

**CITY OF BROADVIEW HEIGHTS
BOARD OF ZONING APPEALS**

Meeting Outcome Notification

Date: July 23, 2018

To: BZA Members, Council Members, PC Members, Mayor, Administrative Staff

From: Nancy Grattino, PC/BZA/Building Dept. Administrative Assistant

At the BZA Meeting of July 11, 2018 the following transpired:

Minutes of June 6, 2018 were Approved as amended.

CASE # 18-BZA06: 1427 DUKE CT – PPN: 582-11-021 VLADIMIR NOVAKOVIC – OWNER – VARIANCE OF 10' FOR WIDTH OF GARAGE APRON

This variance was UNANIMOUSLY APPROVED.

CASE # 18-BZA08: 3125 HARRIS RD – PPN: 582-25-055 – THOMAS & MARLA SPAETH, OWNERS - VARIANCE FOR DRIVEWAY EXTENSION

This variance was UNANIMOUSLY APPROVED.

CASE # 18-BZA09: 2456 BOSTON RD - PPN: 585-14-033 – GREG MODIC, REPRESENTATIVE - VARIANCE – SETBACKS FOR CONSTRUCTION OF NEW GARAGE

This variance was UNANIMOUSLY APPROVED.

CASE # 18-BZA07: 6593 HARRIS RD – PPN: 583-24-011–BONNIE DERAN, OWNER - VARIANCES – MULTIPLE FOR DRIVEWAY EXTENSION

Request for the following variances:

- 1.) A variance of 5.08' from the requirement for a driveway to be limited to the width of the garage for a distance of 30' from the front of the garage.
- 2.) The stone drive as shown encroaches on the neighboring property and requires a 3' side setback variance.
- 3.) Total garage width is 20.92' and the total drive width requested is 26'. (This extends almost the entire distance from the garage door apron to the R.O.W.) Codified Ordinance section 1023.02 limits a driveway to the width of the garage for a distance of 30' from the garage door and 3' from the property line. This requires a 5.07' width variance.
- 4.) Applicant also requests this extension to be stone. Ordinance 1023.02, 1023.05 require driveways and aprons to be paved in concrete or asphalt.

At the request of the applicant this case was TABLED.

THE NEXT BZA MEETING IS SCHEDULED FOR WEDNESDAY, SEPTEMBER 5, 2018 at 6:30 P.M.

**CITY OF BROADVIEW HEIGHTS
BOARD OF ZONING APPEALS
MINUTES
July 11, 2018**

(Editor's Note: These minutes are not actual verbatim transcript of the meeting but merely intended to be a detailed synopsis of the discussion that took place during this meeting. It is the belief of the author of this document that all pertinent information has been included to represent an overview of discussions and decisions reached.)

Meeting Called to Order by BZA Chairman Allen Palmer at 6:29 P.M.

Roll Call by Nancy Grattino:

Present: Allen Palmer (Chairman), Marty Camloh, Rob Routson, Debbie Boop (alternate) and Councilman Joe Price

Absent: Brad Clifford and Brian Wolf, Councilman (alternate rep.)

Also Present: Michael Skvasik, Building Commissioner; Richard Pignatiello, Assistant Law Director (alternate); Joe Fleming, Assistant Fire Chief; Kristina Sorensen, Economic Development Coordinator (late arrival); Bob Boldt, Council President (late arrival); Glenn Goodwin, Councilman and Nancy Grattino, PC/BZA/Bldg. Department Administrative Assistant

Mr. Palmer explained this is a 5 member Board and with only 4 present this evening, the applicants will need 3 affirmative votes for a variance to pass. An applicant has the right to Table their case to a further meeting with a full Board present.

Mr. Allen Palmer read Article V, Section 8(D) of the City Charter and explained that this is the standard which the Board needs to decide on each variance request before them.

Mr. Allen Palmer swore everyone in who was planning on speaking this evening.

