

**BOARD OF ZONING APPEALS  
MEETING MINUTES  
Mayfield Village  
Sept 21, 2021**

The Board of Zoning Appeals met in regular meeting session on Tues, Sept 21, 2021 at 6:00 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Syracuse presided.

**ROLL CALL**

**Present:** Mr. Vetus Syracuse Chairman  
Mr. Stivo DiFranco Chairman Pro Tem  
Mr. Joseph Prcela

**Also Present:** Mr. Daniel Russell Building Commissioner  
Ms. Deborah Garbo Secretary

**Absent:** Ms. Alexandra Jeanblanc  
Mr. John Michalko  
Mr. Anthony Coyne Law Director

**CONSIDERATION OF MEETING MINUTES: June 15, 2021**

Mr. Prcela, seconded by Mr. DiFranco made a motion to approve the minutes of June 15, 2021.

**ROLL CALL**

Ayes: Mr. Syracuse, Mr. DiFranco, Mr. Prcela  
Nays: None **Motion Carried**  
**Minutes Approved as Written.**

**CONSIDERATION OF CASE NUMBER #2021-05**

**Applicant:** Rufat Avshalumov & Luda Alman  
1049 Lander Rd. 44143  
PP # 831-32-015

1. A request for an 11 ft. wide variance from Section 1119.09 (c) to allow for construction of a 27 ft. wide driveway.

**Abutting Property Owners:**

Lander Rd: 1037, 1031, 1027, 1023, 1019, 1061, 1085, 1091, 1093, 1095

**OPEN PORTION**

Chairman Syracuse states, this is a meeting of the Mayfield Village Board of Zoning Appeals Tues, Sept 21, 2021. We had another item on our agenda, consideration of Case #2021-04 for Amy & Yoshi Nakamura, 697 Echo Dr. The applicant has chosen to reschedule that for the next meeting until we have a full quorum on Oct 19<sup>th</sup>.

The only case before us tonight is Case #2021-05 for Rufat Avshalumov & Luda Alman located at 1049 Lander Rd. This is a request for an 11' wide variance from Section 1119.09 (c) to allow for construction of a 27' wide driveway. The abutting property owners at 1037, 1031, 1027, 1023, 1019, 1061, 1085, 1091, 1093 & 1095 Lander Rd. have been notified.

Chairman Syracuse said, anyone here wishing to speak, please state your name and address for the record.

Luda Alman, 1049 Lander Rd., Mayfield Village introduced herself.

Rufat Avshalumov, 1049 Lander Rd., Mayfield Village 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 Luda Alman and Rufat Avshalumov.

Luda Alman stated, we're here to present our interest in adding an extension on our driveway, an 11' wide extension. Why is because at the moment we have two cars, a Ford F-150 and a Nissan Rogue. Our existing 16' wide driveway does not allow the cars to pass freely when you're backing out of the driveway. We live on a very busy street, especially busy street when school is let out. It's very hard to pull out of the driveway, we can only back out, and when we back out, first we have to wait for an available time because of the traffic and second when we're backing out it's sometimes hard to see pedestrians behind the car and school kids are walking behind our car. We are facing safety issues every time when back out. When I need to pull out, Rufat has to go onto Lander Rd and stop traffic for me to get out and get back in. Rufat keeps his car on the grass and when it rains or snows from the car tracks, the grass gets destroyed which is not very acceptable to the street and to the neighborhood.

Chairman Syracuse asked, is the current driveway 16' right now?

Rufat Avshalumov replied, only by the garage, closer to Lander it's 13'.

Chairman Syracuse said, I drove by there and I did look and I went to some of the other properties on the street nearby who also had places where you could either park or turn your car around.

Rufat Avshalumov pointed out his parking area by the garage.

Chairman Syracuse said, we were trying to determine how many and I asked Mr. Russell our Building Commissioner how many other variances were granted.

Mr. Russell replied, there's at least 3 or 4 properties I noticed right a way that were much wider than 16'.

Rufat Avshalumov said, my neighbor's is 28'. Also, we're going to buy another car for my stepson.

Chairman Syracuse asked, it's only going to be that portion that's shaded in black?

Rufat Avshalumov replied, that's correct.

Chairman Syracuse asked, it's not going all the way to the curb, is it?

Rufat Avshalumov replied, no.

Marilyn Cimperman, 9735 Shenandoah Dr, Brecksville introduced herself as a friend of the applicants.

### **OATH**

Chairman Syracuse administered the oath to Marilyn Cimperman.

Marilyn Cimperman said, I brought some aerial views if you'd like to see. Here's where the driveway starts out at 13' then it extends itself back to the garage to 16'.

Mr. DiFranco per the request of Mr. Prcela pulled up Google Earth to view the site.

Rufat Avshalumov points out the area requesting the 11' wide extension.

Marilyn Cimperman said, that area then will be 27'.

Chairman Syracuse asked, how many cars are in the garage?

Rufat Avshalumov replied, 1 car. But I'm a painter and I have a lot of tools inside.

Marilyn Cimperman said, we measured the two cars, we have 8 ½ and 7 mirror to mirror.

Mr. DiFranco said, that extension already exists. So you're coming to that same point, right, to the south?

Rufat Avshalumov replied yes, demonstrating how it'll look like a triangle.

Chairman Syracuse said, the standard we have when we review these is a practical difficulty standard whether or not we can grant an area variance. In granting the area variance, we're supposed to 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 said, in my opinion in this case is that because it's a major road on Lander and there are other properties nearby that have wider drives. I think the property is unique because of where it's located on the main road that there should be ample room for maneuvering other cars in a one car garage. What I always worry about is setting precedent that we would grant this for anybody who comes in front of us and that defeats the purpose of the code. So, there has to be something unique about the property. In my opinion, you're on a main road, one car driveway, one car garage, using space to make it safer, I do see that there's a practical difficulty here.

Mr. Prcela said, it appears that there is already a precedent set with the neighboring properties.

Chairman Syracuse said, correct. It could be grandfathered in before the code was written or it could be something that people actually got variances for, I'm not sure on that.

Mr. DiFranco asked, what's the variance being requested?

Chairman Syracuse replied, it's an 11' variance. Section 1119.09 (c) permits the driveway to be 16' wide. If they're proposing a 27' wide driveway, it's a variance of 11'. The fact that part of the property already has a 27' wide, they're requesting that it just be angled.

Mr. DiFranco asked, is it really a variance request when it already exists when the house was built?

Mr. Russell replied, if you're adding it, so I would say yes, it's an additional variance. I'm not sure with their turnaround, they did the stipulation, now it's a 9 x 20 you're allowed to have. I'm not sure if that angle conformed prior to the zoning. They're adding additional square footage of the driveway by widening the majority of it.

Mr. DiFranco asked, and there's no variance here for the side yard requirements, correct?

Mr. Russell replied, they need a minimum of 3 feet and they have that.

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

**DECISION**

Mr. Prcela, seconded by Mr. DiFranco made a motion to approve the request for an 11' wide variance from Section 1119.09 (c) to allow for construction of a 27' wide driveway as proposed.

**ROLL CALL**

Ayes: Mr. Syracuse, Mr. DiFranco, Mr. Prcela

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.

Mr. Prcela said, just to clarify, the neighboring abutting property owners were notified and we got no responses?

Ms. Garbo replied, that's correct.

**ADJOURNMENT**

Mr. Prcela, seconded by Mr. DiFranco made a motion to adjourn the meeting.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Meeting adjourned at 6:15 p.m.**

\_\_\_\_\_  
Chairman

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Secretary