



CITY OF BROADVIEW HEIGHTS BOARD OF ZONING APPEALS MEETING MINUTES

May 3, 2023

Editor's Note: The minutes are not an actual verbatim transcript of the meetings, but merely intended to be a detailed synopsis of the discussion and decisions that took place during the meeting. Upon acceptance of the minutes by the Board of Zoning Appeals, these written minutes will become the official minutes of the meeting. All recordings are kept and disposed of according to the Public Records Schedule of the State of Ohio.

The Board of Zoning Appeals meeting was called to order by Debbie Boop at 6:30 p.m.

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

ROLL CALL

BZA MEMBERS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Debbie Boop, Chairman | <input type="checkbox"/> VACANT |
| <input type="checkbox"/> Vacant, Vice Chairman | <input checked="" type="checkbox"/> Iain Crouch (alternate) |
| <input type="checkbox"/> Scott Maitland | <input type="checkbox"/> Margaret Harshbarger (alternate) |
| <input checked="" type="checkbox"/> Rob Routson | |

COUNCIL & CITY OFFICIAL MEMBERS present

- | | |
|---|---|
| <input checked="" type="checkbox"/> Joe Mandato (Building Official) | <input type="checkbox"/> Jeff Hajek (Fire Chief) |
| <input checked="" type="checkbox"/> Gina Zdanowicz (BZA/PC/Building Dept. Admin. Assist.) | <input type="checkbox"/> Joe Fleming (Assistant Fire Chief) |
| <input type="checkbox"/> Gary Yelenosky, PE (City Engineer) | <input checked="" type="checkbox"/> Joe Price (Council Rep.) |
| <input type="checkbox"/> Richard Pignatiello (Assistant Law Director) | <input type="checkbox"/> Glenn Goodwin (Council Rep. Alternate) |

Additional CITY OFFICIALS present

- | | |
|---|--|
| <input type="checkbox"/> Sam Alai (Mayor) | <input type="checkbox"/> Robert Boldt (City Council) |
| <input type="checkbox"/> David Schroedel (Service Director) | <input type="checkbox"/> George Stelmaschuk (City Council) |
| <input type="checkbox"/> Vince Ruffa (Law Director) | <input type="checkbox"/> Tom Pavlica (City Council) |
| <input type="checkbox"/> Joe Grandinetti (Assistant Director) | <input type="checkbox"/> Brian Wolf (City Council) |
| <input type="checkbox"/> Dean DePiero (Assistant Director) | <input type="checkbox"/> Jennifer Mahnic (City Council) |

Ms. Boop made the announcement that this is a public hearing, and we do ask for anyone who plans on testifying or speaking at any point during this meeting, to please rise. We are going to do a mass swearing in. Mass swearing in was done.

Ms. Boop stated that we have three cases tonight. Her colleague reminded her to mention that this is a five panel Board, and in order to have anything approved, you have to have a majority, and there are only three members present, so you would have to have unanimous approval. If anyone wants to withdraw tonight, and have their case heard at the next meeting, there may be more members, or there may not, that is your choice. When we call your case, if you would like to postpone until there are more Board members present, that is your right, otherwise we will proceed as scheduled.

CASE #2023-BZA #03:

Site Address: 6593 HARRIS RD.
PPN: 583-24-011
Applicant: Carisa Majesky
Owner(s): Bonnie Deran

The matter under discussion is at the request of Carisa Majesky of Design 1 Group LLC for a variance to install solar panels on a roof that fronts the street. 1352.05(3) states: Roof mounted solar energy systems shall not be placed on the roof that fronts the street.

Ms. Boop asked the applicants to state their name and address. Bonnie Deran, 6593 Harris Road, Doug Deran, 6593 Harris Road, Solar Panel Contractor, Chris Cole, 498 Industrial Drive, Bristol, TN. were present.

