



# CITY OF BROADVIEW HEIGHTS BOARD OF ZONING APPEALS MEETING MINUTES

August 2, 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 checked="" type="checkbox"/> Scott Maitland        | <input type="checkbox"/> Margaret Harshbarger (alternate)   |
| <input checked="" type="checkbox"/> Rob Routson           |   |

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### **COUNCIL & CITY OFFICIAL MEMBERS present**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Joe Mandato (Building Official)              | <input type="checkbox"/> Jeff Hajek (Fire Chief)                |
| <input checked="" type="checkbox"/> Helen Dunlap                                 | <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 checked="" type="checkbox"/> Richard Pignatiello (Assistant Law Director) | <input type="checkbox"/> Glenn Goodwin (Council Rep. Alternate) |

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### **Additional CITY OFFICIALS present**

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|---|--|
| <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 Law Director) | <input type="checkbox"/> Brian Wolf (City Council)         |
| <input type="checkbox"/> Dean DePiero (Assistant Law Director)    | <input type="checkbox"/> Jennifer Mahnic (City Council)    |

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Debbie Boop chaired the meeting. She 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.

### **BZA APPEAL #2023-07**

**Site Address: 7985 W. Ridge Drive**  
**PPN: 581-01-071**  
**Applicant: Hans Harasimchuk**  
**Owner(s): Hans Harasimchuk**

**The matter under discussion is at the request of Hans Harasimchuk, for a variance to build a garage into the allowed front setback. Front setback is 50 feet, so a variance of 15 feet is required. Codified 1268.03(A) states single-family or two-family dwelling, each lot shall have a front yard not less in depth than 50 feet, measured at right angles from the street (property) lot line to the nearest foundation wall. Ordinance 1240.04 definitions states “street, included is the land between the street right of way lines, whether improved or unimproved, which may comprise the pavement, shoulders, gutter, sidewalks, division strips or other areas within the street lines.**

**Can we have a report from the Building Department and Engineering.**

**Report by the Chief Building Official:** I am in favor of this variance being granted. Jenn and Hans Harasimchuk were issued a permit in error. The permit was rescinded after review of the front setback ordinance causing the project to need this variance. The Harasimchuks ordered materials for this project once the permit was issued causing them a monetary hardship as well. Furthermore, it has been brought to my attention that a half of dozen or more homes on the street and in the development do encroach into the front setback (examples: 8245- 15’, 7985 Twin Oaks 15’, 8055- 10’, 8065- 8’, 8025-5’, 7995- 5’ approx. verified on GIS).

**Report by the City Engineer:** The existing parcel is within an A-1 Zoned District. The required set-back is 50’. The existing set-back is 50’-11 9/16”. The requested set-back is 35’-3 17/32” which requires a variance of 15’ +/- . In the review of the set-backs of houses along the street they vary from 40’-50’, with some corner lots down to 30’. Engineering has no objection to this reduced set-back.

Jennifer and Hans Harasimchuk spoke to the Board. Ms. Harasimchuk read their statement of hardship. With this addition and this variance, they were hoping to improve the look of their home, as well as the overall cost of their home, and improve the overall look of the neighborhood. They are asking for a 15 ft. variance, to build into their front yard setback, making a two car garage into a 3 car garage. Additionally, the whole driveway and the sidewalks in front of the home are going to be repaired with the project. Building into the setback would not obstruct the sidewalk, the street, or the oncoming traffic for any neighboring homes. They would like to have a 35 ft. setback with this addition, and there are other homes in their subdivision that already do have garages built into their front setbacks, so they are not asking for anything that hasn’t already been allowed for in their neighborhood.

Ms. Boop asked if there were any questions from the Board. There were none.

She asked if anyone from the audience would like to speak in favor of the variance. There were none.

Ms. Boop asked if anyone from the audience would like to speak in opposition of the variance.

