

**BOARD OF ZONING APPEALS
MEETING MINUTES
Mayfield Village
March 21, 2023**

The Board of Zoning Appeals met in regular meeting session on Tues, March 21, 2023 at 6:05 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Pro Tem Michalko presided.

ROLL CALL

Present:

Mr. John Michalko	Chairman Pro Tem	Ms. Kathryn Weber	Law Department
Mr. Jim Kless	P & Z Rep to BZA	Mr. Daniel Russell	Bldg Commissioner
Ms. Alexandra Jeanblanc (6:10 pm)		Ms. Deborah Garbo	Secretary
Mr. Bob Andrzejczyk	Alternate		
Mr. Bob Haycox	Alternate		

Absent:

Mr. Stivo DiFranco Chairman
Mr. Joseph Prcela

CONSIDERATION OF MEETING MINUTES: Feb 21, 2023

Mr. Kless, seconded by Mr. Andrzejczyk made a motion to approve the minutes of Feb 21, 2023 as corrected; pg 2, paragraph 3 “sometime in 2023 to sometime in 2022”.

ROLL CALL

Ayes: Mr. Michalko, Mr. Kless, Mr. Andrzejczyk, Mr. Haycox
Nays: None **Motion Carried**
Minutes Approved as Corrected.

CONSIDERATION OF CASE NUMBER 2023-01

Applicant: James & Jeanne Nally
601 Timberline Trl - PP # 831-21-009

1. A request for an 88 sq ft variance from Section 1157.06 (a) (3) to allow for construction of a 280 sq ft Pavilion/ Shed.

Abutting Property Owners:

Timberline Trl: 613, 619, 595, 589, 583, 608, 602, 596

CONSIDERATION OF CASE NUMBER 2023-02

Applicant: We Rock the Spectrum Gym - Cleveland
700 Beta Dr. Ste #300 - PP # 831-14-010
Signarama

1. A variance request from Section 1185.08 to allow for construction of a Wall Sign.
2. A request for a 2” inch variance from Section 1185.11 (b) to allow for construction of 20” inch letter height.
3. A request for an 8.17” inch variance from Section 1185.11 (b) to allow for construction of 26.17” inch character (logo) height.

Abutting Property Owners:

Beta Drive: 6671, 767-781, 761, 701, 600, 700, 731, 735, 739, 6685, 6650, 660, 6690, 6700, 6680, 6655, 6670, 681, 780, 651, 730, 740, 750, 760

OPEN PORTION

Chairman Pro Tem Michalko called the meeting to order. This is a meeting of the Mayfield Village Board of Zoning Appeals Tues, March 21, 2023. Tonight we have two cases before us. First is Case #2023-01, applicant James & Jeanne Nally, 601 Timberline Trl. Abutting properties have been notified. Debbie, have we heard from any of the neighbors, any objections?

Ms. Garbo replied, no word from any of the property owners.

Chairman Pro Tem Michalko asked who will be presenting this case.

Jim Nally, 601 Timberline Trl introduced himself and his wife Jeanne. I'll be presenting.

OATH

Chairman Pro Tem Michalko stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman Pro Tem administered the Oath to Jim Nally.

Case #2023-01

Jim Nally stated, we started this procedure years ago. We've been in this property a little over 7 years, the need for a shed and a pavilion was our idea. The pavilion was to apply some shade for our Grandkids, we're up to 14 Grandkids now with number 15 coming Sept 30th. They love the pool, they're there all summer long. For the last couple years I put up a temporary popup shed to give them shade.

Our property is a little bit unique that on the right side of our property we have the pump station and an access driveway, and the pump station is not the prettiest of buildings. The shed would help to brighten things up on that side of the house. We also have a situation where 8' to 10' from the pool, our property line drops down for the water to be moved out away from the house. Rather than build a separate pavilion and a shed somewhere else, we were at the Home & Garden Show and found this wonderful pavilion/shed combination. The Amish from Millersburg, I believe it's Twin Oaks Barns who we contracted to do the construction.

The reason for the variance is, it's our only structure on the property and we want to combine it, we want to have a little bit more space for storage area. The present time what we're doing is my wife and I and anybody else available, all of our storage stuff is going upstairs in our attic of our garage. We take all the pool stuff up there and anything else we can store up there and tarps to cover the things there. The hope is as I get older I won't have to go up the stairs and carry stuff up anymore.

The pavilion would be a 14' x 10' open air with a roof and the storage part of it is another 14' x 10'. We're definitely hoping that we could get this done. That's the reason for the little bit of extra room as compared to the 192 sq ft that's required right now.

Ms. Jeanblanc arrived at 6:10 p.m.

Jim Nally stated, everything that you see is going to match the house. We just painted the house 2 years ago by Best Buy Painting. The shed is going to match the color of the house, we have a Tudor style. It's going to be a cream color, all the beams will be stained with that color of our house. We also had Titan Cement, Mr. Canganelli who came out to do the pad for us, so it's this nice secure pad that the structure will go on.

In your documents you have a page that has a picture of the actual structure with the pavilion in the front and the shed part in the back. It's going to have an open area in the front, man door on the side, two windows, a little dormer to allow some light to come in. On the back side, if you're not familiar with our property, we have the Metroparks right behind us. It has double doors in the back that we can bring in the storage stuff.

Chairman Pro Tem Michalko stated, with the Metroparks, the building won't affect anybody behind you.

Jim Nally replied, exactly. We love it that way.

Mr. Haycox stated, right next to that empty lot, that has the pump station, that's where it's going?

Jim Nally replied yes, that's the side where it's going.

Mr. Haycox asked, what's the height of the structure?

