



CITY OF BROADVIEW HEIGHTS BOARD OF ZONING APPEALS MEETING MINUTES

November 1, 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)

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)

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 #2023-11

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 of 7985 West Ridge Drive for a variance of 13' into the rear yard setback to erect a cover of their patio. 1268.03(B) Each lot shall have a rear yard setback of not less than 60 feet from the building line (patio cover/roof).

Can we have a report from the Building Department.

Report by the Chief Building Official: No objections.

Report by the City Engineer: This application has requested a variance of 10'. This reduces the rear yard setback from 60" to 50". Engineering takes no exceptions to this variance.

Mr. Mandato stated that Mr. Harasimchuk is anywhere between 12 to 13 ft. for the variance. It is the foundation wall of his pier that the posts are going to sit on. It is an approximate, but he is going with the 13 ft. just to be safe.

Mr. and Mrs. Harasimchuk spoke to the Board. Ms. Harasimchuk stated that they are here to request a variance to build a cover over the top of their existing back patio. They would like to use their patio way more often than they actually get to. Ms. Harasimchuk went on to explain, that it is either blazing hot or freezing cold, and she would like to be able to have a top over the patio to enjoy that area of their yard. Ms. Harasimchuk wanted the Board to know that they have tried a couple other options in order to avoid this. They tried umbrellas, but had to move their umbrellas around their patio constantly, because it didn't keep them from getting wet, or protect them from the sun, so they are hoping this will look much nicer than some of the non-permanent structures that they have tried.

Ms. Boop asked her to read their statement of hardship. Ms. Harasimchuk read the statement. "We would like to cover our patio to better enjoy our backyard. However due to our lot size we would be less than 60 ft. from the rear lot line. We are asking for a variance of approximately 10 ft. We have tried other ways to cover from the sun, rain and wind. They either fill with water, blow over in the high winds or need to be continuously moved around to follow the sun throughout the day".

Ms. Boop asked if there were any questions from the Board members.

Mr. Routson asked if the cover was going to be a hard surface. Mr. Harasimchuk stated yes, it will be a roof that comes out. Mr. Routson asked if it will be metal or shingle. Mr. Harasimchuk stated that it will be shingle, the same as the roof, and will all be the same.

Mr. Crouch clarified that it was all open with no walls, just posts and a roof. Mr. Harasimchuk stated that was correct. They have discussed it with several of the neighbors, as well, and they have no issues with it.

Ms. Boop asked Mr. Mandato, if there is a requirement for extra gutters to be installed on something like that.

Mr. Mandato stated no, because he is not adding any additional water or storm water to the property.

Ms. Boop asked if there was anyone in the audience to speak in favor or against the variance request, and there were none.

Ms. Boop and asked for a motion to vote.

MOTION BY: Mr. Routson **SECOND BY:** Mr. 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"/>	Margaret Harshbarger	✓	<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

BZA APPEAL #2023-12

Site Address: 1145 Firwood Road
PPN: 581-24-012
Applicant: Wayne Homes
Owner(s): Stacey Cassidy & Andreas Ottens

The matter under discussion is at the request of Wayne Homes representing Stacey Cassidy & Andreas Ottens of 1145 Firwood Road, for a variance of 15 ft. for a lot frontage of 85 ft. to construct a new single family residence. 1268.06(D) lot widths shall be a minimum of 100 ft.

Can we have a report from the Building Department.

Report by the Chief Building Official and City Engineer: This application requests a variance on the lot width from 100' to 85'. The property off E. Sprague Road is part of the John Larsen Realty Co.'s Subdivision No. 1, The 85' width lot and size was in the code at that time and should be grandfathered. The proposed house meets all offset requirement of the current A-1 Zoning Code. The other lot which is off Firwood Road should also be grandfathered as far as width but due to the lot split a variance on size is required. If the builder is willing to meet all offset requirements of the current A-1 Zoning Code, Mr.

Mandato stated that Engineering had no concerns, and Building had no concerns, and we will make sure that it complies with all the front, side and rear yard setbacks.

Todd Mowrer, with Wayne Homes, representing Mr. Ottens and Ms. Cassidy spoke to the Board. They are applying for the variance due to the width of the lot being 85 ft. wide instead of a 100 ft. wide. He stated that they believe they should be grandfathered in according to today's code, so they can build a new single family dwelling on the property, and match the homes in the neighborhood.

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

Ms. Boop stated asked if there was anyone in the audience to speak in favor or against the variance request.

Patrick Walsh, 1055 Firwood Road, spoke to the Board. He stated he recognized many of the people on the Board, he was the home that built on Firwood last year. He stated that they just wanted to come to support the new home, it matches the 85 ft. that all the other lots are on the street, and it just makes a lot of sense.

Ms. Boop asked for a motion to vote.

MOTION BY: Mr. Maitland **SECOND BY:** Mr. 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"/>	Margaret Harshbarger	✓	<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			

APPROVAL OF MINUTES:

Debbie Boop moved to approve the Board of Zoning meeting minutes from September 6, 2023. Those all in favor say "Aye."; those opposed, none. Those minutes were approved.

OLD BUSINESS: N/A

NEW BUSINESS: Ms. Boop stated that with no agenda items, there will be no meeting on December 6, 2023. The next scheduled meeting will be January 3, 2024.

Ms. Boop also had an announcement, she stated that as of tonight, this will be her last Board of Zoning meeting. She is taking on more responsibilities at her employment, and taking great strides to grow her business, and she felt it was time for her to retire from this position. She stated that she enjoyed getting to know everyone, and thoroughly enjoyed her time on the Board, and thanked everyone.

Everyone stated that they will miss her, and that she has done an exceptional job, and thanked her for her service.

Mr. Price stated that the Board will need to elect a new Chairperson, or wait until the next meeting where maybe we will have a new appointee. Mr. Mandato stated that the Mayor is working on a new member, and if they can wait until the next meeting, they can talk then.

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 6:46 p.m.

Approved Date: 2/7/24

Chair
Council


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

Respectfully submitted,

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