kasunic replied, last September.

Chairman Syracuse asked, do you know how long that's been there, that area that extends out?

Gerald Kasunic replied, I'd say 20 or 30 years.

Chairman Syracuse asked, was our code in effect 30 years ago?

Mr. Russell replied, it looks like it was passed in 1994.

Chairman Syracuse stated, I was wondering if they'd be grandfathered in for what they currently have, I know they're asking for additional.

Mr. Russell replied, if it was in the code back in 94, they would have needed approval for it at that time, so there would be no grandfathering.

Chairman Syracuse asked, do you know if there were other variances granted, I see there are others on that street that have these sort of extensions.

Mr. Russell replied, I didn't check any driveways for any other variances.

Chairman Syracuse stated, what we always look for whenever somebody makes a request like this is what's unique about the property. Part of it is that it already has part of the driveway extended already. Most of the homes in Mayfield Village generally have the garages not facing the street, I think that's in our code now.

Mr. Michalko stated, I'd like to take that back a little bit. Go take a look at the new development on Highland Rd., they all face the street.

Gerald Kasunic stated, our neighbor directly across the street, their garage faces the street and they have an extension that goes to the side of their garage as well as it extends beyond 16'.

Ms. Jeanblanc stated, practically speaking what way would they have had known that the existing driveway wasn't conforming. We don't have a system in place to flag that.

Chairman Syracuse stated, 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 stated, the factors we have to consider are contained in the application. Would you like to go through those factors submitted?

Gerald Kasunic replied, I don't have a copy in front of me but I think I put down this would be a public improvement to the property. There are two big concerns for me; 1) Cleanup the driveway and 2) To create an enhanced mobility area to really try and get people in and out of their vehicles.

Chairman Syracuse stated, you mentioned in your letter, a request for a driveway extension in order to create an area to park either a wheelchair accessible vehicle or to have enough space for moving durable medical equipment, i.e. walkers, canes and scooters for your wife and immediate family.

Chairman Syracuse asked, does anyone have any questions?

Mr. Michalko stated, based on what I see here and what's in the application, to be ADA with the wheelchairs and stuff like that.

Ms. Jeanblanc asked, would the ADA be applicable?

Ms. Weber replied, ADA kind of kicks in when you're talking about places of public accommodation. We can analyze this under the current zoning code and that could be a factor in determining practical difficulty.

Chairman Syracuse stated, using the factors that we had discussed as well as the practical difficulty here, if there are no other questions or comments, I'd like to entertain a motion at this time to grant this variance.

DECISION

Ms. Jeanblanc, seconded by Mr. Michalko made a motion to approve the request for a 7' width variance from Section 1119.09 (c) to allow for construction of a 23' wide driveway extension for the upper section of driveway only.

ROLL CALL

Ayes: Mr. Syracuse, 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.

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 6:10 p.m.

Chairman

Secretary