

**BOARD OF ZONING APPEALS
MEETING MINUTES
Mayfield Village
June 15, 2021**

The Board of Zoning Appeals met in regular meeting session on Tues, June 15, 2021 at 6:00 p.m. **remotely, via electronic means.** Chairman Syracuse presided.

ROLL CALL

Present: Mr. Vetus Syracuse Chairman
Mr. Stivo DiFranco Chairman Pro Tem
Ms. Alexandra Jeanblanc
Mr. John Michalko

Also Present: Ms. Kathryn Weber Law Department
Mr. Daniel Russell Building Commissioner
Ms. Deborah Garbo Secretary
Jefferey Thomas IT Systems Coordinator

Absent: Mr. Joseph Prcela

This meeting has been duly noticed and is being held in accordance with Ohio Revised Code Section 121.22 specific to recent amendments made in light of the current COVID-19 declared emergency (House Bill 197-amended by House Bill 404). Under the orders of Governor DeWine, the Board of Zoning Appeals is meeting remotely, via electronic means.

The public is invited to view the meeting live and can access the meeting through a link posted on the Mayfield Village website at www.mayfieldvillage.com. The public was encouraged to view this meeting agenda and offer any comments or questions prior to the meeting to be read into the record and addressed at the meeting.

CONSIDERATION OF SPECIAL MEETING MINUTES: March 23, 2021

Ms. Jeanblanc, seconded by Mr. Michalko made a motion to approve the special meeting minutes of March 23, 2021.

ROLL CALL

Ayes: Mr. DiFranco, Ms. Jeanblanc, Mr. Michalko

Abstain: Mr. Syracuse

Nays: None

Motion Carried

Minutes Approved as Written.

CONSIDERATION OF CASE NUMBER #2021-02

**Applicant: Jacki Schneeweis & Michael Sheck
6819 Metro Pk Dr. PP # 831-19-006**

1. A request for a 529 sq. ft. area variance from Section 1157.06 (a) (2) to allow for construction of a Garage Outbuilding.
2. A request for a 1' 8" height variance from Section 1157.06 (a) (4) to allow for construction of a Garage Outbuilding.

Abutting Property Owners:

Metro Pk Dr: 6835, 6843, 6811, 6803, 6795

Oakton Cir: 488, 484

Woodbine Cir: 484, 481, 477

CONSIDERATION OF CASE NUMBER #2021-03

**Applicant: Anthony Liberatore
6716 Metro Pk Dr. PP # 831-18-028**

1. A request for a 12' front yard setback from Section 1181.07 (e) to allow for Garage Expansion.

Abutting Property Owners:

Metro Pk Dr: 6724, 6740, 6750, 6708, 6700, 6688, 6717, 6725, 6733, 6709, 6699, 6689, 6760, 6770,
6786, 6819, 6811, 6803, 6795, 6751, 6761, 6771, 6818, 6810, 6835

OPEN PORTION

Chairman Syracuse states, this is a meeting of the Board of Zoning Appeals Mayfield Village
Tues, June 15, 2021.

Welcome new Building Commissioner Dan Russell

Chairman Syracuse said, before we get into the two cases tonight, I'd like to congratulate John Marrelli on his retirement, it's been wonderful working with him in all the years that I've been on this Board. And I'd like to welcome our new Building Commissioner Dan Russell, welcome aboard Dan, we're all looking forward to working with you going forward.

Mr. Russell said, thank you, I appreciate that. I'm looking forward to working with everyone also.

Case # 2021-02

Chairman Syracuse said, our first case is case #2021-02, Jacki Schneeweis & Michael Sheck at 6819 Metro Pk Dr. There are two variance requests here;

1. A request for a 529 sq. ft. area variance from Section 1157.06 (a) (2) to allow for construction of a Garage Outbuilding.
2. A request for a 1' 8" height variance from Section 1157.06 (a) (4) to allow for construction of a Garage Outbuilding.

The abutting property owners have been notified. In addition to what we have in our packets, we've received written correspondence and a voice mail from Don Rapposelli giving us full approval for both of these cases tonight.

Chairman Syracuse said, at this time whoever is here to present on behalf of the applicants, please state your names and addresses and I'll get you sworn in.

Michael Sheck, 6819 Metro Pk Dr. introduced himself. I'm the applicant with Jacki Schneeweis.

OATH

Chairman Syracuse stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman Syracuse administered the oath to Michael Sheck.

Michael Sheck said, I'd like a variance to build a 28' x 43' x 16' 8" tall 3-car garage for a workshop for my Father-in-Law and a storage area. I'm asking you, the Village of Mayfield for a variance to build this.

Chairman Syracuse asked, and presently you have a barn that's on the lot?

Michael Sheck replied, yes. It's 33' x 22' x 21' tall and it's falling apart. It's got a dirt floor, it used to be a horse barn when the house was probably originally built, I sent pictures of this barn. We're removing that barn and the garage is going to the right of that barn and will take up some of that barn where it's located, probably about 1/2 of it.