Ms. Boop asked them to read their statement of hardship. Mr. Cole read the statement. It is highly recommended for production purposes that solar panels always be south facing for maximum benefit. We made a commitment for maximum benefit. Placing them on the north facing roof would dramatically reduce both the amount of power and the amount of savings we can reasonably expect to enjoy if the roof facing mandate in question were to be enforced. This also places an unusual hardship not equal to the opportunity of other homeowners who elect to go solar and who happen to have their homes positioned in such a way that the rear roof plane of their home naturally faces south, giving them no barrier to saving on energy costs by going solar.

Can we have a report from the Building Department and Engineering? Mr. Mandato stated that another solar panel case came before us at the last meeting, and it was voted down, due to the elevations being the same. The only difference on this is the elevation faces a business, and that is the only thing to take under consideration. Other than that, everything is pretty much the same. Mr. Mandato stated that there were no comments from Engineering

Ms. Boop asked if anyone on the Board had any questions.

Mr. Crouch stated that this home appeared to be a side by side duplex, and he asked if the owner resided on one side of it. Ms. Deran stated that she resides on one half and rents out the other half. Mr. Crouch asked if the solar panels would benefit both sides of the home. Ms. Deran stated that right now, they would just go on her side. Mr. Crouch asked if there were separate meters. Ms. Deran stated that there were. Mr. Cole explained that it is all deeded under one deed, so neither can be sold without the other. Ms. Deran stated that was correct. Mr. Crouch confirmed that the panels would extend on the roof over both halves. Ms. Deran stated that it would, you cannot sell one without the other.

Ms. Boop stated that when she looked at the property earlier, it seemed that there was a heavy wooded area just behind the house. She asked if there was any possibility of using that side with some sort of adjustment, with the trees that are in the back, that would allow enough energy that this would make sense. Mr. Cole said unfortunately no, and explained that the roof plane faces north, and because it is on a plane, depending on the time of year and time of day, the front roof will actually shade the rear roof itself, because of the peak of the roof. They rarely do anything on the rear, or the north side of the roof.

Ms. Deran had a letter from one of her neighbors, Bryan K. Smith, 6523 Harris Road, he was in full support of the variance request of installing the panels on the front of the house. Ms. Deran went on to explain to the Board, that she gets three of four hours of sunlight, at the most, in the backyard. She can't even grow grass there because there is no sun. Mr. Deran read the letter from the neighbor out loud.

Mr. Mandato asked for a copy of the letter for the record.

Ms. Boop stated that obviously there is an ordinance in the City that prohibits front facing solar panels. She asked what the background of why that is, or when it went into effect. Mr. Price stated that the City wants to support solar energy, but they don't want to change the aesthetics of the neighborhoods. They want to keep the consistency, and a look, for all their neighborhoods, by not putting solar panels on the front of houses. The other case that came before the Board that was turned down, was on Rockys Court. It is a neighborhood where the houses are across from each other and do face each other, and as Mr. Mandato mentioned, this is across from a commercial property. Mr. Mandato stated that the solar panel ordinance was passed in April, 2021.

Ms. Deran explained that where she lives there is light industrial across the street, she lives right across from Gym World, and they do have solar panels on top of their roof, and she also lives across from a daycare parking lot. She felt that no one will be looking at the solar panels in front of her house. Mr. Price stated that he understood, and that is why they take each case on an individual basis.

Ms. Boop stated that when she drove past the houses there, they all have that similar duplex structure, and she hasn't heard of anyone else exploring that option as of yet. She asked Mr. Cole, from Design 1 Solar Group, to tell them what is happening in other areas or cities that they are exploring this with. Mr. Cole explained that he was doing this exact same thing in Huntsville, Alabama. They had one person wanting to do a ground mount structure in the front yard, which he personally would not do. He also had a customer that wanted panels on the front of the home, and he had the two neighbors sign off on it, that they had no objection. The City ended up approving both, and changed the City ordinance because more and more people are going solar. He felt the reason they changed, and the homeowner's association changed, is you could have one person on one side of the street qualify, and someone on the exact opposite side not qualify, simply because of the way the roof is facing. They haven't had any turned down with the homeowner's association, and has had a second meeting with the Council for the variance. They not only approved the variance, but ended up changing the policy to allow it.