Frank Belanger, 7995 West Ridge Drive. He is the next door neighbor. One of the comments from the City, is that Engineering has no objection to the reduced setback. The development on West Ridge is comprised of 70 properties. 66 of these properties are rectangular shaped lots. There are 4 properties that are irregular shaped, and those 4 properties do not meet the setback, the lots are 130 ft. long and 80 feet deep and you can’t have a 50 ft. setback. All the lots that don’t meet the requirements are irregular shaped. Any change in the setback for this property will set a precedence and allow the use of a 35 ft. setback for all properties on the street. Mr. Belanger stated that if they can do it, so can he. If you change it for them, you are changing it for the whole street. This would result in the future character of the neighborhood being substantially altered. This is not a variance for one property, it is a variance for 70 properties

and possibly for every development in the entire City that has an irregular shaped lot. The City should not be promoting this type of variance for approval, since it will affect the whole City. The Residential Building Code is an important part of our code allowing construction, and circumventing our code by a simple whim or request, means that the code isn't important. If there was a monetary hardship, it was artificially created by the property owner by purchasing material when he knew the permit was in question. The day he got the permit he left on vacation. He came home a week later, and he found out about the permit and talked to him the next day, and told him not to order the material because he was going to complain about the location, and he may need a variance. He questioned if any documents and receipts were provided to prove that he had already purchased the material. A three car garage was denied in 1989, directly across the street from him. The property owner then sold the property and moved for the same reason. A three car garage will not look aesthetically pleasing on the street, it will look like a warehouse wall. He showed pictures of what his view and his neighbors view is now, and what he said it would look like after the addition on the garage would be built. He stated again that if you approve this, you are approving it for the whole City. He felt there was no justification for this.

Ms. Boop explained that they take each case on an individual basis, and commented on his statement on precedence.

Sandor Kadish, 7975 West Ridge Drive. He stated that they are also in opposition to the variance. He stated that the reasons the applicant gave were flimsy reasons for a hardship. He questioned what was special about this case, that would be any different than anyone else on the street. He did not hear a hardship.

Debra Kadish, 7975 West Ridge Drive. She stated that she understood that the reason they want to build this three car garage was because they bought a large pickup truck that was too big to put in his garage. He bought the truck knowing he didn't have room for it, so that does not make it a hardship, that was a choice that he made. Also, fixing your sidewalk in the front of your house is part of what you are required to do, it is not a hardship. This proposed garage will really cut down her view from her front window. In the back, her view was taken away by the shed that they built. She stated that she is disgusted by all the buildings that are being put in Broadview Heights, in general. No other person on the street has a three car garage, and it is going to look like a warehouse.

Jim Jacko, 7960 West Ridge Drive. The information that they presented about the six houses that had variances for the frontage. Those six houses are old houses, those variances were granted when they were built, none of them are new homes, so it is a little misleading. In Briarwood there are two houses that have three car garages, both of them are on the south end of Twin Oaks. He does not see how a three car garage would fit on West Ridge, it will take away the look of the street.

Joan Belanger, 7995 West Ridge Drive. She has been a resident for 46 years. They bought there because they liked the look of the neighborhood and the continuity. Until this day, they are all the same as when they originally bought there. She likes the look of the street. There is a petition that they have with signatures of people that were opposed to this project. Ms. Boop stated that the petition was submitted to the Board.

Ms. Boop asked if anyone else wanted to speak from the audience, and there were none.

Ms. Boop asked if any Board Members wanted to speak.

Mr. Crouch asked Mr. Mandato if this included the turnaround. Mr. Mandato replied that was correct, but there was no need for a variance for the turnaround. Mr. Crouch also asked if the

height of the proposed addition will be the same as the existing garage. Mr. Harasimchuk stated that it would.

Mr. Routson stated that given the layout of the homes, and the way the garages face the street, you could not build to the back or side of the house. The only option is to build to the front. Mr. Harasimchuk stated that was correct.

Ms. Boop asked if there were any other questions from the Board. Seeing none, she asked the applicant if he wanted to table and wait for five Board Members to be present. The applicant wanted to move forward. Ms. Boop asked for a motion to vote.