CASE # 18-BZA06: 1427 DUKE CT – PPN: 582-11-021 VLADIMIR NOVAKOVIC – OWNER – VARIANCE OF 10' FOR WIDTH OF GARAGE APRON

Mr. Palmer read the variance request as follows:

The matter under discussion is at the request of Mr. Vladimir Novakovic, owner of 1427 Duke Ct., Broadview Heights, Ohio 44147 (PPN 582-11-021) for a 40' garage apron and a variance of 10' from the allowable depth for a driveway apron of 30'. Codified Ordinance section 1023.02 limits the depth of the garage apron to 30'.

Mr. Mike Skvasik stated the Building Department has no objection to the variance as requested. This is a rather unique situation with the driveway; it circles around and does present a problem for him to get the cars turned around in the driveway. It is a rather big lot, in the middle of nowhere and does not impact anyone.

Mr. Palmer read into record a memo from Engineering (see file).

Mr. Marty Camloh read into record the statement of hardship from the applicant (see file).

Mr. Vladimer Novakovic, the owner and applicant came forward. Mr. Novakovic stated he is the only house on the street. Mr. Novakovic stated it is just a turning radius, the driveway is basically an S turn and the way the code is written it is with a typical driveway that is straight in with a 90 degree but with an S turn; you are basically making a U-turn into the garage. This would just be a little easier, safer way to get into the garage.

Mr. Palmer asked if there were any questions from Board members or city officials. No response. Mr. Palmer asked if there were any comments from the audience.

Resident, Russell Davis of 5052 W. Mill Rd. came forward. Mr. Palmer swore in Mr. Davis since he did not stand up to get sworn in at the beginning of the meeting. Mr. Davis stated he has a question, when you establish a variance what do you base it on? Do you base it on the size of the lot, it kind of sounds like it is a one size fits all, like in this case 10' was added to his garage apron to make it 40' but he's got 3 ½ acres of land. What if he needed 60', could he have gotten 60' on his apron. Mr. Palmer stated then he would have to come before the Board with his hardship and explain what is going on and if need be the Board could grant it. Mr. Davis stated so it is possible that he could get 60'. Mr. Camloh stated there are a set of ordinances and codes in the city and if you need to do something outside of those then you can come and ask for a variance. You have to justify why you want those variances and what your hardship is if you don't get it. Just because they grant or alleviate your hardship doesn't mean they didn't create another one for your neighbor. Mr. Camloh stated this is why notices are sent out so that if a neighbor should object. Mr. Davis stated he understands, like in this case the applicant has 3 ½ acres and he was thinking what if he was in his shoes and needed 60' and there was nobody around on either side of him except for trees and asked if they think he could get it if he was in his shoes. Mr. Camloh stated it depends on what his hardship is, do you really need 60'. Mr. Davis stated maybe he needs a 60' turning radius to get in and out of his garage. Mr. Camloh stated you have a bus, right. Mr. Camloh stated each case is individually assessed. Mr. Davis asked then 10' is not a rule. Mr. Camloh stated correct.

Mr. Allen Palmer entertained a Motion to vote on Case # 18-BZA06 for a variance of 10' for width of garage apron as submitted. Mr. Rob Routson made the Motion. Seconded by Ms. Debbie Boop. A paper ballot vote was taken as follows:

Allen Palmer – YES, Marty Camloh – YES, Rob Routson – YES and Debbie Boop - YES. With UNANIMOUS Vote, the Variance was APPROVED.

CASE # 18-BZA08: 3125 HARRIS RD – PPN: 582-25-055 – THOMAS & MARLA SPAETH, OWNERS - VARIANCE FOR DRIVEWAY EXTENSION

Mr. Palmer read the variance request as follows:

The matter under discussion is at the request of Mr. and Mrs. Thomas Spaeth owners of 3125 Harris Road, Broadview Heights, Ohio 44147 (PPN 582-25-055) for a variance of 16' from the requirement for a

driveway to be limited to the width of the garage for a distance of 30' from the front of the garage. Total garage width is 20' and the total drive width requested is 36'. Codified Ordinance section 1023.02 limits a driveway to the width of the garage for a distance of 30' from the garage door.