Mr. Boop stated that she was assuming there is no discussion currently with the City. Mr. Price stated that after the last case, he asked the Ward Council member if he would want to consider any changes, and his answer was no. Mr. Price understood, and stated that it was a viable element in deciding who they are, they are just trying to protect the ambiance of the neighborhoods. Mr. Cole agreed and stated that previous solar panels had a bluish tint and you could see all the small squares, because the squares were white with frames around them. What they use, is a black on black panel with black framing, they don't look like what the previous panels did. Mr. Price stated that he did support the legislation that we have in place, because he didn't feel it would be right in every neighborhood, but this may be one of those exceptions, because they face commercial properties. Mr. Deran stated that Gym World already put solar panels on their roof.

Ms. Boop asked if there was anyone in the audience here to speak in favor of the variance.

Karen Mente stated that she was the former applicant that was turned down on Rockys Court. She wanted to lend her support to them, in that, they are in a more desperate situation. If this family were to install solar panels on their back, north side, she did a calculation, and it would amount to no energy, and they would be wasting their money. As far as the covers around the perimeter of the solar panels, the primary purpose was to prevent vermin from nesting or chewing on the wires.

Ms. Boop asked if there was anyone in the audience here to speak against this project. Seeing none, we will put this to a vote now. She reminded the applicant that we have a Board of three members

tonight, so you would need a unanimous vote. They could proceed or postpone it to another date. The applicant wanted to proceed.

May I have a motion to vote.

BZA MOTION BY: Rob Routson **SECOND BY:** Ian Crouch

VOTING:

	<u>YES</u>	<u>NO</u>	<u>RECUSE</u>		<u>YES</u>	<u>NO</u>	<u>RECUSE</u>
Debbie Boop	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Iain Crouch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Maitland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Margaret Harshbarger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Routson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/>	DENIED	<input type="checkbox"/> POSTPONED	<input type="checkbox"/> TABLED	<input type="checkbox"/> REMOVED		

Ms. Boop stated that at this time, their course of action would be to speak with their representatives at City Council and levy them to try and amend this. She felt that this discussion will keep coming up, so the correct path would be to bring a good proposal to City Council, and let them work thru the zoning appropriately.

CASE #2023-BZA #05:

Site Address: 3396 ELMBROOK DR.
PPN: 582-17-029
Applicant: DAVID BOND
Owner(s): DAVID BOND

The matter under discussion is at the request of David Bond to install Cattle Feedlot Fence (ord. 1312.06(B) permitted fences does not list this type of fence).

Can we have a report from the Building Department and Engineering? Mr. Mandato stated that there is no report from Engineering, it doesn't seem to be in any easements. Mr. Mandato stated that this is in front of the Board again, because we do not have this type of fence listed as an approved type fence. Just to note, we have approved this type of fence in the past. Mr. Mandato stated that there is something to be said about amending the ordinance, and putting this type of fence as an approved fencing.

Ms. Boop asked them to read their statement of hardship. David Bond read the statement. We want a fence that is sturdy, but yet mostly see thru. The proposed fence uses pressure treated 4x4 posts and pressure treated 2x4 cross members, filled in with galvanized 6 gauge welded fence panels.

Ms. Boop asked if anyone on the Board had any questions.

Mr. Routson asked if the picture on the submittal was going to be the actual fence. Mr. Bond explained that it was a representation, but for all intents and purpose, it is the same fence, only the columns that he will install will be 4 x 4, the picture shows 6 x 6. Mr. Bond stated, the nice thing about it is, it is very see through and strong. He went on to explain that he talked to all his neighbors around him, especially the one right next to them, and they had no problem with it.