**MOTION BY:**                                      **ROB ROUTSON**                                      **SECOND BY:**                                      **SCOTT MAITLAND**                  

**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"/>	Iain Crouch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Maitland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Margaret Harshbarger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Routson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

APPROVED       **DENIED**       POSTPONED       TABLED       REMOVED

**BZA APPEAL #2023-08**

Site Address: 2256 West Royalton Road  
PPN: 584-06-018  
Applicant: Krystyna & Jozef Pietrzycki  
Owner(s): Krystyna Pietrzycki

The matter under discussion is at the request of Kystyna and Andy Pietrzycki of 2256 W Royalton Rd. for an area variance of 220 sq. ft., and variance for a second pole barn type garage with driveway. Ordinance 1268.02(B) (2) “only one garage is permitted per parcel”. This will also require an area variance of 220 Sq. Ft. over the allowed 1700 sq. ft. maximum allowed per 1268.02(B)(1) “not to exceed 1700 sq. ft. in area per parcel”.

**Report by the Chief Building Official:** If variance is granted tonight, no work can commence until house drawings are submitted and fully approved. No accessory structures can be built without a main dwelling. All variances expire one year from approval date.

**Report by the City Engineer:** The proposed outbuilding exceeds the minimum square footage allowable for garages and outbuilding. No exception taken by Engineering on this request.

Jozef Pietrzycki (Andy) spoke on behalf of Krystyna Pietrzycki, 2256 West Royalton Road. Andy read his statement of hardship. He said there are two things going on with this, one is here tonight, and the other one goes to the Planning Commission on August 9, 2023. They are asking for a vinyl fence variance due to the next door neighbor’s harassment and nuisance. They are asking to continue the fence line from the neighbors ending point, the address of the neighbor is 2296 West Royalton Road. They are requesting 150 ft. of fencing on the west side of the lot. Preparing the lot, and doing any type of work to prepare the site for the home construction has been very difficult due to the property line issues with said neighbors. Work has been delayed numerous times because of the harassing behavior and the need for the fence to keep those individuals away. Also he requested a pole barn for the property, but his four car garage exceeds the building code, that is

not built yet. He needs storage space because he has six kids and he needs room to put all his vehicles, and lawn equipment. He doesn't want to be a nuisance having equipment and everything scattered about the property. His mother is living with him as well, and needs more storage. He currently has storage units in Medina that holds his sports cars, that he can't fit in. The structure would be behind in the back of the right side of the said house being built and will not be seen from the roadside at all. It is going to be a double house and will be on the right side and won't be visible. Mr. Pietrzycki stated that down the street there was a request for a large pole barn at 2741 Royalton Road, that the City approved, that was very big and he wanted the Board to be aware of it. Mr. Pietrzycki stated that they just need more room and there is nothing more than he can add.

Ms. Boop opened up questions to the Board.

Mr. Routson asked why he was having difficulty with the neighbors. Mr. Pietrzycki stated that it was numerous phone calls to police and numerous property disputes. They have issues of them attacking us. He has work production going on with machines, and they call the police. He owns the machines, and they are stating that subcontractors are working there. There are numerous petty things over just about everything. Said individuals, he didn't want to say their names, find it okay for them to conduct any kind of construction work on Sundays, but he is the one that gets called on. There are two types of standards here, and they are above the standard, and it is harassing. They have been on their property, and they purchased cameras to notate their property, to keep them off their property. They untied ropes off their property stakes, and stated, who gave them permission to touch stakes that they paid for. This is the mentality that he is dealing with, it is just harassing. They didn't like the fact that they bought the property and took down trees. They thought it would be like that forever, and they should have known when they bought their property that it was for sale, and something was going to happen eventually. They have pushed back since day one, and unfortunately, it hasn't ended. Reluctantly, they did put up a wood fence, but he hasn't been there, and felt that the situation isn't going to get any better. That is why when they did the plan for the house, they planned it 300 ft. from the roadside, so they don't have to deal with these individuals, and it is costing them more money for piping and sewers, to put the stuff in the back to be away from these individuals, so they don't have to deal with their mentality and mind set.