Mr. Palmer read into record a memo from Engineering (see file).

Mr. Rob Routson read into record the statement of hardship from the applicant (see file).

Mr. Palmer stated when he stopped out at the property he was talking to the owner about his drawing and was told he also wants to put concrete at the side of the house. According to the owner it will be used more as a patio and is not intending to park cars on it. Mr. Palmer stated this should not be a problem to even consider that area if that is what his intention is.

Mr. Skvasik stated the Building Department has no objection to the granting of the variance.

Mr. Thomas Spaeth, the owner/applicant came forward. Mr. Spaeth stated they just moved here from Parma and are realizing as he said in his statement when they back out of their driveway they don't have a turn-a-round. When they built those houses they built really small two car driveways. To back out of their driveway it is a little challenging to see the cars come around the corner and at decent speeds. Mr. Spaeth stated he has a younger son who will be getting his license real soon here and few to follow him. The reason for widening the driveway by the garage is so they can back out and turn around so they can pull out front ways and be safer. The reason for the patio on the side is for the shade, in the afternoon their back porch is literally sunlight and this way they can get out of the sun and also provide a walkway to the back porch; right now it is all grass.

Mr. Palmer stated to Mr. Spaeth when he was out he was going to get approval from his neighbor and asked if he did so. Mr. Spaeth stated his neighbors are actually here today.

Ms. Debbie Boop stated on the drawing it states the driveway is going to be a turn-a-round, yet he is talking about having multiple cars and asked if the intent is to have cars parked horizontally on that at some point. Mr. Spaeth stated with the turn-a-round they would not be able to park horizontally, if they put them vertical they would have to pull in and turn around first, or back in to that area. Ms. Boop stated she guesses her question is because he is talking about having multiple cars, if he starts using that turn-a-round for actual parking then it no longer fits as a turn-a-round and then he will be back here again with them looking at another turn-a-round in front of the house. Mr. Spaeth stated he knows what she is saying and that is the reason for him making the driveway wider than the 30'. Mr. Spaeth stated unfortunately they can't see the superimposed existing driveway at the widening where they would see where it would allow for parking of multiple cars. Right now there is no way they could possibly do it with the existing traffic. Mr. Spaeth stated he understands what she is saying but it would do them no good to park cars there. Mr. Palmer asked but does he ever intend on parking cars there. Mr. Spaeth stated not horizontally, no.

Mr. Palmer asked if there were any other questions or comments from city officials. Mr. Joe Price welcomed the Spaeth family to Broadview Hts.

Mr. Palmer asked if there was anyone in the audience that would like to speak. No response.

Mr. Allen Palmer entertained a Motion to vote on Case # 18-BZA08 for a variance for a driveway extension/turn-a-round as submitted. Mr. Marty Camloh made the Motion. Seconded by Ms. Debbie Boop. A paper ballot vote was taken as follows:

Allen Palmer – YES, Marty Camloh – YES, Rob Routson – YES and Debbie Boop - YES. With UNANIMOUS Vote, the Variance was APPROVED.

CASE # 18-BZA09: 2456 BOSTON RD - PPN: 585-14-033 – GREG MODIC, REPRESENTATIVE - VARIANCE – SETBACKS FOR CONSTRUCTION OF NEW GARAGE

Mr. Palmer read the variance request as follows:

The matter under discussion is at the request of Mr. Greg Modic representative for owner, Mr. Daniel Mihovk 2456 Boston Road, Broadview Heights, Ohio 44147 (PPN 585-14-033) for the construction of a new garage. The requested secondary setback is 30' and requires a 20' variance. The requested setback from the main structure is 22' requiring a variance of 3'. Per ordinance 1268.03(a) the required secondary setback on a corner lot is 50'. Codified Ordinance 1268.02(c)(3) requires a garage setback from the main structure of 25'.

Mr. Skvasik stated this is the house that was the original house on the Braemer Farm property; it was left there when the development was built. Because it is on the corner everything must meet a double front setback, so they have to meet the 50' from side as well as the front. It is not unusual to ask for a variance of this type. Mr. Skvasik stated the Building Department has no objections.