Ms. Boop stated that when she stopped out at the property, there was an existing green fence. Mr. Bond explained that he actually had a plot diagram where the other fences are, and mentioned the

once fence is not green. There is an existing 6 ft. high privacy fence, and there is another fence that goes to the other back corner that is a 4 ft. black vinyl coated chain link fence. Mr. Boop asked if his intent was to connect with those other fences. Mr. Bond stated that it is, he will go right up to them, you can't connect to them. Ms. Boop asked if the neighbors that own those fences were okay with that. Mr. Bond stated that they were fine with it.

Mr. Mandato explained, that legally he could put a fence right up to it, with his own posts. If he went along parallel with the fence, he would have to provide a 30 in. wide corridor for maintenance.

Ms. Boop asked if the fence would encase the playset that was there. Mr. Bond stated it would, and also a garden.

Ms. Boop asked if there was anyone in the audience here to speak in favor of the variance. There were none.

Ms. Boop asked if there anyone in the audience here to speak against this project. Seeing none we will put this to a vote. She reminded the applicant that we have a Board of three members tonight, so you would need a unanimous vote. They could proceed or postpone it to another date. The applicant wanted to proceed.

May I have a motion to vote.

BZA MOTION BY: Rob Routson **SECOND BY:** Ian Crouch

VOTING:

	<u>YES</u>	<u>NO</u>	<u>RECUSE</u>		<u>YES</u>	<u>NO</u>	<u>RECUSE</u>
Debbie Boop	✓	<input type="checkbox"/>	<input type="checkbox"/>	VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Iain Crouch	✓	<input type="checkbox"/>	<input type="checkbox"/>
Scott Maitland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Margaret Harshbarger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Routson	✓	<input type="checkbox"/>	<input type="checkbox"/>				
✓ APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> POSTPONED <input type="checkbox"/> TABLED. <input type="checkbox"/> REMOVED							

CASE #2023-BZA #04:

Site Address: 9083 AVERY RD.
 PPN: 583-14-001
 Applicant: TERRY SPETH
 Owner(s): TERRY SPETH

The matter under discussion is at the request of Terry Speth of 8151 Overlook for variances to lot split 583-14-001 into three lots. Variance (1) needs a lot width variance of 63 feet (ord. 1268.06(D) - each lot must have a minimum width of 125 feet); all three lots need an additional Variance (2) for the dwelling not to front the dedicated street (ord. 1268.06(C) – each dwelling’s front elevation faces only the dedicated street).

Can we have a report from the Building Department and Engineering? Mr. Mandato stated that their comments go in tandem. It states what the variances are for:

Applicant is requesting a minor lot split into three parcels Parcel 1-A, 1B, and 1-C.
Parcel 1-A: Lot requires a variance of 63.12' from the required 125' (1268.06 (D)). In addition, the lot requires a variance from 1268.06 (C) which requires a house with a front facing elevation.
Parcel 1-B: Lot requires a variance of 125' from the required 125' (1268.06 (D)). In addition, the lot requires a variance from 1268.06 (C) which requires a house with a front facing elevation.
Parcel 1-C: Lot requires a variance of 125' from the required 125' (1268.06 (D)). In addition, the lot requires a variance from 1268.06 (C) which requires a house with a front facing elevation.
The lots will be accessed using a proposed ingress/egress easement which will be required to be a paved (asphalt/concrete) surface. (It showed gravel on the drawing).

Lot utilities will be accessed from Avery Road via the easement. The Fire Department will evaluate if a fire hydrant is needed along the private drive. Storm Water Management will be reviewed at time of site plan submission.

Ms. Boop asked them to read their statement of hardship. Mr. Speth read the statement. Looking for approval on dwellings to face the new private drive and not face the street as required. Trying to get variances to have a private drive installed and split the lots into three different parcels and have the potential to build three different houses, his being one of them, with possibly in laws and friends in the other two. One variance would be to direct the houses to face the private drive and also the frontage of the driveway would be needed. It is a minor split, it is not a subdivision, there are only three lots. There are currently 10 acres there and the land is flat, and at the back of the lot there is a creek, and a drop where storm water could be directed towards.