Mr. Crouch asked if he was currently clearing the property. Mr. Pietrzycki stated that currently it is clear, they just have a couple more trees to harvest out there. They got the approved permit for the construction drive and the sewers on the front side. Mr. Crouch asked how long they have owned the property. Mr. Pietrzycki stated that they have owned it for a year and a half.

Ms. Boop had a question for Mr. Mandato. She asked if the house plans have gone through the Building Department yet, and have been approved. Mr. Mandato said that there have been no house plans submitted, and that is why he stated that he cannot move forward with the outbuilding or the fence that is going to Planning Commission. He won't be able to start on the outbuilding or anything else, until he starts to build footers for the house at the same time. He can't allow an accessory structure without a main dwelling, and he understands that. We are waiting on plans for the house.

Mr. Maitland stated that he didn't see a variance for the fence. Mr. Mandato explained that it will go to the Planning Commission next week, because it is in the front setback of the house, so Planning Commission has to approve that.

Mr. Crouch asked about the driveway, and stated that it was in close proximity to the existing structure, it's not back a significant distance on the property, and confirmed that it was 25 ft. from the garage. Mr. Pietrzycki stated that was an approximate distance, and wanted to note that the mother in law suite is to the left of the property, where there will be a big open area for the driveway

for them to turn in and out. The house will be blocking the majority of the view of the outbuilding, and shouldn't be an eyesore.

Ms. Boop asked Mr. Pietrzycki, that a structure that size is normally requested when they are planning on doing business out of it, and asked what his intent was. Mr. Pietrzycki stated that he has numerous sports cars, and six kids. He needs somewhere to put their cars and other stuff. He does have occasional parties with his family and friends, so it would be nice to have it. Ms. Boop stated that he mentioned he has building equipment. Mr. Pietrzycki stated that was correct, he has it for his semi company that he owns in Richfield, Ohio. This land will not store equipment, he has Richfield, and also has another place in Medina as well. He owns a business with semi's and hazmat, he cannot have hazmat on this property because of the federal regulations, with safety and hazards to the communities. Ms. Boop stated that the property is zoned residential, so she wanted to make sure this wasn't a business. Mr. Pietrzycki stated that there will be no business activity there, just his cars.

Mr. Mandato stated the other pole barn that he was talking about, we did make them put it as part of the record in the minutes that they will not use it as a commercial property. Mr. Price stated that it was also for future people that might own the property, it goes with the parcel. Mr. Mandato stated that was correct.

Ms. Boop asked, other than electric would any other utilities be in there. Mr. Pietrzycki stated just gutters and electric, no running water or anything, it's going to just be used for storage. He may or may not put a pellet stove, if it is allowed. Ms. Boop wanted to ask a safety question. When there are automobiles stored so close to a property and it is very far from the street, are there any perceived issues with safety if there is a fire. Mr. Mandato stated that the Fire Department did get a copy of this, and they did not comment, so I would say they are alright with it.

Ms. Boop asked if anyone wanted to speak from the audience in favor of the variance. There were none.

Ms. Boop asked if anyone wanted to speak in opposition of the variance.

Karin Smith-Churchill, 2166 West Royalton Road. She stated she was an author and a photographer, and grew up here. Her lifelong dream was to move back to Broadview Heights and enjoy the woods again. When her mom got sick, she purchased the home next to her mom's and cared for her until she passed. Now that her parents are deceased she sold the other house and can focus on the old property. She stated to her dismay, the Ledges property developers have ripped away half of what the neighborhood greenery once was. She missed that meeting and vowed to not miss another one. The woods are filled with many animals and wildlife. The young owls that nested in the 200-year-old trees were taken down when they clear cut the land. She stated that they do not want a truck stop next door, they do not want a racetrack, and there are noisy ATV's, nonstop, that they were told was going to be built all the way back to Sokol Farm. They have been told there will be a semi-truck on the property, and that there will be an ATV track back there. Build elsewhere. Why do they have to do this next to her, surely there are two lots that could make a better home for these people then ripping down all the woods, which has already been done, and there is nothing they can do about it, and now they are going to have to look at this atrocity, and she is opposed to it.