Mr. Palmer read into record a memo from Engineering (see file).

Ms. Boop read into record the statement of hardship from the applicant (see file).

Mr. Greg Modic, the applicant / representative came forward. Mr. Modic stated he is here tonight on behalf of the owners of the house. As they purchased the house they looked at where they could put the garage and he met them out there to walk through some options with them to meet code at that 50' setback. The pictures included in the packet with the application depict the very tall tree there and some of these yards as the reason for the request of the variances this evening.

Mr. Camloh stated he was told by Mr. Skvasik that this was the piece of the property that was left over; he has not been to the site and asked if there was an existing home there. Mr. Skvasik stated yes, the home was there. Mr. Palmer stated what they did, when they put the lots down they removed the garage; the builder did. Mr. Modic stated the existing garage with the barn was much further back from the house, so as part of the development those were removed. Mr. Camloh stated so this property as it sits is garage less. Mr. Modic stated yes, that is correct. Mr. Camloh asked what is the size of the garage, is it two car? Mr. Modic stated yes, two car; approximately 24'x24'.

Mr. Palmer asked if there were any other questions, comments by city officials or the audience. No response.

Mr. Allen Palmer entertained a Motion to vote on Case # 18-BZA09 for setback variances to build a garage as submitted. Ms. Debbie Boop made the Motion. Seconded by Mr. Marty Camloh. A paper ballot vote was taken as follows:

Allen Palmer – YES, Marty Camloh – YES, Rob Routson – YES and Debbie Boop - YES. With UNANIMOUS Vote, the Variance was APPROVED.

CASE # 18-BZA07: 6593 HARRIS RD – PPN: 583-24-011–BONNIE DERAN, OWNER - VARIANCES – MULTIPLE FOR DRIVEWAY EXTENSION

Mr. Palmer read the variance request as follows:

The matter under discussion is at the request of Ms. Bonnie Deran owner of 6593 Harris Road, Broadview Heights, Ohio 44147 (PPN 583-24-011) for the following variances:

- 1.) A variance of 5.08' from the requirement for a driveway to be limited to the width of the garage for a distance of 30' from the front of the garage.
- 2.) The stone drive as shown encroaches on the neighboring property and requires a 3' side setback variance.
- 3.) Total garage width is 20.92' and the total drive width requested is 26'. (This extends almost the entire distance from the garage door apron to the R.O.W.) Codified Ordinance section 1023.02 limits a driveway to the width of the garage for a distance of 30' from the garage door and 3' from the property line. This requires a 5.07' width variance.
- 4.) Applicant also requests this extension to be stone. Ordinance 1023.02, 1023.05 require driveways and aprons to be paved in concrete or asphalt.

Mr. Palmer read into record a memo from Engineering (see file).

Mr. Palmer read a letter into record from the neighbor James Began at 6603 Harris Road, the house next door (see file).

Mr. Marty Camloh read into record the statement of hardship from the applicant (see file). Mr. Camloh stated there are also signatures from three neighbors; apparently it must be the tenant at 6603 Harris, resident at 6697 Harris and resident at 6613 Harris Road.

Mr. Palmer asked if these neighbors are signing saying they have no problem with this variance being granted.

Ms. Bonnie Deran, the applicant / owner came forward. Ms. Deran stated yes to Mr. Palmers question and stated she had them sign what she was applying for as they were in agreement. Mr. Palmer stated because it doesn't really say if they are agreeing or disagreeing, just that it was brought to their attention. Ms. Deran stated she understands.