Jim Nally replied, 12' at the most. The construction is a metal roof and DuraTemp 5/8 siding. We chose this, it's a little more expensive than the other places but it's top quality. The roof has a 50 year guarantee, siding has a 40 year guarantee.

Chairman Pro Tem Michalko asked, anyone have any questions or comments?

There was none.

Chairman Pro Tem Michalko stated, 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 Pro Tem Michalko asked, are you aware that our Ordinance is going to be changing?

Jim Nally replied, that's the rumor I've heard.

Chairman Pro Tem Michalko stated, the Ordinance had its First Reading last night at the Council meeting. It'll go through two more Readings which will bring us to May. If you came in then, you wouldn't require a variance. Kathryn, could you comment on that please.

Ms. Weber stated, Section 1157.06 as you have said has gone through a revision and under the new revised 1157.06 what you're proposing would be permitted under the code, so no variance would be necessary. But again, it just went through First Read so it's going to have two more Readings before it's officially adopted. Seeing in that it's not officially adopted, we have to apply current Section 1157.06 which would require a variance, if this Board finds that they meet the practical difficulty standard.

Mr. Andrzejczyk stated, I know the house, I go by there, you can see the foundation in the back, I have no problem at all with this.

Chairman Pro Tem Michalko stated, I went and checked the property the other day, with that pumping station there, in my mind it's definitely an improvement to your property.

Chairman Pro Tem Michalko stated, if there are no further questions or comments from the Board Members, I'd like to entertain a motion to approve.

DECISION

Ms. Jeanblanc, seconded by Mr. Kless made a motion to approve the request for an 88 sq ft variance from Section 1157.06 (a)(3) to allow for construction of a 280 sq ft Pavilion/Shed as proposed.

ROLL CALL

Ayes: Mr. Michalko, Mr. Kless, Ms. Jeanblanc, Mr. Andrzejczyk, Mr. Haycox

Nays: None

Motion Carried

Variance Approved

Right to Appeal

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

Mr. Russell stated, during that time, I'll have to do a plan review on the drawings that were submitted.

Mr. Nally stated, thank you folks, I appreciate your time.

Case #2023-02

Chairman Pro Tem Michalko stated, our second proposal is Case #2023-02, We Rock the Spectrum Gym Cleveland, 700 Beta Dr. Ste #300, Signarama. Variance requests are as follows;

1. A variance request from Section 1185.08 to allow for construction of a Wall Sign.
2. A request for a 2" inch variance from Section 1185.11 (b) to allow for construction of 20" inch letter height.
3. A request for an 8.17" inch variance from Section 1185.11 (b) to allow for construction of 26.17" inch character (logo) height.

Chairman Pro Tem Michalko stated, the abutting properties have been notified. Debbie, any objection from any of the property owners?

Ms. Garbo replied, no word from any of the property owners.

Chairman Pro Tem Michalko asked who will be presenting this case.

Marie Cipolletta, 7248 S Kipling, Concord, Oh 44077 with Signarama introduced herself.

OATH

Chairman Pro Tem Michalko stated, because we are a Quasi-Judicial Body, anyone wishing to speak must be sworn in. Chairman Pro Tem administered the Oath to Marie Cipolletta.

Marie Cipolletta stated, we're requesting a variance for the increase in size for the channel letters. We noticed on Beta Dr there are other signs that are larger than the sign we're requesting. I do feel like the sign would be a practical difficulty just because of where they're at. It's kind of hard to see from the street. If we make the sign smaller it's going to look dwarfed on the front of their building. We're looking for 20" letters and the logo to be 26".

Chairman Pro Tem Michalko asked, any questions from the Board?

There was none.

Chairman Pro Tem Michalko stated, I saw this the other day, you won't be able to see it from the street if it's smaller. It's going right above the doors in between the two panels. I understand the point of being able to see it from the street. If you're heading north you'll be able to see it. If you're heading south it's going to be hard to see. Is there an area where you're going to have anything out near the street?

Marie Cipolletta replied, they do have a monument sign we're putting panels in.

Mr. Andrzejczyk stated, this whole setup is hard to see from the street. Right next door is Health 360, then you've got to go to the Hilton Garden Inn and Health 360 complains, then they send all the patients to the Nova Care in there-

Chairman Pro Tem Michalko asked, are these going to be the colors of the sign, what you have here?

Marie Cipolletta replied, yes.

Mr. Kless stated, the layout looks acceptable.

Chairman Pro Tem Michalko agreed.

Mr. Haycox asked, the insert sign by the street, is this the size it's going to be or will it take up the whole one space?

Marie Cipolletta replied, that's going to be next to Secure Data and it'll fill that whole space. It's going to be one half on that whole space.

Mr. Haycox stated, essentially there's two spots.

Marie Cipolletta replied that's correct.

Chairman Pro Tem Michalko stated, in granting this area variance, and I've read the criteria before, I think they fall within the parameters. So I'd like to entertain a motion to approve.

DECISION

Mr. Kless, seconded by Mr. Andrzejczyk made a motion to approve the three variance requests for wall sign, letter height and logo height for We Rock the Spectrum, 700 Beta Dr. as proposed.

ROLL CALL

Ayes: Mr. Michalko, Mr. Kless, Ms. Jeanblanc, Mr. Andrzejczyk, Mr. Haycox

Nays: None

Motion Carried

Variations Approved

Right to Appeal

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

Chairman Pro Tem Michalko asked, are there any other matters before this Board tonight?

There was none.

ADJOURNMENT

Mr. Haycox, seconded by Mr. Andrzejczyk made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 6:20 p.m.

Chairman

Secretary