Annette Oswald, 2224 West Royalton Road. She does not want a pole barn back there, as Ms. Churchill has stated, it was a beautiful wooded property that they have all enjoyed. Since the trees have come down, her gravel from her drive is all in the street, she has no driveway as of last week's storm, which is nine yards of gravel. It is because he took all those trees down and there are natural streams and creeks which he has blocked with tree debris and wood chips. She now has a problem

with her property flooding. She does not want a pole barn back there because it will be ugly, it is too big. She would agree to a reasonable size shed, but not a pole barn. She went on to talk about her flooding problem, and what the City can do. Mr. Mandato stated that Mr. Pietrzycki does have a permit thru Engineering that the City Engineer is reviewing.

Dale Churchill, 2166 West Royalton Road. He also represented The American Slovak Sokal Camp, at 2069 Royalwood. All 65 families that are members are in opposition to this for the reason that the property exists because it is a green gym in the center of everything, and it is being chipped away. The property owner has bragged to other people that he plans to exercise his property with ATV's for his kids. That is going to change the perceptions of every member at Sokal Farms. There are three people who have cabins out there that are within 10-12 ft. of the property line, which puts them within 100 ft. of the dirt track, and no one is happy about it. He couldn't believe that the land was completely cleared to build the house. There were trees that were 150 years' old that were not even sick. The outbuilding is going to be right next to his chicken coop. They have been fixing their house up. They participated in the Lumber Harvest this last year, to create pasture space for his horses after the fence issue years ago, he took his horses to a commercial barn. He had to move his horses, and now pays rent for them, because he is trying to follow the rules, and build a building that is agreed on by the general population, no one gave him a variance when he said he wanted to put a barn back there. He was told there are rules for the better of the community, and to see this now 100 ft. from where he has built his dreams, that he has worked so hard on, will be a very bitter pill to swallow.

Jeff Vinca, 2296 West Royalton Road. He is the direct neighbor and apparent harasser. He stated that since day one he has had nothing but problems, Mr. Pietrzycki has shown a pattern of disregard and disrespect for them and for their property. He cut down his trees, some rather large, and trampled his property with heavy equipment on multiple occasions, even after obtaining a survey. He was walked on their property without permission, and they attempted to speak with him, and his response was to call the police, and hang a flag with profanity facing our property. He has done logging after 7:00 p.m. and run heavy equipment at 8:00 p.m. multiple times and on Sundays. Several City ordinances have been broken and some on a consistent basis. This has all been documented with the City and the Police Department. It is because of this pattern of rule breaking that they feel they should not be able to break the rules any further. By removing so much of the natural vegetation, he has already reduced the value of the surrounding properties, and the large shed, and supposed ATV track will further diminish the value as well, and bring torment to everyone, and it's been just horrible, he stated that he can't say that enough.

Brad Erdman, 3515 Hawthorne Trail. He stated he was a long time Broadview Heights/Brecksville resident and loved the area. He moved back about 10 years ago, and recently he bought the neighbor's acre of property, just to protect the land and keep this kind of situation from happening. Initially he had some questions, what is the pole barn going to be used for, the setback, and he works with a multi-family builder, and now after hearing what he does for a living, you know he is going to bring home construction equipment, and ATV's that will be rode up to the adjoining properties, and they are long lots, he doesn't want to live next to that either. They like the woods, they like it being serene and quiet. This is going to destroy the neighborhood. If this goes through, he would move before he deals with it, he is totally against it.

Annette Oswald, 2224 West Royalton Road spoke again. 30 years ago or longer the property has been for sale on and off, and they have checked into it, but the Engineer that was here at the time, said you can't build on the property because it is wetlands, there are national creeks coming through there, so that is the reason they didn't do anything with it. The City did put in a culvert way in the back, the property has always been extremely wet. Mr. Mandato stated that it has been reviewed by the City.

Alex Archer, 2296 West Royalton Road. She stated that she has had a couple of arborists out to look at their property, and both of the arborists that have been out have commented on the variety of trees and the age of the trees. They commented on how nice the property was, and that there were insects that they have never seen before. There were many comments on the land. This project sounds like even more trees will be cut down than what has already been cut down, and it makes her cry.