Ms. Boop asked Mr. Speth how long he owned the property. Mr. Speth stated that he owned it since 2021. He bought it before there were any ordinances or things that came about. There was a no cul-de-sac ordinance that came into play after the fact.

Ms. Boop asked if anyone on the Board had any questions.

Mr. Crouch asked if Mr. Speth had taken any measures to try to develop the property in a way that would dedicate a road to make it a public road.

Mr. Mandato stated that he could answer that. He explained that because of all the ordinances in place, you cannot have a minor subdivision without an ingress and egress, so this would not even qualify. You would have to have two points of entry and exit. It is noted that it is not a minor subdivision, because of the fact that it is three lots. A subdivision has to be more than three lots, so he is just doing the private driveway. We removed cul-de-sac's as well from the code.

Mr. Speth stated that if needed, he would install fire hydrants,

Mr. Price stated that the Law Director made the determination based on the conflict in the revised code, on the Boulder Wood case, that even one house would be declared a subdivision. Mr. Mandato stated that the only reason that was determined, was because they extended the street as a cul-de-sac. He read the classification of a minor subdivision. A classification a proposed division of a parcel of land which adjoins existing public street and does not involve opening, widening, extension or improvement of any street or installation of any public utility and does not involve more than three lots, which include the contiguous land under one ownership shall be classified as a minor subdivision. Mr. Mandato stated that the Law Director has determined that this is not a minor subdivision.

Ms. Boop asked if we have anything like this anywhere else in the City. Mr. Mandato stated that we do have similar properties. Mr. Price stated that there was one on Wolf Road, and Broadview Road. Mr. Mandato stated that there was one on Akins as well. Mr. Mandato stated that this case

did go to Planning Commission, and they had to move it to this Board for variances. They are not even at Preliminary Approval yet, and it will go back to Planning Commission after this.

Mr. Price asked if Mr. Speth had buyers for the two other parcels yet. Mr. Speth stated that he does not, but he would take Parcel 1C. Mr. Price stated then, that legally, they become rear land, they are landlocked. Mr. Speth stated that they wouldn't be landlocked because of the private drive going in there, and they would have access to it. Mr. Price asked who will control the private drive, and which lot would he have. Mr. Speth said that Parcel 1C is what he would build on. Mr. Price stated that he was looking at the complexity of this, and the things that they have gone through with subdivisions recently. Mr. Mandato asked if Safety Service has looked at this yet. Mr. Mandato stated that it wouldn't go to Safety Service until after Preliminary Approval from Planning Commission. Mr. Price stated that the hydrant would have to be connected to the public water system, and would be required to be either on an easement or right-of-way, and you would need one every 300 ft. Mr. Price made the comment that he didn't know if we would be jumping the gun with Safety Service on this. He stated that the legal way this is being structured, is it is technically going to be considered rear land, according to the County. For instance, you could not sell off Parcel 1C before selling off Parcel 1A. Mr. Speth stated that he did not agree with that. Mr. Price said that he didn't know if there would be a legal way to create a permanent easement for that driveway. He also asked how he would get the three property owners to agree when the driveway has to be replaced, and how they are going to pay for it. Mr. Routson stated with an undivided interest. Mr. Price agreed.

Mr. Speth stated that he got the approval for the lots splits from the County. The driveway is long and complex, but there could be an agreement between the three houses if you bought it. There would be a portion that each person shares in the cost. There are ways to get around it, and agreements that you could have in place. Mr. Price stated that the hope is to not have to get around anything.