Chairman Syracuse asked, your wife's Father is moving in with you?

Michael Sheck replied, yes. My Mother-in-Law passed away last March. We just got ARB approval for adding an addition, an in-law suite plus extra rooms on the back and he's going to be moving in with us. The workshop, my Father-in-Law is 85, he's a retired Doctor from Hillcrest Hospital and he loves carpentry. He makes figurines, he keeps himself busy, especially since the passing of my Mother-in-Law last year.

Chairman Syracuse said, in granting a variance the Board would need to use the practical difficulty standard. The criteria are what we use in the application that was submitted.

In granting an Area Variance, the Board shall determine that one or both of the following factors are met by the request:

- a. The conditions upon which an application for a Variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district: or
- b. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance.

Chairman Syracuse asked Mr. Sheck, what about this property makes it unique in compared to any other properties in Mayfield Village, that a variance should be granted?

Michael Sheck replied, the size of it. My lot is 80' wide x 425'. I already have a building on it that is above your guys allowable building space and there are several other garages in my neighborhood that are bigger than the one I want to build. I wouldn't call it unique, but it makes it look a lot better to build a new garage than to have my barn that's falling apart in the back yard, it's in disarray and it's not even worth fixing.

Chairman Syracuse asked, can I ask you why the height is going to be above what the code requires?

Michael Sheck replied, I have classic cars that I like to work on. I want to put a lift in my garage to work on them, that's the use for the 12' ceilings I need.

Chairman Syracuse asked, how tall is the barn that's currently there?

Michael Sheck replied, 21', it's a 2-story barn, there's an upstairs to it.

Chairman Syracuse said, some photos were submitted, we do have a memorandum from our previous Building Commissioner John Marrelli where he researched the photos submitted by the applicant of oversized garage structures;

513 SOM Ctr

Garage was built in 1974 and predates the code, so it was grandfathered in.

511 SOM Ctr

In 2006 the homeowner asked for a variance request of 525 sq ft. for construction of a 1200 sq ft structure and this Board actually denied it.

The homeowner appealed to Council and Council overturned our Board's decision.

6735 Hickory Hill

Garage attached to the house addition by a breezeway in 1986, so the BZA was not required.

Chairman Syracuse asked, Mr. Russell, do you have anything you'd like to comment on regarding this application?

Mr. Russell replied, it appears that he wants to build a slightly larger garage than he already has there. I really don't have any objection to it from what I can see here. It's a little bit larger, it's a little bit lower in height, so you're not going to be able to see it probably from the street, and it's going to be in much better condition than what the existing barn is. Zoning wise, the size is quite a bit of a variance, the height is really not too bad in my opinion. I really have no objection to the variances.

Chairman Syracuse said, I always look for something that sets the property apart so we're not setting a precedent in granting a variance that would be something that anyone who applies

would then be able to get the same variance. In this instance, I see that the building being erected behind the residence where there's already a barn that's going to be torn down is quite tall as well. I think that we can make a distinction here between this and any other applications we may receive for something similar where the garage could be either attached or right next to or in front of the house. Any other members have any questions for this applicant?

Mr. DiFranco asked, to the east of your property there's another structure there, what is the structure in the backyard of that home?

Michael Sheck replied, my neighbor received a variance as well to build a building which I have pictures of that I sent (photo not available). His address is Metro Pk Dr., his name is Brian. He put an outbuilding up that was much bigger than allowed and you granted him the variance for it.

Mr. DiFranco asked, is his a garage also?

Michael Sheck replied, yes.

Mr. DiFranco said, it seems like his garage is actually bigger than yours if I'm not mistaken.

Michael Sheck said, his garage is a little bit smaller than what I'm proposing.

Ms. Jeanblanc said, I think for me the replacement of the dilapidated barn is really the big point in favor of this.

Mr. Michalko said, I have a concern about setting a precedence for this and also the fact of the noise when you're working on vehicles. This is a residential area, it's not a working area. At this point in time, I'm not in favor of it.

Chairman Syracuse asked, any other questions or comments? There were none.

DECISION

Ms. Jeanblanc, seconded by Mr. DiFranco made a motion to approve the variances for Jacki Schneeweis and Michael Sheck at 6819 Metro Pk Dr. to allow for construction of a Garage Outbuilding as proposed;

1. A request for a 529 sq. ft. area variance from Section 1157.06 (a) (2) to allow for construction of a Garage Outbuilding.
2. A request for a 1' 8" height variance from Section 1157.06 (a) (4) to allow for construction of a Garage Outbuilding.

ROLL CALL

Ayes: Mr. Syracuse, Mr. DiFranco, Ms. Jeanblanc

Nays: Mr. Michalko

Motion Carried

Variations Approved

Right to Appeal

Chairman Syracuse stated, you or any interested party has the right to appeal the decision within ten (10) days to Council.