Dale Churchill, 2166 West Royalton Road. He wanted to make one more comment that he didn't make earlier. Since the trees have come down, the noise level has increased drastically. He has a noise meter and it now reads at 15 decibels.

Karin Smith-Churchill, 2166 West Royalton Road. The trees are Red Oak, White Oak and American Beach Trees and Maples. It is a travesty to cut them all down, and the noise is already deafening.

Andy Pietrzycki wanted to correct the gentleman, his father has been dead for three years, so he doesn't know who he was talking about. As far as ATV's go, he doesn't own one, and he doesn't have dirt bikes. That has nothing to do with the concept of what he is doing with the land he has purchased. Every one of these individuals had the opportunity to buy the land, and they could have done what they wanted with it. Many of the trees that were cut down were rotting inside, and was done for safety issues, he has documentation.

Ms. Boop asked if there were any other questions from the Board. Seeing none, she asked the applicant if he wanted to table and wait for five Board Members to be present. The applicant wanted to move forward. Ms. Boop asked for a motion to vote.

Before the vote, Mr. Mandato wanted to make one comment. They mentioned an ATV track being installed on the property, that is not an acceptable accessory use, so to have anything like that he would have to come for a variance. There are multiple residents with kids riding go carts and mini bikes, but a track itself, would not be allowed without approval from the City.

Mr. Mandato also clarified that there are three variances, and wanted to know if the votes were for all three of them. Ms. Boop stated that was correct.

**MOTION BY:** SCOTT MAITLAND **SECOND BY:** ROB ROUTSON

**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"/>	Iain Crouch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Maitland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Margaret Harshbarger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Routson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**APPROVED**     DENIED     POSTPONED     TABLED     REMOVED

**BZA APPEAL #2023-04**

**Site Address: 9083 AVERY RD.**

**PPN: 583-14-001**

**Applicant: TERRY SPETH**

**Owner(s): TERRY SPETH**



Ms. Boop asked for a motion to remove Appeal # 2023-04 from being tabled and put it back on the Agenda.

**MOTION BY:**                     **ROB ROUTSON**                          **SECOND BY:**                     **IAIN CROUCH**                    

APPROVED       DENIED       POSTPONED       TABLED       **REMOVED FROM TABLED**

**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 Department.**

Mr. Mandato stated that the variances are still the same, and we have already stated all the variances that are needed. Mr. Speth has given us everything that we requested, the concrete driveway, the fire hydrant, which the Fire Dept. signed off on. There is no objection from the Building Department.

Terry Speth, 8151 Overlook Avenue. He submitted new drawings with utilities and setback measurements. The Fire Dept. approved the hydrants. He bought the property in 2021, before any of the variances were passed. He talked about the width of Harris Road and the fact that it doesn’t meet the code either. There is someone else that has the same variances and is brand new and there are houses still being built to this day.

Mr. Mandato stated that he wasn’t sure which parcels he was talking about but it could be the code for houses platted before 2000.

Mr. Speth went on to say that some of the issues with neighbors, were where some of the houses would sit compared to the houses on Avery Road. Parcel 1-A would be 100 ft. from the property line and 120 ft. from the rear property line. He didn’t think any other houses there were an issue. Utility lines will run from the street to the houses. The new variances that were put in place, there was one that was a turnaround, was after the fact when he brought the property, and the hardship that he couldn’t split this up, and sold two of the parcels to pay for the project in its entirety. He wants to do what’s best for the City and the neighbors.

Ms. Boop opened up questions to the Board Members.

Mr. Routson asked if he complied with all the requests that the Board members had from the last several meetings. Mr. Speth stated that was correct.

Ms. Boop asked if there was anyone that would like to step forward and speak in favor of this variance at this time.

Kathy Speth, 8151 Overlook Avenue. She is Terry’s wife. Her father, Dennis Schleke, Approved Plumbing, has looked at all of this a million times, water sewer etc. They are a growing family and need more space. Her parents live right off of Harris down the street, and she grew up on three acres, and they wanted a lot of land as well. The reason for the variances was so it wouldn’t look funny and have the houses facing her backyard. They are asking for the houses to not face Avery, so it doesn’t look awkward, they want it to look pretty. They want this to be their forever home.