Mr. Crouch asked if there was any consideration given to splitting the 60 plus feet equally and carrying back 20 ft. to each property and having a cross over access easement that would encompass all three properties and insure more of the rights of those rear properties. Mr. Speth stated that he didn't follow. Mr. Price stated that it would be to try and create frontage, because there isn't going to be any frontage the way it is laid out. Mr. Crouch stated that now, one of the three properties is going to own the 60 plus feet. Mr. Crouch asked Mr. Speth, that the plan then would be to give access easements and maintenance agreements to the other two. Mr. Speth stated that if that is how private drives are done, he said he could see the issue, and asked how it was done with current projects now. Mr. Crouch stated that in other instances, you could also split this into three and each have their own section of it, and it would come back as three flag shaped parcels, as opposed to one flag shaped parcel and two landlocked. Mr. Speth stated that made sense. Mr. Crouch stated that it would reserve more of the rights of the rear property owners when they have that parcel all the way to the road. Mr. Speth stated that was not his intent, his intent is to have 1C. It is 10 acres and is a beautiful piece of land. It is too big for one house. The land is flat, and the storm water can go right to the back of the ravine, and it would help all the water drainage problems that Summerwood has now. The pond could stay or go. He would build one house and give the appropriate rights to 1A and 1B, and maybe have a sliver of each in the front and each have rights for what they want to do. There would also be an agreement for the maintenance on it and what needs to be done. When 1A and 1B sells, everyone signs off on it.

Ms. Boop asked Mr. Mandato, as the property exists today, as one 10-acre plot, we would still need to do a variance even for one building. Mr. Mandato stated yes, that he would just need a 60 plus variance for the one. Mr. Mandato wanted to note that Legal was not in attendance tonight, and he isn't qualified to answer some of these questions. Some of these questions are difficult, and without Legal's direction, it may be difficult to come up with a decision tonight as well.

Mr. Price stated that he stubbed the driveway off between the two houses on Parcel 1B and 1C, and asked what the reason for it was. Someone comes in with a three parcel split, and later on there are two more parcels split off the back, because that could happen, and he didn't know how they could insure that it wouldn't. Mr. Speth stated that there is no intention of doing that. He is just an average guy living in Broadview Heights trying to build a house with two others on a nice piece of land. Mr. Price stated that the Board are not dream killers, but there is a large book in the Clerk's office, and all of the ordinances in it are created from somebody that did something somewhere that didn't work out just right, and they had to create an ordinance for it to make sure it didn't happen again. Mr. Speth understood.

Ms. Boop stated that Mr. Mandato made a good point, we don't have the Law Director here giving them some clarity on some of the questions that they have.

Ms. Boop asked if there was anyone in the audience here to speak in favor of the variance.

Mr. Dennis Schlekke, 4953 Harris Road, spoke to the Board. He stated he was Terry's father-in-law. He explained that Terry is on Overlook Avenue. He took a dilapidated house and turned it around 500% better. Everything he does, he does well. He has a big company that is very well respected. He has been looking for a nice piece of property in Broadview Heights for many years, and because of his referral he bought the 10 acres, and he wants to build three homes there. He would like to build three homes in the \$600-800,000 range, and there is nothing that would be negative for the City of Broadview Heights. He paid a lot of money for this lot, and he wants to work with the City and get answers, and do the right thing. Whatever he has to do, he will do it the right way. He asked a question about the fire hydrants, and the location, and didn't think it would be a big deal. Mr. Mandato agreed, and stated that someone from Fire isn't here this evening as well to answer the question, and he apologized. Mr. Schlekke felt that this project would be good for the City.

Ms. Boop stated for the record that they had two written comments that came into the City before this hearing, and both of them are objections. One was from Michael Simonetti, 1475 Stillwater, Broadview Heights, and the other objection came in from Christopher Bertin, 1288 Emerald Creek Drive, Broadview Heights.

