



# CITY OF BROADVIEW HEIGHTS BOARD OF ZONING APPEALS MEETING MINUTES

September 6, 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**

- ✓ Debbie Boop, Chairman
- Vacant, Vice Chairman
- ✓ Scott Maitland
- ✓ Rob Routson

- VACANT
- ✓ Iain Crouch (alternate)
- ✓ Margaret Harshbarger (alternate)

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

- ✓ Joe Mandato (Building Official)
- ✓ Gina Zdanowicz
- Gary Yelenosky, PE (City Engineer)
- ✓ Richard Pignatiello (Assistant Law Director)
- Jeff Hajek (Fire Chief)

- Joe Fleming (Assistant Fire Chief)
- ✓ Joe Price (Council Rep.)
- Glenn Goodwin (Council Rep. Alternate)

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### **Additional CITY OFFICIALS present**

- Sam Alai (Mayor)
- David Schroedel (Service Director)
- Vince Ruffa (Law Director)
- Joe Grandinetti (Assistant Law Director)
- Dean DePiero (Assistant Law Director)

- Robert Boldt (City Council)
- George Stelmaschuk (City Council)
- Tom Pavlica (City Council)
- Brian Wolf (City Council)
- Jennifer Mahnic (City Council)

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 #2023-10**

Site Address: 10035 Broadview Road  
PPN: 585-17-008  
Applicant: DHA Architects, LTD., David Harala Architect  
Owner(s): Mark Paine, Hy-Tech Products

The matter under discussion is at the request of DHA Architects, LTD., representing Mark Paine of 10035 Broadview Rd. for a 25’ rear setback variance. 1280.06(B) table requires a 50’ rear setback when lot adjoins non-residential.

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

**Report by the Chief Building Official** : At the August 9, 2023, Planning Commission meeting, Hy-Tech Products received Preliminary Site Plan Approval to construct a 12,000 sq. ft. addition for the expansion of an existing warehouse. If the variance is approved by the Board of Zoning Appeals, it goes back to the Planning Commission for final approval.

**Report by the City Engineer:** The rear setback will require a 25’ variance from the required 50’. Planning Commission would have to approve before they send to BZA for the variance. Once approved by BZA it goes back to PC for final approval.

The application is for the Expansion of Existing Warehouse. The current site is within an E-2 Light Industrial Zoning District. The site fronts on Broadview Road and has on the north side a lot zoned E-2 and on the south Towpath Road. The addition is a 100’ x 120’ added on to the existing building. The following requires are for an E-2 Light Industrial Zoning District.

Usage - Office Warehouse	Complies
Side Yard - 25’ minimum, 75’ minimum both sides	20’ & 55’ Shown - Complies
Rear Yard - 50’ minimum	25’ Shown - Variance Req’d.
Height - 75’ Maximum	One Story Shown - Complies
Max Lot Coverage - 40%	Approx. 40% Open - Complies

Ms. Boop went on to read, “that the site plan shows no eight additional parking on the site. There is an existing building off of Towpath Road to the rear of the site. Engineering does not feel that a rear yard variance would have any effect on the adjacent parcel”. Ms. Boop confirmed that we were not talking about additional parking. Mr. Mandato stated that was correct, the parking is good.

David Harala, representing DHA Architects and Mark Paine, Hy-Tech Products. He stated that they are seeking a variance to the east property line, so that they may add another 12,000 sq. ft. to their warehouse. He explained that they just don’t have enough room, and they are storing their things off-site now. There is also a transportation problem with getting things back and forth, so he wants to expand. Mr. Harala, went on to explain, that they realized that there are some trees along that east property line, and they know that if

they get too close to that, they are going to damage that landscape. Their plan is, whatever they damage, they will put back. There is no additional parking needed, because they only anticipate hiring one more staff member. The people that they have their now, are able to fulfill the next phase in the office. The building will be a continuation of what is there, the materials will all be the same. The one change they will have, will be the skylights in the current building, which are leaking, so they are going to have some high windows in the addition, but they won't be large windows, they will be horizontal and they will get the same amount of light into the building.

Ms. Boop asked if there were any questions from the Board, there were none. Ms. Boop had a question, she just wanted to make sure that the expansion is going to be consistent with the way everything is zoned currently, that there are no issues with re-zoning. Mr. Mandato stated that was correct, everything falls in line with the E-2 Zoning.

Mr. Maitland clarified that everything is E-2 on either side. Mr. Mandato stated that was correct, even the residential house that is being sold, and he thought that they were trying to purchase that parcel. Mr. Mandato spoke with the Law Director, because he wanted to know if there was a difference, because it was still a residential house, but he said as long as it is E-2 Zoning, they are okay with the setback.

Iain Crouch stated that it is a residential property to the north. Mr. Mandato stated that was correct. Mr. Crouch asked, then it is not taken into consideration in terms of the variance. Mr. Mandato stated no, because it is zoned E-2. Mr. Crouch stated that it is being used as residential. Mr. Mandato agreed, and said that was his question to the Law Director, and he said, as long as it is zoned industrial, you can use the same setback. Mr. Crouch stated that the worksheet indicates that it would be 150 ft. setback and we are only looking at 25 ft., so that is a huge difference. Mr. Crouch also mentioned that it says "sold" out front, so whoever bought that property, didn't have an opportunity to speak. Mr. Mandato stated that it is not sold, Mr. Paine actually tried to purchase it, and there were a lot of hiccups. Mr. Crouch said that on line it says pending, and that person hasn't had the opportunity to be informed of this variance. Mr. Mandato stated that there is no way to notify the next possible buyer, because we don't know who that is at this time.

Mr. Price asked Mr. Mandato, if we were considering it the back because it is on Towpath, because he thought it would be the side yard. Mr. Mandato stated that it fronts Broadview Road, and has a Broadview Road address, so it is considered the rear yard. Mr. Price stated that they can still grandfather it residential, but it will still be zoned that. He asked Mr. Mandato how long it has to be vacant before it loses its residential classification. Mr. Mandato stated 6 months.

Ms. Boop stated that there is no one else in the audience but the appellant, and 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 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"/>
Rob Routson	✓	<input type="checkbox"/>	<input type="checkbox"/>				

✓ **APPROVED**       DENIED       POSTPONED       TABLED       REMOVED

**APPROVAL OF MINUTES:**

Debbie Boop moved to approve the Board of Zoning meeting minutes from May 3, 2023, and August 2, 2023. Those all in favor say "Aye."; those opposed, none. Those minutes were approved.

**OLD BUSINESS:** There was none.

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**NEW BUSINESS:** There was none.

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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 6:42 p.m.

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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