Ms. Boop asked if there was anyone that would like to step forward and speak against this variance at this time.

Jasanna Baumann 1544 Summerwood Drive. Her property backs up to this property. There is a problem with drainage they lost 4 in. of soil in the last storm, and their elevation on part of it is higher than that. She asked if the pond is existing or to be built. Mr. Mandato stated that it is to be built. She stated if there is a heavy storm or a large amount of snow that melts, that will all drain down her property to her mother-in-law's property, and she just spent a lot of money to build it. All of her gravel in her landscaping went away. She asked if it will be asphalt. Mr. Mandato stated that it will be asphalt and concrete. She said from what she has heard it doesn't sound like the street is big enough. Mr. Mandato stated that it was not a street. She asked about school buses, the buses won't be able to turn around there. Being a parent with kids, those kids aren't going to be let out in front of the houses, they will be left out on Avery Road, and a potential buyer should know that. She also had concerns about drainage, by adding homes and a pond is it going to get worse or better, probably not better.

Tiffany Smith, 9043 Avery Road. Water is a big issue, especially with the elevation. The City has been out many times to clean out the sewers. The rain definitely showed in the last couple of weeks how much of a water issue there is. She is also concerned about the traffic going back to this property. If there are three homes built there, then there is the traffic from more than one home. She has small kids and she lives right next to where this drive would be located. She is concerned for her kid's safety and all the traffic. She just wanted to make sure that everything was done right, she doesn't want any water issues.

Ilyas Qureshi, 1514 Summerwood. He was concerned about the surrounding homes and this bringing down the property values of these scattered homes that are proposed. He didn't receive any drawing of the placement of the homes. He also worried about water issues and questioned the drainage. Ms. Boop stated that the drainage issues are handles by the Engineering Department, and they would be the ones that would insure compliance. Mr. Qureshi stated that if this goes through, there won't be much appeal for the area that have marketable houses, he asked the Board to be more considerate about that.

Terry Speth stated that everyone has spoken about a water issue, and what a better time to rectify that when they are developing the land. He stated that this would be a private drive, utilities and the fire hydrants. He stated that they could either get rid of the pond or leave it, whatever Engineering feels should happen. There will be a lot of fill dirt that comes from the house, and that could be a direct line down Parcel 1A thru Parcel 1B. There could be evergreens planted there. They can alleviate a lot of the current water issues that are currently there. There is also the ravine on the east side of the property where a lot of the storm water could drain. Mr. Speth stated that there sounds like there is an issue going on there that can be easily fixed once the plans are approved, but will have to go thru Engineering.

Mr. Crouch asked Mr. Mandato that if they approve tonight, it would still have to go back to Planning Commission. Mr. Mandato stated that is correct, it is sent here for the preliminary approval from Planning Commission to go back. Mr. Crouch stated that in reading Planning Commission's minutes, they didn't seem to have any major concerns, they just wanted the variances approved before giving their final decision. Mr. Mandato stated that was correct, it was for the way the houses were situated and granting the variances.

A woman who got up to the podium didn't state her name. She asked if the fire trucks can't get down there, how will the homes be insured.

Mr. Mandato stated that they can get down there. It was looked at by the Fire Department and approved, and there is a hydrant on the property.

Ms. Boop asked if there were any other questions from the Board. Seeing none, she asked the applicant if he wanted to table and wait for five Board Members to be present. The applicant wanted to move forward. Ms. Boop asked for a motion to vote.

**BZA MOTION BY:** ROB ROUTSON **SECOND BY:** IAIN 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Maitland	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Margaret Harshbarger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rob Routson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

APPROVED     DENIED     POSTPONED     TABLED     REMOVED

**APPROVAL OF MINUTES:**

Debbie Boop moved to approve the Board of Zoning meeting minute from June 7, 2023. Those all in favor say "Aye."; those opposed. Those minutes were 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 7:55 p.m.**

\_\_\_\_\_  
**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**