Donald Barich, 9059 Avery Road, spoke to the Board. It is in front of where Terry wants to build. He stated that the last time he came to a meeting was Planning Commission, and he spoke, and they did not put his comments in the minutes. He mentioned it, because some of them relate to his concerns about the property. He would like to begin by saying that he would love to have Terry and his family right behind his house. A young couple with children is the kind of family that we would want to grow in Broadview Heights, and he said this, given that all his issues get worked out. Some of his concerns is, how big is the road. There is a gravel road there now that is about 30 ft. At the last meeting the ingress and egress for one of the City Fire or ambulance vehicles. Another area of concern is the water flows downhill from south to north and there are two catch basins. If he widens the road to 60 ft. right in the middle of his area, he would have to be careful. There is also a large pipe that runs under the road there. He asked how many addresses would be there. Mr. Barich stated that it seemed that there are more variances and issues, but they would welcome him to the community if everything got worked out, and said his neighbors would also be willing to support him.

Ms. Boop confirmed the location of where Mr. Barich lived. Mr. Mandato stated that he is to the south.

Ms. Boop asked is there anyone in the audience here to speak against this project.

Stacey Atkins, 9103 Avery Road. She stated that she is not against it, she just wondered where the driveway was going, and was confused. Mr. Speth asked if she has seen a drawing of it. Ms. Atkins stated that she has not. Mr. Speth showed her and explained everything to her, he said she wasn't close to it. She said that is all she is really concerned with. She didn't want driveways going in next door.

Mr. Mandato stated that we should just be stating it as the parcel number, and not 9083 Avery Road. Ms. Atkins said that it had the address and that is why she was confused.

Mr. Ilyas Qureshi, 1514 Summerwood Drive. He stated that he built his property in 2006. There are other cities with plenty of land, and he is asking for half of what the city required on the frontage. It was his understanding that in the past there was a request to build there and there was a denial on this before he even bought the property and built on it, and wasn't sure why it wasn't in the record.

Ms. Boop asked if anyone was aware of this. Mr. Mandato stated that it was before his time at the City. Mr. Price stated that it may be just hearsay, that he had not ever seen a project for this property before this. Mr. Qureshi said that he talked with the Building Commissioner back when he was building his house. Mr. Mandato said that Mr. Barich might be able to shed some light on it being a long time resident. Mr. Barich stated that he has lived here since 1982. There was a gentleman that had a plan to build 10 houses there, and there was an approval from the City tentatively, but needed to put in a street and the other stuff, and that is what they refused, and then he decided it was going to cost too much money, and did not move forward with the project. He was retired, and used the land as his playground, and didn't need any money when he was doing it. He wasn't really interested in selling it, people would come, and he wouldn't show up because he really didn't want to sell the property. The City wanted him to install a street, and he didn't want to come up with the money to put it in.

Mr. Qureshi stated that the people in Summerwood paid hundreds of thousands of dollars to live there, and they will look out there back and have houses sitting in the middle of a field. It will create a lot of devaluation to the surrounding properties. He felt it wasn't an ideal situation for Summerwood residences. Mr. Qureshi felt there were a lot of variances being requested as well. He also didn't see where he would get a buyer for the price that he mentioned, \$600-800,000.

Adam Thurman, 1504 Summerwood. He wanted to second what Ilyas said about the land being developed. He believed that there was actually a third person at the Planning Commission meeting that they were all told that the land was not to be developed. He didn't know if it was because of the water basins, but he lived there for almost 16 years. Based on the drawing, their backyards would be looking at each other. Overall, he didn't know if it was good or bad for the area, but it seems like before anything else should happen, maybe the questions about the legality on some of these things and the safety issues need to be more thoroughly discussed even before there is a vote on it.

Ms. Boop asked Mr. Speth if he would like to provide some clarifications on some of the comments he heard. Mr. Speth stated that building a new house isn't cheap anymore, so devaluating any house in the area, is out the window. He has two kids, so he is looking at building a four bedroom, three bath house, \$700,000.00, and felt that it wouldn't devalue any house in the area, it would actually appreciate it. It would provide a lot of tax dollars for the City. It is a big investment for himself, it's not like he is going to sell the other two parcels and make a lot of money, he is not going to do that. He will pay for the driveway to go in, build his house, and sell the other two.

There is not a lot of land in Broadview Heights or Brecksville. It's not a money thing for him, he just wants to stay in the City.