Michael Sheck said, thank you very much for your time and have a good night.

Case # 2021-03

Chairman Syracuse said, our second case is case #2021-03, Anthony Liberatore at 6716 Metro Pk Dr. This is a request for a 12' front yard setback from Section 1181.07 (e) to allow for Garage Expansion. The abutting property owners have been notified. Whoever is here to make a presentation on behalf of the applicant, if you could please state your name and address for the record.

Lenny Rizzo said, good evening to the Zoning Board of Mayfield Village, this is Lenny Rizzo representing Tony Liberatore Jr. We're representing the address of 6716 Metro Pk Dr., Mayfield Village Ohio. Also with me is Larry Artino.

Larry Artino, 6028 Mayfield Rd introduced himself.

OATH

Chairman Syracuse stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman Syracuse administered the oath to Lenny Rizzo & Larry Artino.

Larry Artino said, what we're requesting for the gentleman is a 12' variance out of that garage. The reason for the variance is Mr. Liberatore is handicapped somewhat. He's had several operations and is going to need more operations and he cannot make steps very easily at all, it's very very difficult. He purchased this home and it was built in the late 60's I believe for around \$267,000. He's going to be doing a total ADA upgrade on the home, putting in another \$200,000 to \$225,000. In reality he'll have about \$450,000 to \$475,000 in the home. It'll be a beautiful home for the neighborhood. The problem is the garage, we have to put a ramp in there for himself and he's going to be living with his 83 year old Mother who uses a walker. So we have to put a ramp in the garage. He drives a big SUV, he's a big gentleman and by the time he gets the SUV in the garage, opens the door, he has room for the walker and there's no room left in the garage. The 2-car garage actually becomes 1 car & 1/2. His lot is only 75' wide, 4' on one side with a big tree that belongs to the neighbor and 7' on the other side, but the chimney sticks out too, so he has 5'. To get his landscaping equipment back there is very difficult so he has to get smaller machinery to get in the backyard. It's really a hardship case. We have signatures from neighbors. We went around the neighborhood and the people have no objection to it. They're happy to see the home being remodeled.

Chairman Syracuse said, the signatures are in our packet. It looks like 19 signatures on one page and then we received an additional sheet with 3 signatures.

Lenny Artino said, I believe there're 22 signatures total. I think this is a better idea than putting a ramp on the front door coming directly into the house for aesthetics and in the winter time Mrs. Liberatore at her age going up a ramp, I think this is a much better situation for the problem we have.

Chairman Syracuse asked Dan, size wise is this size permitted for a garage as proposed?

Mr. Russell replied, I don't see any detail on the drawing in front of me what the actual size will be. The existing garage is 22 ½' x 22'.

Chairman Syracuse said, the request is for the front yard setback, not for a size variance as was requested by the previous applicant on the square footage. Katie, do you have any idea?

Mr. Russell said, if the original garage is a 22' x 22' and they're adding another 12' x 22', it might be a little bit over. I don't know if that was calculated by the previous Commissioner, it looks like he just went by the setback.

Chairman Syracuse said, the variance request is for a 12' front yard setback, they may have to come back for the size, it's not part of this application, unless it fits within the code. The reason I'm asking is, if this is within the size that it's permitted to be and it's just a 12' variance with regard to the need to install a ramp, that does set this apart from other properties, it's not to expand it just to store more cars. Based on the criteria that we have to go by whether or not to grant the variance, to try to find if there's something that applies that sets this apart from other parcels for us to not set a precedent, otherwise there would be no point in having our building codes here. Does anyone have any questions or comments?

Mr. Michalko said, having the ramp inside the garage with the addition of the 12' and if they screen it like it's screened now, you really won't see it from the street. I don't think there would be an issue with them expanding the additional 12'.

Mr. DiFranco said, I don't have an issue with it.

Chairman Syracuse asked, any other questions for the applicant? There were none.

DECISION

Mr. Michalko, seconded by Mr. DiFranco made a motion to approve the request for a 12' front yard setback from Section 1181.07 (e) to allow for Garage Expansion for Anthony Liberatore at 6716 Metro Pk Dr. as proposed.

ROLL CALL

Ayes: Mr. Syracuse, Mr. DiFranco, Ms. Jeanblanc, Mr. Michalko

Nays: None

Motion Carried

Variances Approved

Right to Appeal

Chairman Syracuse stated, you or any interested party has the right to appeal the decision within ten (10) days to Council.

Lenny Rizzo said, we'd like to thank you on behalf of Mr. Liberatore for this variance.

ADJOURNMENT

Ms. Jeanblanc, seconded by Mr. Michalko made a motion to adjourn the meeting.

ROLL CALL

Ayes: Mr. Syracuse, Mr. DiFranco, Ms. Jeanblanc, Mr. Michalko

Nays: None

Motion Carried

Meeting adjourned at 6:25 p.m.

Chairman

Secretary