Mr. Skvasik stated if they will note, this is already in place. It is not being applied to install it; it is already there. Mr. Skvasik stated he has a great deal of concern of allowing a gravel driveway. There is no building specifications for a gravel driveway, there is nothing in the code that allows it. There is a turn-a-round there already; maybe the applicant should consider a variance of a different nature if she needs turn-a-round space; maybe that would be appropriate. Mr. Skvasik stated he feels uncomfortable allowing a gravel driveway; there is no way for us to enforce maintenance. Mr. Skvasik stated this gravel drive is also on the neighbor's property. Mr. Palmer asked if it is actually on the neighbor's property. Mr. Skvasik stated according to the County GIS it is. Mr. Palmer stated so it is not a 3' setback, it is actually on the property. Mr. Skvasik stated yes, it is on the neighboring property right now. Mr. Skvasik stated they could argue it out whether it's on their property or not but based on the GIS she has no

setback whatsoever now. She will need at least a 3' variance for it. Mr. Skvasik stated he would suggest the applicant come back with a different plan and a survey.

Mr. Camloh stated to the applicant what Mr. Skvasik is offering to her is. Ms. Deran interrupted and said it is not on their property line, there is an easement that goes from the street all the way back to the grade; there is a 5' easement there. Ms. Deran stated it doesn't touch their property. Mr. Price stated when they look at the drawing, according to GIS from the County it shows that her apron at the top ends right on her property line. Mr. Price stated even if there is an easement there it doesn't give her the right to go over the property line. Ms. Deran stated there is 100' and she has more than the apron does. Mr. Price stated he is only going by what he has in front of him (pulled up GIS on IPAD) and looking at the property line she might need to get this surveyed. Mr. Price stated right now they have the technology where they go around and pin every lot, what she is showing them is somewhat dated and asked Ms. Deran when she had that survey done. Ms. Deran stated when the house was built. Mr. Price stated the one thing he found out about surveys is he has never seen two surveyors agree, sometimes it takes another opinion. According to what the County is showing, it shows the stone driveway already there and shows it is encroaching over the neighbor's property line. Mr. Price stated he is just going by what is here. Ms. Deran stated she is going by the measurements of the plans that she has. Mr. Camloh stated he would like to reiterate in the minutes what Mr. Skvasik was trying to get forward. Mr. Camloh stated right now, this Board has to go by what facts were presented to them. From what they see they are not aware, nor do they have documentation on an easement. With that even if it exists this Board is not aware of that, what they are looking at right now is that she is looking for approval of a gravel driveway that is already in and according to the GIS it is on the neighbor's property. Ms. Deran stated she was returning the property to the way it was before the island existed. As you can see in the pictures in the corner, her car was already parked on gravel. Ms. Deran stated so what she did was have the island moved and dug all the way down to the gravel and put pressure rod and river gravel so it would look nice. She was just returning the property to the way it was.

Ms. Deran stated she did not realize she was in code violation when returning the property to the way it was. Ms. Deran stated as they can see in the pictures, that was an old picture where the businesses were just being built.

Mr. Palmer stated an option she would have, first is to remove the gravel. Ms. Deran stated she has already paid \$5,000.00 to have it. Mr. Palmer stated to eliminate that grass strip that is between and maybe have the driveway extended over a little. Ms. Deran stated the grass strip was made because she was in code violation and made into a garden until she got a variance. Mr. Palmer stated he is just trying to say how she could maybe pick up some more space. Ms. Deran stated she would gladly put the stones back in and she could take 3' from the other end if that is what they want. There is a sewer right there and you can see it from the street, it is right next to the creek. Mr. Palmer stated he is just trying to give her an option to pick up some more parking spaces. Ms. Deran stated between her rental property and her property they have all adults that are driving and everyone has a car, it has become extremely dangerous in trying to back out of their driveway with Gymnastics World's traffic and the children being dropped off at the daycare. From 4:00 p.m. until 9:00 p.m. it is crazy to get out of the driveway.

Mr. Camloh stated to Ms. Deran, Mr. Palmer is just trying to help her; he has himself tried twice and will try one more time. Mr. Camloh stated if she gets denied this variance her fee is not refundable and she would have to come back and could be required to take out what is out of code. He is merely saying

without resubmitting another plan and costing her another \$250.00; he is basically saying to postpone this and maybe come back with another plan. Maybe listen to what Allen had said, he is offering that to her as an option. They can vote today on what was presented, fine, if it works out for today great, if not then she will have to come back with another plan and may have to take it out. Mr. Camloh stated that is why they were asking her before they vote. Mr. Camloh stated this is entirely up to her, she can either choose to have them vote today or come back with another plan. Ms. Deran asked what she would even come back with. Mr. Palmer stated he already told her what she could do that would probably be acceptable but she will probably have to eliminate the stone.