Mr. Schlekier wanted to make one more comment. Three homes on ten acres, that's one home per 3 1/3 acres. If someone is worried about having a home in your back yard, there is a lot of greenspace in between the homes. Terry is not going to build a house that would devalue the area around it.

Mr. Mandato stated that he could clarify the driveway question. It is a private driveway, so maximum width of a driveway in Broadview Heights is 20 ft, and all driveways have to be 3 ft. off the property line. Someone asked the width of the driveway being the entire 60 plus ft., and that is not allowed for a private drive. Ms. Boop asked if it would require more variances later. Mr. Mandato stated that he is not asking for that, he was just stating a fact that if he were to go with a wider driveway, it would require more variances later, but that doesn't look like the case here.

Mr. Routson asked Mr. Speth what the reception was that he received at the Planning Commission. Mr. Speth stated that it was indecisive. Mr. Mandato stated that without Preliminary Approval, Planning wanted to get our idea on the variances first, and then it has to go back to them.

Mr. Price asked Mr. Mandato if the lot split has already been done. Mr. Mandato stated no, it has to be sent back after approval. Mr. Price stated that it is contingent on the approvals. Mr. Mandato stated that was correct, on the approvals.

Mr. Routson confirmed the order of the Boards and approvals. Mr. Mandato stated that they get the approval from Board of Zoning, then back to Planning Commission for Preliminary Approval, then to Safety Service, technically it is not a subdivision, but Fire has to look at it, and then back to Planning Commission for Final Approval.

Mr. Price confirmed that there was a pond on the property and if he would maintain it, because it might have to go through an EPA review, water delineation, etc. Mr. Speth stated that he would do whatever is needed. Mr. Mandato stated that Engineering said that storm water management will be reviewed at the time of plan submission. Mr. Price stated there are a lot of other steps that Mr. Speth has to go through.

Ms. Boop stated to the applicant that we have a Board of three members tonight, so you would need a unanimous vote. They could proceed or postpone it to another date. The applicant wanted to postpone it until the next meeting, until there were more members.

Mr. Mandato said that at least Legal should be present. He could get a lot of the boxes checked with the Legal Department between the meetings as well, so he would be prepared to answer some of the questions that came up today. Mr. Speth understood.

Ms. Boop asked for a motion to Table Case #2023-04

BZA MOTION BY: Rob Routson **SECOND BY:** Ian Crouch

VOTING:

	<u>YES</u>	<u>NO</u>	<u>RECUSE</u>	VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debbie Boop	✓	<input type="checkbox"/>	<input type="checkbox"/>	Iain Crouch	✓	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Margaret Harshbarger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Maitland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Rob Routson	✓	<input type="checkbox"/>	<input type="checkbox"/>				

APPROVED DENIED POSTPONED **TABLED** REMOVED

Tabled until the June 7, 2023 Meeting. Mr. Price stated that he and Mr. Mandato both will make a formal request that the Law Director is present.

APPROVAL OF MINUTES:

November 2, 2022 Minutes

Ms. Boop stated that we had meeting minutes that we do need to review, are asked if there were any changes or corrections, and vote for approval. If there are no changes can I get a motion to approve the minutes from November 2, 2022 as written. Those all in favor say "Aye."; those opposed. Those minutes are approved.

March 1, 2023 Minutes

Ms. Boop asked if there were any changes or corrections, and vote for approval. If there are no changes can I get a motion to approve the minutes from March 1, 2023, as written. Those all in favor say "Aye."; those opposed. Those minutes are approved.

OLD BUSINESS:

None

NEW BUSINESS:

None

Ms. Boop stated with no further business to come before the Board of Zoning Appeals I will make a motion to adjourned the meeting at 7:41 pm.

Debbie Boop, Chairman
Board of Zoning Appeals
City of Broadview Heights

Approved Date: _____

Respectfully submitted,

Gina Zdanowicz
Building Administrative Assistant
Board of Zoning & Planning Commission Secretary