Mr. Skvasik asked Ms. Deran if her driveway was currently 16' wide. Ms. Deran stated she is not quite sure. Mr. Skvasik stated the drive itself could be up to 20' wide. So going with what Mr. Palmer has already said, you could legally without a variance if your driveway is 16' it can go to 20'. All she would need to do is get a building permit for the driveway. Mr. Skvasik stated to do what she wants to do right now just as it is she needs variances and if they don't vote yes on them she is done and would need to reapply, pay \$250.00 again, wait the 30 days for another meeting, get it published in the paper and basically start all over again. Mr. Price stated and it has to be a different plan. Mr. Skvasik stated yes, it cannot be the same plan.

Mr. Skvasik stated the other problem as he indicated to the Board is he doesn't have any criteria for a gravel driveway and he absolutely does not recommend them approving a gravel driveway for her to start driving on; absolutely not. Mr. Skvasik stated he would be opposed to it.

Ms. Deran stated she has already spent \$5,000.00 to put this in not knowing to return the property to the way it was. Mr. Skvasik stated he regrets that she did that but if she would have asked they would have told her. Mr. Skvasik stated he is sorry; they are trying to give her some suggestions. Mr. Skvasik stated he doesn't know how big her current turn-a-round is, the arm that sticks out to the side, how far back from the garage that extends; that can go as much as 30' of the garage. He cannot tell from her drawing how big that is, she might have additional space that she could extend that as well for a turn-a-round space. Mr. Skvasik stated much similar to what the gentleman did on the previous case this evening. Mr. Skvasik stated there are other ways she could tweak her plan to maybe give her what she wants. Ms. Deran asked if there is someone that can help her with that, with the codes. Mr. Skvasik stated he basically just told her what a code compliant driveway was, that is basically 20' wide and you can extend the apron down from the garage to the 30'. She would just have to ask for a variance and they would hear it again. Ms. Deran stated there is already an apron on the side of the garage. Mr. Skvasik stated that extension, she could widen the driveway. Mr. Price stated and just go up to it.

Mr. Palmer stated his suggestion would be that she table this, she comes in and talks to Mr. Skvasik and maybe he can help her work something out that would work better for her. If she does need a variance she could come back before the Board with something different than what she has here. Mr. Palmer stated he thinks this would be her best option. Ms. Deran stated that is what she will do than and asked for this case to be Tabled this evening.

Mr. Palmer made a Motion to TABLE Case # 18-BZA07, Seconded by Mr. Marty Camloh. With Unanimous vote, motion carried.

Mr. Skvasik stated to the applicant she must get back to us within a reasonable amount of time before the next meeting. Mrs. Grattino stated the next meeting will be on September 5, 2018. Mr. Camloh

stated this at least gives her some time to come in, get some help figuring out what to do. If you need to come back to them he hopes it will at least be with better success rate odds. Mr. Skvasik stated to the applicant to contact Nancy Grattino as soon as she can and we will give her some deadline dates and schedule an appointment to talk with him; he will show her what a code compliant driveway is.

Mr. Allen Palmer stated that with no changes, additions or deletions, the Minutes of June 6, 2018 2017 meeting are Approved as submitted.

NEW BUSINESS / OLD BUSINESS:

Mrs. Grattino stated the next BZA meeting is scheduled for September 5, 2018 at 6:30 P.M. as the meeting that was scheduled for August 1st has been cancelled due to no agenda items.

Mr. Allen Palmer stated with no further business to come before the Board, this meeting is adjourned. Mr. Palmer adjourned the meeting at 7:17 P.M.

Minutes submitted by: Nancy Grattino
BZA/PC/Building Dept. Administrative Assistant

Attested to by:



Chairman Allen Palmer

Date:

